



## Involuntary Psychiatric Treatment Act - Fact Sheet

Background	Why did we need new legislation?
<p>In October 2005, the Nova Scotia House of Assembly passed the Involuntary Psychiatric Treatment Act. The Act is about making sure that those who are unable to make treatment decisions, due to their severe mental illness, receive the appropriate treatment.</p> <p>Regulations have been developed and the Act will become law on July 3, 2007. This new legislation is the result of discussions with many mental health consumers, families, advocates and care providers.</p>	<p>The existing legislation dealing with involuntary psychiatric treatment was almost 30 years old. It was embedded in the Hospitals Act, and it predated Canada's Charter of Rights and Freedoms, so it didn't always serve people with serious mental illness as well as it could have.</p>

### The Involuntary Psychiatric Treatment Act takes effect on July 3, 2007.

#### The new Involuntary Psychiatric Treatment Act:

- uses guiding principles
- amends the involuntary psychiatric admission criteria
- reduces the time period for extensions of involuntary admissions
- reduces the time allowed for Review Board hearings to take place
- enhances provisions regarding determinants of a patient's capacity to make decisions including consent to treatment
- introduces independent rights advisors
- introduces Community Treatment Orders and Leave Certificates
- ensures due process in accordance with the Charter of Rights

#### When does the Involuntary Psychiatric Treatment Act apply?

The *Involuntary Psychiatric Treatment Act* is appropriate when someone with a mental disorder:

- is a danger to him/herself or others, or who is likely to deteriorate to the point that they are a danger, and
- needs inpatient care, and
- lacks capacity to make decisions about their care.

**It is not for people who voluntarily admit themselves for treatment, or for people who are capable of making decisions about their treatment.**

#### How do I find out more about the Act?

To find out how the Act applies to you, contact the Department of Health's Mental Health branch at 424-4398. The complete Involuntary Psychiatric Treatment Act, regulations and other information can be found on-line at <http://www.gov.ns.ca/mhs>

**The Involuntary Psychiatric Treatment Act is about making sure that those who are unable to make treatment decisions, due to their severe mental illness, receive the appropriate treatment.**

## Involuntary Psychiatric Treatment Act - Information for Patients

### How will the Involuntary Psychiatric Treatment Act affect me?

The vast majority of mental health consumers in the province will not be affected by the legislation at all.

When mental health patients need inpatient care, two types of admission are possible. Voluntary admission is the usual option.

Involuntary psychiatric admission is only used for someone who has a mental disorder and needs inpatient care if they are a danger to themselves or others, or there is reason to believe that they will soon deteriorate to that point and they lack the capacity to make medical decisions.

### If I am being assessed for admission to the hospital for mental health services, what can I expect to happen under the new legislation?

If you are involuntarily admitted, you can expect the physician admitting you to do a full assessment of your capacity. This might include observing your behavior, asking you questions, and asking your family or friends (if they are with you) about your behavior. It would also include a review of your medical record.

In most cases, admission is voluntary. If you are not suitable to be admitted voluntarily, but the physician determines that you have the capacity to make medical decisions, the legislation would also not apply.

If after the assessment, the physician determines that you lack the capacity to make medical decisions and you meet the other criteria, you would be admitted. After admission, you would be assigned a Patient Rights Advisor.

### What does a Patient Rights Advisor do?

A Patient Rights Advisor helps patients admitted under the Act to understand their rights, and to ensure that the proper process is followed in order to protect their rights. They can assist with applications to the Review Board, or help patients obtain legal counsel.

Patient Rights Advisors are independent of government or any district health authority, and are available throughout the province.

Patient Rights Advisors are assigned to a patient following involuntary admission, and to patients on Community Treatment Orders or Leave Certificates.

#### Community Treatment Orders (CTO)

A CTO is a treatment plan that specifies the conditions of care for a patient being released to the community. It can include where the patient will live, frequency of appointments, obligations of the patient or substitute decision maker, the physician responsible, and obligations of caregivers and agencies involved in care.

#### Leave Certificates

Leave Certificates are a bridge between the hospital and the community. They last a maximum of six months and are not renewable.

**Community Treatment Orders and Leave Certificates will only be issued when and where the necessary services exist in the community.**

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