



British Columbia

MENTAL HEALTH REVIEW BOARD

Key changes found in the *Rules of Practice and Procedure* effective August 28, 2018

The purpose of the new *Rules* and Practice Directions is to ensure that a patient is given a procedurally fair hearing that also proceeds expeditiously.

Additional direction, including for disclosure and the case note can be found in the corresponding Practice Directions.

Rule 7: Representation before the Board

- Includes how parties may be represented and responsibilities of patient and facility representatives, including communications.

Rule 12: Withdrawal of Application

- Includes responsibility of facilities to notify the Board when a patient's certification is cancelled.
- Allows patients to withdraw their application any time prior to the commencement of the hearing and bring a new application during the same certification period.

Rule 15: Disclosure Obligations of the Facility

- Aims to ensure patients know the case they have to meet and effectively prepare for the hearing.
- Includes a detailed explanation of a facility's disclosure obligations and the process for patients to request disclosure for the purposes of preparing for the hearing.
- Includes the introduction of a mandatory case note.

Rule: 16: Application to the Board for Document Disclosure

- Includes a detailed explanation of the steps and circumstances in which an order for disclosure can be requested.

Rule 17: Failure to Comply with Disclosure Requirements

- Includes a provision that if a document is not disclosed it cannot be introduced as evidence at the hearing without permission of the panel.

Rule 21: Postponement

- Includes a requirement that postponement requests made within two business days of the hearing require a reasonable explanation.
- Provides specific timelines for rescheduling postponed hearings.

Rule 23: Appearances

- Allows a panel to cancel the hearing when a patient does not appear 30 minutes after the scheduled hearing.
- Includes a requirement that a patient provide a reasonable explanation for non-appearance in order to reschedule the hearing in the same certification period.
- Includes a requirement that parties give notice of intent to call witnesses prior to the commencement of the hearing.