

INFORMATION ABOUT T.S.O (I.P.T.,INVOLUNTARY PSYCHIATRIC TREATMENT)

Law 108/78 affirms that psychiatric treatments are generally voluntary. However, it establishes that, in some cases, hospitalization is undertaken without the consent of whomever is treated: that is the T.S.O., that could be made by any psychiatric ward of any hospital; SPDC (Psychiatric Service, Diagnosis and Care).

The T.S.O. lasts 7 days, and it needs a series of steps, established by law, to be initiated. It must be ordered by the mayor of the municipality, proposed by a doctor and validated by a psychiatrist working in the public medical facility.

After signing the request of T.S.O., the mayor must send the measure and the medical certification to the tutelary judge operating in the area. The judge, who has the supervisory function over the treatment, can validate or not validate the measure within 48 hours. The same procedure must be followed in case the treatment is renewed.

The T.S.O. can be carried out only whether these 3 conditions are present:

- 1.The individual shows significant mental disorders that require urgent therapeutic measures;
- 2.The individual refuses therapeutic measures;
- 3.The individual has no other form of assistance but the hospitalization.

For what concerns the content, an involuntary psychiatric treatment may be revoked if the 3 conditions that justify it are missing. Since it is difficult to appeal against the lack of the state of emergency, or against the necessity decided by the psychiatrist on duty, it is more functional to refer to the other 2 conditions. If there are no omissions and the T.S.O. is legal, once in the mental ward, the individual has 2 options: showing that the treatment can be given in a place other than the hospital or accepting the treatment provided. In these cases, 2 out of 3 conditions lapse. Now the individual can ask the mayor and the judge the waiver of the T.S.O., attaching a self-certification of acceptance of the treatment.

When receiving the measure of T.S.O., the individual has the right to request the NOTICE from the mayor that relates to the measure itself. In the absence or delay of this notice, which has to be delivered within 48 hours, no one can force the individual to be hospitalized or to submit medical treatments, unless the individual violated

penal laws or the psychiatrist demanded for the emergency state, established by article 54 of the Penal Code.

It might be missing the notice from the judge, which must be delivered within the 48 hours that follow the mayor's request. If the judge's validation does not occur within this time, the measure lapses. That means that the individual has full right, according to the law, to leave the medical facility he/she was locked into.

In many cases, the doctors who sign the measure have never seen or visited the patient before. The hospitalization results illegal and the T.S.O. is declared invalid. Besides, in these cases, these doctors can be sued for falsification of a public document.

The T.S.O. is also invalid if the doctors, the mayor or the judge, in their documents, omitted to specify the reasons that made the involuntary treatment necessary.

If the T.S.O. measure is released by the mayor of another municipality, it must be communicated to the mayor of the municipality where the individual has legal residence. If the measure is taken towards foreign citizens or stateless persons, it must be communicated to the Ministry of the Interior and to the responsible consulate, through the prefect.

THE RIGHTS WE HAVE IN CASE OF INVOLUNTARY PSYCHIATRIC TREATMENT (T.S.O.)

1. We have the right of receiving the notice of the measure of T.S.O. Without this notice, no one can force us to accept treatment (except for the cases of criminal actions or the cases in which the state of emergency is evident).

2. We have the right of appealing against the T.S.O. before the mayor that has ordered it. This appeal can be requested also by other people invested (relatives, friends, organisations etc.). In order to reduce the time, the best thing would be to send a copy to the judge, particularly if the appeal is requested within the 48 hours of the hospitalization (so when probably the judge has not validated the measure yet).

3. We have the right of requesting for the waiver to the Court, demanding for the immediate suspension of the T.S.O. and handing over the task of representing us at the trial to a person we trust.

4. We have the right of choosing, where it is possible, the ward in which we are hospitalized.
5. We have the right of knowing the treatment we have been given, and the right of choosing among several alternatives.
6. We have the right of communicating with whom we believe that we should.
7. We have the right of being respected in our mental and physical dignity. Even under treatment, no physical restraint can be applied on us, except as an exception, for the time of the medical treatment, according to the guidelines of the hospital. Punishing restraints are punishable offences.
8. We have the right of providing our medical records with any information about our health and the treatment the doctors give us.
9. We have the right of knowing the names and the qualification of the workers of the medical ward (they must have and show their badges).

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