

Appendix 4 – Mental Health Legislation relating to Emergency Sedation

Example Scenario

A patient is brought in by ambulance following a deliberate overdose of paracetamol with suicidal intent, and ongoing suicidal ideation. Their paracetamol level is such that they require treatment with N-acetylcysteine. Upon telling the patient this they get up to leave hospital, and say they are going home to kill themselves. They cannot be persuaded to stay.

The patient is suffering from a mental disorder and is an immediate risk to themselves and should be detained under the Mental Health Act. This means they can be brought back to the hospital, without their consent, for further evaluation.

The patient is brought back to the hospital but does not consent to N-acetylcysteine treatment because they don't want to survive.

NAC is a medical treatment and cannot be given without consent under the Mental Health Act. An Adults with Incapacity (AWI) form needs to be completed for N-acetylcysteine treatment to start.

The patient becomes very agitated, repeatedly banging their head off the wall and pulling their cannula out, engaging in suicidal behaviour. It is decided they need emergency sedation for their own immediate safety.

This is a life-threatening emergency and emergency sedation could be given under Common Law or the Mental Health Act. This does not require an AWI to commence, but the patient will likely need one completed as they will no longer be able to consent or decline treatment when sedated.

Summary

- Mental Health Act can be used to detain patients (prevent them from leaving hospital, or bring them back to hospital if they have left) and for treatment of mental disorders (e.g. patients requiring emergency sedation).
- Adults with Incapacity must be used to treat medical problems in patients who lack capacity (e.g. a suicidal patient requiring N-acetylcysteine).