## MINISTRY OF HEALTH AND FAMILY WELFARE

# (Department of Health and Family Welfare) NOTIFICATION

New Delhi, the 29<sup>th</sup> May, 2018

**G.S.R. 509(E).**—In exercise of the powers conferred under section 121 of the Mental Healthcare Act, 2017 (10 of 2017), the Central Government hereby makes the following rules, namely:-

## CHAPTER – I PRELIMINARY

- 1. Short title, extent and commencement.- (1) These rules may be called the Mental Healthcare (Rights of Persons with Mental Illness) Rules, 2018.
  - (2) They shall come into force on the date of their publication in the Official Gazette.
- 2. Definitions. (1) In these rules, unless the context otherwise requires, -
- (a) "Act" means the Mental Healthcare Act, 2017 (10 of 2017);
- (b) "Form" means a Form appended to these rules;
- (c) "half way homes" means a transitional living facility for persons with mental illness who are discharged as inpatient from a mental health establishment, but are not fully ready to live independently on their own or with the family;
- (d) "hospital and community based rehabilitation establishment" means an establishment providing hospital and community based rehabilitation services;
- (e) "hospital and community based rehabilitation service" means rehabilitation services provided to a person with mental illness using existing community resources with an aim to promote his reintegration in the community and to make such person independent in all aspects of life including financial, social, relationship building and maintaining;
- (f) "schedule" means the Schedule annexed to these rules;
- (g) "section" means section of the Act.
- (h) "sheltered accommodation" means a safe and secure accommodation option for persons with mental illness, who want to live and manage their affairs independently, but need occasional help and support;
- (i) "supported accommodation" means a living arrangement whereby a person, in need of support, who has a rented or ownership accommodation, but has no live-in caregiver, gets domiciliary care and a range of

support services from a caregiver of an agency to help him live independently and safely in the privacy of his home.

(2) The words and expressions used herein and not defined, but defined in the Act or, as the case maybe, in the Indian Medical Council Act, 1956 (102 of 1956) or in the Indian Medicine Central Council Act, 1970 (48 of 1970), in so far as they are not inconsistent with the provisions of the Act, shall have the meanings as assigned to them in the Act or, as the case may be, in those enactments.

# CHAPTER- II RIGHTS OF PERSONS WITH MENTAL ILLNESS

- 3. Provision of half-way homes, sheltered accommodation and supported accommodation. (1) The Central Government or the State Government, as the case may be, shall establish such number of half-way homes, sheltered accommodations and supported accommodations, at such places, as it deems fit, for providing services required by persons with mental illness, having regard to the following, namely:—
  - (a) the expected or actual workload of the facility to be established;
  - (b) the number of mental health establishments existing in the State;
  - (c) the number of persons with mental illness in the State;
  - (d) the geographical and climatic conditions of the place where such facility is to be established.
- (2) The half-way homes, sheltered accommodations and supported accommodations established by the Central Government, State Government, local authority, trust, whether private or public, corporation, co-operative society, organisation or any other entity or person shall follow the minimum standards specified by the Authority under sub-section (9) of section 18 or sub-section (6) of section 65, as the case may be.
- 4. Hospital and community based rehabilitation establishment and services. (1) The Central Government or the State Government, as the case may be, shall establish such number of hospital and community based rehabilitation establishments, as it deems fit, for providing rehabilitation services required by persons with mental illness, having regard to the following, namely:—
  - (a) the expected or actual workload of the facility to be established;
  - (b) the number of mental health establishments existing in that State;
  - (c) the number of persons with mental illness in that State;
  - (d) the geographical and climatic conditions of the place where such facility is to be established.
- (2) The hospital and community based rehabilitation establishments established by the Central Government, State Government, local authority, trust, whether private or public, corporation, co-operative society, organisation or any other entity or person shall follow the minimum standards specified by the Authority under sub-section (9) of section 18 or sub-section (6) of section 65, as the case may be.
- 5. Reimbursement of the intermediary costs of treatment at mental health establishment. (1) Till such time as the services under sub-section (5) of section 18 are made available in a health establishment established or funded by the State Government, in the district where a persons with mental illness resides, such person may

apply to a Chief Medical Officer of such District for reimbursement of costs of treatment at such mental health establishment.

