



CHIEF PSYCHIATRIST OF WESTERN AUSTRALIA

WA MENTAL HEALTH ACT 2014

GOVERNMENT OF WESTERN AUSTRALIA

SECTIONS: 248

Please use ID label or block print

FAMILY NAME	UMRN
GIVEN NAMES	CMHI
BIRTHDATE	GENDER
ADDRESS	

FORM 12B – RECORD OF REFUSAL OF PATIENT’S REQUEST TO ACCESS DOCUMENT

Name of mental health service where access refused: \_\_\_\_\_

Details of request to access a document:

[Large empty box for details of request]

Reasons for refusal of request:

A psychiatrist reasonably believes that disclosure of the information in the document to the person —

- poses a significant risk to the health or safety of the person or to the safety of another person; or
- poses a significant risk of serious harm to the person or to another person.

OR

Disclosure of the information in the document to the person would reveal —

- personal information about an individual who is not the person; or
- information of a confidential nature that was obtained in confidence

(unless the personal information is about an individual who consents to the disclosure of the information.)

OR

- The person is or was a mentally impaired accused required under the *Criminal Law (Mentally Impaired Accused) Act 1996* to be detained at an authorised hospital; and the relevant document came into existence under, or for the purposes of, the *Prisons Act 1981*.

Staff member completing this form: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: DD/MM/YY

Approved by: \_\_\_\_\_ Date: DD/MM/YY  
(Person at mental health service who has authority to oversee refusals of requests to access records)

DO NOT WRITE IN BINDING MARGIN

HCMMHFM985

SMHMR985 03/16

FORM 12B – RECORD OF REFUSAL OF PATIENT’S REQUEST TO ACCESS DOCUMENT SMHMR985

## Notes: Form 12B – Record of refusal of patient’s request to access document

### When to use this form:

A person who is or was provided with treatment or care by a mental health service is entitled to inspect, and to be given a copy of, any relevant document relating to the person that is in the possession or control of —

- the person in charge of the mental health service; or
- a staff member of the mental health service (s248).

If a request to access a relevant document is refused, a record of the refusal must be made on this form.

### Refusal of request to access a document:

A request must be refused:

- if a psychiatrist reasonably believes that disclosure of the information in the document to the person —
  - poses a significant risk to the health or safety of the person or to the safety of another person; or
  - poses a significant risk of serious harm to the person or to another person;or
- if disclosure of the information in the document to the person would reveal —
  - personal information about an individual who is not the person; or
  - information of a confidential nature that was obtained in confidence.(unless the personal information is about an individual who consents to the disclosure of the information).  
or
- if the person is or was a mentally impaired accused required under the *Criminal Law (Mentally Impaired Accused) Act* to be detained at an authorised hospital; and the relevant document came into existence under, or for the purposes of, the *Prisons Act 1981* (s249).

### Steps person can take if request refused:

- If a person has been refused access to a relevant document the person may nominate a medical practitioner or a legal practitioner or both to inspect, and be given a copy of the relevant document (s250(2)).
- The nominated practitioner is entitled to inspect and be given a copy of the relevant document as soon as practicable (s250(3)).
- The person who inspects, or is given a copy of a relevant document must not disclose any information in the document to the person who has been refused access. The penalty for doing so is a fine of \$5,000 (s251).

### Checklist of *Mental Health Act 2014* requirements related to this form:

#### Notes

- Give the person a copy of this form as soon as practicable.
- File this form on the person’s medical record.

DO NOT WRITE IN BINDING MARGIN