



Waitematā
District Health Board
Best Care for Everyone

**Specialist Mental Health and
Addiction Services**

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18 November 2019

Dear [REDACTED]

Re: Official Information Act request – CADS authority to remove a person from their home

Thank you for your Official Information Act request received by Waitematā District Health Board (DHB) on 4 November 2019, seeking information about Community Alcohol and Drug Services' (CADS) statutory authority to remove a person from their home.

We have responded to your question below. Please note the provisions that apply to CADS derive directly from legislation, The Substance Addiction (Compulsory Assessment and Treatment) Act 2017, (SACAT Act) which can be found at:

<http://www.legislation.govt.nz/act/public/2017/0004/23.0/DLM6609057.html>

Please provide statutory information that enables CADS the authority to remove a person from their home, and hold them against their will.

The SACAT Act (the Act) provides for compulsory assessment and treatment of a person who has been assessed by an Approved Specialist as meeting the criteria to be placed under the Act. If the person meets the criteria to be placed under the Act, the assessing Approved Specialist signs a compulsory treatment certificate and arranges for the person to be initially detained for a medically assisted withdrawal at a hospital (if the person is very unwell and requires additional medical care) or at CADS' inpatient detoxification unit.

To begin with, the person can be placed under the Act for up to 56 days (eight weeks) to take part in compulsory assessment and treatment with the aim of stabilising them physically and medically and developing a treatment plan. The person will be reassessed regularly by the Responsible Clinician. If the person's capacity is restored during these 56 days, meaning they are now able to make a decision about treatment, they will then be discharged from the Act and assisted to engage in voluntary addiction treatment. We have attached our SACAT information sheet which provides more detail about SACAT. Further information is also available on the SACAT resources page on the Ministry of Health website at: <https://www.health.govt.nz/our-work/mental-health-and-addictions/preparing-commencement-substance-addiction-compulsory-assessment-and-treatment-act-2017/substance-addiction-compulsory-assessment-and-treatment-act-2017-resources>.

Particular provisions of the Act allow for the possibility that someone who is not willing or able to adhere to the terms of the Act may be taken to a specified place. This information is publicly available as follows:

Section 19 - Arrangements for specialist assessment

<http://www.legislation.govt.nz/act/public/2017/0004/23.0/DLM6609160.html>

Section 30 of the Act outlines provisions regarding a person being detained in a treatment centre.

Section 30 - Detention and treatment in treatment centre

<http://www.legislation.govt.nz/act/public/2017/0004/23.0/DLM6609172.html>

Section 36 sets out that a person subject to a treatment order is required to accept direction from the responsible clinician.

Section 36 - Requirement to accept treatment

<http://www.legislation.govt.nz/act/public/2017/0004/23.0/DLM6609180.html>

The Act also has provision for police assistance, which may include taking a person to a specified place.

Section 105 - Police assistance

<http://www.legislation.govt.nz/act/public/2017/0004/23.0/DLM6609265.html>

Section 106 - Apprehension of patients not permitted to be absent from treatment centre

<http://www.legislation.govt.nz/act/public/2017/0004/23.0/DLM6609266.html>

There are provisions for use of force in some circumstances. These are set out in section 109.

Section 109 - Use of force

<http://www.legislation.govt.nz/act/public/2017/0004/23.0/DLM6609269.html>

I trust that this information is helpful.

Waitematā DHB supports the open disclosure of information to assist community understanding of how we are delivering publicly funded healthcare. This includes the proactive publication of anonymised Official Information Act responses on our website from 10 working days after they have been released.

If you consider there are good reasons why this response should not be made publicly available, we will be happy to consider your views.

Yours sincerely



Dr Murray Patton
Acting Director
Specialist Mental Health and Addictions Services



Information about the Substance Addiction (Compulsory Assessment and Treatment Act) 2017

The Substance Addiction (Compulsory Assessment and Treatment) Act 2017 is new legislation to provide assessment and treatment for people with a severe substance addiction even if it is against their wishes, and only if the eligibility criteria are met.

It is important to know that the Act can only be used as a last resort with people with the most severe addiction. It is not for people who may be bingeing on alcohol or other drugs, nor can it be used to respond to a crisis.

The aims of compulsory assessment and treatment are to:

- protect the person from harm
- allow their addiction to be assessed
- stabilise the person's health (including medically managed withdrawal)
- protect and enhance their mana and dignity and restore their capacity to make informed decisions
- facilitate continued treatment and care on a voluntary basis
- provide an opportunity to engage in voluntary addiction treatment.

Most people who use alcohol and/or other drugs do not require compulsory treatment and do well when they engage in a treatment programme even if they have to do it more than once.

When someone does not meet the criteria for the Act services will explain why not, discuss other options and offer support as needed. CADS offer a range of groups and other interventions to assist the family whanau and friends of people with a drug or alcohol problem.

