Guide to the Mental Health Act (2005) • Index

Note: This index was prepared in 2015, a decade after the Guide to the Mental Health Act was last published. It is a faithful reflection of the guide's content, but since the guide was issued, some practices and interpretations have changed:

• The Mental Health Act forms now include Form 18.1: Notification to Near Relative (Order for a Review Panel Hearing, which did not exist in 2005 but can now be found online at http://www2.gov.bc.ca/gov/content/health/health-forms/mental-health-forms.

• The Review Panel is now called the Mental Health Review Board, and its office has relocated to #302–960 Quayside Drive
New Westminster, BC V3M 6G2

• A major court case, Mullins v. Levy, has supplied a definition of “examination” by a physician under Section 22 of the Mental Health Act.

Also, although the Mental Health Act mentions “approved homes” and “private mental hospital,” neither of these exist in B.C. Instances of these terms in the index are marked by an asterisk (*).

Page numbers in italic refer to content within the Mental Health Act and the Mental Health Regulations.
Page numbers in bold refer to forms.

A
Administrative Tribunals Act, vii, 138
admission date. See also examination date; timelines and admission time, 77, 78
for calculating periods of involuntary status, 10, 13, 23–24, 38, 77, 78, 80, 95, 137, 162, 177
for conversion from voluntary to involuntary status, 80
definition of, 10, 23, 80
and recall, 38, 149
admission/status, involuntary
at approved home*, 148. See also extended leave of children and youth, 53–54, 88
criteria for, 8–9, 18, 66–67, 69, 72–73, 105, 115, 136, 162, 173
director’s role in, 7, 14, 136–137, 142–143, 150
discharge from. See discharge
duration of, 7, 10, 23–24, 77, 80, 83, 137, 177
discharge from. See unauthorized absence examination for. See medical examinations facilities designated for. See designated facilities via judicial warrant (order from a judge), 7, 16, 75, 78, 91, 94, 107, 116, 141, 145, 156, 194. See also judicial warrants
during leave, 32–33, 37–38, 148. See also extended leave; leave via medical certificate, 7–11, 53, 66–68, 71, 91, 111, 136. See also Form 4: Medical Certificate (Involuntary Admission)
notification of near relative about, 36, 42, 52, 70, 99, 105, 147
to observation unit, 2, 6, 13, 137
admission/status, involuntary (cont’d)
of people charged under the Criminal Code, 15, 108, 109–110, 142–143
via police apprehension under Section 28(1), 5, 12–15, 53, 68–69, 75, 89–90, 93, 141, 188. See also police
process of, 71–75, 107, 136–137
and recall. See recall
renewal of. See renewal
review of, 44, 46, 100–106, 139–140, 154. See also
Review Panel hearings
timing of, 6, 8, 71, 77, 136–137
treatment, as purpose of, 8, 9, 18, 66, 72, 105, 136, 145–146, 168. See also treatment
after voluntary admission, 5–6, 40, 42, 46, 70
to voluntary admission, 6, 7, 10, 13, 16, 26, 43, 46, 54, 70
vs. voluntary admission, 5, 66
admission/status, voluntary. See also Form 1: Request for Admission (Voluntary Patient)
of children and youth, 4–5, 53, 135, 159
and consent for treatment, 18. See also Form 2: Consent for Treatment (Voluntary Patient)
director’s role in, 4, 111, 134–135, 150
discharge from, 4, 52, 53–54, 135
after involuntary admission, 6, 7, 10, 13, 16, 26, 43, 46, 54, 70
vs. involuntary admission, 5–6, 40, 42, 46, 70
advocacy and support groups, 1, 17, 188. See also community care providers
advocate. See also lawyer
patient’s right to, 40, 173, 175
at Review Panel hearings, 44, 46, 103, 104, 105
affidavits, in support of judicial warrant, 69, 167

185
alcohol and drug use, 20, 86, 90, 187, 188, 190
ambulance personnel. See paramedics
Ambulance Service, British Columbia, 117. See also
paramedics
application to court. See provincial court; Supreme
Court of British Columbia
apprehension
vs. arrest, 12, 188
under director’s warrant. See Form 21: Director’s
Warrant (Apprehension of Patient)
under judicial warrant. See Form 9: Application for
Warrant (Apprehension of Person with Apparent
Mental Disorder for Purpose of Examination);
Form 10: Warrant (Apprehension of Person with
Apparent Mental Disorder); judicial warrants
under medical certificate, 6, 7, 53, 74, 91, 137
by police, under Section 28(1), 5, 12–15, 53, 68–69,
75, 89–90, 93, 141, 188
from private dwelling, 12, 15, 94, 188
Proposed Patient Apprehension Request form, 68,
90, 191
during recall, 92, 148–149
support of relatives during, 94
during unauthorized absence, 53, 92–93, 149–150
of voluntary patients, 93
approved homes*, 84, 129, 137, 143, 148, 150. See also
extended leave
arrest. See also Criminal Code; criminal offences
vs. apprehension, 12, 188
at hospital, 92, 188
treatment after, 15, 109
attending (hospital) physicians. See also physicians:
authority of, to issue medical certificate; physicians:
authorized by director
discharging patients, 112
examining patients, 5–8
and extended leave, 30–31, 36, 38
renewing involuntary status, 74
as witnesses at Review Panel hearing, 43, 46–47,
103, 104

B
British Columbia Ambulance Service, 117. See also
paramedics
British Columbia Association of Chiefs of Police
(BCACP) Police Triage Guide, 187–188

