



Bord Sláinte an Oir Thuaiscirt
North Eastern Health Board

17/12/95

C432

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North
Eastern
Health
Board

Bord
Sláinte
An Oir
Thuaiscirt

Kells,
Co. Meath.
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MOTHER MARY MARTIN LIBRARY
OF OUR LADY'S HOSPITAL DROGHEDA

To/ Chair

12 December, 1995

The next meeting will be held in the Boardroom,
Head Office, Kells, Co. Meath, at 3.00 p.m. on Tuesday, 19th December, 1995.

Please arrange to attend.

DONAL O SHEA,
CHIEF EXECUTIVE OFFICER.

ITEMS MARKED * HAVE ALREADY BEEN CIRCULATED AS
PART OF DOCUMENTATION FOR THE NOVEMBER MEETING
OF THE BOARD. PLEASE BRING THIS DOCUMENTATION
WITH YOU TO TUESDAY'S MEETING.

A G E N D A

1. Chairman's Business.
2. * To adopt Minutes of Meeting held on 23rd October, 1995,
(as circulated with Agenda and Documentation for
November Meeting of the Board), and

to adopt Minutes of Meeting held on 27th November, 1995,
(enclosed). {INDEX 1.}
3. To note report of Chief Executive Officer.

4. * To note report on Voluntary Health Insurance Bill. (Report from Programme Manager Acute Hospital Services enclosed, together with copy of Explanatory Memorandum).
5. * To note report on Information for Health. (Report from Chief Executive Officer enclosed).
6. * To note report on Substance Abuse Initiatives in the North Eastern Health Board. (Report from Deputy Chief Executive Officer enclosed).
7. * To note report on developments in Dental Services for Children and Adolescents in the North Eastern Health Board. (Report from Deputy Chief Executive Officer enclosed).
8. * To note report on Environmental Health Services in the North Eastern Health Board. (Report from Deputy Chief Executive Officer enclosed).
9. * To note 1994 Annual Report of the Adoption Board. (Report from Deputy Chief Executive Officer enclosed).
10. * To note 1994 Annual Report of An Bord Altranais. (Report from Programme Manager Acute Hospital Services enclosed).
11. * To note report on Survey of Children in the Care of Health Boards in 1992. (Report from Deputy Chief Executive Officer enclosed, together with copy of Survey issued by the Department of Health).
12. To consider report on the White Paper on the New Mental Health Act. (Report from A/Programme Manager Mental Health Services enclosed).
13. To consider Membership of Child Care Advisory Committee.

[INDEX 2.]

[INDEX 3.]

14. To note proposed Schedule of Board Meetings for 1996. {INDEX 4.}
15. **DISPOSAL OF PROPERTY:**
c.0.405 hectare site at Drumbannan, Bailieborough, Co. Cavan.
Statutory Notice, pursuant to Section 83 of the Local Government Act, 1946, (No. 24 of 1946), having been circulated on the 6th December, 1995, is recirculated herewith, together with Explanatory Note. {INDEX 5.}
16. To note date and time of next meeting -
Monday, 22nd January, 1996 at 3.00 p.m. in Head Office, Kells

Circulated for information:

- Minutes of Community Services Committee Meeting held on 26th October, 1995.
- Minutes of Hospital Services Committee Meeting held on 21st September, 1995.
- Information Booklet SW 90 on Disability Benefit issued by the Department of Social Welfare.

(ALL OF THE ABOVE HAVE BEEN CIRCULATED WITH THE AGENDA AND DOCUMENTATION FOR THE NOVEMBER MEETING).

- Health Fact Sheet 4/95 in relation to Health Expenditure in Ireland issued by the Institute of Public Administration.
- Health Services News, Volume Seven, Number 3, August, 1995.
- Information Booklet on "Things You Should Know About Blood Pressure" issued by the Irish Health Foundation and the Health Promotion Unit of the Department of Health.



North Bord
Eastern Slainte
Health An Oir
Board Thuaiscirt

MOTHER AND CHILD
L.M.T.H. DHOGHEDA

Kells,
CO. MEATH.

MINUTES OF MEETING OF NORTH EASTERN HEALTH BOARD
HELD IN THE BOARDROOM, HEAD OFFICE, KELLS,
on 27th November, 1995, at 3.00 p.m.

