
Mental health legal status

Admin. status: CURRENT 1/07/2000

Identifying and definitional attributes

Knowledgebase ID: 000092 Version number: 5

Data element type: DATA ELEMENT

Definition: Whether a person is treated on an involuntary basis under the relevant State or Territory mental health legislation, at any time during an episode of care for an admitted patient or treatment of a patient/client by a community based service during a reporting period.

Involuntary patients are persons who are detained in hospital or compulsorily treated in the community under mental health legislation for the purpose of assessment or provision of appropriate treatment or care.

Context: Mental health care: this data element is required to monitor trends in the use of compulsory treatment provisions under State and Territory mental health legislation by Australian hospitals and community health care facilities, including 24-hour community based residential services. For those hospitals and community mental health services which provide psychiatric treatment to involuntary patients, mental health legal status information is an essential data element within local record systems.

Relational and representational attributes

Datatype: Numeric Field size: Min. 1 Max. 1 Layout: N

Data domain:

- 1 Involuntary patient
- 2 Voluntary patient
- 3 Not permitted to be reported under legislative arrangements in the jurisdiction

Guide for use: Code 3. This code is to be used for reporting to the NMDS–community mental health care, where applicable.

Approval is required under the State or Territory mental health legislation in order to detain patients for the provision of mental health care or for patients to be treated compulsorily in the community.

Code 1 involuntary status should only be used by facilities which are approved for this purpose. While each State and Territory mental health legislation differs in the number of categories of involuntary patient that are recognised, and the specific titles and legal conditions applying to each type, the legal status categories which provide for compulsory detention or compulsory treatment of the patient can be readily differentiated within each jurisdiction. These include special categories for forensic patients who are charged with or convicted of some form of criminal activity.

Each State/Territory health authority should identify which sections of their mental health legislation provide for detention or compulsory treatment of the patient and code these as involuntary status.

Guide for use (continued): The mental health legal status of admitted patients treated within approved hospitals may change many times throughout the episode of care. Patients may be admitted to hospital on an involuntary basis and subsequently be changed to voluntary status; some patients are admitted as voluntary but are transferred to involuntary status during the hospital stay. Multiple changes between voluntary and involuntary status during an episode of care in hospital or treatment in the community may occur depending on the patient's clinical condition and his/her capacity to consent to treatment.

Collection methods: Admitted patients: to be collected if the patient is involuntary at any time during the episode of care.
 Patients in 24-hour staffed community-based residential services: to be collected if the patient is involuntary at any time during the stay in the residence.
 Non-admitted patients: to be collected if the patient is involuntary at any time during a specified collection period.

Related data: supersedes previous Mental health legal status, version 4

Administrative attributes

Source organisation: National Health Data Committee

National minimum data sets:

Admitted patient care	from 1/07/2000 to
Admitted patient mental health care	from 1/07/2000 to
Community mental health care	from 1/07/2000 to