**Republic of Lithuania Law on Mental Health Care**

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republic of lithuania

LAW

ON

MENTAL HEALTH CARE

Chapter I

GENERAL PROVISIONS

   Article 1. As used in this Law:

   mental disease means a disease diagnosed by a medical doctor and certified by a psychiatrist which, pursuant to the effective classification of diseases, is assigned to mental diseases. A mental disease may not be diagnosed on political, religious, racial grounds;

   patient means a mental patient or any other person to whom mental health care is applied;

   mentally ill person means a person ill with a mental disease;

   the patient’s representative (representative) means a legal representative (parents, adoptive parents, foster parents, guardians) or an appointed representative. The appointed representative shall be chosen by the patient. The power of attorney of the appointed representative must be executed in accordance with the procedure laid down in Article 49 of the Code of Civil Procedure of the Republic of Lithuania;

   mental health facility means a health care institution (public or non-public), which is accredited for mental health care. If only a certain part (unit) of a medical aid institution has been accredited to engage in mental health care, the term shall apply only to the unit. In this Law the term is also applicable to psychoneurological facilities;

   medical ethics commission means a commission formed in a mental health facility for addressing the issues of medical ethics;

   mental health centre means a municipality-owned institution accredited by the government to engage in mental health care and to provide social assistance to the mentally ill and other persons;

   Municipal Mental Health Commission (hereinafter referred to as MMHC) means a specialised commission set up by the municipality and authorised by the government to settle the issues related to health care conditions of the mentally ill;

   psychiatrist means a medical doctor entitled under the statutes of the Republic of Lithuania to practice psychiatry;

   psychotherapist means a person entitled under the statutes of the Republic of Lithuania to practice psychotherapy. In the event that the psychotherapist provides the mentally ill person with psychiatric aid, the requirements of this Law shall be applicable to him;

   psychologist means a person entitled under the statutes of the Republic of Lithuania to provide the mentally ill with psychological aid. If the psychologist provides the mentally ill with psychological aid, the requirements of Chapter Four of this Law shall apply to him;

   nursing staff means medical aid institution personnel nursing the mentally ill;

   mental health care means specialised health care carried out in accordance with the standards approved by the Ministry of Health of the Republic of Lithuania. Its purpose is provision of psychiatric aid (diagnosis, treatment of mental functions disorders, timely prevention of exacerbation of mental diseases), helping a person to rehabilitate and return to life in the community;

   hospitalisation means a person’s admission to a psychiatric institution as a patient.

   Article 2. The purpose of the Law on Mental Health Care of the Republic of Lithuania is to establish the rights of the persons who are provided with mental health care, the procedure and supervision of mental health care.

Chapter II

RIGHTS OF MENTALLY ILL PERSONS AND RESTRICTIONS THEREOF

   Article 3. Mentally ill persons shall have all political, economic, social and cultural rights. There shall be no discrimination on the grounds of mental illness. A person with a background of mental disease may not be discriminated against by reason thereof.

   A person who discriminates against a mentally ill person by reason of the latter’s present or past mental health disorders shall be held liable in accordance with the procedure established by the laws of the Republic of Lithuania.

   Article 4. Mentally ill persons may be declared incompetent only by a court decision. The municipality, taking into consideration the requests of an incompetent person, shall appoint a representative for the protection of his interests.

   Article 5. The state must provide mentally ill persons with conditions for development, help them acquire work skills, change their qualifications, rehabilitate and return to life in the community.

   The procedure of establishment and operation of institutions for the development of and care for the mentally ill shall be regulated by the laws and other legal statutes of the Republic of Lithuania.

   The terms and conditions of establishment and operation of special schools, kindergartens, special groups (classes) in educational institutions shall be laid down by the Ministry of Education and Science and by the municipalities. Minors may also be enrolled in the general type groups and classes.

   Article 6. Mentally disabled persons shall be taken care of by the state. They shall be provided with social assistance in compliance with the procedure laid down by the laws of the Republic of Lithuania. Health care of mentally disabled persons shall be financed in the manner established by the laws of the Republic of Lithuania.

   The municipality shall organise and support the nursing and care of the mentally disabled in their families, health care institutions, mental health centres and other institutions of care and rehabilitation.