(2). The Chief Medical Officer, on receipt of the application for reimbursement of the costs of treatment from the person referred to in sub-rule (1), shall examine the application and issue an order to reimburse such costs by the officer in-charge of the Directorate of Health Services of that State Government:

Provide that the cost of reimbursement shall be limited to the rates specified by the Central Government from time to time.

- 6. Right to access basic medical records. (1) A person with mental illness shall be entitled to receive documented medical information pertaining to his diagnosis, investigation, assessment and treatment as per the medical records.
- (2) A person with mental illness may apply for a copy of his basic inpatient medical record by making a request in writing in Form-A, addressed to the medical officer or mental health professional in charge of the concerned mental health establishment.
- (3) Within fifteen days from the date of receipt of the request under sub-rule (2), basic inpatient medical records shall be provided to the applicant in Form-B.
- (4) If a mental health professional or mental health establishment, as the case may be, is unable to decide, whether to disclose information or provide basic inpatient medical records or any other records to the applicant for ethical, legal or other sensitive issues, he or it may make an application to the Mental Health Review Board stating the issues involved and his or its views in the matter with a request for directions in the form of a written order.
- (5) The Board shall, after hearing the concerned person with mental illness, by an order, give such directions, as it deems fit, to the mental health professional or mental health establishment, as the case may be.
- 7. Custodial institutions. –The person in charge of custodial institution, including prison, police station, beggars homes, orphanages, women's protection homes, old age homes and any other institution run by Government, local authority, trust, whether private or public, corporation, co-operative society, organisation or any other entity or person, where any individual resident is in the custody of such person, and such individual resident is not permitted to leave without the consent of such person, shall display signage board in a prominent place in English, Hindi and local language, for the information of such individual or any person with mental illness residing in such institution or his nominated representative informing that such person is entitled to free legal services under the Legal Services Authorities Act, 1987 or other relevant laws or under any order of the court if so ordered and shall also provide the contact details of the availability of services.

## CHAPTER – III FORMS FOR ADMISSION, DISCHARGE AND LEAVE OF ABSENCE

8. Form for admission and discharge. – A request for admission to, or discharge from, a mental health establishment shall be made by the person specified in column (2) of the Table below, for the purpose specified in the corresponding entry in column (3), in the Form specified in the corresponding entry in column (4), namely:-

## **Table**

S.No.	Request to be made by	Purpose of Request	Form
(1)	(2)	(3)	(4)
(i)	any person who is not a minor and who considers himself to have a mental illness	admission as an independent patient	Form-C
(ii)	nominated representative of the minor	admission of the minor	Form-D
(iii)	nominated representative of a person	admission of a person with mental illness, with high support needs under section 89 of the Act	Form-E
(iv)	nominated representative of a person	continuation of the admission of a person with mental illness, with high support needs under section 90 of the Act	Form-F
(v)	person admitted as an independent patient or a minor admitted under section 87 of the Act who attained the age of 18 years during his stay in the mental health establishment	discharge from a mental health establishment	Form – G
(vi)	nominated representative of the minor	discharge of the minor	Form – H

9. Forms for leave of absence and request to the police officer. – A request for leave of absence from a mental health establishment and for taking into protection of a prisoner with mental illness found to be absent from a mental health establishment without leave or discharge by a Police Officer shall be made by the person specified in column (2) of the Table below and for the purpose specified in corresponding entry in column (3), in the Form specified in the corresponding entry in column (4), namely:-:

**Table** 

S.No.	Request to be made by	Purpose of Request	Form
(1)	(2)	(3)	(4)
(i)	nominated representative of the person with mental illness admitted in a mental health establishment	grant of leave to such person	Form-I
(ii)	medical officer or mental health professional in-charge of such	request for taking into protection by a Police Officer of a prisoner with mental	Form-J

mental health establishment	illness found to be absent from a mental
	health establishment without leave or
	discharge

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## CHAPTER – IV PRISONERS WITH MENTAL ILLNESS

- 10. Method, modalities and procedure for transfer of prisoners with mental illness. –Transfer of a prisoner with mental illness to the psychiatric ward of the medical wing of the prison or to a mental health establishment set up under sub-section (6) of section 103 or to any other mental health establishments within or outside the State shall be in accordance with the instructions issued by the Central Government or State Government, as the case may be.
- 11. Standards and procedures of mental health services in prison. The mental health establishment referred to in sub-section (7) of section 103 shall conform to the minimum standards and procedures as specified in Schedule.

