

Mental Health Act

Information about Mental Health Review Panels

What is a Mental Health Review Panel (review panel)?

Review panels review applications from people under the *Mental Health Act*, including formal patients and people subject to a community treatment order (CTO). Review panels give you an opportunity to have a physician or nurse practitioner's opinion about your mental health reviewed by people who are not involved in your care.

Each review panel includes a lawyer, a psychiatrist and a member of the public. Each member has a professional and personal interest in Alberta's mental health system and protecting patients' rights. None of the review panel members can be involved in your care. If you are a formal patient, review panel members cannot be staff at the hospital or health centre where you are being held.

Types of Review Panel Hearings

You can apply for any of the following hearings at any time if they apply to you:

- **Review of Admission Certificates or Renewal Certificates** (section 38(1))
 - If you are a formal patient, you may request a review if you feel your admission or renewal certificates should be cancelled.
- **Request for a Community Treatment Order** (section 38(1))
 - If you are a formal patient, you may request an order from the review panel for the hospital to issue a CTO.
- **Review of Community Treatment Order** (section 38(1.1))
 - If you have a CTO, you may request a review if you feel your CTO should be cancelled.
- **Review of Certificate of Incompetence to Make Treatment Decisions** (section 27(3))
 - If a physician has determined you are not competent to make treatment decisions, you may request a review of this decision.
- **Request to Return to a Correctional Facility** (section 33)
 - If you have been sent to a designated hospital or health centre for treatment after being detained at a correctional facility, you may apply to be transferred back to the correctional facility.

Review panels also conduct hearings that you don't apply for. These are scheduled automatically or at the request of a physician.

- **Automatic hearings** (section 39)
 - The review panel will automatically hold a hearing for you after a certain amount of time if you haven't applied for a review of your renewal certificates or CTO, to make sure the certificates or CTO are still appropriate.
 - If you are a formal patient, these automatic reviews happen every six months. If you are subject to a CTO, automatic reviews will happen every year. If you want a review sooner, you can apply for one any time.
- **Request for an Order Directing Treatment** (section 29(2))
 - If you are a formal patient, a physician can apply to the review panel for an order authorizing a specific treatment to be given to you if the physician feels it is in your best interest, even if you or your substitute decision maker objects.
 - The treatment can't be administered until the review panel gives its decision.

How do I apply?

To apply for a review, fill out Form 12 – Application for Review Panel Hearing, available online at alberta.ca/mhreviewpanel.

- If you are a formal patient, you can also get the form from one of your care providers or nursing staff.
- If you are on a CTO, you can get the form from your CTO care team.

Send your completed application form to the nearest review panel. Contact information is provided at the end of this document or visit alberta.ca/mhreviewpanel.

How soon will my hearing be held?

Most hearings will be heard within 21 days of the date the panel receives your application. For these hearings, you may request a later date. Applications about competence to make treatment decisions must be heard within 7 days of your application.

Can I have legal counsel at a hearing?

Yes. You have the right to legal advice and to legal representation at a review panel hearing. You may request free legal representation directly on the form used to apply for a review panel hearing (Form 12). Your request will be passed along to Legal Aid Alberta.

The organizations below can provide more information on how to connect with a lawyer:

- Legal Aid Alberta: 1-866-845-3425
- Law Society of Alberta: 1-800-661-9003

Can someone apply for a review panel hearing on my behalf?

Yes. If you need help, another person can fill out the form for you. In most cases you still need to sign the application form.

Who can be present at my review panel hearing?

You and your lawyer (if you choose to have one) have the right to be present at your hearing, even if someone else applied for it. The review panel chair can also approve written requests for others to be present. Requests for others to attend must be made in advance of the hearing.

The review panel chair must notify your nearest relative of your hearing date, unless you object. You can object to having family members or friends attend.

What happens during a hearing?

The chair of the review panel is in charge of the hearing. During the hearing, panel members will be introduced, the chair will describe the hearing process, and all parties, including you, will be asked to present evidence. You will also be given a chance to ask questions of people who present evidence and share your own perspective.

Most hearings happen in person, but they can also be held by videoconference or telephone. You and your lawyer can be present when any evidence about you is being presented and discussed. The review panel may refuse to share some evidence if they feel it could put you or another person in danger. During or after the hearing, the review panel may ask you and others to leave the room for a private discussion.

The review panel will make a decision within 24 hours of the hearing, and you will be informed of the decision within 48 hours.

What if I don't agree with the review panel's decision?

You can appeal any decision of the review panel to the Court of King's Bench within 30 days of receiving the decision. A link to the application form (Form 5) can be found online at alberta.ca/mhreviewpanel.

Contact your lawyer for more information. If you don't have a lawyer, the following organizations can help you connect with a lawyer:

- Legal Aid Alberta: 1-866-845-3425
- Law Society of Alberta: 1-800-661-9003

Can I access my medical records before a review panel hearing?

Yes. If you are a formal patient, the hospital must give you copies of your admission or renewal certificates and give you the reasons, in simple language, why the admission or renewal certificates were issued. The hospital must also give you copies of your relevant medical records before a review panel hearing, at no cost to you.

If you need help accessing your medical records, contact the Alberta Health Services Disclosure Help Line by phone at 1-855-312-2265 or by email at disclosure@ahs.ca.

Where can I get further information?

You may ask for help from any person involved in your care.

The Mental Health Patient Advocate can also help you by:

- providing information on your rights;
- investigating complaints; and
- helping you and those acting on your behalf, including help applying for a review panel hearing.

Contact the Mental Health Patient Advocate:

Edmonton Area: 780-422-1812

Toll Free: 310-0000 (then dial 780-422-1812) Email:

info@albertahealthadvocates.ca

9 Floor, 10055 106 St NW, Edmonton AB T5J

Mental Health Review Panel

Applications for a hearing can be sent to:

Edmonton and North

Jane Steblecki Corns
PO Box 53033 RPO
Glenora Edmonton AB T5N

Central Alberta

Britton O. Mockridge
PO Box 27006 RPO City
Centre Red Deer AB T4N 6X8
Fax 587-815-5210

Calgary and South

Deborah Prowse
PO Box 38167 RPO Country
Hills Calgary AB T3K 5G9
Fax 844-360-7980

If you are unsure where to send your application, ask a health care provider or call the Mental Health Patient Advocate's office at 780-422-1812 in Edmonton or Toll Free: 310-0000 (then dial 780-422-1812) or via email at info@albertahealthadvocates.ca.