

# *Formal Patients Under The Mental Health Act*

## **Formal Patients**

The purpose of this brochure is to provide you with some information about the *Mental Health Act* (1988).

The *Mental Health Act* recognizes three criteria for the issuance of admission or renewal certificates. All three of the following criteria must be present in the opinion of a physician in order for the physician to sign the certificate.

1. the person is suffering from mental disorder,
2. the person is in a condition presenting or likely to present a danger to himself or others, and
3. the person is unsuitable for admission to a facility other than as a formal patient, (in the case of an admission certificate)

or

the formal patient is unsuitable to continue at a facility other than as a formal patient. (In the case of a renewal certificate.)

### **The following words are often used and you should know their meaning:**

#### **Facility**

means a place or part of a place (usually a hospital) designated in the regulations as a facility.

#### **Formal Patient**

means a patient detained in a facility on the authority of two admission certificates or two renewal certificates.

#### **Mental Disorder**

means a substantial disorder of thought, mood, perception, orientation or memory that grossly impairs

- (i) judgement
  - (ii) behaviour
  - (iii) capacity to recognize reality,
- or
- (iv) ability to meet the ordinary demands of life.

## **Am I a formal patient or an informal patient?**

**If you decide to seek treatment and have admitted yourself to hospital, you are a voluntary or “informal” patient. As a voluntary patient you have the same rights as any citizen in Alberta.**

If two physicians examine you and find that you are:

- (i) suffering from a mental disorder,
- (ii) in a condition presenting or likely to present a danger to yourself or others,  
and
- (iii) unsuitable for admission to a facility other than as a formal patient,

you will have been hospitalized as a formal patient on the authority of two “admission certificates”.

The hospital will provide you with the reasons, in simple language, why these admission certificates were issued. They will give you copies of the certificates and tell you how to apply to the review panel if you want to have the certificates cancelled. The hospital will give you a written statement about how the review panels work. The hospital will also provide you with the name and address of the Chairman of the review panel for the facility where you are patient.

## **Can my status as a formal or informal (voluntary) patient change from time to time?**

**Yes.**

Your status as a formal patient will end when:

- (i) the certificates expire, unless a physician and a psychiatrist each issue a renewal certificate,
- (ii) a physician cancels the certificates, or
- (iii) the review panel cancels the certificates.

## **What procedures may lead to formal admission?**

**The *Mental Health Act* allows a person to be brought to a facility in order to be examined by a physician at the facility.**

There are three ways in which this can happen:

### **1. By Physician**

A physician may examine a person and find that the person meets each of three criteria which are specified in Section 2 of the *Mental Health Act*. If this is the case, the physician may issue an “admission certificate” within 24 hours of the examination. A signed admission certificate must be taken to a facility within 72 hours where another physician conducts a second examination and may sign a second admission certificate.

### **2. By Judge’s Warrant**

Anyone who has grounds to believe that a person is suffering from mental disorder and is in a condition presenting or likely to present a danger to himself or others may bring information before a provincial judge. If the provincial judge is satisfied that the person is in a condition presenting or likely to present a danger to himself or others, and an examination can be arranged in no other way, he may issue a warrant. The warrant enables any peace officer to bring the person to a facility where a physician will examine him. A warrant is valid for seven days and it may be extended for another seven days.

### **3. By Peace Officer's Powers**

When a peace officer believes that:

- (i) a person is suffering from mental disorder,
- (ii) the person is in a condition presenting a danger to himself or others,
- (iii) the person should be examined in the interests of his own safety or the safety of others, and
- (iv) it would be dangerous to try to get a judge's warrant, the peace officer may, under section 12 of the *Act*, apprehend the person and take him to a facility to be examined by a physician.

### **Once I am brought to a facility, how long can I be detained?**

**The act says that you can be detained at the facility for 24 hours unless two admission certificates are issued in your name before the 24 hour period expires.**

### **How long do admission or renewal certificates last?**

**Admission certificates are effective for one month from the date that the second admission certificate is issued.**

Renewal certificates have the following duration:

- The first set of two renewal certificates are effective for a period of not more than one additional month,
- The second set of two renewal certificates are effective for a period of not more than one additional month,
- The third and subsequent sets of two renewal certificates are effective for a period of not more than six additional months.

Renewal certificates must be signed by two separate physicians. One of these physicians must be on the facility's medical staff, and one must be a psychiatrist.

### **What can I do if I want my admission or renewal certificate to be cancelled?**

**You can discuss this matter with your physician or with your nurse.**

You may obtain an application form from hospital staff and send this application form to the Review Panel Chairman who has been appointed for the facility where you are. If you prefer, someone acting on your behalf can make the application for you.

### **What happens after I send my application to the Review Panel Chairman?**

**The Chairman will set a hearing date and will give you at least seven days notice of the date, time, place and purpose of the hearing.**

The hearing will be held within 21 days of the date the Chairman receives your application. Further details are available in a brochure on Mental Health Review Panels.

### **Do I need a lawyer?**

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

The Legal Aid Society of Alberta provides legal services under certain circumstances. A lawyer acting on your behalf is permitted to visit you at any time.

### **Can I get assistance?**

**If you wish, a social worker or nursing staff will help you complete the application form and will answer any questions which you may have.**

The Mental Health Patient Advocate's office may also provide information and assistance to formal patients upon request. You may contact the Patient Advocate by telephone at **(780) 422-1812**, toll-free in the rest of Alberta at **310-000** and then dial **422-1812** or by writing to:

*The Mental Health Patient Advocate  
Room 1202, Centre West Building  
10035 – 108 Street  
Edmonton, Alberta T5J 3E1*

**Who is the Review Panel Chairman of this facility?**

You may send your application to the address below:

*R. Allan Harris, Chair  
Edmonton Mental Health Review Panel  
Suite 1090  
The Phipps-McKinnon Building  
10020 - 101A Avenue  
Edmonton, Alberta  
T5J 3G2*

*Joan Metz, Chair  
Calgary Mental Health Review Panel  
323 - 11 Avenue, N.E.  
Calgary, Alberta  
T2E 0Z2*

*Alan Fielding, Chair  
Ponoka Mental Health Review Panel  
4708 - 49 Street  
Camrose, Alberta  
T4V 1M7*