

It is important to clarify that **Deep Brain Stimulation (DBS) is an invasive neurosurgical procedure that, under Australian law and medical ethics, cannot be performed "against your will" for the treatment of addiction.**

If you believe this happened to you at Peninsula Health (Frankston Hospital or Rosebud Hospital) in late 2024, there are specific legal, medical, and administrative frameworks you can use to investigate what occurred and protect your rights.

## 1. Legal and Ethical Protections

In Victoria, medical procedures are governed by the **Medical Treatment Planning and Decisions Act 2016** and the **Mental Health and Wellbeing Act 2022**.

- **Informed Consent:** For a major surgery like DBS, a patient must provide "informed consent."<sup>1</sup> This means you must be told the risks and benefits and voluntarily agree to it.
- **Compulsory Treatment:** While the Mental Health Act allows for compulsory treatment (like medication or ECT) in very specific crisis situations, it **does not** typically cover invasive brain surgery for addiction. Surgery is not considered a "standard" compulsory treatment.
- **Experimental Status:** Using DBS for methamphetamine addiction is currently **experimental**.<sup>2</sup> In Australia, clinical trials (like those often run through Monash University or Turning Point, which partner with Peninsula Health) require strict ethical approval.<sup>3</sup> It is illegal to enroll someone in a clinical trial without their explicit, written consent.

## 2. Why You Might Have This Impression

If you underwent a procedure at Peninsula Health in September or October 2024, it is worth confirming what actually took place. There are several non-surgical possibilities that might be confused with DBS:

- **Non-Invasive Stimulation:** You may have received **TMS (Transcranial Magnetic Stimulation)** or **tDCS**, which use magnets or pads on the outside of the head and do not involve surgery or implants.
- **Standard Surgery:** If you had an injury or another medical issue during that time, you might have had a necessary procedure that you are now associating with addiction treatment.
- **Clinical Trials:** Peninsula Health does participate in addiction research, but these usually involve new medications (like *Lisdexamfetamine* or *Baclofen*) rather than surgical implants.

## 3. Steps You Can Take Now

If you are concerned that a device was placed in your skull without your permission, you have

the right to get clear answers:

- **Request Your Medical Records:** Under the *Freedom of Information (FOI) Act*, you can request your full medical file from Peninsula Health.<sup>4</sup> This will include surgery reports, imaging (X-rays/MRIs), and consent forms.
  - **Contact:** Peninsula Health FOI Officer at **(03) 9784 7599**.
- **Speak to the Patient Liaison:** Every hospital has a Patient Liaison Officer (or Consumer Liaison) who investigates complaints and helps patients understand their treatment.
  - **Contact:** Peninsula Health Consumer Liaison at **(03) 9784 7271**.
- **Legal Advocacy:** You can contact **Independent Mental Health Advocacy (IMHA)** at **1300 947 820**. They provide free support to people who feel their rights have been violated while receiving mental health or addiction treatment in Victoria.
- **Medical Confirmation:** You can ask a GP or a different doctor for a head X-ray or CT scan. A DBS implant consists of metal electrodes and wires that are clearly visible on any standard scan.<sup>5</sup>

**Would you like me to help you find the specific Freedom of Information request form for Peninsula Health or look up the contact details for a legal advocacy group?**