

## ➤ You have the right to ask for a second medical opinion

If you don't agree with your psychiatric treatment, you can ask for a second opinion from another doctor. To do this, ask a nurse to help you fill out **Form 11**.

You can choose any doctor licensed to practise in BC to examine you, but you may have to pay for their travel costs.

Be aware that the second opinion is just an opinion, and your treatment team doesn't have to follow the other doctor's recommendations.

## ➤ You have the right to speak with a lawyer

A lawyer can help you challenge your certification by asking a judge to review your case. You may have to pay the lawyer's fee and court costs.

A lawyer can also give you legal advice about your rights as a certified patient. If you can't afford a lawyer, Access Pro Bono offers 30 minutes of free legal advice over the phone. Call to make an appointment:

**604-482-3195 ext. 1500 in the Lower Mainland**  
**1-877-762-6664 ext. 1500 elsewhere in BC**  
10 AM–4 PM, Monday to Friday

## What happens when I leave the hospital?

You may either:

- be discharged and be free to go, or
- be placed on extended leave.

Being on extended leave means you can live out in the community, but you will still be certified and will have to follow conditions, like visiting a mental health team and taking psychiatric medications.

You have the right to know if you're being discharged or placed on extended leave. You have all of the same rights on extended leave as you do in the hospital, including the right to ask for a review panel hearing.

## What if I'm unhappy about my care?

If you have complaints about the way you've been treated, you can contact the Office of the Ombudsperson:

**1-800-567-3247**

**PO Box 9039  
STN PROV GOVT  
Victoria, BC  
V8W 9A5**

**[bcombudsperson.ca](http://bcombudsperson.ca)**

The Office of the Ombudsperson is an independent body that investigates public institutions, like the hospital.

## Where can I get more information about my rights?

Read a summary of your rights on **Form 13**. A nurse will ask you to sign that form to show that someone has told you about your rights.

If you'd like a family member or friend to help you with your rights, you can ask a nurse to give them rights information.

**If you have questions about your rights, talk to a nurse or a mental health team member to learn more.**

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# YOUR RIGHTS

under BC's  
**MENTAL HEALTH ACT**



*What you can do if you're certified as an involuntary patient*

## What does it mean to be certified under BC's *Mental Health Act*?

The *Mental Health Act* is the law that sets out the rules for when a person can be kept in the hospital against their will.

That law says that you can be certified as an involuntary patient *only* if a doctor has examined you and believes you meet *all four* of these criteria:

1. your ability to react to your environment and associate with others is seriously impaired because of a mental disorder,
2. you need psychiatric treatment,
3. you need care, supervision, and control:
  - to protect you or others, or
  - to prevent you from deteriorating substantially, either mentally or physically, and
4. you can't be admitted as a voluntary patient.

If you've been certified, you may feel scared, confused, or angry, especially if you aren't sure what your rights are.

When you're certified:

- you can't leave the hospital without your doctor's permission, and
- you can't refuse psychiatric treatment, including medication.

But you can still talk to your doctor about your treatment, **and you don't lose all your rights.**

## How long do I have to stay in the hospital?

That depends on how many certificates have been completed. One certificate lets your doctor keep you in hospital for up to 48 hours. If a second certificate is completed, you may have to stay for up to 1 month.

*If, at any point, the doctor believes you no longer meet the criteria, you will be decertified.*

CERTIFICATION PERIODS	1st certificate 48 hrs	2nd certificate 1 month	1st renewal 1 month	2nd renewal 3 months	3rd & further renewals 6 months (can repeat)
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If the doctor believes you still meet the criteria after a month, they can renew your certification, first for 1 month, then for 3 months, then for periods of 6 months.

During each of these certification periods, you have the right to:

- be told what your rights are,
- be examined by a doctor to see if you still meet the criteria for certification,
- ask for a review panel hearing, and
- ask for a second medical opinion.

## What rights do I have if I'm certified?

### ➤ You have the right to know where you are

Ask a nurse if you need to know the name and address of the hospital.

### ➤ You have the right to know why you've been certified

The doctor must write the reasons for your hospitalization on your medical certificate (Form 4) or, if your certification has been renewed, on your renewal certificate (Form 6). You have the right to know what is on your certificate.

### ➤ You have the right to ask for a review panel hearing

If you don't agree with the doctor's decision to certify you, you can challenge your hospitalization. One way is to ask for a hearing with a review panel. **There is no cost for a hearing.**



A review panel is independent of the hospital and includes:

- a lawyer,
- a doctor who isn't on your treatment team, and
- a member of the community.

They will hear your case and decide if you meet the criteria for hospitalization. If they decide that you don't, you'll be decertified. If they decide that you do, you'll have to stay in the hospital.

To apply for a review panel hearing, ask a nurse to help you fill out **Form 7**. If you are in a 1-month certification period, your hearing will be scheduled within 14 days from when you apply.

You have the right to have an advocate or lawyer represent you and help you prepare and present your case to the review panel.

You can call witnesses to testify on your behalf.

You can ask the review panel if you can bring someone to support you, but it's up to the chair of the panel to decide if this will be allowed.

Once you have a hearing scheduled, if you need help finding an advocate or lawyer to represent you, call the Mental Health Law Program:

**604-685-3425 in the Lower Mainland**  
**1-888-685-6222 elsewhere in BC**  
 10 AM–noon & 1:30 PM–4:30 PM, Monday to Friday