C
Cabinet of the government of British Columbia
(Lieutenant Governor in Council), 130–133, 142,
148–150, 194
Canadian Charter of Rights and Freedoms, 146, 147.
See also Patients’ Charter of Rights, Riverview
Hospital
caseworkers, community mental health, 31, 188. See also
community care providers
chair of Review Panel. See also Form 18: Notification
to Near Relative (Request or Order for a Review
Panel Hearing); Review Panel (composition and
responsibilities)
appointing members, 138
complaints to, 47
definition of, 129, 153
notifying others of panel determination, 140. See also
Form 8: Review Panel Determination
ordering hearings, 100, 101, 138, 139
qualifications of, 44, 102
receiving applications for hearings, 34, 45
reviewing treatment records, 100, 101, 138, 140,
155
scheduling hearings, 46, 99, 102, 138, 140
shortening time before next hearing, 46, 99, 102,
138, 140
checklist, Mental Health Act Medical Certificate
(Involuntary Admission) completion, 185
children and youth
discharge of, 53–54, 135
forms for, 5, 88, 157, 159–161, 174–175, 177–178
involuntary admission of, 53–54, 88
parents or guardians of. See parents or guardians
renewal for, 88, 161
Review Panel hearings for, 44, 45, 100, 105, 136
rights of, 4–5, 40, 41, 44, 45, 100, 146–147, 174–
175, 178. See also Form 14: Notification to
Patient Under Age 16…
treatment of, 18, 80, 88, 160
unauthorized absence of, 53
voluntary admission of, 4–5, 53, 135, 159
youth custody centres, 108, 142–143, 148
common law, police authority under, 12, 14, 20, 92,
188
Community Care and Assisted Living Act, 131
community care providers, 27–39, 52, 95–96, 110,
148, 155. See also community mental health
caseworkers; community physicians
Community Legal Assistance Society (CLAS), 44, 46,
47–48, 103, 178
community mental health caseworkers, 31, 188. See also
community care providers
community physicians. See also community care
providers
and discharge from involuntary status, 36, 52, 112
community physicians (cont’d)
  examining patients, 12, 90, 91, 94
  and Form 20, 31, 33, 35, 95–96, 155. See also Form
  20: Leave Authorization
  issuing Form 21: Director’s Warrant, 37, 99
  and recall, 36–39
  and renewal, 33, 37–38, 112
  treating patients on leave, 8, 27–39, 74, 95–96, 99,
  156, 159, 192
complaints
  about hospital services, 3, 7, 22
  about Review Panel, 47
consent for release of health information, 17, 49, 70,
  119–126
consent for treatment. See also Form 2: Consent for
  Treatment (Voluntary Patient); Form 5: Consent for
  Treatment (Involuntary Patient); Health Care
  (Consent) and Care Facility (Admission) Act
  capability of patient to give, 5, 19–21, 73, 84, 86
  of children and youth, 18, 88, 160
  in emergencies, 19–20, 84–86
  given by involuntary patients, 19, 84, 112
  non-psychiatric, 21–22, 84, 85
  of people charged with criminal offence, 109
  of people found Not Criminally Responsible on
  Account of Mental Disorder (NCRMD), 110
  substitute/”deemed,” 3, 18, 19, 84–85, 98, 112, 131,
  143, 193. See also substitute decision makers
  verbal, 20
  of voluntary patients, 18
correctional facilities (for people over 16), 108, 110,
  132, 142–143, 148, 149. See also Criminal Code;
  criminal offences; forensic psychiatric services;
  lockup, police; youth custody centres
court, application to. See provincial court; Supreme
  Court of British Columbia
Criminal Code. See also criminal offences
  detention under, 15, 108, 109, 133, 143. See also
  correctional facilities (for people over 16); lockup,
  police; youth custody centres
  and discharge, 142–143
  exception of right to leave under, 27, 149
  and feeney warrants, 15
  police authority under, 14, 92, 188
  transfers under, 109–110, 142–143, 148
  transport under, 133, 142
treatment, authorization of, under, 109
criminal offences. See also arrest; correctional
  facilities (for people over 16); Criminal Code; fitness
to stand trial; forensic psychiatric services; Not
  criminally responsible on account of mental
  disorder (NCRMD)
  not needed for police intervention, 12, 13, 68, 89,
  188
  and role of court, 108, 109–110, 188
  treatment for people charged with, 15, 109, 149
  and unauthorized absence, 53, 93, 149
criteria. See also evidence
to determine patient capability, 21
  for extended leave, 29. See also extended leave:
  conditions of
  for involuntary admission, 8–9, 18, 66–67, 72–73,
  136, 173, 193
  for recall, 36–37, 148–149, 156
  for renewal, 25–26, 79, 81, 82, 137–138, 164
  used by judge for warrant, 16, 75, 115
  used by police under section 28(1), 13, 68
  used by review panel, 48, 104–105
D
delusions
  as sign of risk to self or others, 67, 73, 187, 190
  as symptom of mental disorder, 66, 72, 77, 168,
  187
depression, as symptom of mental disorder, 66, 72,
  168, 187
designated facilities. See also observation units;
  provincial mental health facilities; psychiatric units
  admission to. See involuntary admission/status;
  voluntary admission/status
  complaints and suggestions about, 3, 7
  definition of, 2, 129, 193
  designation of, 3, 130
directors of. See directors (of designated facilities)
  under the Hospital Act, 6. See also Hospital Act
  list of, 63–65
  as location of review panel hearings, 102, 106
  notifying near relatives about changes to patient
  status, 42–43, 52, 70, 101, 147. See also near
  relatives
  notifying patients of their rights, 40, 41, 99. See
  also patients’ right(s)
  and patients in rural/remote areas, 18
  policy of, about patients’ possessions and
  communications, 49
directors (of designated facilities) (cont’d)
complaints to, 3, 7, 22
complying with Review Panel determination, 103, 105, 136, 139–140
definition of, 2, 129
discharging patients, 36, 52, 112, 135, 136, 140, 146, 148, 185. See also Form 19: Certificate of Discharge
examining patients, 137–138. See also medical examinations
general responsibilities of, 2, 18, 84, 131–132, 144. See also specific responsibilities
issuing warrant. See Form 21: Director’s Warrant (Apprehension of Patient)
legal liability of, 133
notifying near relatives of patient status, 42–43, 52, 101, 147. See also under near relatives
notifying patients of their rights, 26, 34, 146–147, 154. See also patients’ right(s)
notifying Review Panel of time for review of leave, 101, 155
qualifications of, 4
recalling patients from leave, 36–38, 149, 156
receiving second medical opinion report, 51, 87, 144, 155, 186
renewing involuntary status. See Form 6: Medical Report on Examination of Involuntary Patient (Renewal Certificate); renewal
selecting physician for second medical opinion, 50
signing consent for treatment, 18, 19, 84–85, 98, 112, 131, 143, 193. See also Form 5: Consent for Treatment (Involuntary Patient)
and transfers, 112, 147–148, 150
and unauthorized absences, 53, 92–93, 113, 149.
See also Form 21: Director’s Warrant (Apprehension of Patient)
as witnesses at Review Panel hearing, 104
directors of mental health/addictions in health authority, 30–32, 35, 37
discharge. See also extended leave; Form 19: Certificate of Discharge; leave
after 1st medical certificate, 6, 7, 16, 74, 142
application to court for, 10, 40, 42, 47–48, 144–146, 173, 175
of children and youth, 135
by community physician, 36, 52, 112
criteria for, 10, 13, 26, 36, 52, 99, 112, 135, 148
by director, 36, 52, 112, 135, 136, 140, 146, 148, 185
director’s authorization of physician to, 3, 35, 36, 112
after examination for renewal, 26, 137
directors (of designated facilities) (cont’d)
policy of, for leave, 28–29. See also extended leave; leave
policy of, to authorize physicians to perform director’s duties, 26. See also directors (of designated facilities): authorizing others to perform duties
providing access to physician for second medical opinion, 50
providing applications for Review Panel hearings, 44, 100. See also Review Panel hearings
providing information about contacting a lawyer, 48. See also Community Legal Assistance Society (CLAS); lawyer
recall to. See recall regulations governing, 151
“in or through,” interpretation of, 8. See also extended leave; involuntary admission/status; leave
transfers between, 20, 45, 51, 96, 112, 118, 147–148. See also observation units: transfers from; transfers
transport to. See transport of patient
unauthorized absence from, 35, 53–54, 92–93, 112, 134, 149–150
detention. See Criminal Code: detention under; involuntary admission/status
deterioration, risk of mental or physical
as criterion for involuntary admission, 8, 9, 69, 73, 105, 115, 136, 162, 168
as criterion for recall, 37, 156
as criterion for renewal, 25
evidence of, for application to court for medical examination, 66–67, 114–115
directors (of designated facilities)
accepting applications for Review Panel hearings, 100, 154
admitting involuntary patients, 7, 14, 111, 136–137, 142–143, 150
admitting voluntary patients, 4, 111, 134–135, 150
appointment of, 2–3, 111, 151, 154
authorizing leave, 27–29, 31–33, 96, 112, 148, 155, 156. See also Form 20: Leave Authorization
authorizing others to perform duties, 3, 26, 29, 32–33, 51, 85, 96, 111–113, 156, 192. See also extended leave: Extended Leave: Assignment of Additional Director’s Functions (optional form); Form 20: Leave Authorization
authorizing treatment, 18, 19, 32, 143. See also directors (of designated facilities): signing consent for treatment; treatment
see Criminal Code: detention under; involuntary admission/status
discharge (cont'd)  
from extended leave, 33, 35, 36, 99  
from involuntary status to voluntary, 6, 10, 13  
nomination of near relative about, 26, 36, 42, 52,  
70, 99, 101, 105, 147, 179. See also Form 17:  
Notification to Near Relative (Discharge of  
Involuntary Patient)  
nomination of police about, 53  
of people charged under the Criminal Code, 142–  
143  
planning, 26, 51, 52, 78, 79, 104. See also  
community care providers  
recertification after, 47  
Review Panel order for, 10, 43, 46, 98, 101, 105,  
136, 139–140  
transport after, 52  
after unauthorized absence, 53, 149  
of voluntary patients, 4, 52, 135  
Donald, Justice, 9. See also McCorkell v. Riverview  
Hospital  
drug and alcohol use, 20, 86, 90, 187, 188, 190  

