



Advance Statement of Preferences Writing Information

This information sheet is designed to help people write an “Advance Statement of Preferences.”

The Mental Health and Wellbeing Act 2022 outlines two important areas for people.

- It gives people the right to have an individual advance statement about mental health treatment preferences.
- It gives people the right to choose a nominated support person who is kept informed of one’s mental health treatment.

What is an “Advance Statement of Preferences?”

Advance Statement of Preferences is a written document that contains an individual’s wishes regarding how they wish to be treated. Advance Statement of Preferences focus on mental health treatment preferences and must be considered in one’s treatment.

An ‘advance statement of preferences’ may be made at any time. An ‘advance statement of preferences’ must be signed and dated by the person making it; and specify

- (i) their preferences relating to treatment;
- (ii) their preferences relating to care and support including appropriate supports to assist them to communicate and participate in decision making;
- (iii) their preferences as to whom may be provided with their health information;
- (iv) the name and contact details of their nominated support person or advocate;
- (v) the name and contact details of any person or organisation to be informed that the person is a patient.

Why write an ‘advance statement of preferences?’

Advance Statement of Preferences can empower people with their decisions regarding mental health.

Advance Statement of Preferences can help the communication between the patients and their treatment team.

This can help with patient’s treatment and protecting their rights by having their treatment preferences considered.

The designated mental health service (Eastern Health) must ensure that all reasonable efforts are made to give effect to the patient's statement.

An ‘Advance Statement of Preferences’ must be considered at the Mental Health Tribunal, if you are a patient and “compulsory treatment criteria” apply under the Mental Health and Wellbeing Act 2022.

If you are given compulsory treatment under the Mental Health and Wellbeing Act 2022, your advance statement treatment of preferences needs to be considered by your treating team. If you have a nominated support person, they can be kept informed.

Where do you begin?

We (mental health peer support people) suggest you start with a blank page. You write what you want on your advance statement of preferences. You can write as much or as little as you wish. One way is to write, “What is important to you?” You can write your “Likes” and “Dislikes” about treatments, and explore recovery ideas- “What helps?”

If you were to put this on the fridge, “What would you write?” “What helps?”

If you feel overwhelm in writing an advance statement of preferences, maybe limit writing to 15 minutes per day, no more than three days per week.

What do you write?

There are information guides about writing Advance Statement of Preferences. We suggest the 'Guide to Advance Statements' by VMIAC (Victorian Mental Illness Awareness Council). This Information sheet will focus on the content in your advance statement that will be most helpful if you are given compulsory treatment under the Mental Health and Wellbeing Act 2022.

Who are you?

Please write clearly your name, your address, and date of birth. When your advance statement is authorised it will also have your Mental Health Victorian Statewide UR number.

What are your treatment preferences?

Please write your treatment preferences and the reasons for these. You may use your Likes and Dislikes. You may also write about "Recovery Ideas" and "What helps?"

Please be clear on the reasons for these preferences. The preferences may be a treatment that you agree with. The preference may be a treatment you don't agree with.

The Advance Statement of Preferences communicates your opinions and reasons to your treating team when you may not be able to clearly communicate your views.

How do you develop and create your advance statement?

When you are developing your advance statement, we suggest you begin with "what is important to you?" You can write about "Likes" and "Dislikes" about treatments, and explore Recovery Ideas- "What helps?"

We recommend you re-look at this over several months. During this time, you can develop an understanding of mental health treatments; understand what helps you and what does not help you. You can seek assistance through places like VMIAC. You may develop a treating team that includes psychiatrist, psychologist, social worker, case manager and GP (General Practitioner).

What are some questions you might wish to have in your advance statement of preferences?

Remember answer each preference by writing, **“My treatment preferences are ... the reasons for this preference are ...”**

The following is a list of questions that may aid the writing of your Advance Statement of Preferences.

Are you ok to take medication?

Are you ok to receive injections?

Are you ok with blood tests?

Are you ok with ECT (electro-convulsive treatment) treatment?

Are you ok with psychological treatments?

What treatment do you consider to be the least restrictive?

What treatment do you consider to be the next least restrictive?

Are you ok to receive a therapeutic level of treatment?

Are there any medications that you prefer?

Are there any medications you don't like?

Are there any medications that you had significant reactions too?

What side effects and symptoms are you able to tolerate or not tolerate?

What are some details you might wish to have in your advance statement of preferences?

I am currently on medication...

The last time I had my medication treatment changed ...

I am ok with my current treatment. I still experience some side effects...

My treatment preferences are related to my recovery goals in the following way/s ...

What else can you write in your 'advance statement of preferences?'

Your Advance Statement of Preferences may contain anything you wish that may aid your treatment and care. You might request your next of kin or your nominated support person to do tasks concerning information in your advance statement that is not relating to your treatment preferences but may aid your recovery.

