



Mental Health Legal Centre

Treatment Plans

Your treating team must give you a Treatment Plan if you are an involuntary patient, on an Involuntary Treatment Order, or on a Community Treatment Order.

Treatment Plans are a short, clear statement of the **treatment** and **care** that will be given to you. They are different to other types of plans, such as individual service plans.

If you're not sure whether you have a Treatment Plan, speak to your treating team.

Your Doctor's Obligations

In preparing your Treatment Plan, your doctor **must** take into account:

- Your wishes
- The wishes of your family or carer, if this is what you want
- Any significant risks associated with the treatment
- Beneficial alternative treatments

If these things do not happen, you should ask your doctor to review your Treatment Plan.

Tip: Your doctor must give you a copy of your Treatment Plan and discuss it with you

Understanding the Plan

You have the right to **understand** your Treatment Plan. The Plan is an opportunity for you to ask questions about your treatment and expect answers from your doctor or case manager. If you're unclear about any aspect of your Plan, **speak up!** Ask your treating team to explain:

- Why the treatment is being given to you
- Whether there is a different treatment available
- How the treatment will make you better
- Whether the undesirable effects of the medication outweigh the therapeutic benefits
- When you can expect to get better

If you're not satisfied with the answers, ask your treating team to **repeat** this information in clear and accessible language. It's also a good idea to do your own research into treatments for mental health and the effects of medication.

Tip: Ask your GP or treating team to provide you with information about the effects of different medications. You can ask for the: DHS drugs brochures, Therapeutic Guidelines Psychotropic booklet, and the Psychotropic Drug Advisory Service guide. You should also read the product information included with your medication.

Communicating Your Wishes

The Treatment Plan is a tool for **communication**. It's one of the key ways that your wishes are recorded. To make the most of your Treatment Plan, you should keep your treating team informed of your wishes. Put your wishes down **in writing**, if possible. Give this information to your treating team and request that it goes in your medical records. This record of your wishes can be referred to later (for example, when your Plan is reviewed). If you're having trouble writing your wishes, ask a trusted person for help.

Reviewing Your Plan

Your Treatment Plan must be **reviewed** regularly by your doctor. When reviewing your Plan, your doctor is required to follow their obligations. You should request a review of your Treatment Plan if you believe your treatment is not meeting your best health needs.

Raising Concerns

The first step is to make people **aware** of your concerns. Sometimes problems can be resolved by using the negotiation strategies outlined below. If you're unable to resolve your situation this way, you can pursue the legal and complaints mechanisms suggested at the bottom of this page.

Tip: When you're trying to address a concern with your Plan, it's helpful to compare your situation to the Mental Health Act. For example, it may be possible to argue that:

- * Your doctor failed to meet their obligations
- * The Treatment Plan does not provide for the least restrictive approach possible to your treatment
- * The prescription of medication does not meet your best health needs

Negotiation Strategies

Negotiation can be a way for you to regain some control over your affairs. The following strategies can help you **influence** the development of your Treatment Plan:

- Keep your treating team informed of your wishes and concerns (preferably in writing)
- Insist that your wishes are recorded on the Treatment Plan
- Get a friend, family-member, GP or support-worker to speak to your treating team
- Ask the authorised psychiatrist to discuss any beneficial alternative treatments
- Obtain a second opinion from an independent psychiatrist
- Ask your Case Manager to initiate a review of the Plan

Tip: When negotiating it's important to listen and try to understand the other person's point of view

Legal and Complaints Mechanisms

If negotiation doesn't resolve your concerns, you can pursue one or more of the following **actions**:

- Call the **Mental Health Legal Centre** on: **(03) 9629 4422** or **1800 555 887** for free legal advice.
- Lodge a formal written complaint with your health services provider.
- Complain to the Health Services Commissioner.
- Make a complaint to the Office of the Chief Psychiatrist (OCP). The OCP has the power to investigate your complaint. It can also vary your Treatment Plan or direct that it be varied (but, in practice, rarely exercises this power).
- Appeal to the Mental Health Review Board (MHRB). The MHRB can't tell your doctor what should be included in or removed from your Treatment Plan. But the MHRB can review the Plan and order your doctor to revise it if they failed to meet their obligations.

Tip: Your Plan should uphold your human rights to fairness, equality, dignity and respect!