Eligibility for SACAT

To be placed under the Act, a person must have all of the following criteria:

- Severe substance addiction with risk to themselves including self-neglect
- Severely impaired ability (or capacity) to make decisions about their treatment
- No other available treatment options

In addition there must be a treatment bed available for that person.

The person is assessed for these criteria by a CADS nurse (an Authorised Officer) and a CADS doctor (an Approved Specialist).

Capacity is assessed by seeing if the person can make an informed decision about treatment for their severe substance addiction. To lack capacity, the person is unable to understand, retain, weigh up or communicate the information. Some people with severe addiction may choose not to engage in treatment and that is their right IF they have the capacity to make that decision. However, some people are incapable of making decisions about treatment because their ability to do so is impaired. *Accepting that someone has the ability to make decisions does not always mean agreeing with them.*

Referring someone for SACAT: Making an application

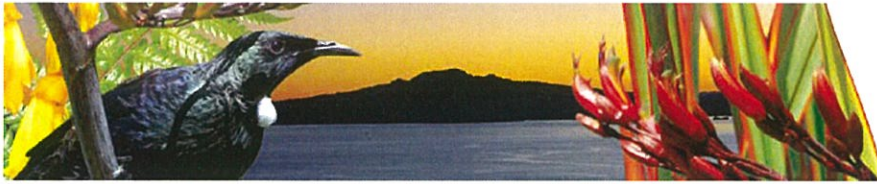
- Anyone over the age of 18 years can make an application to place someone under the Act
- The applicant needs to have seen the person they are concerned about in the previous 5 days
- The application can be made by a family whānau member or they may prefer to ask someone like their general practitioner (GP) or someone else who knows the person to make an application.

Step 1 Contact CADS and speak with an Authorised Officer. This will be one of the nurses working in CADS Community & Home Detox Service (CHDS). All CHDS nurses have been appointed under the Act to manage enquiries and applications.

- The Authorised Officer will ask some questions and provide advice about options and the next step

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Information about the Substance Addiction (Compulsory Assessment and Treatment Act) 2017

- If the Authorised Officer believes the person is likely to meet the relevant criteria of the Act they will arrange for an Approved Specialist to assess the person.

Step 2 The person is assessed by an Approved Specialist; this will be one of the CADS doctors appointed under the Act to assess people for compulsory treatment.

- After assessing the person the approved specialist decides whether the person will be committed for compulsory treatment
- If the person meets the criteria to be placed under the Act the Approved Specialist signs a compulsory treatment certificate and arranges for the person to be initially detained for a medically assisted withdrawal at a hospital (if the person is very unwell and requires additional medical care) or at CADS inpatient detoxification unit (IPU).

It is possible that different health professionals may become involved with the person's care, for example if the person has had falls and injuries or has not been eating well for some time.

Will the person be sent away?

Once the compulsory treatment certificate is signed a Responsible Clinician (another CADS nurse) will work with family whānau and other health providers to develop a treatment plan for the patient.

After the withdrawal process the patient may go to the Nova Trust treatment centre in Templeton (20 minutes outside of Christchurch) as this centre has a programme 'Nova STAR (Supported Treatment and Recovery)' designed specifically to support people under the Act.

Arrangements will be made to transport the person there and when needed to return them home. Family whānau may be able to accompany the person to Nova and can keep in contact with the person while they are there. It may also be possible for family and whānau members (at their own cost) to visit the centre.

If the person leaves any treatment centre (including CADS in-patient detox unit) without consent while they are under the Act the Police may be called to help return the person to the treatment centre.

How long is someone under the Act?

To begin with the person can be placed under the Act for up to 56 days (8 weeks) to take part in compulsory assessment and treatment. The aim at this time is to stabilise them physically and medically and to develop a treatment plan. They must be released from the Act if they regain capacity to make informed decisions.

The person will be reassessed regularly by the Responsible Clinician. If the person's capacity is restored during these 56 days - meaning they are now able to make a decision about treatment - they will then be discharged from the Act and assisted to engage in voluntary addiction treatment.

The person is likely to undergo a formal cognitive assessment. This is an examination of the person's attention and concentration, short-term and long-term memory, language and executive function. If this assessment indicates there is evidence of the person having a brain injury, a plan will be put together for the person to receive appropriate long-term care. People with a definite or suspected brain injury and/or who are unable to make an informed decision can be detained for a further 56 days (8 weeks).

What happens when the person is returned home?

Nova STAR will work with CADS and other treatment services and support systems to manage the person's next step when they leave Nova. They will look at options for the person usually in consultation with family, whānau and other support people and/or agencies.

Options may include the person going into residential treatment in Auckland, moving into supported accommodation, or returning home with additional supports in the community.

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