e  
electroconvulsive therapy, as treatment, 20  
emergencies, psychiatric. See also Form 9:  
Application for Warrant (Apprehension of Person  
with Apparent Mental Disorder for Purpose of  
Examination); judicial warrants  
during extended leave, 38  
police intervention in, 5, 12, 53, 68–69, 141–142  
in rural/remote areas, 18  
treatment in, 19–20, 84–86  
escapes from hospital. See unauthorized absence  
escort for female patients, 93, 118, 134  
evidence. See also criteria  
for application to court for discharge, 144–145  
for application to court for medical examination,  
considered in medical examination, 8, 15, 25, 66–  
67, 73, 90, 137, 164. See also medical  
examinations; medical reports  
for police apprehension (information received),  
12, 89, 93, 188. See also apprehension  
for recall, 37, 156. See also recall  
for renewal, 25, 79, 81, 82, 137, 164. See also  
renewal  
for Review Panel, 43, 46–47, 102, 103–105, 139–  
140. See also Review Panel hearings  
examination, psychiatric. See medical examinations  
examination date, 6, 8, 71, 80, 135, 136. See also  
admission date; timelines  

excitement, manic, as symptom of mental disorder,  
66, 72, 168, 187  
extended leave. See also Form 20: Leave  
Authorization; leave  
conditions of, 27–36, 95–96, 97, 99, 112, 148, 155  
definition of, 27, 28–29, 194  
director’s responsibilities around, 27–29, 31–33,  
96, 112, 148, 155–156, 192  
discharge from, 33, 35, 36, 99. See also discharge  
Extended Leave: Assignment of Additional  
Director’s Functions (optional form), 33, 192  
forms for, 98–99. See also specific forms  
initiation of, 31–33, 74, 95–96, 97, 112. See also  
community care providers; community  
physicians  
nomination of near relative about, 32, 70  
patients’ rights during, 34, 100  
patients suitable for, 29  
planning for, 30–31. See also community care  
providers; community physicians  
recall from. See recall  
renewal during, 24–25, 29, 33, 37–38, 112  
Review Panel hearings during, 34–35, 100–102,  
106, 139, 155  
second medical opinions during, 34  
support for patient on, 33–36  
unauthorized absence during, 35–36  

