“TO RESPECT OR TO TREAT”

A discussion about Human Rights and Mental Health

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Background: Without prejudice of basics health laws, every psychiatric patient has the right to receive or refuse diagnostic or treatment interventions. The exceptions include compulsory hospitalization or emergency situations which puts in risk the patient or other people.

Clinical case: Male, 63 years old, single, lives with his mother (91 years old) and works as a technical assistant at a big Portuguese Company. Irrelevant clinical history, he came to the doctor appointment to show routine clinical exams performed.

During the appointment, we noticed disorganized thinking, loose associations, mannerism and diminished emotional expression. He shows persecutory delusions with medications, doctors and politics and has persistent auditory hallucinations. He doesn't have any insight for his disease and refuses to see a psychiatry or going to an emergency service. He is functional at his work and helps his mother on daily basis.

Later, we approached the mother and she told us that he had been diagnosed with schizophrenia in 1980, but had abandoned all medications and doctors decades ago. She told us that he had these symptoms since 1978 and she thinks he is worse now, but denied any violent behavior.

Symptoms	Beliefs
✓ Disorganized thinking	× He doesn't trust doctors;
✓ Loose associations	× He refuses to see a psychiatrist;
✓ Mannerism	× He doesn't believe in medicine;
✓ Diminished emotional expression	× He refuses any medication;
✓ Persecutory delusions	× He refuses to go to emergency service;
✓ Persistent auditory hallucinations	× He has no insight for his disease;
	× He doesn't represent any danger for himself or others.

Probable diagnosis:
Schizophrenia

Compulsory Psychiatric Treatment – What happens in Portugal

Compulsive Hospitalization Criteria

- In Portugal, compulsory psychiatric treatment is ruled by “Mental Health Law”, published in 1998.
- Compulsory treatment is applied to patient best interests, with therapeutics goals only. Besides that, this law merges with liberty fundamental human right.
- Compulsory treatment is a clinical exclusive decision but depends on a court order.
- It is only allowed if this represents the only way to provide strictly necessary treatment but should be suspended as soon as possible.

Under these circumstances, to compulsory hospitalization, it is necessary to confirm certain conditions:

- 1) “The patient with a severe psychic abnormality who create, by virtue of it, a dangerous situation for legal assets of significant value, and refuses to submit to necessary medical treatment may be interned in an appropriate establishment.” OR
 - 2) “The patient with a severe psychic abnormality that does not have the insight needed to understand the sense of consent when the absence of treatment causes mental state deteriorating”.
- (Adapted by Portuguese Mental Health Law, Article 12^o)

This patient does not meet the compulsory hospitalization criteria.

Discussion:

In this case, treatment is clearly necessary, and the patient's refuses is part of the disease itself. There are no conditions to require a compulsory hospitalization and we don't notice any safety issue or emergency situation.

This case brings important subjects to the discussion: the patient-doctor relationship, confidentiality, rights on health matters and limits to clinical interventions. We must deal with the duality between respecting the patient's will but providing the best medical care at the same time.

In Portugal, a big effort is needed to approach primary care and psychiatry. It is necessary evolving the patient, the family, and the community in order to allow quality clinical care and promoting population mental health.

Sources:

American Psychiatric Association, *Diagnostic and Statistical Manual of Mental disorders*, 5^a edition, 2013; DGS, *Programa Nacional para a Saúde Mental*, 2017; Lei de Saúde Mental nº36/98, Diário da República, i série a – nº 169; 24/7/98, imprensa nacional, Lisboa.
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