



MINISTRY OF
HEALTH & CULTURE
CAYMAN ISLANDS GOVERNMENT

WHAT IS THE MENTAL HEALTH COMMISSION (MHC)?

MHC is legislated as an independent organisation, part of its remit is to review orders and hear and determine appeals for involuntary patients suspected to be suffering from a mental impairment or serious mental illness.

WHAT IS THE MHC'S ROLE?

The MHC has been given wide ranging powers under the Mental Health Commission Law 2013 to have oversight of matters relating to mental health and well-being of the residents of the Cayman Islands. This includes an active role for protecting the rights of patients, providing support to and advocating for persons living with mental illness, and their families, as well as general education about the Mental Health Legislation.

Contact info:

Email: mhc@gov.ky

Telephone: 244-2374

 facebook.com/mhc.gov.ky

Know
the facts

THE MENTAL HEALTH LAW



MINISTRY OF
HEALTH & CULTURE
CAYMAN ISLANDS GOVERNMENT

HOW CAN THE MENTAL HEALTH LAW 2013 HELP ME AS A PATIENT OR FAMILY MEMBER?

The Law seeks to protect the legal, and social rights of persons suffering with mental illness.

WHAT RIGHTS DO I HAVE UNDER THE MENTAL HEALTH LAW?

Right to appeal, right to a second opinion

WHAT IS CONSIDERED A PLACE OF SAFETY?

A place to be declared for the purposes of receiving and caring for persons such as government hospitals, police stations and prisons.

WHO IS CONSIDERED MY NEAREST RELATIVE?

Common law partners, son or daughter, legal guardians, grandchildren, social workers, probation officers, attorneys-at-law, a mental health professional treating the person concerned or a close friend.

WHO IS A RESPONSIBLE MEDICAL OFFICER?

Psychiatrist or registered clinical psychologist who has the responsibility for the observation, care and treatment of a patient.

WHAT IS AN ASSISTED OUTPATIENT TREATMENT ORDER (AOTO)?

This is an order made under section 12 of the Law where compulsory treatment is ordered by a responsible medical officer, or by a court on the recommendation of a responsible medical officer.

WHAT IS AN EMERGENCY MEDICAL TREATMENT ORDER (EMTO)?

This is an order made under section 11 of the Law where a medical doctor is of the view that a patient requires urgent treatment for a medical condition, but the patient is unable or unwilling to give consent. The medical doctor may, after consultation with the responsible medical officer, administer the minimum necessary treatment to prevent the patient being a danger to himself/herself or others.

WHAT IS AN EMERGENCY DETENTION ORDER (EDO)?

This is an order made under section 6 of the Law, where a person who is, or may be, suffering from mental impairment or serious mental illness is detained in the hospital or other place of safety for up to 72 hours.

HOW LONG CAN A PERSON WITH MENTAL ILLNESS BE DETAINED UNDER THE LAW?

This is dependent on the severity of the illness. Different detention orders allow for different periods of detention. For an Emergency Detention Order – 72 hours; for an Observation Order -14 days; and for a Treatment Order – up to 6 months.

CAN I REQUEST A SECOND OPINION FROM ANOTHER MEDICAL OFFICER?

Yes. If a person is suspected of having a mental illness by a medical officer, the patient or nearest relative can request a second opinion within 24 hours of the date the Emergency Detention Order was issued.

WHO CAN REVIEW MY FILES?

The Mental Health Commission (MHC), appointed by Cabinet, on its own initiative, or by request of the patient or nearest relative, has the power to review the patient's files and related records where a person has been detained and released under an EDO three or more times in 30 days.

UNDER WHAT CIRCUMSTANCES CAN TREATMENT ORDERS BE GIVEN?

1. Where a person under an observation order persists in his/her mental impairment or serious mental illness and would require further detention.
2. Where a person is in violation of an assisted outpatient treatment order.

The period of time for the original treatment order must be defined and must not exceed 6 months, but may be renewed.

CAN A PATIENT RECEIVE TREATMENT WITHOUT THEIR CONSENT?

Yes. Treatment may be given without a patient's consent once it's in his/her best interest.

UNDER THE MENTAL HEALTH LAW, WHAT IS THE ROLE OF THE POLICE?

A police officer may apprehend a person and take them into protective custody if they appear to be suffering from a mental impairment or serious mental illness, and is perceived to be an immediate or likely danger to himself or to others.

HOW DO I BRING MY CASE BEFORE THE MHC IF I AM ADMITTED INVOLUNTARILY?

The person may contact the MHC at mhc@gov.ky or call 244-2374. The request must be submitted in writing.

IF I AM UNHAPPY WITH MY DOCTOR'S DECISION, CAN I APPEAL MY CASE?

Yes. The Mental Health Law, 2013, provides for appeals for all of the orders outlined in the Law.

