

## The Mental Healthcare Act, 2017, codifies key terms for the provision of mental healthcare and treatment. Some of these include:

- ❖ **Capacity** to make decisions regarding one's own mental healthcare and treatment. Capacity is presumed to be inherent in all persons. It implies the ability of a person to provide informed consent and make decisions for their treatment and care. Capacity can be expressed in different ways and may require the support of another person. Supported decision making, informed consent and advance directives are integral aspects of exercising one's capacity.
- ❖ **Advance directive** is a declaration made by a person stating how they would like to be treated (or not) in the situation that they have a mental illness and cannot take decisions regarding their treatment individually or without support. Advance directives are meant to ensure that a person is provided mental healthcare or treatment in accordance with their will and preferences. will prevail.
- ❖ **Nominated representative** is appointed by a person with mental illness represent and provide support to the person for making decisions regarding their mental health care treatment. Nominated representatives are expected to reflect the will and preferences of such persons if they are unable to take decisions on their own.
- ❖ **Informed consent** is an integral part of exercising one's capacity. It is usually taken from persons with mental illness before providing them any mental healthcare, treatment or service. In the event if the person is unable to give consent, medical personnel should refer to the advance directive and/or obtain consent from the nominated representative.
- ❖ **Equality & non-discrimination** means that all persons with mental illness must be treated equally and *at par* with patients who have physical illnesses. They must be provided services in the same manner, extent and quality. It also implies that no person with mental illness can be discriminated against on the basis of social, cultural, political, and economic grounds such as caste, class, ethnicity, sex, gender, sexual orientation, language or any other such ground.
- ❖ **Independent admission** means persons with mental illness can be admitted into a mental health establishment only if they consent to do so, and don't require very high support. Admissions can be made only if the person has a mental illness which is severe enough and requires admission for treatment.
- ❖ **Supported admission** is when persons with mental illness have a mental illness of such severity that they are unable to take decisions on their own, require high support, and treatment in a mental health establishment. Supported patients are admitted into a mental health establishment on an application from their nominated representative. In the first instance supported admission can last for only 30 days. If it is to be extended beyond this period, then medical officer or mental health professional in charge of the mental health establishment must satisfy in accordance with the MHCA's provisions,

that the person requires admission for a longer period and further take permission of the Mental Health Review Board within the prescribed time period.

- ❖ **Registration of mental health establishments** is compulsory for every mental health establishment where persons with mental illness may be admitted, reside or kept for care, treatment, convalescence and rehabilitation. In order to receive the certificate of registration, health establishments must satisfy the minimum standards laid down by the Central and State Governments.
- ❖ **Mental health review boards** or MHRBs are authorities that are mandated to ensure that the rights of persons with mental illness are protected. They also have a duty to ensure that mental health professionals, and mental health establishments are complying with the provisions of the MHCA. MHRBs are also authorities where relevant persons can challenge the decision of any medical personnel and make applications to protect their rights under the MHCA.
- ❖ **Central & State mental health authorities** are statutory bodies which are required to oversee the overall implementation of the MHCA. They are required to register mental health establishments and mental health professionals, lay down regulations and develop minimum standards for mental health establishments and services.
- ❖ **Mental Health Establishment [or "MHE"]** refers to a health establishment meant for care of persons with mental illness where such persons are admitted and reside at, or kept in, for care, treatment, convalescence and rehabilitation.

#### 1.1 MHEs include the following:

- 1.1.1 hospitals meant for the treatment and care of persons with mental illness;
- 1.1.2 general hospitals and general nursing homes where persons with mental illness are admitted;
- 1.1.3 half-way homes and sheltered accommodations which are required to be registered with the CMHA and SMHAs.

#### 1.2 MHEs exclude informal spaces such as a family residential places where a person with mental illness resides with friends or relatives.

#### 1.3 A MHE may be established, owned, controlled or maintained by:

- 1.3.1 Central Government or State Government
- 1.3.2 Local Authority
- 1.3.3 Public Trust or Private Trust
- 1.3.4 Corporation
- 1.3.5 Co-operative Society
- 1.3.6 Organisation
- 1.3.7 Any other entity or person