What is a Nominated support person?

A Nominated support person is someone you choose to be kept informed of your treatment. They don't have the right to make decisions for you. They have the right to be kept informed and advocate your views in your Advance Statement of Preferences. If you wish for your nominated support person to be kept informed, please write this as part of your advance statement. **"My nominated support person is ... and their contact details are..."**

“I give permission for the above nominated support person to be kept informed and up to date with information regarding my medical condition and treatment.”

Does your Nominated Support Person agree to be your nominated support person?

Your nominated support person needs to agree to be your nominated support person.

What about information that is not related to treatment preferences?

Your advance statement may contain information that is not related to treatment preferences. Please write, **“I understand that this information is not treatment preferences, but I would like people to know these things about me if I become too unwell to communicate them.”**

The information may contain requests that your nominated support person may do.

Please write, **“Can my nominated support person please assist with the following tasks?”**

You may wish to give your nominated support person permission to do certain tasks.

Please write, **“The above nominated support people are aware of the actions I might need assistance doing if I am receiving mental health treatment. I give permission for the nominated support people to access my home, diary and details to perform any domestic task necessary.”**

What are some details and tasks that you may need others to do?

You may be worried about tasks that you usually do. In writing them in your advance statement, they may be done by others. It is a good idea your nominated support person agrees to do these tasks.

The following are some tasks and details others may do that aid your recovery.

I usually care for or look after the following: children under my care/ other people/ elderly/ pets/ plants

I have the following financial commitments:

House- rent/ bills: electricity/ gas/ water/ rates/ phone/ internet/ other

Debts/ Loans & Credit Repayments for credit card/ insurance/ health insurance/ loan/ debts/ house/ car/ personal/ other

Please do what is required for my income sources: Centrelink/ Employment/ Other

Please do what is required for my health cover: DSP/ Medicare/ Health Cover

Please check my address details are current: Medical Records/ Medicare/ Health Insurance/ Centrelink/ GP

Who do you want to be contacted and not contacted?

If you become too unwell to communicate under the Mental Health and Wellbeing Act, your nominated support person will be contacted.

You may wish to write a list of people your nominated support person may contact and not contact list.

Please write, **“Can my nominated support person please contact the following people... and do not contact ...”**

Why does the nominated support person need to do these tasks?

Your nominated support person is the most likely person to complete tasks that are not treatment preferences. You may acknowledge the help of your nominated support person. Please write, **“I appreciate the nominated support person for assisting with these tasks.”**

How does your advance statement become authorised?

Your advance statement needs to be written. You may type the document. You need to have an adult witness you signing the statement. The adult witness does not need to agree with your advance statement. The adult witness needs to state, **“In the opinion of the witness, the person making the advance statement understands what an advance statement of preferences is and the consequences of making the statement and I have observed the above name person sign the Advance Statement of Preferences.”** Please seek advice about who can be an adult witness.

Where is your Advance Statement of Preferences?

We suggest you keep a copy of your advance statement of preferences. We also suggest your nominated support person has a copy of your advance statement. When you give Eastern Health your advance statement of preferences, it will be placed in the legal section of your file. It will also be noted in your file that you have an advance statement. When your advance statement of preferences is authorised it will also have your Mental Health Victorian Statewide UR number.

Can your ‘Advance Statement of Preferences’ be modified?

Your advance statement can’t be modified. It can be revoked. And if you create a new Advance Statement of Preferences the old one is revoked. Your new one is effective once signed by witness.

What happens when you are given compulsory treatment under the Mental Health and Wellbeing Act 2022 and you have an Advance Statement of Preferences?

Your advance statement must be considered when having treatment under the Mental Health and Wellbeing Act 2022.

The designated mental health service (Eastern Health) must ensure that all reasonable efforts are made to give effect to the patient's statement.

There are situations where your advance statement of preferences can be overridden.

When can your Advance Statement of Preferences (ASP) be overridden?

If an ASP has a treatment preference that is not a clinically appropriate treatment then ASP maybe overridden.

If an ASP states you want no treatment, then the medical treatment team can still provide treatment provided they meet the overridden criteria.

If an ASP states you don't want any medication, tablets or injections, then you can be given treatment provided they meet the overridden criteria.

If a valid ASP states not to have treatment A, and treatment A is considered the best treatment, then the overriding criteria need to be met for you to be given treatment A.

The medical treatment team can still provide treatment provided they consider your advance statement of preferences including your reasons. If they give treatment not in accordance with your advance statement of preferences then they need to meet the overridden criteria.

What are the overriding criteria?

If ASP is overridden the authorised psychiatrist must provide the patient and the patient's nominated support person with written reasons for the authorised psychiatrist's decision.

This is to be done as soon as practicable but no later than within 10 business days after the decision is made.

In addition, the authorised psychiatrist must orally inform the patient of the decision and provide reasons as soon as practicable.