## Form - A

# APPLICATION FOR BASIC MEDICAL RECORDS [See rule 6 (2)]

Го,			
The Medical Officer in-charge			
Sir/Madam,			
1 10	ny basic medical records /basic me entative) Hospital Number (if know	nedical records of (I wn)	j
I Mr. /Mrs	residing at	agedson/daughter o	1
Mr. /Mrs	was treated at your mental he	ealth establishment from to	С
	of the medical records of my treatn	ment.	
Address	Sign	nature	
Date	Nam	ne	

N.B.:- Please strike off those which are not required.

### Form-B

[See rule 6 (3)]

#### **Basic Medical Records:**

(In hard copy format)

The mental health establishment shall maintain specific minimum records at their level for various types of patients they are dealing with. The requirement of records to be maintained for in-patients, out patients and community outreach may vary and is accordingly specified below. A graded approach in minimum records to be maintained may be followed:

Community outreach register shall consist of information from (a) to (h) of the basic medical record of outpatient specified in paragraph 1 below.

The mental health establishments shall maintain and provide on demand the following basic medical record to the person with mental illness or his nominated representative.

1. Basic Medical Record of all out-patients (at hospitals, nursing homes, private clinics, camps, mobile clinics, primary health care centers and other community outreach programmes, and the like matters):

a) Name of the mental health establishment/doctor\_\_\_\_\_ b) Date\_\_\_ c) Hospital registration number d) Advance Directive YES/NO e) Patient's Name \_\_\_\_\_ f) Age \_\_\_\_\_Sex \_\_\_\_ g) Father's/Mother's name\_\_\_\_\_ Address \_\_\_\_\_Mobile No.\_\_\_\_ h) Chief complaints \_\_\_\_\_ i) Provisional diagnosis \_\_\_\_\_ Treatment advised and follow-up recommendations\_\_\_\_\_ 2. Basic Medical Record of In-Patient a) Name of the hospital/nursing home\_\_\_\_\_ c) Patient's name \_\_\_\_\_ d) Father's/Mother's name e) Age \_\_\_\_\_Sex \_\_\_\_ Address \_\_\_\_\_

g)	Patient accompan	ied by (Name, age and	nature of relation	ship)	
h)	Hospital registration number				
i)	Identification marks				
j)	Nominated representative				
k)	Advanced Directi	ve - Yes or No; If yes s	alient features of	the content	
1)	Date of admission	nDate of d	ischarge		
m)	Mode of admission	on (section under Menta	l Healthcare Act,	2017): Independent/ Supported	
n)	Chief complaints				
o)	Summary of Med	ical Examination Labor	atory investigation	ons	
p)	Provisional/differ	ential/ final diagnosis			
q)	Course in the hos	pital (Treatment and Pro	ogress)		
r)	Condition at disci illness absconding		quest or leave aga	inst medical advice or person with mental	
s)	Treatment advice	at discharge			
t)	Follow-up recom	mendations			
Clinic	logical assessmen				
Name: Educat	tion:	Age: Occupa	tion•	Gender: Date of testing:	
Referr		Оссира		te tested in:	
Reason IQ assessn	n for referral:	Specific learning disability assessment		Neuropsychological assessment(Specify domain if the assessment is domain specific)	
Persona		Psychopathology assessment			
Any otl	her (Mention the s	pecific domain such as i	nterpersonal rela	tionship)	
				g., 'the individual has mental illness t as well as to ascertain the level of	

