



Your Rights under the Mental Health Act - Formal Patient

If you are a formal (involuntary) patient and detained under two admission or two renewal certificates, the Advocate's Office understands that it can be a difficult and confusing time. The Mental Health Patient Advocate is here to listen to your concerns and make sure you understand your rights. Remember, you are not alone.

Two admission certificates provides the authority to care for, observe, examine, assess, treat, detain and control you for a one month period from the date the second admission certificate is issued. Two renewal certificates provide the same authority. The first and second set of renewal certificates are valid for a period of not more than one month. The third and subsequent sets of two renewal certificates are valid for a period of not more than six additional months.

As a formal (involuntary) patient under the *Mental Health Act*, you have many rights. Below is a list of a few of these rights for your information.

Rights regarding being hospitalized against your will (detention)

YOU HAVE THE RIGHT to be told (in person and in writing) of the reasons for your involuntary detention.

YOU HAVE THE RIGHT to receive copies of your admission (Form 1) and renewal (Form 2) certificates.

YOU HAVE THE RIGHT to apply to the Review Panel to have your admission or renewal certificates cancelled when you are being kept in hospital against your will. The Panel may or may not cancel the certificates.

- The hospital will provide you with the name and address of the Review Panel Chair and the *Application for Review Panel Hearing* (Form 12). They will also provide any assistance you need to help you make the application.

YOU HAVE THE RIGHT to be informed when your admission or renewal certificates expire or are cancelled.

Rights regarding your treatment

Competent Patient:

YOU HAVE THE RIGHT to refuse **treatment** if you are **mentally competent** to make your own treatment decisions. (The hospital may, however, **control** you without your consent if they feel it is necessary to prevent serious bodily harm to you or to another person. **Control** is the minimal use of restraint, including medication, as is reasonable and considers the physical and mental condition of the person).

- If you object to **treatment**, your doctor may apply to the Review Panel for a treatment order. The Review Panel will review your situation and will either make a treatment order whereby you can be treated without your consent or the Panel will refuse to make a treatment order.

Incompetent Patient:

YOU HAVE THE RIGHT to apply to the Review Panel to request a review of the physician's opinion if your doctor completed a Form 11 *Certificate of Incompetence to Make Treatment Decisions* that states you are **not mentally competent** to make your own treatment decisions. The Review Panel will review your situation and will either cancel the Form 11 or will refuse to cancel it.

Rights regarding the Review Panel

YOU and your lawyer HAVE THE RIGHT to be present when evidence is given at the Review Panel hearing (unless the Review Panel is concerned information given to the patient may seriously endanger the safety of another person), and to question any person who gives evidence at the hearing.

YOU HAVE THE RIGHT to appeal any decision of the Review Panel to the Court of Queen's Bench.

General rights

YOU HAVE THE RIGHT to contact and receive visits from your lawyer at any time. If you wish, you may arrange to have a lawyer assist you at the Review Panel hearing and at the Court of Queen's Bench.

YOU HAVE THE RIGHT to receive visitors during regular hospital visiting hours unless your doctor thinks that a visitor would be harmful to your health.

YOU HAVE THE RIGHT to confidentiality of all your health information unless the *Health Information Act* allows for the release of health information under certain conditions without your consent.

YOU HAVE THE RIGHT to confidentiality of any communications written by you or to you. Hospital staff cannot open, read, withhold or interfere with the delivery of your letters or notes.

YOU HAVE THE RIGHT to contact the Alberta Mental Health Patient Advocate Office at (780) 422-1812.