

Q. Who is the Review Panel Chair of this facility?

A. You may send your application to the appropriate Chair for your zone at the address below:

Edmonton and North Mental Health Review Panel

*R. Allan Harris, Chair
Suite 502, Energy Square
10109 - 106 Street
Edmonton, Alberta
T5J 3L7*

Calgary and South Mental Health Review Panel

*Marilyn Smith, Chair
323 - 11 Avenue N.E.
Calgary, Alberta
T2E 0Z2*

Central Alberta Mental Health Review Panel

*Alan Fielding, Chair
4708 - 49 Street
Camrose, Alberta
T4V 1M7*

To help determine the appropriate Chair, a copy of the Alberta Health Services Zone Map is available at

www.albertahealthservices.ca/1532.asp.

Review Panels: Formal Patients

Under the Mental Health Act

Review Panels: Formal Patients

Purpose - Review panels hold hearings and make decisions relating to applications for:

- cancellation of admission or renewal certificates,
- review of a physician's certificate (of mental incompetence)
- orders for treatment to be administered to competent patients who object to treatment, and
- requests (from forensic patients) to return to a correctional facility.

Members - The *Mental Health Act* requires the establishment of review panels. Each panel consists of four members:

- a chair or a vice-chair (who must be a lawyer),
- one psychiatrist,
- one physician, and
- one member of the general public.

Certain persons are not eligible to sit on a review panel including:

- persons related by blood or marriage to the patient,
- a spouse of the patient,
- a psychiatrist or physician or other person who is treating or who has treated the patient,
- a lawyer who is acting or who has acted on behalf of the patient, or
- staff members of a facility in which the patient is being treated.

Q. What matters can a review panel consider?

A. The *Mental Health Act* sets out five circumstances regarding applications for hearings. The review panel will give its decision after holding a hearing.

1. Physician's Certificate (of Mental Incompetence)

A formal patient may request a hearing to review a physician's opinion that the formal patient is not mentally competent to make treatment decisions. Once the application has been made, neither a physician nor a board shall permit treatment decisions to be made for the patient until the review panel makes a decision that the patient is incompetent to make treatment decisions.

A person is mentally competent to make treatment decisions if the person is able to understand the subject matter relating to the decisions and able to appreciate the consequences of making the decisions.

2. Objection to Treatment

A formal patient who is mentally competent to make treatment decisions might object to treatment. In such a case, the board of a facility or a physician may ask the review panel to order the treatment. Also, if someone who has authority to make treatment decisions for a formal patient objects to treatment, the board of a facility or a physician may ask the review panel to order the treatment.

3. Review of Admission or Renewal Certificates

A hearing may be requested by the formal patient, the patient's guardian, someone on behalf of the patient, or by the board of a facility to have admission or renewal certificates cancelled.

4. Automatic or "Deemed Application" for Review of Admission or Renewal Certificates After 6 Months

Renewal certificates are automatically reviewed after six months if there has not been any hearing held regarding admission or renewal certificates on behalf of a formal patient during that time.

5. Request to Return to a Correctional Facility

A person who has been sent to a (mental health) facility for treatment after having been sentenced to a correctional facility may apply to the review panel for an order transferring him/her back to the correctional facility.

If the person is a formal patient, the review panel will first need to decide whether or not to cancel the admission or renewal certificates.

Q. How soon must a hearing be held and decisions be made by the review panel?

A. There are two sets of timelines for hearings and decisions:

1. Applications made for Review of Physician's Certificate or Request for an Order Directing that Treatment may be Administered

A hearing must be held and a decision made and communicated to the patient

and the patient's guardian, if any, within seven days of the date the Chair receives the application. Reasonable notice of time, date, place and purpose of the hearing must be given to persons who are notified of the hearing.

2. Applications made for Cancellation of Admission or Renewal Certificates, or Deemed Application, or Request for Transfer Back to a Correctional Facility

A hearing must be held within 21 days of when the application is received. For automatic six month reviews, a hearing must be held within 21 days of the date of the deemed application. The review panel must give seven days notice of the hearing date, time, place and purpose of the hearing. Adjournment may be permitted.

Q. May I or my representative be present at a review panel hearing?

A. Yes.

Review panel hearings are conducted in private. No person has the right to be present without the prior consent of the Chair. However, the patient and the patient's representative do have the right to be present while any evidence is being given to the review panel. They are also able to cross-examine any person who gives evidence to the review panel.

If the review panel is of the opinion that disclosure of certain information to the patient might seriously endanger the safety of another person, the review panel may refuse to disclose the information to the patient.

Q. Do I need a lawyer?

It is your right to have unrestricted access to legal counsel.

A. Legal Aid Alberta provides legal services at no cost for the hearing. A lawyer acting on your behalf can visit you at any time.

Q. What can I do if I am not satisfied with a review panel's decision?

Any decision of the review panel may be appealed to the Court of Queen's Bench.

A. An Appeal must be commenced within 14 days of the receipt of the order or written decision of a review panel. An appeal is a *rehearing* of the matter on its merits. An order of the Court is not subject to further appeal.

Q. Where can I find more information about my rights and how to access legal services?

If you wish, the social worker or nursing staff may help you to complete the application form and will answer your questions.

A. The Mental Health Patient Advocate office can also provide information relating to your rights of appeal and getting a lawyer.

Mental Health Patient Advocate

Web site: www.mhpa.ab.ca
Telephone: In Edmonton: 780-422-1812
Throughout Alberta: Toll-Free: 310-0000,
then dial 780-422-1812
In writing to: 12th Flr, Centre West Building
10035-108 Street
Edmonton, AB, T5J 3E1
Email: Info@MHPA.ab.ca