**Brief background information** (e.g., the nature of the problem, when it started, any previous assessments and like details):

<b>Informant:</b> S	elf	1				
	Others	Specify				
			rtness, attention, cooperativeness, affect, compre	hansion		
and any other rela			riness, aitention, cooperativeness, affect, compre	nension		
,	J	,				
Tests/ Scales adr	ninistered (Si	andardized tests/ scal	es):			
			Quotient, scores obtained on cognitive functio percentage and like details)	n tests,		
Impression:						
Recommendation	ns:					
Further assessmen	nt 💮	Specify				
Therapy		Specify				
Any other		Specify				
Assessed by		Ver	ified/ supervised by (if applicable)			
Name:			Name:			
Date:			Date:			
Qualification:			Qualification:			
Signature:			Signature:			
mental illness ar	e provided w		ding of Therapy Report (facilities where person nental health problem) ng of Therapy	ns with		
(Name of the Ins	titute/Hospit	al/Centre with addre	ess)			
Clinic record no	•					
	THERAPIST SESSION NOTES					
Patient name:						
Age:						
Gender:						
Psychiatric diag	nosis:					
Session number	and Durati	on of session:	Session Participants:			
date:			·			
Therapy method	: Object	ives of the session:	<u> </u>			
Individual	1.					
Couple/Family	2					

Group Other	3. 4.
situations/Conduct dif	scussed: (Psychosocial stressors/Interpersonal problems/Intrapsychic conflicts/Criculties/Behavioral difficulties/ Emotional difficulties/ Developmental difficultictive behaviours/Others).
Therapy techniques u	ed:
Therapist observation	s and reflections:
Plan for next session:	Date for next session:
Therapist	Supervised by (if applicable)
Name:	Name:
Date:	Date:
Qualification:	Qualification:
Signature:	Signature:
	Form – C
	REQUEST FOR INDEPENDENT ADMISSION
	[See rule 8]
To,	
The Medical Officer in	charge
Sir/Madam,	
Sii/Wadaiii,	
I, Mr. /Mrs	,ageson/daughte
of, residing	atI have mental illness with following symptoms since
1	_
2	_
3	_

I wish to be admitted in your establishment for treatment and request you to please admit me as an independent patient. A self- attested copy of my Identity Proof is enclosed (optional).

Address Signature

1. \_\_\_\_\_\_ 2. \_\_\_\_

Date	Name
Enclosures:	
N.B.:- Please strike of	f those which are not required.
	Form - D
	REQUEST FOR ADMISSION OF A MINOR [See rule 8]
To, The Medical Officer is	a charge
The Medical Officer in	i-charge
Sir/Madam,	
	tive (being legal guardian) of Master/Miss, request you to admit aged son/daughter of, for treatment of mental illness:
He/she is having the fo	ollowing symptoms since
1 2	
3.	
The following papers	related to my being the nominated representative and his/her illness are enclosed:
1	<del></del>
3.	<del></del>
4	<u> </u>
Kindly admit him/her	in your establishment as minor patient.
Address:	
Mobile:	
E-mail:	Signature
Date:	Name

N.B.:- Please strike off those which are not required.

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## Form - E

# REQUEST FOR ADMISSION WITH HIGH SUPPORT NEEDS

[See rule 8]

	edical Officer in	ı-charge				
Sir/M						
	Mrs	,aged son/daught	residing at ter of	request for	, nominated repres his/her admissio	entative o
1. 2.	Irs. is having the		>	<u>_</u> ·		
enclos 1. 2.		<u> </u>	as nominated repr	resentative and	related to his/her i	llness are
Kindly	admit him/her i	n your establishment as pa	tient with high su	ipport needs.		
Name Addre Mobil	ss e and E-mail					Signature Date
N.B.:-	Please strike off	those which are not requir	ed.			
			Form - F			
	REQUEST	Γ FOR CONTINUOUS A	DMISSION WI	TH HIGH SU	PPORT NEEDS	
			[See rule 8]			
To, The M	edical Officer in	ı-charge				