If an ASP has a treatment preference that is not clinically appropriate or is unable to be provided by the designated mental health service despite the mental health service making all reasonable efforts to do so- then ASP maybe overridden.

If an ASP is overridden, there needs to be no less restrictive means reasonably available to enable the person to receive the immediate treatment.

When can Compulsory Treatment be given?

For a designated mental health service (Eastern Health) to provide compulsory treatment both the 'Compulsory assessment criteria' and the 'Compulsory treatment criteria' need to be met.

What is the 'Compulsory Treatment Criteria?'

The Compulsory treatment criteria is:

The person appears to have a mental illness AND the person appears to need immediate treatment to prevent-

serious deterioration in person's mental or physical health;

or serious harm to the person or to another person;

and the person can be assessed;

AND there are no less restrictive means reasonably available to enable the person to receive the immediate treatment.

What happens when you are given compulsory treatment under the Mental Health and Wellbeing Act 2022 and have a nominated support person?

The nominated support person has the right to be kept informed and up to date with information regarding your medical condition and treatment. It is important to include in your advance statement of preferences a sentence that your nominated support person has this right. This will empower your nominated support person with the rights you give them.

This information sheet is designed to aid the writing of your advance statement of preferences.

All information given here is for general advice. You may seek legal advice.

If you are given compulsory treatment under the Mental Health and Wellbeing Act 2022 then your advance statement of preferences is a document that contains information that you wish to be considered about your treatment and your nominated support person is kept informed of your treatment.

**My
Treatment
Preferences
Are:**

**E
X
A
M
P
L
E**

My Treatment Team

I currently have a good relationship with my treatment team. Their details are included above.

Current Treatment

I am currently receiving the following treatment:

- Clozapine, 400mg at night;
- Seroquel – 100mg (long release) at night.

This treatment has been stable for 14 years.

Stable medication and accommodation enhanced my recovery.

Treatment Preferences

Medication

My medication preferences follow:

- I prefer oral medication before having injections;
- I am open to taking wafers;
- I do not want to take more than 800mg of Clozapine;
- I prefer to take all medications at night.

Restraints & Seclusion

If I am admitted to hospital and there is a choice between mechanical restraints and seclusion, I prefer seclusion.

Other

If I believe at the time, that I do not need to eat, please be patient with me. In the past, I have had moments where I have not eaten for weeks. Although, not since 2007.

Treatment Goals

If I am admitted to hospital, my goals include:

- Maintaining my current medications, including taking 400mg of Clozapine, per day, at night;
- Continuing to have blood tests every four weeks (this is ongoing since 2007 to current)

I DO NOT**Want The
Following
Treatment/s:****E
X
A
M
P
L
E****Certain Medications**

When I have had Risperidone in the past, I experienced negative side effects with blurred vision.

I have also tried Olanzapine and Lithium. However, Clozapine works best for me. Each time I have come off Clozapine, I have needed to go back on it.

Electro-Convulsive Therapy (ECT)

Please try oral medications first before considering ECT. If the treating team think ECT is the best option, please provide me with written reasons. I received ECT between 1998 and 2001. I prefer other treatments before ECT. I felt groggy after ECT. I prefer oral medication in the long term. I do better on them.

Other Important Information

I experienced trauma when I was young.

I do **NOT** wish to be mechanically restrained, especially over the chest. If need be, I prefer seclusion.

Additional Information**E X A M P L E****Thing I Need Taken Care Of**

If I am admitted to hospital, please notify my brother, Edward. He can contact my sister, Sally. Can Sally take care of:

- Contacting my girlfriend, Amanda Smith;
- Ensuring my rental payments and other bills are up to date;
- Ensuring that my plants are taken care of; and
- Ensuring my car tyres are pumped up and that my car is parked in a suitable location.

Activities That Help Me Relax

I also find that the following activities help me to relax:

- The 'Five Senses' game;
- Listening to CD music; and Swimming once per month.

Feedback

Feedback of any kind is encouraged. Feedback forms are available in the holders opposite the nursing station. You can request feedback forms from staff.

Protecting Your Privacy

Eastern Health is committed to protecting your privacy.
We will keep your personal information secure and
will disclose information about you only when required or permitted by law.

We comply with relevant information and privacy legislation.
If you would like more information, please ask a staff member
or visit our web site www.easternhealth.org.au

Eastern Health is accredited by the Australian Council on Healthcare Standards.



If you have any English language difficulties, please ask staff to book an interpreter.
From home, you can contact us directly by using the
Telephone Interpreter Service 9605 3056.
Interpreter services are provided free of charge.
Ask staff to check if this information is available in your preferred language.



Eastern Health
5 Arnold Street
Box Hill, Victoria, 3128 Australia
P: 1300 342 255

www.easternhealth.org.au

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