F  
facilities, designated. See also observation units;  
Provincial mental health facilities; psychiatric units  
admission to. See involuntary admission/status;  
voluntary admission/status  
complaints and suggestions about, 3, 7  
definition of, 2, 129, 193  
designation of, 3, 130  
directors of. See directors (of designated facilities)  
under the Hospital Act, 6. See also Hospital Act  
list of, 63–65  
as location of Review Panel hearings, 102, 106  
notifying near relatives about changes to patient  
status, 42–43, 52, 70, 101, 147. See also near  
relatives  
notifying patients of their rights, 40, 41, 99. See  
also patients’ right(s)  
and patients in rural/remote areas, 18  
policy of, about patients’ possessions and  
communications, 49  
policy of, for leave, 28–29. See also extended leave;  
leave
facilities, designated (cont’d)
policy of, to authorize physicians to perform
director’s duties, 26. See also directors (of
designated facilities): authorizing others to
perform duties
providing access to physician for second medical
opinion, 50
providing applications for Review Panel hearings,
44, 100. See also Review Panel hearings
providing information about contacting a lawyer,
48. See also Community Legal Assistance Society
(CLAS); lawyer
recall to. See recall
regulations governing, 151
“in or through,” interpretation of, 8. See also
extended leave; involuntary admission/status;
leave
transfers between, 20, 45, 51, 96, 112, 118, 147–
148. See also observation units: transfers from;
transfers
transport to. See transport of patient
unauthorized absence from, 35, 53–54, 92–93,
112, 134, 149–150
facilities, non-designated, v, 2
false imprisonment charges, risk of, 26
family. See relatives
Feeney warrants, 15, 188
female patients, escort for, 93, 118, 134
fitness to stand trial, 108, 109–110, 143. See also Not
Criminally Responsible on Account of Mental
Disorder (NCRMD)
Forensic Psychiatric Services, 15, 108, 109, 110, 188.
See also Criminal Code; criminal offences
Form 1: Request for Admission (Voluntary Patient),
4–6, 88, 159. See also voluntary admission/status
Form 2: Consent for Treatment (Voluntary Patient),
4–5, 18, 88, 160. See also consent for treatment
Form 3: Medical Report (Examination of a Person
under 16 Years of Age), 88, 161, 177. See also
children and youth; medical examinations
Form 4: Medical Certificate (Involuntary Admission),
162, 194. See also involuntary admission/status
1st, 5, 6, 7–8, 10, 53, 68, 71–74, 136
2nd, 6, 7, 11, 13, 23, 25, 54, 68, 74, 76–78, 136–137
after judicial warrant for medical examination, 69,
78, 116, 141–142
authority of, 6, 7, 53, 74, 91, 117, 137, 188
checklist, 185
criteria for, 8–9, 18, 66–67, 71, 72–73, 136, 173, 193
errors on. See habeas corpus (judicial review)

Form 4: Medical Certificate (Involuntary Admission)
(cont’d)
evidence considered for, 66, 72–76, 77. See also
medical examinations
examination for. See medical examinations
during extended leave, 38
guidelines for completing, 71–75, 77–78, 185
language on, 72
and length of detention, 10, 23, 77
as method of involuntary admission, 7–11, 53, 66–
68, 71, 91, 111, 136
at observation unit, 13
for people charged under the Criminal Code, 108,
109, 142–143
timing of, 6, 8, 71, 77, 136–137. See also admission
date; examination date; timelines
for transfers from another province, 150
validity of, 8, 38, 51, 52, 136, 137, 148

Form 5: Consent for Treatment (Involuntary Patient),
19–21, 163. See also consent for treatment
capability of patient to sign, 19–21, 84
and changes to treatment, 34, 87, 98
in emergencies, 84–86
and extended leave, 98
guidelines for completing, 84–86
legal protection of, 19. See also liability, legal
in patient’s health record, 19, 34, 98
signed by director/designate, 18, 19, 32, 84–85, 98,
112, 131, 143, 193
signed by patient, 84, 98, 112

Form 6: Medical Report on Examination of
Involuntary Patient (Renewal Certificate), 25–26, 82,
164. See also renewal
community physician’s authority to complete, 112
examination for, 8, 24–26, 36–37, 78–80, 134–135,
137–138, 173, 175, 177
expiration of, 8, 10
See also extended leave
guidelines for physicians, 25–26, 78–81
as legal document, 23, 26
notice to patient of rights, 8, 26, 34, 40, 41, 74, 146
and recall, 38
timing of, 8, 24–25, 26, 33, 78, 80, 98. See also
renewal: periods of
Form 7: Application for Review Panel Hearing, 43, 44,
98, 100–102, 165, 173, 175, 178. See also Review
Panel hearings
Form 8: Review Panel Determination, 98, 105, 166
forms. See also specific forms
for children and youth, 5, 157, 159–161, 174–175, 177–178
for extended leave, 98–99. See also Form 20: Leave Authorization
forms (cont’d)
guidelines for completing, 76–88, 98–99
for involuntary patients, 77–88, 162–173, 176–183
Mental Health Act, 74, 98–99, 159–183
optional, 13, 185–192
triage guides for police, 13, 90, 187–190
for voluntary patients, 88, 159–161
Freedom of Information and Protection of Privacy Act, 49, 119–126

G
glossary, 193–194
Greggor v. Riverview Hospital, 47
Guaranteed Income Supplement, 154

H
habeas corpus (judicial review)
definition of, 43, 193
patient’s right to, 40, 47, 48, 145, 172–173, 174–175, 178
hallucinations
as sign of risk to self or others, 67, 187, 189, 190
as symptom of mental disorder, 66, 72, 77, 168, 187
handicap, mental, 10
“harm,” definition and scope of. See “safety,”
definition and scope of
Health Authorities Act, 153
health authority
appointing directors of designated facilities, 3, 111, 154
complaints to, 3, 22
definition of, 111, 153
designating facilities, 3
directors of mental health/addictions, 30–32, 35, 37
mental health services, directory of, 16, 17, 68, 114
protocols for people in rural/remote areas, 18
Health Care (Consent) and Care Facility (Admission) Act, 19–20, 22, 85, 86
health records. See also history, patient’s mental health; medical reports
admission details in. See admission date
consent for treatment in, 19, 34, 98. See also Form 5: Consent for Treatment (Involuntary Patient)
disclosure of, to third party, 17, 49, 70, 119–126
nomination of near relative in, 34. See also Form 15: Nomination of Near Relative
patient access to, 49
plans for leave in, 27, 31. See also Form 20: Leave Authorization
health records (cont'd)
  renewal details in, 33, 80
  for Review Panel, 35, 155
  rights information in, 41. See also Form 13:
  Notification to Involuntary Patient of Rights
  under the Mental Health Act; Form 14:
  Notification to Patient Under Age 16…
  for transfers, 78
history, patient’s mental health. See also evidence;
health records; medical reports
  consideration of, for discharge, 145. See also
  discharge
  consideration of, for extended leave, 29. See also
  extended leave
  consideration of, for involuntary admission, 73. See also
  Form 4: Medical Certificate (Involuntary
  Admission); involuntary admission/status
  consideration of, for renewal, 25, 79, 81, 82, 137.
  See also Form 6: Medical Report on Examination
  of Involuntary Patient (Renewal Certificate);
  renewal
disclosure of, to third party, 17, 49, 70, 119–126
at Review Panel hearings, 104, 139
homicide, thoughts or threats of, 189, 190. See also
risk (not necessarily bodily) to self or others;
violece, acts or threats of
Hospital Act, 4–6, 130, 131, 153, 193
hospitalization, involuntary. See involuntary
admission/status
hospitals. See designated facilities; non-designated
facilities
housing. See approved homes*