Chapter III

THE RIGHTS OF HOSPITALISED PATIENTS AND RESTRICTIONS THEREOF

   Article 7. Hospitalised patients shall have the right to:

   1) communicate with other persons (including other patients), have freedom of access to telephone, telegraph, postal services and other means of communications;

   2) receive, in private, regular visits from their representatives, other visitors;

   3) send and receive all kinds of private or public statements, letters which may not be read or censored by other persons;

   4) purchase and receive the necessary items;

   5) be provided with a possibility to enjoy privacy;

   6) perform religious rites;

   7) read, go in for sports, and enjoy other types of leisure activities;

   8) receive audio-visual information;

   9) study and expand their knowledge;

   10) engage in the activities suited to their social and cultural background and aimed at promoting rehabilitation and reintegration in the community.

   Conditions for fulfilling the above-mentioned requirements shall be provided for in the internal regulations of a mental health facility.

   The patients’ rights defined in this Article may be restricted on the psychiatrist’s decision only in the event of a real threat to the patient himself or to others. The restrictions must be recorded in the patient’s clinical record.

   The above-stated rights of patients may be restricted in accordance with the procedure specified by the laws of the Republic of Lithuania.

   Article 8. In a mental health facility the patient shall realise his rights himself or through his representative.

   The administration of a mental health facility must assist the patient in reaching his relatives, representative.

   Article 9. The labour activity of mentally ill persons hospitalised in a mental health facility must be voluntary, having a therapeutic and rehabilitative effect and helping them to return to the community.

   The requirements of conditions of work and length of work period of the mentally ill persons shall be determined by the Ministry of Health. Labour activity must recommended and controlled by the psychiatrist. It shall be prohibited to force a mentally ill person to work.

   Production-rehabilitation sections of mental health facilities must be structural subdivisions of said institutions. The procedure of their organisation and operation shall be determined by the Ministry of Health.

Chapter IV

THE PATIENTS’ MENTAL HEALTH CARE

   Article 10. Patients shall have the right to receive appropriate, accessible and suitable health care.

   A patient shall have the right to choose a psychiatrist, a mental health facility and type and scope of health care or to refuse same. The right may be restricted if circumstances specified in Article 27 of this Law exist as well as in the event of mental health care being provided in the cases provided for in Chapters 8 and 9 of this Law.

   Article 11. Mental health care (out-patient or in-patient) shall be provided according to the person’s place of residence at the mental health centres, as well as at other mental health facilities, care and custody institutions.

   The mental health centre shall be established by the municipality. Its activities shall be governed by the regulations approved by the Government of the Republic of Lithuania.

   Article 12. The conditions of the patients’ mental health care at the time of their hospitalisation may not be inferior to the treatment and nursing conditions of persons ill with other diseases.

   Article 13. The patients’ health care conditions shall be determined by the psychiatrist, seeking to ensure that the treatment and nursing conditions offer the least restrictive environment.

   The actions of a mentally ill person may be subject to restrictions only provided that the circumstances specified in Article 27 of this Law are manifest. A recording to the effect must be promptly made in the clinical record.

   Article 14. Patients shall have the right to confidentiality with regard to information concerning their health. The psychiatrist, other medical doctor, the nursing staff, the administration of a health care facility, members of the MMHC must guarantee the above-stated right of the ill person in compliance with the laws of the Republic of Lithuania and according to the requirements of medical ethics. Information concerning the patients’ state of health shall be furnished to other persons in compliance with the procedure established by the laws of the Republic of Lithuania.

   Article 15. The psychiatrist must inform the patient of his health disorders and health care being provided. The scope of said information shall be determined by the psychiatrist taking into account the patient’s condition and in compliance with the requirements of medical ethics.

   The patient shall have the right of access to extracts from his medical record, except in cases where the information may have a detrimental effect on his health. A decision regarding such restrictions shall be taken by the psychiatrist who shall make an appropriate recording in the patient’s clinical record. Extracts from the clinical record shall be arranged in such a manner as not to harm the interests of third persons and, upon the patient’s request, shall be furnished within 3 days. In case the patient’s right of access to the clinical record in the manner defined in this Law is subjected to restrictions, he or his representative may apply to the MMHC regarding the patient’s right of access to the clinical record.

   The patient’s representative shall be entitled to receive information from the psychiatrist, other medical doctor, the administration of the mental health facility regarding the state of health of the represented person, methods of prophylaxis, diagnostics and treatment applied to him, to be granted access to the clinical records of the incompetent person represented by him.

   The representative shall also have the right of access to other medical documentation directly concerning the interests of the represented person. The attending psychiatrist or the mental health facility administration must promptly furnish the representative with such information and documents .