Sir/Madam,		
Mr. /Mrs,	, residing at who is/was an inpatient in your estal r continued admission beyond thirty day	blishment under supported admission
	ssion/readmit him/her in your establishme	ent as patient with high support needs
Address Date	Signa Name	
N.B.:- Please strike off those v	which are not required.	
	Form - G	
REQUE	ST FOR DISCHARGE BY INDEPEN	DENT PATIENT
	[See rule 8]	
To, The Medical Officer in-charge	÷	
Sir/Madam,		
Subject: - Request for discharge	ge.	
, was admitted i	residing atn your mental health establishment as and wish to be discharged. Kindly arrange	an Independent admission patient on
Address Date Mobile	Signa	ture
E-mail	Name	
N B :- Please strike off those v	which are not required	

## Form - H

# REQUEST FOR DISCHARGE OF A MINOR BY ITS NOMINATED REPRESENTATIVE

[See rule 8]

To, The Medical Officer in-charge	
Sir/Madam,	
Subject: - Request for discharge.	
agedson/daughter of	tive of Mr. /Msresiding at who was admitted in your mental health establishmentnow feel better and wish to be discharged. Kindly
Address Date	Signature
Mobile E-mail	Name
N.B.:- Please strike off those which are not requ	uired.
	Form - I
REQUEST F	OR LEAVE OF ABSENCE
(By Nor	minated Representative)
	[See rule 9]
То	
The Medical Officer in-charge	

Sir/Madam,			
Subject: Request for	leave of absence		
Mr. / MS	residing at	aged	years was admitted on
to you	ur mental health establishment.		
	esentative ofMr. /MS, for the reason stated below:	_ request that he/she be	granted leave of absence from
The proof of my app	ointment as nominated representati	ve is enclosed.	
I will be responsible the mental health est	for care and treatment ofablishment.	while he/sh	e is on leave of absence from
Address			
			Signature Date
			Name
			Mobile and E-mail
N.B.:- Please strike	off those which are not required.		
INTIMATION T	Fori FO POLICE ABOUT UNAUTHO ESTABLIS [See ru URGENT/FOR IMM	ORIZED ABSENCE FR SHMENT ale 9]	OM MENTAL HEALTH
То,			
The Station in-charg Police Sta			
Sir/Madam,			
Subject: - Intimation	about unauthorized absence (without	out leave or discharge) of	a prisoner with mental illness
This is to int	form you that Mr. /Mrs		
	on/daughter of Mr. /Mrs		n marks
	establishment, as a prisoner with n		on 103 of Mental Health Care
Act, 2017 (10 of 20	017), on (date).He/she has been mort in this regard is enclosed.		
T71 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			11

Kindly register a missing case, take him in to your protection when found and hand him over to us.

Thanking you,

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Signature Name

Date

Seal

Enclosures: copy of the Aadhar Card, Recent Photograph and Internal Report

N.B.:- Please strike off those which are not required.

### Schedule

(See rule 11)

## Minimum standards and procedures for mental health care services in prisons

## Minimum Standard for Mental Health care in Prison

- 1. Prompt and proper identification of persons with mental health problems should be done.
- 2. Screening of all inmates during the time of entry to prison including the following:
  - a. Mandatory physical and mental status examination
  - b. Questionnaire screening for substance use
  - c. Urine testing for common drugs of abuse
  - d. Periodic random urine drug testing
- 3. Identification of persons with serious mental illness and proper treatment and follow-up for this group.
- 4. Ensuring the availability of minimum psychiatric medication in the prison to facilitate prompt treatment (Antipsychotic medication, antidepressant medication, anxiolytic medication, mood stabilizers, anticonvulsant medication, etc).
- 5. Availability of psycho-social interventions for prisoners with a range of mental health problems.
- 6. Protocols for dealing with prisoners with suicidal risk, with behavioural problems and crises related to mental illnesses as well as to prison life.
- 7. Suitable rehabilitation services for prisoners with mental illness. Specific attention to the aftercare needs of prisoners with mental illness including providing medication after release, education of family members, steps to ensure treatment compliance and follow-up, vocational arrangements, and for those without families, arrangements for shelter.
- 8. Implementing of National Mental Health Program inside the central prisons
- 9. Dealing with the psychological stress of prison life
  - a. Counselling for stress needs to be provided to all prisoners in both individual and group settings.
  - b. Prisoners must be encouraged to proactively seek help for any emotional problems, substance use problems or physical health problems.
  - c. Training the prison staff in simple counselling skills. Empowering some of the sensitive, motivated convicted prisoners to be effective peer counsellors.

d. One to one counselling upon entry, during periods of crises and upon need or request.

