



Psykisk helse

ENGELSK

Legal protection

**in the event of compulsory
mental health care**

Rettsikkerhet ved tvang



Mental Health Care supervisory commissions

The main purpose of the Mental Health Care supervisory commissions is to ensure your legal protection.

All institutions, regional mental health care centres and out-patient clinics within mental health care are linked to a supervisory commission.

The supervisory commission is headed by a lawyer and consists in addition of one doctor and two other members. One of the two other members must have a history as a patient or as close relative of a patient, or have represented patient interests in a professional or voluntary capacity.

The tasks of the supervisory commission

- The supervisory commission is the court of appeal for resolutions related to compulsory mental health care and coercion.
- On its own initiative and independent of any appeals, the supervisory commission is to monitor all resolutions related to the implementation of compulsory mental health care (commitment), automatically reassess such resolutions after three months and provide consent should such compulsory mental health care be extended to a period in excess of one year.
- The supervisory commission monitors mental health care implemented without patient consent as well as the use of coercive means. The commission is also to carry out any inspections it deems necessary to ensure an individual's welfare.

As a patient or a patient's closest relative, you can submit an appeal to the supervisory commission regarding:

- *Observation or compulsory mental health care (commitment)*
- *Continuation or termination of compulsory mental health care*

No one can be held under compulsory mental health care unless the terms of the Mental Health Care Act are fulfilled. The person responsible for a decision to impose compulsory mental health care must continuously assess whether the terms of legislation are fulfilled, and should this not be the case, must pass a resolution of termination (discharge). A patient or his/her relative has the right to request termination of compulsory mental health care at any time.

- *Implementation of mental health care for children and young people between the ages of 12 and 16*

The implementation of mental health care for children and young people under 16 years of age requires consent from the person(s) with parental responsibility for the child. If the child has reached the age of 12 and s/he does not want such a measure* taken, the issue of implementation of mental health care is to be determined by the supervisory commission. (*Measure regards admission to an institution.)

- *Consent to be subject to the regulations of compulsory mental health care for up to three weeks*

In the case of voluntary mental health care, patients have the right to consent to be subjected to the regulations of compulsory mental health care for a period of up to three weeks. The decision made by the medical person responsible for seeking consent can be submitted to the supervisory commission.

- *Transfer to other institution or measures*

Any resolution regarding transfer to another institution or to other mental health care measures (e.g. from 24-hour compulsory care to compulsory care without overnight care) can be appealed. Appeals of such resolutions will normally result in the postponement of transfer until the appeal has been resolved. However, this does not apply if a patient's state of health demands immediate transfer.

- *Use of coercive means and restrictive measures during provision of mental health care*

Being under compulsory mental health care, does not in itself provide grounds for implementation of compulsory measures. Compulsory measures may only be implemented with a separate special resolution under the provisions of the relevant legislation, and use of coercion may only be used when deemed strictly necessary.

Resolutions that can be appealed to the supervisory commission:

- Segregation
- Restrictions of the right to receive visitors and use the telephone, and to send/receive post and packages
- Inspections of rooms and property, or body searches

- Confiscation
- Urine samples
- Use of coercive means (mechanical coercive means, isolation, medication)

Resolutions regarding examination and treatment without consent can be appealed to the District Governor.

Moreover, the supervisory commission monitors all compulsory treatment in its review of records of compulsory mental health care.

How to submit an appeal

Appeals to the supervisory commission may be made in writing or orally. Appeals can either be submitted to medical personnel at the treating institution, who will then forward the appeal to the supervisory commission, or directly to the supervisory commission by telephone, letter, or via the commission representative when he or she is on site.

When needed, the institution's medical personnel will assist in writing the appeal.

The right to legal aid

Patients have the right to free legal aid, that is, free assistance by a lawyer, in connection with appeals related to resolutions regarding:

- Further assessment (observation)
- Implementation, continuation or termination of compulsory mental health care (commitment)

- Transfer
- Children between the ages of 12 and 16 who disagree with admission to mental health care

How your appeal is processed

Before the supervisory commission passes a resolution related to an appeal, it is to make sure that the case has been sufficiently illustrated.

As part of the case preparation, the supervisory commission will often request a written report on the resolution at hand from the medical person responsible for passing it.

Patients always have the right to make a statement before the supervisory commission reaches its decision.

A meeting will be held before a decision is made in cases appealing compulsory observation, compulsory mental health care, or transfer. The patient (or person acting on the patient's behalf) has the right to be present at this meeting.

The supervisory commission is to make a written and justified decision on the case. As a general rule, the decision is to be made within two weeks from submission of the appeal.

If an appeal is rejected by the supervisory commission, the patient does not have the right to submit a similar appeal until six months have passed.

Appeal of the decision made by the supervisory commission

In certain cases, patients or close relatives of patients have the right to appeal supervisory commission decisions to the law courts.

This requires that the resolution being appealed still be valid. The supervisory commission will see to it that the patient or relatives make contact with a lawyer. Patients have the right to free legal aid.

This applies to:

- Cases related to the implementation or continuation of compulsory mental health care
- Resolutions regarding the transition from compulsory mental health care without overnight care in an institution to compulsory mental health care with overnight care in an institution

The supervisory commission takes the initiative

The supervisory commission is of its own initiative to ensure that the formal requirements for compulsory mental health care have been fulfilled, and that the resolution is based on a correct assessment of the legal terms.