   If the patient is a minor, the information must be presented to his parents or guardians.

   Article 16. No treatment shall be given to a patient without his consent, except when he is an involuntary patient hospitalised by reason of circumstances specified in Article 27 of this Law and is unable to correctly evaluate his state of health. In such case the psychiatrist shall inform the patient and his representative of the prescribed involuntary treatment. The information must be recorded in the patient’s clinical record. If the patient disagrees with the psychiatrist’s opinion that he is unable to correctly evaluate his condition, he or his representative shall have the right to apply to the MMHC which shall decide whether or not the mentally ill person is able to correctly evaluate his state of health. Should the MMHC decide that the patient’s judgement is not impaired, the treatment administered without his consent must be stopped and may not be continued without his consent.

   In the cases specified in paragraph 1 hereof consent for the patient’s involuntary treatment must be obtained in accordance with the procedure laid down in Article 28 of this Law. Until the MMHC consent is obtained, the patient, upon the decision of two psychiatrists, may be subjected to involuntary treatment for not longer than 72 hours.

   Article 17. A patient who is a minor must be given treatment with the consent of one of the parents or the guardian. If one of the parents or the guardian refuses treatment prescribed by the psychiatrist and this is likely to result in irreparable damage being inflicted on the minor’s health, the medical doctor must promptly apply to the MMHC and obtain its consent for giving the minor treatment without the consent of one of the parents or the guardian.

   Minors shall be hospitalised and given treatment separately from adult patients.

   Article 18. Mentally ill persons may be prescribed only the methods of treatment approved in accordance with the procedure laid down in the legal statutes of the Republic of Lithuania.

   Methods of treatment which have irreversible harmful effect on health may not be applied to incompetent mentally ill persons.

   Clinical experimental methods of treatment, psychosurgery may be applied with respect to mentally ill persons only for the purpose of treatment under the supervision of the medical ethics commission. Clinical experimental methods of treatment, psychosurgery may be applied only with the written informed consent of the mentally ill person certified by two witnesses and the head physician of the mental health facility. Approval of the medical ethics commission must also be received.

   Article 19. If the patient’s life is in real danger, urgent medical aid may be given without the consent of the mentally ill person. The mentally ill person and his representative shall be informed of the medical aid given.

Chapter V

THE RIGHT OF THE PATIENT OR HIS REPRESENTATIVE TO APPEAL

TO THE MMHC, THE COURT AGAINST THE CONDITIONS

OF HEALTH CARE

   Article 20. The patient or his representative shall have the right to appeal to the MMHC against the conditions of health care. In the event of disagreements between the patient or his representative and the MMHC regarding involuntary hospitalisation and involuntary treatment, the dispute shall be settled in court.

   Article 21. The patient or his representative shall have the right to present to the MMHC medical findings regarding the health condition, conditions of health care as well as other documents issued by a chosen psychiatrist.

   Article 22. The patient or his representative shall have the right to be present and be heard out at the MMHC when the issues concerning his involuntary hospitalisation, treatment, etc. are being decided.

   The MMHC must state its findings and decisions in writing and present same to the patient or his representative within a two weeks’ period.

Chapter VI

HOSPITALISATION OF PATIENTS

   Article 23. The primary examination and assessment of the patient’s mental condition may be performed by the psychiatrist on reasonable suspicion of a severe mental illness the symptoms whereof are identified in Article 27 of this Law. Primary examination of the person’s mental condition shall be conducted in accordance with the procedure established by the Ministry of Health.

   A medical doctor, the patient’s representative, his close relatives, the police may request his primary examination.

   Article 24. If a patient applies with a request to be hospitalised, he may be hospitalised only provided that:

   1) at least one psychiatrist, upon examining the patient, recommends he should be treated as an inpatient at a mental health facility;

   2) he has been informed about his rights at a mental health facility, the purpose of hospitalisation, the right to leave the psychiatric facility and restrictions of the right as specified in Article 27 of this Law.

   Article 25. Patients who are minors may be hospitalised only with the consent of one of the parents or his guardian except for the circumstances specified in Article 27 of this Law. In case of involuntary hospitalisation of a minor by reason of circumstances specified in Article 27 of this Law, involuntary hospitalisation and involuntary treatment conditions prescribed by this Law shall be applicable to him.

   If the patient who is a minor is under the age of 10 years, one of the parents or guardians shall have the right to be admitted to hospital with him.

