



British Columbia

MENTAL HEALTH REVIEW BOARD

Effective Date: 2018/08/28

Title: Practice Direction – Guidelines for Designated Facilities

This Practice Direction describes the administrative procedures that must be followed by facilities participating in Board proceedings.

The purpose of these procedures is to ensure that a patient is given a procedurally fair hearing that also proceeds expeditiously.

Summary:

A designated facility (“facility”) means a provincial mental health facility in which a patient is involuntarily detained under the *Mental Health Act* (the “*Act*”) or a mental health team if the patient is on leave under the *Act*.

Direction:

A case note must be prepared and a case presenter must be arranged for every hearing

A facility must ensure that a case presenter is arranged, and that the treating physician prepares a case note for every hearing. A case presenter is a representative of a facility who presents the facility’s case for the patient’s continued detention. A case note is a written summary of the evidence a facility intends to present at a review panel hearing. More information about case presenters and case notes can be found in Practice Direction: Guidelines for Case Presenters and Practice Direction: Guidelines for Preparing a Case Note.

Facilities have a duty to disclose all relevant records before a hearing

A facility in receipt of a request for disclosure from a patient representative or self-represented patient must disclose all relevant records in its possession or control in accordance with the Rules and any corresponding Practice Directions.

More information about a facility’s disclosure obligations can be found in Practice Direction: Guidelines for Disclosure.

Facilities must promptly notify the Board when a patient with a scheduled hearing is decertified, transferred, released on leave, or is absent without authorization

A facility that cancels a patient’s certification under the *Act* must notify the Board at the earliest possible opportunity.

When a patient is transferred to another facility or placed on leave, the transferring facility must at the earliest opportunity:

- Notify the Board and the patient's representative of transfer
- Notify the receiving facility of the hearing
- Arrange for the participation of a case presenter at the hearing in person or by way of electronic means.

A receiving facility must at the earliest possible opportunity notify the Board that the hearing is proceeding as scheduled.

When a patient become absent under s. 41 of the *Act*, the facility must notify the Board and the patient's representative of the absence at the earliest possible opportunity thereafter. The Board may postpone a hearing involving an absent patient when it is fair and reasonable in the circumstances.

Facilities must facilitate communication with the Board for self-represented Patients

Where the facility is the address for delivery for the patient, a facility must promptly deliver all correspondence from the Board. A facility must also facilitate communications from the patient to the Board including applications for hearing or requests to cancel hearings.

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