MEMBERS PRESENT:

Dr. H. Dolan, (Chairman)
Mr. J. Leonard, T.D. (Vice Chairman)
Dr. F. Bereen
Mr. D. Brady
Mr. D. Breathnach
Mr. P. Conaty
Mr. J. F. Conlan
Sen. J. Farrelly
Ms. S. Faulkner
Mr. E. Feeley
Mr. B. Fitzgerald, T.D.
Dr. E. Hartmann
Mr. B. Hughes
Dr. W. G. Hyland
Mr. M. Lynch
Mr. J. Mangan
Mr. G. Marry
Ms. M. Martin
Mr. N. Mc Cabe
Dr. P. Mc Carthy
Mr. H. Mc Elvaney
Mr. T. Murphy
Mr. A. O'Brien
Mr. F. O'Dowd
Mr. P. O'Reilly
Mr. T. Scannell
Mr. M. F. Shine

Apologies: Mr. S. Conway and Dr. P. Wahrab

OFFICIALS PRESENT:

Mr. D. O Shea	Chief Executive Officer.
Dr. A. Mc Loughlin	Deputy Chief Executive Officer and Programme Manager Community Care.
Dr. S. Ryan	Programme Manager Acute Hospital Services.
Mr. L. Walsh	A/Programme Manager Mental Health Services
Mr. S. O'hAodha	Finance Officer.
Mr. T. Egan	Technical Services Officer
Mr. R. Bruton	Senior Executive Officer, CEO's Office
Ms. M. Flanagan	Secretary

CHAIRMAN'S BUSINESS:

The Chairman opened the meeting by extending his deepest sympathy and that of his fellow Board Members to the Bellew family on the sudden and tragic death of Tom Bellew, Board Member. He paid tribute to Tom's contribution since he was appointed to the Board and stated that he had served the people of Dundalk well.

Members present associated themselves with the sentiments expressed by the Chairman and stated that Tom was always courteous and friendly while at the same time trying to do his best for the people he served; he would be sadly missed at future Board Meetings.

The Chief Executive Officer, on his own behalf and on behalf of the staff, associated himself with the sentiments expressed.

The Chairman proposed, and it was unanimously agreed, to adjourn the meeting for a short period as a mark of respect to the late Tom Bellew.

On resumption of the Meeting, Deputy Fitzgerald asked the Chairman if he would confirm that there was a Member of the Board present who was under investigation. The Chairman confirmed that this was the case and on the proposal of Deputy Fitzgerald, seconded by Deputy Leonard, a motion to adjourn the business of the Meeting to the December meeting of the Board was unanimously carried without debate.

SIGNED: _____

CHAIRMAN OF THE BOARD

DATE: _____

BORD SLAINTE AN OIR THUAISCIRT

NORTH EASTERN HEALTH BOARD

Board Meeting - Tuesday 19th December, 1995

Agenda Item No. 12

Report on White Paper - A New Mental Health Act

To/ Chairman and Each Member of the Board

The Minister for Health published a White Paper - A New Mental Health Act in August of this year.

BACKGROUND:

A Study Group was appointed by the Minister for Health in 1981 to examine the psychiatric services and draw up planning guidelines for the future development of the services. The recommendations of the Study Group are contained in its report 'Planning for the Future' which was published in December 1984.

In June 1992, the Green Paper on Mental Health was published. Part One of this Green Paper outlined how the services were developed in accordance with the recommendations of the 'Planning for the Future' report.

Part Two of the Green Paper contained proposals for new mental health legislation to replace the Mental Treatment Act, 1945, and comments in relation to those proposals were invited.

There were over 100 submissions by way of response to the Green Paper and a number of seminars which assisted the Department of Health in formulating the final proposals for regulations now contained in the White Paper.

The Health Strategy, 'Shaping a Healthier Future' was published in April 1994 and in relation to the mental health services, included as a priority, a commitment to introduce a new Mental Health Act to give greater protection to the civil rights of the small number of people with a mental illness who have to be detained for treatment and to bring the legislation into conformity with the European Convention on Human Rights.

The White Paper now defines more precisely the content of new mental health legislation and provides a further opportunity for interested parties to examine proposed legislative provisions before the enactment of legislation.

WHITE PAPER:

The following is a summary of the contents of each Chapter of the White Paper:

Chapter 1 - Mental Health Legislation

The White Paper begins in Chapter 1 with a brief description of existing mental health legislation, the requirements of the European Convention on Human Rights and the changes that are required in Irish Law to bring it into line with international law.

Chapter 2 - Criteria for Involuntary Admission

This Chapter examines the criteria to be included in new legislation by which a person with a mental disorder may be detained without his or her consent. It proposes to include the following criteria for the involuntary admission of mentally disordered persons to approved centres:-

"A person may be involuntarily admitted to an approved centre if he or she is suffering from a mental disorder and

- (a) because of that mental disorder, there is a serious likelihood of that person causing immediate or imminent harm to himself/herself or to other persons;**
or
- (b) that in the case of a person whose mental disorder is severe and whose judgement is impaired, failure to admit or detain that person is likely to lead to serious deterioration in his or her condition or will prevent the giving of appropriate treatment that can only be given by admission to an approved centre."**

Mental disorder, in relation to involuntary admission, will be defined in new legislation as mental illness, significant mental handicap and severe dementia.