   In the event of hospitalisation of a patient who is a minor and over the age of 10 years, one of the parents or guardians, should he so request, may stay at the mental health facility together with the minor. Decision on the issue shall rest with the psychiatrist who shall have to take into account the character of the illness and the minor’s mental condition. If the parents or guardians object to the psychiatrist’s decision they may appeal against it to the MMHC. The Commission’s decision shall be final.

   Article 26. Patients hospitalised in compliance with the requirements of Article 24 of this Law shall have the right to leave the mental health facility at any time, provided that there are no circumstances specified in Article 27 of this Law.

   Article 27. A person who is ill with a severe mental illness and refuses hospitalisation may be admitted involuntarily to the custody of the hospital only if there is real danger that by his actions he is likely to commit serious harm to:

   1) his health, life;

   2) to the health, life of others.

   Article 28. When the circumstances specified in Article 27 of this Law do exist, the mentally ill person may be involuntarily hospitalised and administered treatment in a mental health facility for a period not exceeding 72 hours without the consent of the MMHC. If such consent is not obtained within 72 hours, involuntary hospitalisation and involuntary treatment must be terminated. The administration of the mental health facility must forthwith notify the patient’s relatives, representative about the involuntary hospitalisation.

   The administration of the mental health facility must promptly apply to the MMHC which, upon considering the psychiatrist’s recommendations, shall have the right to take a decision regarding the extension of the patient’s involuntary hospitalisation and involuntary treatment period but for no longer than one month from the involuntary admission to the mental health facility. Following the psychiatrist’s recommendations the mental health facility administration shall have the right to terminate the patient’s involuntary hospitalisation, involuntary treatment prior to the expiry of the term.

   Should it be necessary to prolong involuntary hospitalisation and involuntary treatment by the expiry one month, the administration of the mental health facility must apply to the district court regarding the extension of the involuntary hospitalisation and involuntary treatment period. The district court may, based on the findings of the mental health facility, either prolong or terminate the patient’s involuntary hospitalisation and involuntary treatment, but each time for a period not exceeding 6 months. On the recommendation of the attending psychiatrist, the administration of the mental health facility shall have the right to terminate the patient’s involuntary hospitalisation and involuntary treatment prior to the expiry of the prescribed time period.

   Article 29. Where the circumstances specified in Article 27 exist, mentally ill persons shall be taken for involuntary hospitalisation by the police at the request of the mentally ill person’s representative, on doctor’s instructions or by the order of the district court judge. A medical doctor must be present during involuntary hospitalisation of mentally ill persons.

   Article 30. A mentally ill person who is being involuntarily admitted to a mental health facility as a patient must acknowledge by his signature that he has been informed by the mental health facility administration about his involuntary hospitalisation and his rights at the mental health facility. If the mentally ill person refuses or is unable to put his signature, the fact of his having been informed about his involuntary hospitalisation shall be testified in writing by two witnesses who may be mental health facility staff members but not psychiatrists.

   Article 31. A person’s hospitalisation in violation of the requirements of this Law shall be illegal. Persons through whose fault a person was illegally hospitalised shall be held liable in the manner established by the laws of the Republic of Lithuania.

Chapter VII

PROCEDURE FOR CONDUCTING FORENSIC PSYCHIATRIC

EXAMINATION

   Article 32. Grounds of forensic psychiatric examination and procedure for prescribing the examination shall be regulated by the Codes of Criminal Procedure and Civil Procedure of the Republic of Lithuania.

   Article 33. Inpatient forensic psychiatric examination shall be conducted only at mental health facilities. During the examination period mental health care shall be provided in compliance with the requirements of this Law. During the period of examination the patients shall have all the rights determined by this Law except for the right to choose a mental health facility, conditions of health care. The patients’ rights established in paragraphs 1, 2, and 3 of Article 7 of this Law may be restricted on the decision of the official who prescribed the inpatient forensic psychiatric examination.

Chapter VIII

MENTAL HEALTH CARE PROVIDED TO PERSONS SENTENCED

TO A TERM OF IMPRISONMENT WHO BECOME MENTALLY ILL

   Article 34. Persons sentenced to a term of imprisonment who become mentally ill shall be provided with mental health care during their term in prison in compliance with the requirements of Chapter 4 of this Law at mental health facilities located in places of imprisonment.

   Article 35. The rights of mentally ill persons who undergo treatment in places of imprisonment may be subject to restrictions according to the requirements of this Law and other laws of the Republic of Lithuania like those of other persons sentenced to a term of imprisonment.