The institution is therefore to send a copy of all resolutions regarding further examination or compulsory mental health care to the supervisory commission, as well as copies of all documents on which a resolution has been based.

Irrespective of whether an appeal has been made regarding a resolution for compulsory mental health care, the supervisory commission is to assess on its own initiative whether further compulsory care is required three months after admission. At the same time, the supervisory commission is to ensure the existence of an individual plan.

One year after its initial implementation, compulsory mental health care can only continue if the supervisory commission consents to an extension.

The supervisory commission's welfare inspection

At least once a month, the supervisory commission is to visit institutions and wards that have been approved for day and night compulsory mental health care. The supervisory commission is to visit other institutions at least four times a year. Some of these visits must be unannounced.

During such visits, the supervisory commission will meet with patients who will then have the opportunity to discuss matters of importance regarding their time at the institution. The commission will to the best of its ability offer advice and assistance.

The supervisory commission will monitor the use of restrictive measures. During such visits, the commission reviews the records of coercive treatment, coercive means, and segregation.

The supervisory commission will also investigate whether the institution has a set of house rules, and whether these comply with legislation.

The supervisory commission is to notify the regional Board of Health of any serious conditions at an institution, and can also discuss matters with the institution's management or with the medical person responsible for the resolution regarding compulsory mental health care.

Patient rights

Mental health care patients and their families have the same rights pursuant to the Patients' Rights Act as all other patients.

Patient rights include the right to necessary treatment, to free choice of hospital for scheduled admission, to an individual plan, to receive information, to participation in their own treatment, and access to their medical records. Both the medical personnel and the supervisory commission are bound by professional confidentiality.

The supervisory commission does not process appeals related to a breach of patient rights. Any complaints related to the Patients' Rights Act are to be submitted to the Board of Health in the region in question. For more information on patient rights consult www.shdir.no/psykiskhelse.

Useful addresses

A list of Norwegian Control Committees can be found at www.shdir.no/kontroll

- **Fylkesmannen**
(County Governor)
www.fylkesmannen.no
- **Statens helsetilsyn**
(The Norwegian Board of Health)
Postboks 8128 Dep, 0032 Oslo
Phone: 21 52 99 00, www.helsetilsynet.no
- **Pasientombudene**
(Patient Ombudsmen)
www.helsenett.no/pasientombud
- **Sivilombudsmannen**
(Stortingets ombudsmann for forvaltningen)
(Parliamentary Ombudsmen, The Parliamentary Ombudsman for Public Administration)
Postboks 3 Sentrum, 0101 Oslo
Phone: 22 82 85 00 / 80 08 00 39
www.sivilombudsmannen.no
- **Sosial- og helsedirektoratet**
(The Norwegian Directorate for Health and Social Affairs)
Postboks 7000 St. Olavs plass, 0130 Oslo
Phone: 24 16 30 00, www.shdir.no

- **Helse- og omsorgsdepartementet**
(The Norwegian Ministry of Health and Care Services)
Postboks 8011 Dep, 0030 Oslo
Phone: 22 24 90 90, www.hod.dep.no

- **User organisations:**

- **Mental Helse Norge**

- (Biggest user organisation in Norway)
Postboks 298 Sentrum, 3701 Skien
Phone: 35 58 77 00, www.mentalhelse.no

- **Landsforeningen for pårørende innen psykiatri, LPP**

- (National association for relatives of mental health care patients)
Møllerveien 4, 0182 Oslo
Phone: 23 29 19 68, www.lpp.no

- **Organisasjonen Voksne for Barn**

- (The Adults for Children organisation)
Stortorvet 10, 0155 Oslo
Phone: 23 10 06 10, www.vfb.no

- **Norsk pasientforening, Kontoret for pasienthjelp**

- (Association for Norwegian patients)
Pb 2714 Solli, 0204 Oslo
Phone: 22 55 18 66, www.pasient.no



Psykisk helse

IS-1467

Where to seek help

Emergency – call 113
Doctor/Casualty
Support phone: 810 30 030

Useful information

www.psykisk.no
www.psykiskhelse.no
www.mentalhelse.no
www.psykopp.no
www.nyinorge.no
www.nakmi.no

Broshures on mental health



Anxiety
IS-1465



Depression
IS-1466



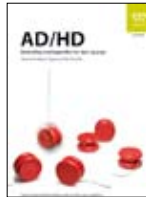
Obsessive Compulsive
Disorders IS-1469



Eating disorders
IS-1470



Psychosis
IS-1471



AD/HD
IS-1468



Legal protection
IS-1467



Mental health care in Norway
• For adults, IS-1472
• For young people, IS-1474
• About young children, IS-1473



BUP
• Children, IS-1301
• Young people, IS-1302
• Adults, IS-1303

Brochures can be downloaded at www.psykisk.no
under Information Material.

This brochure can be found in 'bokmål' and 'nynorsk', the two official
languages of Norway, English, Arabic, Farsi, French, Kurdish/Sorani,
Polish, Punjabi, Russian, Lappish, Serbian/Croatian, Somali, Spanish,
Turkish, Urdu, and Vietnamese.