It is proposed to exclude personality disorder and social deviance from the definition of mental disorder in new legislation.

As there is widespread agreement that addiction to drugs, intoxicants or perverted conduct should not, in itself, be considered as evidence of mental disorder, it is proposed to also exclude addiction from the scope of the definition of mental disorder in new legislation.

Detention of Children:

It is proposed to include, in the definition of approved centres for the purpose of involuntary admission, centres specialising in the care of children with mental illness or mental handicap managed by a health board or voluntary body, including centres specialising in the care of children of a particular age.

It is proposed to make provision in new legislation for a Court Order to enable the admission for treatment, without parental consent, of a child who meets the criteria for detention. It is only in exceptional circumstances where the child's parents were unwilling or unable to give consent that this provision would apply.

To be consistent with the Child Care Act, a child, under new mental health legislation, will be defined as a person who has not yet attained his or her eighteenth year, unless he or she has been married.

Chapter 3 - Procedures for Involuntary Admission

This chapter deals with the procedures to be followed if it is necessary to detain a mentally disordered person for treatment or protection and to deal with situations arising during detention.

It is proposed that:

- the spouse or relative of the person concerned will continue to take primary responsibility for initiating an application for involuntary admission.
- if a spouse or relative is unavailable or unwilling or disqualified from making an application, an authorised officer of a health board, who is suitably qualified, but is not employed directly in the mental health services, may initiate an application..
- the decision to detain a mentally disordered person will be restricted to a Consultant Psychiatrist attached to the approved centre.
- authorised Nurses and Consultant Psychiatrists will have legal authority to hold voluntary patients in certain circumstances.
- detained patients may be granted absence with leave.

Chapter 4 - Scope and Duration of Detention

It is proposed that new legislation will provide that persons involuntarily admitted may be detained for treatment under the new legislation for an initial period of up to twenty eight days. This initial period may be extended by the Consultant Psychiatrist responsible for the care of the patient by a period of three months, followed by a period of six months and by periods of one year thereafter. The Consultant Psychiatrist will be obliged to discharge at any time a detained patient who has recovered sufficiently that he or she no longer meets the criteria for detention.

Chapter 5 - Review of Detention Orders

Chapter 5 outlines how each decision to detain a mentally disordered person with consent will be reviewed by an independent body and how the detention of every patient detained longer than a year will be subject to special scrutiny.

A Mental Health Review Board will be established for this purpose and will be chaired by a lawyer of high standing in his or her profession.

The Review Board will also arrange to hear appeals of detention orders and the Review Board's decisions could be appealed to the High Court.

Chapter 6 - Consent to Treatment

Safeguards are proposed for all mentally disordered patients in relation to consent to irreversible treatments such as psycho-surgery and administration of medication without consent after 3 months detention. A second medical opinion will be required from a medical practitioner approved by the Mental Health Review Board in relation to psycho-surgery and also in the case of E.C.T. A right of appeal to the High Court will apply.

Chapter 7 - Mentally Disordered Offenders

This chapter puts forward proposals for an improved relationship between the courts, prisons, and the mental health services in relation to the treatment of mentally disordered defendants and offenders.

It is proposed that:-

- Where a person is accused or convicted of committing an offence and where the person or his or her legal representatives plead that he or she suffers from a mental disorder or where a judge is of the opinion that a person may be suffering from a mental disorder, the court will arrange for a report by the Probation and Welfare Service. If the report of the Service indicates that a medical report is necessary, a court may remand the person on bail for a medical report or remand the person in custody for a medical report.

- A medical report will be carried out by a Consultant Psychiatrist employed in the service in which the person ordinarily resides, or in special cases, where the person currently resides.

If the medical report indicates that the person is in need of treatment and is willing to be treated, he or she may enter into a recognisance with the court for the period of the treatment, after which the court proceedings will resume or sentence will be passed. If the medical report indicates that the person is suffering from a mental disorder of such severity as would justify his or her detention under the criteria for involuntary admission in an approved centre, and was unwilling to accept treatment, the accused or convicted person may be detained by the Consultant Psychiatrist in an approved centre for treatment. The case or sentence will be adjourned until the person's treatment is complete.

Chapter 8 - Adult Care Orders

This chapter makes proposals for adult care orders to provide greater protection for mentally disordered adults who are being abused or neglected.

