



British Columbia

MENTAL HEALTH REVIEW BOARD

Effective Date: 2018/08/28

Title: Practice Direction – Guidelines for Case Presenters

This Practice Direction describes the administrative procedures that must be followed by facilities and case presenters appearing before a review panel. The purpose of these procedures is to ensure that a patient is given a procedurally fair hearing that also proceeds expeditiously.

Summary:

A case presenter is a representative of a facility and a participant at a review panel hearing. A case presenter's role is to present the facility's case for the patient's continued detention under the *Mental Health Act* (the "Act"). A case presenter may give evidence at a hearing and should be knowledgeable of the patient's history and condition, including relevant medical records. Case presentations are often conducted by a patient's treating physician; however, the facility may assign another individual to be the case presenter, such as a case manager, nurse, mental health clinician or social worker. The facility may also assign co-presenters.

Direction:

A case presenter must attend every review panel hearing

The facility must ensure that a case presenter attends the hearing to present the facility's case for the patient's continued detention. The case presenter must also be available for the balance of the hearing to answer questions, unless the panel orders otherwise. If the treating physician is not the case presenter, the facility must ensure that the case presenter is familiar with the case note and brings the patient's file to the hearing. More information about case notes can be found in the Practice Direction – Guidelines for Preparing a Case Note.

During the hearing, a case presenter may introduce evidence, call witnesses, cross examine the patient and the patient's witnesses, make applications relevant to the conduct of the hearing, and make submissions in support of the case for the patient's continued detention. A co-presenter is not considered a facility witness.

A case presenter must be prepared to proceed with the hearing at the scheduled time

The Board will schedule a hearing in consultation with participants. However, in appropriate circumstances, including when a participant does not respond to the Board's scheduling request in a timely manner, the Board may schedule a hearing without consultation. A case presenter must be prepared to proceed with the hearing at the scheduled time. In the event that a designated case presenter is unavailable to attend the hearing at the scheduled time, the facility must assign a new case presenter.

While case presenters may consult with a patient or patient representative about postponing a hearing, a case presenter must not pressure a patient to change the date of a hearing.

Sample Template for Case Presentation

1. Read the two Form 4 Medical Certificates relating to this involuntary admission and the latest Form 6 Renewal Certificate, if any.
2. Provide details regarding date and circumstances of the patient's most recent admission; and relevant previous admissions.
3. Provide information about what the patient's mental disorder is, including symptoms.
4. Explain how the disorder impairs the patient's ability to react appropriately to their environment or to associate with others.
5. Explain why the patient requires psychiatric treatment in or through a facility.
6. Explain how the patient would deteriorate mentally or physically if not cared for, supervised or controlled in or through a facility.
7. Explain how care in or through a facility would serve to protect the patient or others.
8. Explain why the patient is not suitable to be a voluntary patient.
9. Indicate what the treatment plan is for the patient, including whether it has been discussed with the patient.
10. Point to what evidence supports any or all of the above explanations.

**Diana Juricevic
Chair, Mental Health Review Board**