

GUIDANCE TO TRIBUNAL MEMBERS No. 1/2008

APPOINTMENT OF PATIENT'S RESPONSIBLE MEDICAL OFFICER

1. As Members are aware, section 230(1) of the 2003 Act provides that, as soon as is reasonably practicable after the occurrence of an appropriate act in relation to a patient, the relevant managers shall appoint an approved medical practitioner ("AMP") to be the patient's responsible medical officer ("RMO").
2. The term "relevant managers" is defined in section 230(4). Basically, section 230 imposes a duty on hospital managers to appoint an AMP to be the patient's RMO.
3. At any time the hospital managers are empowered to change the RMO or designate another RMO for a particular purpose or in particular circumstances (see section 230(3)).
4. Section 22(1) of the 2003 Act imposes a duty on Health Boards and the State Hospital Board for Scotland to compile and maintain a list of specialist medical practitioners known as "Approved Medical Practitioners". An AMP can be included on the list if they satisfy the provisions of section 22(1) of the 2003 Act, namely that they are medical practitioners who (a) have such qualifications and experience, and have undertaken such training, as may be specified in directions given by the Scottish Ministers; and (b) are approved for the purposes of paragraph (1) of section 22 by the Board concerned as having special experience in the diagnosis and treatment of mental disorder.
5. The employment grade of a medical practitioner is irrelevant to the question of whether they satisfy the statutory criteria to be an AMP. A medical practitioner can be an AMP and therefore be appointed as an RMO without being a consultant psychiatrist.
6. It has come to the attention of the Tribunal that in some cases an individual tribunal has sought to question the competence of a medical practitioner who has been appointed as the patient's RMO to make an application to the Tribunal. The Tribunal should not seek to look behind the appointment of the RMO. This is a matter for the relevant hospital managers, who can appoint any AMP to be the patient's RMO.

Dr Joe Morrow
President

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