

COVERT MEDICATION ADMINISTRATION

The 2022 CQC guidance directed at care providers **defines covert medication as when:** -

1. The person actively refuses that medication,
2. The person lacks capacity to make the decision, and
3. The (specific) medication is essential for their health or wellbeing.

<https://www.cqc.org.uk/guidance-providers/adult-social-care/covert-administration-medicines>

The 2015 NICE guidance and standards state **the process should include:** -

1. A decision specific mental capacity determination,
2. A best interest decision involving consultation of care staff, prescribing clinician, pharmacist, and family and/or advocate,
3. A plan of ‘method of covert administration’ documented by the provider, and
4. A regular review timeframe to ensure it continues to be needed.

<https://www.nice.org.uk/guidance/qs85/resources/medicines-management-in-care-homes-pdf-2098910254021>

A Court of Protection 2016 case **asserted that:** -

- Covert methods should only be used in exceptional circumstances, and aligned with the NICE guidance,
- There must be a ‘lawfully compliant’ best interest decision with appropriate consultations,
- The provider must document (in a care plan) the method of administration, and a regular review timetable,
- It is an element relevant to the DoL ‘acid test’,
- It is an infringement of Article 8 (Human Rights Act), and
- If any person disagrees with the use of covert methods, an application to court must be expedited.

<https://www.39essex.com/information-hub/case/ag-v-bmbc-anor>

Tips:

- Mental capacity must be properly assessed, evidenced, and recorded.
- The s4 ‘best interest checklist’ must be adhered to (including NICE consultations).
- The use of covert methods must be both necessary to prevent harm to the person, and proportionate to the likelihood of occurrence, and severity of that harm.
- Overt should be tried before covert methods are implemented.
- A change of medication type, even if for the same purpose, will likely require a review and potentially further best interest decision evidence.
- Only the medication which is ‘essential for their health or wellbeing’ can be provided covertly.
- Covert methods have a significant impact on a person’s rights and freedoms.
- Providing covert methods to a person who has capacity is potentially both a civil and criminal offence.