Such an order will provide for the placement of a person in the care of a relative, a health board or a voluntary agency.

Chapter 9 - Information, Representation and Legal Aid

This chapter deals with the rights of detained patients to information, representation and legal aid.

The Clinical Director will inform patients who have been involuntarily admitted of the nature of their detention, the review procedure and their right to an appeal.

It is also proposed that the Scheme of Civil Legal Aid be extended to include hearings of the Mental Health Review Board.

Chapter 10 - Protecting Mentally Disordered Patients

Other safeguards which it is proposed to include in new mental health legislation are outlined in this chapter.

These safeguards include:-

- the retention of a system of inspection which will be the responsibility of a Commissioner of Mental Health whose brief will also include quality assurance.
- Publication of a code of practice for the care of detained persons.

- Obligation on the Clinical Director to initiate Ward of Court proceedings on behalf of the patient if he or she has reason to believe that the material interests of the patient are in jeopardy.
- The introduction of an enduring power of attorney.
- Protection of the rights of detained patients to correspond and communicate subject to limited restriction.
- Redefinition of the grounds which would justify the use of seclusion and physical restraint.
- Approval by the Mental Health Review Board of clinical trials involving the participation of patients without the capacity to consent.
- Retention of Section 260 of the Mental Treatment Act, 1945, which affords protection for vexatious legal actions for persons engaged in acts undertaken in accordance with the terms of mental health legislation.

Chapter 11 - Law and Administration

Changes related to the administration of the mental health services are considered in this chapter.

The changes proposed include:-

- Association of the Commissioner of Mental Health Services with the Department of Health.
- Statutory obligation to be placed on health boards to promote mental health.
- Appointment of a Clinical Director to each designated or special psychiatric centre to carry out specified functions in relation to detained patients.
- Repeal of Section 265 of the Mental Treatment Act 1945 which placed restrictions on employment of male persons in the personal custody and restraint of a female patient.
- Co-ordination of mental health law in the Republic with that of Northern Ireland.

CONCLUSION:

The overall thrust of the proposed legislation will be to:-

- Narrow the criteria for detaining a mentally disordered patient with an emphasis on the protection of patients.
- Extend the system of independent review of detention and treatment.
- Apply the same standards to accused or convicted persons who may have a mental disorder as apply to other citizens, whenever possible.
- Place a statutory duty on health boards to promote mental health and to provide an appropriate range of services directly or in association with voluntary organisations.

The White Paper has been considered by the two Committees of the Board who broadly welcomed it. The Committees identified a number of issues which they wanted brought to the attention of the Department. These included proposed referrals from the courts to local mental health facilities and the development of services for people with personality disorder, social deviance and addiction.

LARRY WALSH
PROGRAMME MANAGER MENTAL HEALTH SERVICES

12th December, 1995

BORD SLAINTE AN OIR THUAISCIRT

NORTH EASTERN HEALTH BOARD

Board Meeting -Tuesday 19th December, 1995

Agenda Item No. 13

Membership of Child Care Advisory Committee

To/ Chairman and Each Member of the Board

Section 7 of the Child Care Act 1991 requires the Health Board to establish a Child Care Advisory Committee to advise the Health Board on the performance of its functions under the legislation. The term of the current Child Care Advisory Committee expires on 31st December, 1995.

The membership of the Child Care Advisory Committee shall consist of:

- Three members of the Health Board nominated by the Health Board.
- Three officers of the Health Board nominated by the Chief Executive Officer.
- Not more than nine persons including representatives of voluntary bodies involved in any of the following services.
 - (i) Adoption, fostering services
 - (ii) Residential care services
 - (iii) Services for pre-school children
 - (iv) Educational services
 - (v) Services for homeless children
 - (vi) Child and adolescent psychiatric services
 - (vii) Support services for children and their families

The existing members appointed by the North Eastern Health Board on the Child Care Advisory Committee are:

Dr. Hugh Dolan
Ms. Madge Martin
Mr. Declan Breathnach

The Board is required to nominate three members to the Child Care Advisory Committee for the period 1st January 1996 to 31st December 1998.

In accordance with paragraph 2 (b) of the Minister's directions I am nominating the following three officers of the Board for appointment for the period ending 31st December, 1998:

- (a) **Public Health Medicine:** Dr. Fenton Howell, A/Director of Community Care and Medical Officer of Health.
- (b) **Public Health Nursing:** Ms. Marie Dooley, Superintendent Public Health Nurse.
- (c) **Social Work:** Ms. Una Ryan, Social Work Team Leader.