## 10. Addressing substance use problems

- a. Identification of substance use problems through questionnaires, behavioural observation and urine drug screening.
- b. Detoxification services and making suitable pharmacotherapy available for detoxification.
- c. For persons with dependence, making available long-term medication as well as motivational and relapse prevention counselling.
- d. Specific interventions to be made available include the following:
  - i. Tobacco cessation services (behavioural counselling, nicotine replacement therapy, other long-term tobacco cessation pharmacotherapy.
  - ii. Alcohol benzodiazepines for detoxification, vitamin supplementation for associated nutritional problems, counselling and long-term medication.
  - iii. For Opiates buprenorphine or clonidine detoxification, long-term medication including opioid substitution (methadone/buprenorphine; opioid antagonists like naltrexone).
  - iv. All drug users need to be evaluated for injecting use, for HIV/STI (including Hepatitis B and C screening) and appropriately treated.
  - v. There is a need for urgent human resource enhancement.
- 11. Professional Human Resources in the Prison. [All central prisons must ensure the presence of at least]:
  - i. 1 doctor for every 500 patients. In addition, every prison must have one each of the following specialists providing care physician, psychiatrist, dermatologist, gynecologist and surgeon.
  - ii. 2 nurses for every 500 prisoners
  - iii. 4 counsellors for every 500 prisoners. These trained counsellors (with a degree in any social sciences/any recognized degree with counselling experience (medical counselling/legal counselling/ psychosocial counselling/rehabilitation/education) can carry out the following tasks
    - a. Assessment
    - b. Counselling
    - c. Crisis intervention (family crisis, bail rejection, verdict pronouncement, interpersonal difficulties, life events, serious physical or psychiatric illness)
    - d. Legal counselling, pre-discharge counselling
    - e. Rehabilitation counselling
    - f. Substance use counselling
    - g. Training prison staff and peer counsellors

## 12. Inpatient services

a. At least a 20-bedded psychiatric facility for every 500 prisoners

### 13. Prison aftercare services

- a. All prisoners should have pre-discharge counselling on coping strategies, healthy life style practices and support systems they can access
- b. For persons with mental illness they shall be referred to any mental health establishment for after care in community

#### 14. Documentation

- a. Computerised data base and tracking system for all prisoners
- b. Surveillance of health conditions on a regular basis with adequate emphasis on confidentiality and proper information regarding these procedures to the prisoners
- c. Health records for prisoners with basic health information, pre-existing health problems, health problems that develop during imprisonment, details of evaluation and treatment, hospitalization details, health status and advice at release
- d. This information must be given to the prisoner to facilitate continuing health care after release.
- 15. All central prisons shall have dedicated tele-medicine services to provide health care
- 16. Following medicines shall be made available

Risperidone, Olanzpine, Clozapine, Haloperidol, Chloropromazine, Trihexyphendyl, Imipramine, Amitriptyline, Fluoxetine, Sertraline, Paroxetine, Valproate, Carabamazapine, Lithium, Clonidine, Atomoxetine, Lorezpam, Diazepam, Oxezepam Disulfiram, Naltrexone, Acamprosate, Nicotine Gums, Varenicline,

InjFluphenazine Inj Haloperidol, InjFluphenthixol, InjLorezpam, Inj Diazepam, Inj Promethazine Inj Thiamine/Multivitamin

[F. No. V-15011/09/2017-PH-I (iv)] LAV AGARWAL, Jt. Secy.

> RAKESH SUKUL

Digitally signed by RAKESH SUKUL Date: 2018.05.31 19:07:44 +05'30'