## Important Definitions under the Mental Healthcare Act, 2017

S.No.	Concept	Definition
1.	<b>Caregiver</b>	A person who resides with a person with mental illness and is responsible for providing care to that person. A care-giver includes a relative, friend, family member, or any other person who provides care for free or with remuneration.
2.	<b>Clinical Psychologist</b>	Includes a person who has- (i) A recognized qualification in Clinical Psychology from an institution approved and recognized by the Rehabilitation Council of India. (ii) A post-graduate degree in <i>Psychology or Clinical Psychology or Applied Psychology</i> and a Master of Philosophy in <i>Clinical Psychology or Medical and Social Psychology</i> obtained after completing a full-time course of two years which includes supervised clinical training from a University recognized by the University Grants Commission and approved and recognized by the Rehabilitation Council of India Act, 1992, or such recognized qualifications as may be prescribed.
3.	<b>Family/Relative</b>	A group of persons related by blood, adoption or marriage.
4.	<b>Half-Way Homes</b>	A transitional living facility for persons with mental illness who are discharged as inpatient from a mental health establishment, but are not fully ready to live independently on their own or with the family.
5.	<b>Hospital and Community Based Rehabilitation Establishment</b>	An establishment providing hospital and community-based rehabilitation services.
6.	<b>Hospital and Community Based Rehabilitation Service</b>	Rehabilitation services provided to a person with mental illness using existing community resources with an aim to promote his reintegration in the community and to make such person independent in all aspects of life including financial, social, relationship building and maintaining.
7.	<b>Informed Consent</b>	Consent which is given for a specific intervention related to mental healthcare, treatment or related services. Such consent is without any force, fraud, threat, mistake, misrepresentation or undue influence. In other words, consent is of one's free will. It is obtained after disclosing to the person <i>adequate information</i> which includes risks, benefits, and alternatives to the specific intervention in a language and manner understood by the person.

8.	<b>Least Restrictive Alternative/Least Restrictive Environment/Least Restrictive Option</b>	An option for treatment and space or environment for treatment which (i) meets the person's treatment needs; and (ii) imposes the least restriction on the person's rights.
9.	<b>Local Authority</b>	Includes a Municipal Corporation, Municipal Corporation, Zilla Parishad, Nagar Panchayat, or Panchayat. It includes any other authority or body having administrative control over the mental health establishment or empowered under any law to function as a local authority in any city, town or village.
10.	<b>Medical Officer in Charge</b>	The psychiatrist or medical practitioner who is in charge of a mental health establishment.
11.	<b>Medical Practitioner</b>	A person who possesses a recognized medical qualification as defined in-  (i) Section 2 (h) of the Indian Medical Council Act, 1956 and whose name is entered in a State Medical Register (ii) Section 2 (1) (h) of the Indian Medicine Central Council Act, 1970 and whose named is entered in a State Register of Indian Medicine (iii) Section 2 (1) (g) of the Homoeopathy Central Council Act, 1973 and whose name is entered in State Register of Homoeopathy
12.	<b>Mental Healthcare</b>	Analysis and diagnosis of a person's mental condition and treatment including care and rehabilitation of such person for their mental illness or suspected mental illness.
13.	<b>Minor</b>	An individual under the age of 18.
14.	<b>Mental Health Nurse</b>	A person who has a diploma or degree in <i>general nursing or psychiatric nursing</i> recognized by the Nursing Council of India and registered with the relevant nursing council in the State.
15.	<b>Mental Health Professional</b>	A mental health professional includes the following professionals-  (i) A psychiatrist as defined in Section 2 (1) (y) of the MHCA. (ii) A professional registered with the State Mental Health Authority which includes mental health nurses, clinical psychologists, psychiatric social workers. (iii) A professional who has a post graduate degree in Ayurveda for Mano Vigyan Avum Manas Roga, in Homoeopathy for Psychiatry, in Unani for Moalijat (Nafasiyatt) or in Siddha for Sirappu Maruthuvam.
16.	<b>Psychiatric Social Worker</b>	A person with a post-graduate degree in Social Work and Master of Philosophy in Psychiatric Social Work after a full-time course of two years which includes supervised clinical training from any university recognized by the University Grants Commission, or such recognized qualifications as may be prescribed.

17.	<b>Psychiatrist</b>	<p>A medical practitioner with a post-graduate degree or diploma in <i>psychiatry</i> from a university recognized by-</p> <ul style="list-style-type: none"> <li>(i) University Grants Commission; or</li> <li>(ii) National Board of Examinations and included in the First Schedule to the Indian Medical Council Act, 1956; or</li> <li>(iii) Medical Council of India</li> <li>(iv) Includes any medical officer who having regard to their knowledge and experience in psychiatry has been declared by any State Government as a psychiatrist for the purposes of the MHCA.</li> </ul>
18.	<b>Sheltered Accommodation</b>	Safe and secure accommodation option for persons with mental illness, who want to live and manage their affairs independently, but need occasional help and support.
19.	<b>Supported Accommodation</b>	A living arrangement whereby a person, in need of support, who has a rented or ownership accommodation, but has no live-in caregiver, gets domiciliary care and a range of support services from a caregiver or an agency to help him live independently and safely in the privacy of their home.