I
Infants Act, 5
information received. See evidence
Insurance Corporation of British Columbia, 123
Interpretation Act, 23–24, 150
intoxication, 187, 188, 190. See also alcohol and
drug use
involuntary admission/status
  at approved home*, 148. See also extended leave
  of children and youth, 53–54, 88
criteria for, 8–9, 18, 66–67, 69, 72–73, 105, 115,
  136, 162, 173
director’s role in, 7, 14, 136–137, 142–143, 150
discharge from. See discharge
duration of, 7, 10, 23–24, 77, 80, 83, 137, 177
escape from. See unauthorized absence
examination for. See medical examinations
facilities designated for. See designated facilities
involuntary admission/status (cont’d)
  via judicial warrant (order from a judge), 7, 16, 75,
  78, 91, 94, 107, 116, 141, 145, 156, 194. See also
  judicial warrants
during leave, 32–33, 37–38, 148. See also extended
leave; leave
  via medical certificate, 7–11, 53, 66–68, 71, 91, 111,
  136. See also Form 4: Medical Certificate
  (Involuntary Admission)
  notice of rights upon, 41, 74, 146
  notification of near relative about, 36, 42, 52, 70,
  99, 105, 147
to observation unit, 2, 6, 13, 137
of people charged under the Criminal Code, 15,
  108, 109–110, 142–143
via police apprehension under Section 28(1), 5,
  12–15, 53, 68–69, 75, 89–90, 93, 141, 188. See also
  police
  process of, 71–75, 107, 136–137
  and recall. See recall
  renewal of. See renewal
  review of, 44, 46, 100–106, 139–140, 154. See also
    Review Panel hearings
timing of, 6, 8, 71, 77, 136–137
treatment, as purpose of, 8, 9, 18, 66, 72, 105, 136,
  145–146, 168. See also treatment
  after voluntary admission, 5–6, 40, 42, 46, 70
to voluntary admission, 6, 7, 10, 13, 16, 26, 43, 46,
  54, 70
vs. voluntary admission, 5, 66

J
jails. See correctional facilities (for people over 16);
youth custody centres
judge. See also Form 9: Application for Warrant
  (Apprehension of Person with Apparent Mental
  Disorder for Purpose of Examination); Form 10:
  Warrant (Apprehension of Person with Apparent
  Mental Disorder); provincial court; Supreme Court
  of British Columbia
  legal liability of, 133
  order from, to treat patients unfit to stand trial,
  109
  warrant from, application for (procedure), 69, 114–
  116, 167–168. See also Form 9: Application for
  Warrant (Apprehension of Person with Apparent
  Mental Disorder for Purpose of Examination)
  warrant from, for apprehension and examination,
  7, 16, 75, 78, 91, 94, 107, 141, 145, 156, 194. See also
  Form 10: Warrant (Apprehension of Person
  with Apparent Mental Disorder)
judicial review (habeas corpus)
definition of, 43, 193
patient’s right to, 40, 47, 48, 145, 172–173, 174–175, 178
judicial warrants
application for (procedure), 69, 114–116, 167–168. See also Form 9: Application for Warrant (Apprehension of Person with Apparent Mental Disorder for Purpose of Examination)
for apprehension and examination, 7, 16, 75, 78, 91, 94, 107, 141, 145, 156, 194. See also Form 10: Warrant (Apprehension of Person with Apparent Mental Disorder)
justice of the peace. See judge

L
lack of insight into mental condition, 29, 187
law enforcement. See police lawyer. See also advocate
for applications to court for discharge or judicial review, 48, 144, 178
as member of Review Panel, 44, 102, 138
notification of, about Review Panel determination, 105
patient’s right to, 40, 172–173, 174–175
representing patient at Review Panel hearing, 44, 46, 47, 103, 104, 105
leave, 8, 27, 112, 148, 156. See also extended leave
counsel. See lawyer
Legal Services Society, 48, 178
liability, legal
in incorrect use of forms, 19, 26, 39, 76
protection from, under the Mental Health Act, 11, 28, 74, 94, 133
liability to imprisonment. See Criminal Code; criminal offences
Lieutenant Governor in Council, 130–133, 142, 148–150, 194
lockup, police, 94, 108, 109, 142–143, 148, 188