In accordance with paragraph 3 of the directions and following consultation with the appropriate bodies, I recommend that the following persons/representatives should also comprise the membership of the Committee from 1st January, 1996 to 31st December, 1998:

Not more than nine persons including representatives of voluntary bodies involved in the provision of the following services:

- (a) **Adoption and Foster Care Services:**
Mr. Brian Kelly, Navan, Co. Meath.
- (b) **Residential Care Services:**
Mr. Denis Cahalane, Manager - Residential Child Care Services, 20 Chord Road, Drogheda, Co. Louth.
- (c) **Services for Pre-School Children:**
Ms. Margaret Caul, Playgroup Advisor, North Eastern Health Board Region.
Ms. Deirdre Doyle, Ashbourne, Co. Meath.
- (d) **Services for Homeless Children:**
Mr. Raymond Rogers, Meath Youth Federation.
- (e) **Child and Adolescent Psychiatric Services:**
Dr. Declan Sheerin, Consultant Child Psychiatrist, Regional Child and Family Centre, Pat Clarke House, Drogheda, Co. Louth.
- (f) **Probation and Welfare Services:**
Mr. Gerry Hennessy, Senior Probation and Welfare Officer, Earl House, Earl Street, Dundalk. Co. Louth.

(g) Garda Siochana:

Inspector Tom Brady, Dundalk Garda Station, Dundalk, Co. Louth.

(h) Educational Services:

Mr. Gerry Murphy, Principal, St. Joseph's National School,
Muirhevnamor, Dundalk, Co. Louth.

(i) Support Services for Children and their Families:

Ms. Elaine Martin, I.S.P.C.C. Regional Manager.
Ms. Liz Hickey, Social Worker, Meath Women's Aid.

Co-option of Members:

The Child Care Committee may co-opt not more than three other persons in accordance with paragraph 14 of the directions.

Secretary:

Mr. Seamus Murphy, Grade V, Child Care Services, Lisdaran, Cavan will act as Secretary to the Committee.

DONAL O SHEA
CHIEF EXECUTIVE OFFICER.

13th December, 1995



North Bord
Eastern Slainte
Health An Oir
Board Thuaiscirt

TO: CHAIRMAN AND EACH MEMBER OF THE BOARD

MEETINGS OF THE NORTH EASTERN HEALTH BOARD - 1996

In accordance with the Board's Standing Orders, the programme of Board Meetings for 1996 will be as follows:-

MONDAY	22nd January, 1996 • Annual General Meeting and • Ordinary monthly meeting
MONDAY	26th February, 1996
MONDAY	25th March, 1996
MONDAY	22nd April, 1996
MONDAY	27th May, 1996
MONDAY	24th June, 1996
MONDAY	22nd July, 1996
MONDAY	23rd September, 1996
TUESDAY	29th October, 1996
MONDAY	25th November, 1996

BORD SLAINTE AN OIR THUAISCIRT

HEALTH ACT 1947

STATUTORY NOTICE

Notice is hereby given pursuant to Section 83 of the Local Government Act, 1946 (No. 24 of 1946) that it is proposed to dispose of the property below described and which is no longer required for the purpose of the powers and duties of the Board.

STATUTORY INFORMATION

1. **C. 0.405 hectare site at Drumbannan, Bailieborough, Co. Cavan.**
2. This property was purchased by the Board from Cavan County Council.
3. It is proposed to sell the property to Cavan Co. Council.
4. The consideration in respect of the disposal is £5,000.

At a meeting of the Board to be held after the expiration of ten clear days from the date of the sending of this Notice, the Board may resolve as follows:

- (a) That the disposal shall be carried out in accordance with the terms specified in the resolution, or
- (b) That the disposal shall not be carried out.

If the Board resolve that the disposal shall be carried out in accordance with the terms specified in the resolution, the disposal may, with the consent of the Minister, be carried out in accordance with these terms.

If the Board resolve that the disposal shall not be carried out, then the disposal shall not be carried out.

If the Board does not pass a resolution, the disposal may, with the consent of the Minister, be carried out.

Dated this 6th day of December One Thousand Nine Hundred and Ninety Five.

Signed: Donal O Shea,
CHIEF EXECUTIVE OFFICER.

To/ **Chairman and each Member of the North Eastern Health Board.**

North Eastern Health Board

Agenda Item No. 15

C.0405 Hectare site at Drumbannan, Bailieborough, Co. Cavan

Disposal of Property

Consideration:- £5,000

This site was purchased by the North Eastern Health Board from Cavan Co. Council in 1983 for £5,000, with a view to provide a health centre. Since then we have developed services on the Teagasc site and no longer require the Drumbannan site.

It is proposed to re-sell the property to Cavan County Council for £5,000.

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