

## How do I access a lawyer?



You can speak to a lawyer or get other legal help.

A Rights Advisor can help you find a lawyer or other legal help. They can also help you find out how to ask for free legal help.

## I have concerns about the way I have been treated. What can I do?

There are steps you can take if you have concerns about your care or how you have been treated. For example, there is a Patient Care Quality Office in each health authority that receives and responds to patient concerns.

**A Rights Advisor can explain options and how to report your concerns.**

The independent BC Ombudsperson also has information on where to raise your concerns, including contact information for complaint bodies.

- [bcombudsperson.ca](http://bcombudsperson.ca)
- 1-800-567-3247 (toll free)



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

Find out more on the Independent Rights Advice Service (IRAS) website:

- [IRASBC.ca](http://IRASBC.ca)
- 604-681-4070 (voicemail)

Information and resources on this website include:

- *More about the service and how to book a Rights Advice meeting*
- *Rights and options under the Mental Health Act*
- *Resources for involuntary patients and family/supporters*
- *Form 7: Application for Review Panel Hearing*
- *Form 11: Request for Second Medical Opinion*

Ask a member of your treatment team if you want a copy of any of these resources or forms.



# Your rights and options under BC's Mental Health Act

## Information for involuntary patients

You have rights under the *Mental Health Act*. A member of your treatment team must review these rights with you.

### You have the right:



To know where you are getting mental health treatment



To ask for a second medical opinion on your treatment



To know why you are an involuntary patient



To apply for a hearing with a review panel



To be assessed by a doctor regularly



To speak to a lawyer



To meet with a Rights Advisor



To apply to the court for a judge to review your case

## If you want to learn more about your rights and options, you can meet with an independent Rights Advisor.



**Rights Advisors explain your rights, answer questions, and provide options. Tell a member of your treatment team if you want to meet with a Rights Advisor.**

**Rights Advisors are independent.** They do not work for the government, facility, or treatment team. They offer support without judgement.

**Meetings with a Rights Advisor are confidential.** Rights Advisors meet with you in private and they do not share what you talk about. You can choose to invite a support person (e.g. family member, friend) to the meeting.

**Meetings with a Rights Advisor are free.** Most meetings are online (with video) or by phone. In-person meetings are available in some locations.

## Why am I an involuntary patient?



### You must be informed of why you are an involuntary patient.

There are 4 criteria under the *Mental Health Act* to be an involuntary patient. A doctor or nurse practitioner assessed you. Their opinion is **you meet all 4 criteria**:

1. You are experiencing a serious mental health issue that requires treatment and makes it hard for you to react appropriately to situations or people around you.
2. You need to get mental health treatment in or through a facility.
3. You need care and supervision to stop your mental or physical health from getting worse, or to protect you or others.
4. You would not stay in a facility and agree to mental health treatment if you were a voluntary patient.

The doctor or nurse practitioner must write the reasons they believe you meet all 4 criteria on a document called a certificate. Tell a member of your treatment team if you want to see your certificate.

A doctor must check your progress regularly. You stop being an involuntary patient as soon as a doctor's opinion is you no longer meet all 4 criteria. You could then choose to continue treatment as a voluntary patient.

## I have concerns about my treatment. What can I do?

When possible, your treatment team will involve you in planning your treatment. Talk to your treatment team if you have questions or concerns.



### You can ask for another opinion from a second doctor if you disagree with your treatment.

The second opinion must be considered, but it might not lead to a change in your treatment plan.

To get a second medical opinion, fill out **Form 11: Request for Second Medical Opinion**. Or you can ask a support person to request a second medical opinion for you. A Rights Advisor or a member of your treatment team can give you more information and help you ask for a second medical opinion.

## What happens when I am an involuntary patient?

As an involuntary patient, you might have to take medications or other forms of treatment even if you do not want to. You can only leave the facility if your doctor permits it.

In some cases, a doctor might decide you will be on “extended leave”. This means you are still an involuntary patient but can leave the facility and must follow your treatment plan in the community.

## I disagree that I should be an involuntary patient. What can I do?

### Option 1:




#### You can apply for a hearing with a review panel.

The panel is independent. There are 3 people on the panel who will hear your case and decide if you still meet all 4 criteria to be an involuntary patient. The hearing is free.

To apply for a hearing, fill out **Form 7: Application for Review Panel Hearing**. Or you can ask a support person to apply for a hearing for you.

A Rights Advisor or a member of your treatment team can give you more information and help you apply for a hearing. You can also contact the Mental Health Review Board for more information about hearings.

 [bcmhrb.ca](http://bcmhrb.ca)

 **1-833-660-2325 (toll free)**

When you apply for a hearing, you can ask for free legal help from the Mental Health Law Program. They can connect you with a legal representative to help prepare your case and represent you.

### Option 2:



#### You can apply to the court for a judge to review your case.

The judge can see if there is enough reason or legal authority to keep you as an involuntary patient. You might need a lawyer to help you apply to the court. A Rights Advisor can give you more information about this.