

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

# Learning objectives

- Explain types of medical treatment.
- Describe patient's obligations.
- Discuss the obligations of medical practitioner.
- Describe implied contract and conditions necessary for it.
- Discuss the medical treatment of mental illness.

# Medical treatment

- All agreements or contracts between individuals or parties are governed by Contract Act 1872.

- Conditions for making a valid contract are:


Age

Soundness of mind and

Mutual and free consent of the parties' i.e medical practitioner and patient.

# Medical treatment of physical illness


- Medical treatment of physical illness is an agreement between patient and his medical practitioner, except the difference that formal contracting agreement is not needed in view of the nature of work involved.
- It is, therefore, an implied contract, which starts when the patient agrees to take medical treatment and the medical practitioner agrees to provide it.

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- Common law governs the situation.
  - Consent of parties is of paramount importance, and both get bound for implied contractual obligations.

# Patient's obligations

- Patient's obligations are:
- Firstly, to pay the mutually agreed fee to medical practitioner before seeking treatment.

The position of a patient seeking treatment from a hospital established by local authority or Government is different. He is not obliged to pay fee to the medical practitioner appointed for the purpose.

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- The other obligation of the patient is to submit himself or herself to the professional commands of medical practitioner as much as is necessary.

During history of illness, the patient must tell the medical practitioner everything truly, even if it means conveying the most guarded secret.

- He has also to allow physical examination of his body even if it means exposure of the most private parts and submit him for a medical investigation, however painful it may be.
- You must carry out all instructions as regards drugs, diet, exercise, and report to the practitioner as often as advised.
- Finally, he may accept or refuse medical treatment offered.





# Medical Practitioners obligations


- Medical Practitioners obligations are ;
- To to apply the skills with the competence.
- To exercise reasonable carefulness towards his patient during professional work.

# Medical treatment of mental illness

- Medical treatment of mental illness cannot be undertaken on the above-mentioned principles for medical treatment of physical illness.
- It is a different situation because the patient neither has insight into his illness, nor can consent or refuse treatment.


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- Those suffering from psychological illnesses unto the middle of the 19th century were considered moon-struck and thus were called lunatic.
  - The only measure considered appropriate for them was to restrain them in lunatic asylums in accordance with Lunatic Asylum Act 1858.


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- Recent developments and understanding into mental illness has necessitated replacement of these laws with the present act of 1912, amended for improvement number of times.
  - It provides guidelines for the management and maintenance of the mentally sick person and his affairs.

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- This statute law prescribes admission procedure and provides for care and treatment of these patients into mental hospitals.
  - Establishment of open psychiatric wards in almost all the government hospitals is a new development.


# Treatment of mental illness

- When Pakistan was created by the division of the Indian subcontinent in 1947, the newly created state continued with the Lunacy Act of 1912, which had been in place in British India.
- The focus of the act was more on detention than on treatment and with advances in treatment, especially the introduction of psychotropic medication, updated legislation was needed.

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- In the 1970s and onwards, advocates for reform of this legislation were active. The government of Pakistan proposed a new mental health act in 1992 and circulated a draft among psychiatrists for their comments.
  - But it was not until 2001 that the Lunacy Act of 1912 was replaced by the Mental Health Ordinance of 2001.

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- Continued efforts to produce appropriate mental health legislation in Pakistan led to the Mental Health Ordinance of 2001.
  - However, with the 18th amendment to the constitution and devolution of health responsibilities to the provincial governments, it became the task of the provinces to pass appropriate mental health legislation through their respective assemblies.



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- The Sindh Mental Health Ordinance 2013 has been endorsed by the Sindh Assembly (Government of Sindh, 2013).
  - The Punjab government enacted the Punjab Mental Health Act in 2014.
  - The KPK government presented mental health act in 2017.

# THE KHYBER PAKHTUNKHWA MENTAL HEALTH ACT, 2017


- To provide for the establishment of the Khyber Pakhtunkhwa Mental Health Authority in the Province of the Khyber Pakhtunkhwa and
- For the treatment, care, management of properties and affairs of the mentally disordered persons and their families.

# Procedure of admission into the mental hospital

- For the purposes of this Act, there are four types of detention of a patient, namely:
- admission for assessment;
- admission for treatment;
- urgent admission; and
- emergency holding.


# Duration for periods

- The duration for each type of detention shall be as follows:
- The period of detention for the purposes of assessment shall be up to twenty-eight (28) days from the date of application made.
- The period of detention for the purposes of treatment shall be up to six (06) months from the date of application made and is renewable under the provisions of the said section.

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- The period of detention for the purposes of urgent admission shall be up to seventy-two (72) hours from the time of application made under and
  - The period of detention in the case of a patient for the purposes of emergency holding already in hospital, shall be up to twenty-four (24) hours from the time of application made.


# Discharge of the patient


- The psychiatrist in-charge treating a patient may, by order in writing, by his own cause or pursuance to an application, direct his discharge at any time, as he may deem appropriate:
- Provided that no patient shall be discharged, if such psychiatrist, certifies in writing that he is unfit to be discharged for reasons of his own health and safety or the safety of others to magistrate.

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- Where any order of discharge is made, a copy of such order shall, forthwith, be forwarded to the psychiatrist by whom such patient was referred and to relative if any.


- A patient, who feels that he has recovered from his mental disorder, or any of his relative or guardian, as the case may be, may make an application to the Magistrate, within the local limits of whose jurisdiction the psychiatric facility, is situated, for his discharge from such facility, when he is refused by the psychiatrist in-charge to discharge.
- The Magistrate may after making such inquiry, as he may deem fit, pass an order discharging the person or dismiss the application.



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- If any person, admitted in a psychiatric facility is subsequently found not to be a mentally disordered person and is capable of taking care of himself and managing his affairs, a psychiatrist in charge shall forthwith discharge such person from the such facility
  - And notify the fact to the referring psychiatrist and his nearest relative at least seven days, before the date of discharge.

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- If a mentally disordered person becomes seriously ill or dies, that fact shall be notified to his relatives, if known or on whose application he was admitted and also to the referring psychiatrist by whom he was referred to the psychiatric facility.

- If an officer, in charge of a police station, finds in a place to which the public have access, a person, whom he has reason to believe, is suffering from a mental disorder and to be in immediate need of care or control, the said officer may, if he thinks it necessary to do so in the interest of that person or for the protection of other persons, takes that person to a place of safety, or hand him over to his relative, who is willing to temporarily receive him.

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- Such mentally disordered person, as the case may be, may be detained in place of safety for a period, not exceeding seventy-two (72) hours, for the purpose of enabling him to be examined by a psychiatrist or his nominated medical officer and for making any necessary arrangements for his treatment.

*Jazak-Allah khairan*  
(MAY ALLAH REWARD YOU WELL)