M
Manitoba mental health legislation, 9
“mature minors,” 5
McCorkell v. Riverview Hospital, 2, 9, 73
medical certificate. See Form 4: Medical Certificate (Involuntary Admission)
medical examinations. See also medical reports
before 1st medical certificate, 5, 6, 7, 11, 68, 71, 72, 136
before 2nd medical certificate, 7, 11, 13, 50, 68, 77, 137
medical examinations (cont’d)
by community physician, 12, 90, 91, 94
after judicial warrant, 69, 75, 91, 114, 156. See also Form 9: Application for Warrant (Apprehension of Person with Apparent Mental Disorder for Purpose of Examination)
nature and process of, 11, 25–26, 50, 78–80, 137–138
patient’s refusal of, 11, 67, 75, 94, 165
patient’s right to, 1, 42, 172, 175
after police apprehension under Section 28(1), 2, 12, 68, 75, 89–90, 93, 141, 188
police assistance during, 14, 91–92, 188
for renewal, 8, 24–26, 36–37, 78–80, 134–135, 137–138, 173, 175, 177. See also Form 6: Medical Report on Examination of Involuntary Patient (Renewal Certificate)
report on. See Form 3: Medical Report (Examination of a Person under 16 Years of Age); Form 6: Medical Report on Examination of Involuntary Patient (Renewal Certificate); medical reports
for second medical opinions. See second medical opinions
timing of, 6, 8, 50, 71, 80, 83, 135, 136
medical reports. See also health records; history, patient’s mental health
for children and youth, 88, 161. See also Form 3: Medical Report (Examination of a Person under 16 Years of Age) as evidence, for application to court for discharge, 145–146
as evidence, for renewal, 25, 78, 82, 98, 137–138, 156, 164. See also Form 6: Medical Report on Examination of Involuntary Patient (Renewal Certificate)
of second medical opinion, 34, 51, 87, 98, 155, 157, 171. See also Form 12: Medical Report medication. See also treatment
consent for, 84, 85, 173, 175
history, 67, 104, 122, 168. See also health records; history, patient’s mental health
non-compliance with, 17, 29
mental deterioration. See deterioration, risk of mental or physical
mental disorder
definition of, vi, 72, 129, 188, 194
Not Criminally Responsible on Account of, 108, 110, 143
symptoms of, 9, 66–67, 72–73, 168, 187–188, 190
treatment for. See treatment
near relatives (cont’d) notification of, about discharge, 26, 36, 42, 52, 70, 99, 105, 147, 179, 707. See also Form 17: Notification to Near Relative (Discharge of Involuntary Patient) notification of, about extended leave, 32, 70 notification of, about patients’ rights, 147, 177–178 notification of, about Review Panel application, 32, 35, 42, 43, 99, 101, 178, 180. See also Form 18: Notification to Near Relative (Request or Order for a Review Panel Hearing) notification of, about unauthorized absence, 70 request by, for second medical opinion, 50, 86–87, 144, 173, 178 non-designated facilities, v, 2 Not Criminally Responsible on Account of Mental Disorder (NCRMD), 108, 110, 143. See also fitness to stand trial nurses authorization of, to admit involuntary patients, 3, 111, 175 giving substitute consent for treatment, 85, 111 notifying director about patient’s desire to leave, 135 receiving Review Panel hearing application, 44, 173, 175 O observation units. See also facilities, designated definition of, 2, 129 as designated facilities, 2, 65, 129, 130 transfers from, 2, 6, 13, 137 Offence Act, 134 Old Age Security pension, 154 Ontario mental health legislation, 22, 188 P paramedics apprehension by, 6, 53, 91, 188 authorizing accompanying relatives, 11, 117 escort for female patients, 93, 134 legal liability of, 11, 133 role of, in involuntary admissions, 117–118 transporting patients to hospital, 6, 7, 14, 53, 74, 91, 117, 118 parents or guardians. See also near relatives; Public Guardian and Trustee and consent for treatment, 18, 88, 160 and discharge, 135 and involuntary admissions, 53–54
physicians (cont’d)
community. See community physicians
complaints to, about treatment, 22
contacting, by relative, 67–68
as directors, 4, 51, 111
discharging patients. See discharge
examinations by. See medical examinations
explaining treatment to patient, 19, 21, 84
giving substitute/“deemed” consent for
treatment, 3, 18, 19, 84–85, 88, 112, 131, 143, 193
guidelines for, 71–75, 78–81
legal liability of, 11, 74, 133
on Review Panel, 44, 102, 138
for second medical opinion, 34, 50–51, 86–87, 98,
155, 186
as witnesses at Review Panel hearing, 103, 105
police
apprehension during recall, 92, 149
apprehension during unauthorized absence, 92–
93, 113, 149, 188
apprehension of voluntary patients, 93
apprehension vs. arrest, 12, 188
arrest, 15, 92
authority of, under common law, 12, 14, 20, 92,
188
authority to apprehend, in emergencies, 5, 12, 53,
68–69, 141–142
authority to apprehend, under Form 4: Medical
Certificate, 6, 7, 53, 91
authority to apprehend, under Form 10: Warrant
(Apprehension of Person with Apparent Mental
Disorder), 69, 91, 116
authority to apprehend, under Form 21: Director’s
Warrant, 15, 53–54, 92–93, 99, 113, 149
authority to apprehend, under Section 28(1) of the
Mental Health Act, 5, 12–15, 53, 68–69, 75, 89–90,
93, 141, 188
authority to apprehend, under the Criminal Code,
14, 92, 188
authority to enter private dwellings, 12, 15, 94,
188
authority to help health workers manage patients,
14, 91–92, 188
custody, duration of, at hospital, 14, 91, 188
custody of prisoners, 142–143
escort for female patients, 93, 118, 134
guidelines for, 13, 89–94, 187–190
legal liability of, 11, 94, 133
lockup, 94, 108, 109, 142–143, 148, 188. See also
correctional facilities (for people over 16); youth
custody centres

parents or guardians (cont’d)
and Review Panel hearings, 44–45, 100, 175, 178
and second medical opinions, 178
and unauthorized absences, 53–54
and voluntary admissions, 4–5, 40–41, 53, 88, 134
patient information, disclosure of, 17, 49, 70, 119–
126
Patients’ Charter of Rights, Riverview Hospital, 49
Patients Property Act, 42, 129
patients’ right(s). See also Canadian Charter of Rights
and Freedoms; Form 13: Notification to Involuntary
Patient of Rights under the
Mental Health Act
to access medical files, 49
to advocate, 40, 173, 175
to apply to court for discharge, 10, 40, 42, 48, 144,
146, 173, 175
for children and youth, 4–5, 40, 41, 44, 45, 100,
146–147, 174–175, 178. See also Form 14:
Notification to Patient Under Age 16…
comprehension of, 40–41
to judicial reviews (habeas corpus), 40, 47, 48, 145,
172–173, 174–175, 178
to lawyer, 40, 172–173, 174–175
during leave, 34, 100
to medical examination, 1, 42, 172, 175
Mental Health Act’s protection of, vs. Hospital Act,
4–5
notice of, at involuntary admission, 41, 74, 146
notice of, at renewal, 8, 26, 34, 40, 41, 74, 146
notice of, after transfer, 40, 41, 46, 51
notification of near relative about, 147, 177–178
posting of, in designated facility, 41, 99, 154
to Review Panel hearings, 1, 39–40, 74, 100, 136,
139
to second medical opinion, 1, 39–40, 42 74, 86,
144, 172–173, 178
specified by hospital policies, 49
peace officers. See police
penitentiaries. See correctional facilities (for people
over 16)
physical deterioration. See deterioration, risk of
mental or physical
physicians
attending (hospital). See attending (hospital)
physicians
authority of, to issue medical certificate, 2, 5–8, 11,
12, 14, 53, 66, 68, 71–75. See also Form 4: Medical
Certificate (Involuntary Admission)
authorized by director, 3, 25, 26, 32–33, 37, 51, 72,
77, 85, 96, 111–113, 156, 192
authorizing leave, 27–28, 30–31, 96, 112, 156
police (cont’d)

notification of, about discharge from involuntary status, 53
Proposed Patient Apprehension Request form, 68, 90, 191
report, for physician, 15, 90
triage guides for, 13, 90, 187–190