Chapter IX

MENTAL HEALTH CARE PROVIDED TO MENTALLY ILL PERSONS

WHO HAVE COMMITTED AN ACT DANGEROUS TO THE PUBLIC (A CRIME)

   Article 36. The issue concerning involuntary hospitalisation and involuntary treatment of mentally ill persons who have committed an act dangerous to the public and have been recognised as being of diminished responsibility shall be decided by court in accordance with Article 27 of this Law and the Criminal Code of the Republic of Lithuania.

   Article 37. On the recommendation of a mental health facility and having decided, based on the findings of the mental health facility, that a person must undergo treatment after being involuntarily hospitalised, the court must indicate the mental health facility to which the person must be admitted involuntarily as a patient and determine the length of involuntary hospitalisation period as well as determining the conditions of health care.

   After the lapse of 6 months or earlier, if necessary, the court must consider, based on the findings of the mental health facility, and upon the recommendation of the mental health facility the issue of involuntary hospitalisation and involuntary treatment, and prolong hospitalisation and the above treatment, each time, however, for a period not exceeding 6 months, or must terminate same.

   Article 38. The requirements of this Law, except for the right to choose a mental health facility and health care conditions, shall apply to the mentally ill persons involuntarily hospitalised pursuant to a court order.

Chapter X

MUNICIPAL MENTAL HEALTH COMMISSION

   Article 39. The MMHC shall be established on the municipality’s decision for a 3-year period in the locality which has an inpatient mental health facility for the purpose of addressing mental health care issues set forth in this Law, such as: involuntary hospitalisation, involuntary treatment, disputes arising between the patient, his representative and medical personnel relative to health care, as well as other issues identified in this Law and the MMHC regulations.

   Article 40. The formation of the MMHC, its operations and financing shall be determined by this Law and the regulations approved by the Government of the Republic of Lithuania.

   Article 41. The MMHC shall consist of not less than 3 permanent members and 3 deputy members. In case a permanent member is unable to take part in the MMHC meeting, his deputy member shall be invited to the meeting. The chairman of the Commission and his deputy member shall be appointed by the municipality board from among the persons trained in law.

   The MMHC shall decide issues by majority vote. Its decision shall be valid if at least 3 members attended the meeting and cast their votes. Should the meeting be attended by deputy members, a recording to the effect must be made in the minutes of the meeting.

   Article 42. The MMHC shall within a 10-day period consider written complaints, statements and requests of the patients, their representatives, organisations and officers protecting the patients’ rights.

   If the MMHC is applied to by a mental health facility administration, the MMHC shall resolve the issue concerning involuntary hospitalisation of a mentally ill person within the time period laid down in Article 28 of this Law.

   Article 43. The MMHC must invite to its meetings competent specialists, other persons or officers provided that the character of the issue under consideration necessitates this. The MMHC shall have the right to request the filing of necessary documents (including the clinical record).

   Representatives of the mental health facility administration, psychiatrists must attend the MMHC meeting, present the necessary documents, give explanations when the issue concerning the treatment of their patients is being decided. In such case the MMHC must deliver a written invitation.

   Article 44. When resolving issues concerning the patient’s person and his health care, the MMHC members must comply with the requirements of medical ethics and confidentiality of a person’s medical secret. Members of the MMHC who violate the above requirements shall be held liable in accordance with the procedure established by laws of the Republic of Lithuania.

   Article 45. The activities of the MMHC shall be controlled by the municipality and the Ministry of Health.

   Complaints against the activities of the MMHC shall be considered by the municipality and the Ministry of Health.

Chapter XI

RESPONSIBILITY FOR VIOLATIONS OF THE LAW

ON MENTAL HEALTH CARE

   Article 46. Persons who violate the requirements of this Law shall be held liable in accordance with the procedure established by the laws of the Republic of Lithuania.

   Article 47. A person who violates the requirements of Article 14 of this Law as well as the patient’s representative who releases information about mental health disorders of the person he represents without the consent of the represented person, except when the person is a minor, shall remedy the moral damage in accordance with the procedure laid down in Article 140 of the Law on the Health System of the Republic of Lithuania.

Chapter XII

FINAL PROVISIONS

   Article 48. The Law on Mental Health Care shall come into effect as of 1 January 1996.

   I promulgate this Law passed by the Seimas of the Republic of Lithuania.

   Algirdas Brazauskas

   President of the Republic

Vilnius

6 June 1995

No. I-924