2.3 TRANSFER OF PATIENTS

2.3.1 MAY A PATIENT BE TRANSFERRED FROM ONE APPROVED CENTRE TO ANOTHER?

Yes.

A patient has the right to request a transfer from one Approved Centre to another in appropriate circumstances. Where such a transfer is made, for the purposes of the 2001 Act, that patient is treated as if he had remained with the Approved Centre to which the patient was originally admitted. Further, the patient may only be detained in the Approved Centre to which they have been transferred for the duration of the admission or renewal order. If it is appropriate to detain the patient for a longer period, then the proper procedure for renewal and extension of detention must be complied with.

2.3.2 WHO MAY REQUEST A TRANSFER?

- The patient or
- The person who applied for a recommendation to have the person admitted.

2.3.3 HOW IS A TRANSFER REQUESTED?

A request is made to the clinical director of the Approved Centre where the patient is currently detained. Alternatively the clinical director of the Approved Centre, may if he or she feels that it would be of benefit to the patient, or is necessary for the purpose of obtaining special treatment, arrange a transfer without such a request being made.

2.3.4 HOW IS A TRANSFER MADE?

If the clinical director sees fit to approve a request for a transfer under Section 20 of the 2001 Act, or is of the opinion that it would be for the benefit of the patient, or that it is necessary for the purpose of obtaining special treatment pursuant to Section 21 of the 2001 Act, he or she may arrange for the transfer of the patient to another Approved Centre. He or she must first:

- seek the consent of the clinical director of the Approved Centre where it is proposed to transfer the patient to,
- where such consent is obtained, arrange for the transfer of the patient, and
- notify the Mental Health Commission of the transfer – FORM 10 (Notice of Patient transfer to another approved centre (other than the Central Mental Hospital)) (Section 21(1), (3) and (4)) must be completed in this regard.

2.3.5 MAY A PATIENT BE TRANSFERRED TO A GENERAL HOSPITAL OR OTHER PLACE FOR THE PURPOSES OF OBTAINING MEDICAL OR NON-PSYCHIATRIC TREATMENT?

Yes.

Where a patient requires treatment in a general hospital or other place the clinical director of the Approved Centre may arrange for a patient to be transferred to that general hospital. Once the treatment is complete the patient will be returned to the Approved Centre. While in the hospital the conditions of the admission order or renewal order will apply.

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1 Mental Health Act 2001. S20 & S21. This does not include transfer to the Central Mental Hospital.
3 A consultant psychiatrist appointed by the governing body of an Approved Centre. A consultant psychiatrist may be the clinical director of more than one Approved Centre - Mental Health Act 2001. S71.
2.3.6 MAY A PATIENT BE TRANSFERRED TO THE CENTRAL MENTAL HOSPITAL?

Yes.

A patient may be transferred to the Central Mental Hospital.

This may occur in circumstances where the clinical director of the Approved Centre where the patient currently is detained proposes that the transfer would be:-

- for the benefit of the patient
- that it is necessary for the purpose of obtaining special treatment.

The clinical director of the Approved Centre must then notify the Mental Health Commission of the proposal to transfer the patient to the Central Mental Hospital – FORM 11 (Proposal by the Clinical Director to transfer Patient to the Central Mental Hospital) (Section 21(2)) must be completed in this regard. The Mental Health Commission shall refer the matter to a mental health tribunal. The mental health tribunal will review the proposal to transfer within 14 days of the referral. If the mental health tribunal is satisfied that the proposed transfer is in the best interest of the health of the patient it shall authorise the transfer. If it is not satisfied that it is in the best interest of the health of the patient it shall refuse to authorise the transfer. The best interest of the health of the patient is the principal consideration. If the transfer is authorised by the mental health tribunal FORM 12 – (Notice of transfer of a Patient to the Central Mental Hospital) (Section 21(3)) must be completed.

Where such a transfer is made the patient may only be detained in the Central Mental Hospital for the duration of the admission order or renewal order. If it is appropriate to detain the patient for a longer period the proper procedure for renewal of extension of detention must be complied with.

2.3.7 MAY A PATIENT APPEAL AGAINST A DECISION TO TRANSFER HIM OR HER TO THE CENTRAL MENTAL HOSPITAL?

Yes.

A patient may appeal the decision of the mental health tribunal to the Circuit Court. Such an appeal must be brought within 14 days of receipt by the patient or their legal representative of the decision of the mental health tribunal.

Where an authorisation is made to transfer the patient to the Central Mental Hospital, the patient shall not actually be transferred until the 14 day period in which the patient is entitled to appeal against this decision to the Circuit Court has run its course.5 If within this time the patient does appeal the decision to transfer then the transfer must not take place until the Circuit Court has heard the matter fully and issued its decision.

5 Mental Health Act 2001, S21(2).
6 Mental Health Act 2001, S21(2)(d).