Police Act, 142, 143

policies, hospital

about patients’ possessions and communications, 49
to authorize leave, 27–28
to authorize physicians to perform director’s duties, 26

prisons. See correctional facilities (for people over 16); youth custody centres
private mental hospitals*, 130, 131, 134, 140, 151
Proposed Patient Apprehension Request form, 68, 90, 191

“protection,” definition and scope of. See “safety,” definition and scope of
provincial court. See also judge; Supreme Court of British Columbia
application to, for warrant ordering examination, 69, 114–116, 167–168. See also Form 9:
Application for Warrant (Apprehension of Person with Apparent Mental Disorder for Purpose of Examination)
warrant from, for apprehension and examination, 7, 16, 75, 78, 91, 94, 107, 141, 145, 156, 194. See also Form 10: Warrant (Apprehension of Person with Apparent Mental Disorder)

Provincial mental health facilities. See also facilities, designated
admission to, from correctional facilities, 132, 142–143
definition of, 130
as designated facilities, 2, 63, 130
directors of, 131, 132, 134
escort to, for female patients, 93, 118, 134
transfers to, from observation units, 2, 6, 13, 137

Provincial Ombudsman, 3, 7, 22
psychiatric assessments. See medical examinations
psychiatric units. See also facilities, designated
definition of, 130
as designated facilities, 2, 63–64, 129, 130
psychiatric units (cont’d)

transfers to, from observation units, 2, 6, 13, 137
psychosis, 11, 187. See also specific symptoms
Public Guardian and Trustee, 42, 147, 176. See also substitute decision makers
Public Service Act, 131

R

RCMP, 13, 90, 189, 191. See also police recall

complications with, 38
criteria for, 37, 148–149, 156
definition of, 36
in discharge plans for leave, 31
via Form 21: Director’s Warrant, 35, 37, 39, 92, 99, 149, 183
police intervention during, 92, 149
regulations governing, 151, 156
return to leave after, 33, 39
timing of, 37–38, 149

Regulation, Mental Health, 150–151, 153–157
relatives. See also near relatives; substitute decision makers
accompanying patient to hospital, 11, 117
application to court by. See provincial court:
application to, for warrant ordering examination
common questions from, 17
information from, as evidence for involuntary admission, 8, 66–70, 72, 78, 80
legal liability of, 11, 133
persuading family member to seek treatment, 89, 94, 114
release of patient information to, 17, 49, 70, 87, 120–126
request from, for second medical opinion. See second medical opinions
request from, for treatment of family member, 66–70, 90, 94, 116, 191
as support system, 190
transporting patients to hospital, 7, 74, 91
as witnesses at Review Panel hearing, 103–104. See also Review Panel hearings
renewal. See also Form 6: Medical Report on Examination of Involuntary Patient (Renewal Certificate)

for children and youth, 88, 161. See also Form 3:
Medical Report (Examination of a Person under 16 Years of Age)
criteria for, 25–26, 79, 81, 82, 137–138, 164
examination for, 8, 24–26, 36–37, 78–80, 134–135, 137–138, 177
renewal (cont’d)
during extended leave, 24–25, 29, 33, 37–38, 112
guidelines for physicians, 25–26, 78–81
and notice to patient of rights, 8, 26, 34, 40, 41, 74, 146
periods of, 8, 10, 23–24, 80, 83, 137, 173, 175
and recall, 37–39
and Review Panel hearings, 45–46
restraint, as treatment, 20
Review Panel (composition and responsibilities). See also Form 7: Application for Review Panel Hearing;
Review Panel hearings
appeals of, 47, 141
vs. application to court, 48
authority of, 46, 103, 136, 141
chair of. See chair of Review Panel
decisions, appeals of, 47, 141
determination, 98, 105, 136, 139–140, 157, 166. See also Form 8: Review Panel Determination
discharge order from, 10, 43, 46, 98, 101, 105, 136, 139–140
function of, 43, 46, 101, 103–105, 139–140
information about, 47
members of, 44, 102, 138
office, 44, 47, 98, 100–101, 106, 154–155
process, 44, 46, 100–106, 139–141, 154–155
regulations governing, 151, 154–155
Review Panel hearings. See also advocate;
Community Legal Assistance Society (CLAS); lawyer
application for, 43, 44–45, 48, 98, 100, 154–155,
165. See also Form 7: Application for Review Panel Hearing
for children and youth, 44, 45, 100, 105, 136
confidentiality of, 106, 140
evidence at, 43, 46–47, 102, 103–105, 139–140
frequency of requests for, 45, 139. See also
renewal; periods of
information about, 43, 47–48
notification of near relative about, 32, 35, 42, 43, 99, 101, 178, 180. See also Form 18: Notification to Near Relative (Request or Order for a Review Panel Hearing)
patient’s right to, 1, 39–40, 74, 100, 136, 139
process of, 44, 46, 100–106, 139–141, 154–155
request for, during extended leave, 34–35, 100–102, 106, 139, 155
timing of, 45, 48, 101–102, 154–155
withdrawal of application for, 106, 148
witnesses at, 43, 46–47, 103–104
rights. See patients’ right(s)

risk (not necessarily bodily) to self or others. See also
homicide, thoughts or threats of; “safety,” definition
and scope of; suicide, thoughts or threats of;
violence, acts or threats of
as criterion for involuntary admission. See
involuntary admission/status: criteria for
as criterion for police intervention, 5, 12, 68–69,
89, 187–188
and emergency treatment, 20
evidence of, for application to court for medical
evidence of, from relatives, 66–67
precluding extended leave, 29
and scope of “protection” and “safety,” 5, 9, 12, 13,
73, 194
during unauthorized absence, 53, 93, 149–150
Royal Canadian Mounted Police (RCMP), 13, 90, 189,
191. See also police
rural or remote areas, psychiatric emergencies in, 18

