Definition of Medical Treatment

The amendments to the Mental Health Act 1983 by the 2007 Act include an amendment to the definition of medical treatment as set out at Section 145(1) of the Act.

As a result of the change in professional roles envisaged by the amendments (in particular, allowing the responsible clinician to be a professional other than a doctor) the definition has undergone a consequential amendment to change the reference to care etc under medical supervision to a new definition as follows:

“medical treatment includes nursing, and also includes psychological intervention and specialist mental health habilitation, rehabilitation and care”

However, the definition is subject to a further amendment contained within Section 145(4) which makes it plain that any reference in the Act to medical treatment in relation to mental disorder shall be construed as referring to medical treatment which has the purpose of alleviating or preventing a worsening of the disorder or one or more of its symptoms or manifestations.

The additional words contained within Section 145(4) arose as a result of a late amendment to the Mental Health Bill and make it plain that medical treatment must alleviate or prevent a worsening of a patient’s mental disorder. However, it also makes it plain that the treatment may be for the mental disorder itself and/or for the symptoms or manifestations of that disorder.

The meaning of some parts of the definitions provided in Section 145(1) is not often well known. The explanatory notes to the Act therefore make it plain that psychological interventions include “cognitive therapy, behaviour therapy and counselling”. Habilitation and rehabilitation mean interventions that are undertaken with a view to improving or modifying the physical and mental abilities and social functioning of patients.

The difference between habilitation and rehabilitation is a nice one. “Rehabilitation” is intended to refer to interventions where a patient is relearning a skill whereas habilitation is “teaching” something new.