

Mental Health Act

Information for formal patients

A formal patient is someone who is held at a designated hospital or health centre under the *Mental Health Act* for longer than 24 hours. If you are a formal patient, this document contains information about your legal rights, answers to common questions and other resources.

Why am I here?

You may have been brought to a designated hospital or health centre for examination if a police officer, physician, care provider or someone else believes you are suffering from mental disorder and may harm yourself or others.

A mental disorder affects your thoughts, mood, perception, orientation or memory. It impairs your judgment and behavior, and makes it hard to function from day to day.

You can be issued an admission certificate and detained as a formal patient if you are examined by health professionals (including at least one physician) at two different times and it is determined you:

1. Are suffering from mental disorder, AND
2. Have the potential to benefit from treatment for the mental disorder, AND
3. Within a reasonable amount of time are likely to harm others or likely to suffer serious mental or physical decline or serious physical harm because of the mental disorder, AND
4. Need specific care that can only be provided to you as a formal patient.

When can I leave?

You can leave when:

- a physician determines you no longer meet the criteria to be detained; or
- your admission certificate (or renewal certificate) has expired or been cancelled by a review panel or the Court of Queen's Bench.

You might also leave for a short time if you have been granted a leave of absence from the hospital, like a day pass.

Some people leave under a community treatment order (CTO) if two physicians or nurse practitioners believe they can receive the care they need outside of a hospital. A CTO is a legal document that outlines the specific things you need to do to allow you to receive treatment in the community, instead of being detained in a hospital. You can learn more about CTOs from your care provider.

What is an admission certificate?

An admission certificate is a legal document. Some people refer to it as a Form 1. In it, a physician or nurse practitioner gives their opinion that you meet the criteria to be detained. They can only complete an admission certificate after examining you.

How long does an admission certificate last?

Once a physician or nurse practitioner examines you and completes an admission certificate, you can be brought to a designated hospital or health centre for further assessment. Once you arrive there, you can be detained for up to 24 hours.

A physician or nurse practitioner may examine you again and issue a second admission certificate. The second certificate allows you to be detained for up to one month.

Your second examination must occur within your first 24 hours at the hospital or you cannot legally be detained any longer. At least one of the examinations must be conducted by a physician.

Can certificates be renewed?

Yes. When this happens it is called a renewal certificate. Renewal certificates must also be issued by two health professionals (including at least one psychiatrist).

The first time you receive renewal certificates, they are valid for up to one month. If you receive a second set of renewal certificates, they are valid for up to an additional month. Any further renewal certificates you receive after this are valid for up to 6 months.

Who can make treatment decisions for me?

You make your own treatment decisions unless a physician determines you are not mentally competent to do so.

After examining you, a physician will determine you are not mentally competent if:

- you cannot understand the subject matter of treatment decisions; AND
- you are unable to understand the consequences of making your treatment decisions.

If a physician decides you are not mentally competent to make treatment decisions for yourself, they will ask someone else to make treatment decisions for you. That person is called a substitute decision maker and is usually someone you know well (a guardian, agent, or nearest relative).

When making decisions on your behalf, your substitute decision maker must consider your wishes, values and beliefs, quality of life, overall health and living situation.

If I am mentally competent, why can't I leave the hospital?

Your stay at the hospital or health centre is based on meeting the criteria for being detained, not on your mental competence to make treatment decisions.

Am I required to accept treatment?

Unless a physician has decided you are not mentally competent, you have the right to object to any treatment. Your substitute decision maker can also object to a treatment on your behalf if you are not mentally competent.

If you or your substitute decision maker objects to a treatment, that treatment cannot be administered. However, your physician can apply to a review panel to decide if you should receive the treatment, if they believe it is in your best interest.

You can be treated against your will if a physician has decided you are not mentally competent and your substitute decision maker agrees to the treatment.

What happens if I don't agree with a decision made about me?

You can have some decisions reviewed by a review panel, including decisions about:

- Whether you meet the criteria for being detained in hospital (i.e., admission certificates or renewal certificates).
- Whether you have the mental competence to make treatment decisions for yourself.

Instructions for how to apply for a review panel hearing are at the end of this brochure.

What happens after I apply for a review panel hearing?

The review panel chair will set a hearing date and give you at least seven days' notice of the date, time, place and purpose of the hearing.

You have a right to be present for any review panel hearing that is about you. You also have the right to receive legal advice before your review panel hearing and legal representation at your review panel hearing. The end of this brochure has information on how you can connect with a lawyer.

Can I access my medical records?

Yes. 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 2Y2

albertahealthadvocates.ca

You have the right to legal advice. If you will be in a review panel hearing, you also have the right to legal representation at that hearing. The organizations below can help you connect with a lawyer:

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

Mental Health Review Panel

Applications to a review panel are made through Form 12. You can get a copy of this form from one of your care providers or nursing staff. It is also available online at alberta.ca/mhreviewpanel.

If you need help, another person can fill out the form for you (like your guardian, a relative, or a person who provides care to you).

Applications for a hearing can be sent to:

Edmonton and North

Jane Steblecki Corns
PO Box 53033 Glenora RO
14035 105 Ave NW
Edmonton AB T5N 4A8
Fax 866-971-2112

Central Alberta

Britton O. Mockridge
PO Box 4612
Ponoka AB T4J 1S4
Fax 403-289-1649

Calgary and South

Deborah Prowse
PO Box 38167, 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.

For more information on the review panels and the hearing process, visit alberta.ca/mhreviewpanel.