S
“safety,” definition and scope of, 5, 9, 12, 13, 73, 194.
See also risk (not necessarily bodily) to self or others
seclusion, as treatment, 20
second medical opinions
costs associated with, 50, 87, 155
director’s response to, 51, 87, 144
frequency of requests for, 86, 144
medical report of, 34, 51, 87, 98, 155, 157, 171. See also
Form 12: Medical Report
patient’s right to, 1, 39–40, 42 74, 86, 144, 172–
173, 178
physician offering, 34, 50–51, 86–87, 98, 155, 186
regulations governing, 151, 155–156
requests for, 20, 34, 42, 50–51, 86–87, 98, 144, 186.
See also Form 11: Request for Second Medical
Opinion
timing of, 50, 155
semi-consciousness, consent for treatment during,
20, 86
sleep disturbances, as symptom of mental disorder,
66, 168
Society Act, 130
Starson v. Swayze, 22
substance use. See drug and alcohol use
substitute decision makers, 20, 22, 86. See also near
relatives; Public Guardian and Trustee
suicide, thoughts or threats of, 67, 71, 73, 122, 168,
187, 188, 189, 190. See also risk (not necessarily
bodily) to self or others; violence, acts or threats of
support groups, 1, 17, 188. See also community care providers
Supreme Court of British Columbia. See also judge application to, for compliance with Review Panel order, 103, 139
application to, for discharge, 10, 40, 42, 47–48, 144–146, 173, 175
application to, for judicial review (habeas corpus). See habeas corpus (judicial review)
order, for transport to Forensic Psychiatric Service, 15, 109, 188
role of, for criminal offences, 108, 109–110, 188
Supreme Court of Canada, 22
symptoms. See also specific symptoms
information about, as evidence, 66–67, 73, 168, 188
of mental disorder, 9, 66–67, 72–73, 168, 187–188, 190

T
timelines. See also admission date; examination date for 1st medical certificate, 6, 8, 10
for 2nd medical certificate, 6, 10, 13, 71, 77, 78, 136
date calculation guidelines, 23–24, 77–78, 80, 83
for extended leave, 95–96, 97. See also renewal for involuntary admission. See involuntary admission/status: duration of
for medical examination, 6, 8, 50, 71, 80, 83, 135, 136
for notifying patients of their rights, 41
for recall, 37–38, 149
for renewal certificates, 8, 24–25, 26, 33, 78, 80, 98. See also renewal: periods of
for Review Panel hearing, 45, 48, 101–102, 154–155
for second medical opinion, 50, 155
for transfers from observation unit, 6, 13
for unauthorized absence, 92–93, 149–150
transfers. See also transport of patient
from another province, 150, 151
to approved home*, 84, 129, 137, 143, 148, 150. See also extended leave
copy of health record for, 78
between designated facilities, 20, 45, 51, 96, 112, 118, 147–148
director’s authority to order, 112, 147–148, 150
effect of, on medical certificate, 51, 78, 148–149
effect of, on renewal, 80
effect of, on Review Panel hearing, 45
during extended leave, 96
transfers (cont’d)
of female patients, 93, 118, 134
notice to patient of rights after, 40, 41, 46, 51
from observation units, 2, 6, 13, 137
of people detained under the Criminal Code, 109–110, 142–143, 148
and recall, 32, 36, 148–149
and unauthorized absence, 149, 150
transport of patient. See also apprehension; detention; transfers
from another province, 150
after discharge, 52
of female patients, 93, 118, 134
under medical certificate, 2, 6, 53, 89–94, 116, 117–118, 137, 145. See also paramedics; police
of people detained under the Criminal Code, 133, 142
during recall, 149
by relatives, 7, 74, 91
from rural/remote areas, 18
during unauthorized absence, 150
under warrant, 7, 16, 75, 78, 91, 94, 107, 141, 145, 156, 194
treatment
accessing, for family member, 66–70, 90, 94, 116, 191
authorization of, by director, 18 143, 19, 32
changes to, 34, 51, 87, 98
charges for, 132–133, 154
of children and youth, 18, 80, 88, 160
in community. See extended leave; leave complaints about, 22
compliance with, 25, 29, 30, 79, 80, 104, 138, 139, 144–145
consent for. See consent for treatment; Form 2:
Consent for Treatment (Voluntary Patient); Form 5: Consent for Treatment (Involuntary Patient)
electroconvulsive therapy (ECT) as, 20
in emergencies, 19–20, 84–86
explanation of, to patient, 19, 21, 84
expressed wishes about, 21
after involuntary admission, 19
non-compliance with, 17, 29, 80
non-psychiatric, 21–22, 84, 85
of patients on leave, 8, 27–39, 74, 95–96, 99, 156, 159, 192
of people charged with criminal offenses, 15, 109, 149
of people not fit to stand trial, 108, 109–110, 143
as purpose of involuntary admission, 8, 9, 18, 66, 72, 105, 136, 145–146, 168
treatment (cont’d)
record of. See health records; history, patient’s mental health; medical reports
refusal of, 1, 17, 112. See also consent for treatment
restraint as, 20
seclusion, as, 20
second medical opinion on. See second medical opinions
triage guides for police, 13, 90, 187–190

U
unauthorized absence, 35–36, 53–54, 92–93, 113, 134, 149–150, 188
unconsciousness, consent for treatment during, 20, 86

V
violence, acts or threats of. See also risk (not necessarily bodily) to self or others; “safety,”
definition and scope of
not needed for police intervention, 5, 13, 68, 89, 188
as symptom of mental disorder, 67, 187–188, 189, 190
voluntary admission/status. See also Form 1: Request for Admission (Voluntary Patient)
of children and youth, 4–5, 53, 135, 159
and consent for treatment, 18. See also Form 2:
Consent for Treatment (Voluntary Patient)
director’s role in, 4, 111, 134–135, 150
discharge from, 4, 52, 53–54, 135
after involuntary admission, 6, 7, 10, 13, 16, 26, 43, 46, 54, 70
to involuntary admission, 5–6, 40, 42, 46, 70
vs. involuntary admission, 5, 66
leaving facility after, 93

W
warrant(s)
director’s. See Form 21: Director’s Warrant (Apprehension of Patient)
Feeney, 15, 188
judicial, application for (procedure), 69, 114–116, 167–168. See also Form 9: Application for Warrant (Apprehension of Person with Apparent Mental Disorder for Purpose of Examination)