**Formal Patient Certification**

Within 24 hours of exam, the physician issues an Admission Certificate (Form 1) (D).

- A second Admission Certificate (Form 1) (D) issued within 24 hours of arrival at the facility.
- Becomes a Formal Patient (valid for one month).
- Patient and Others informed of Formal Patient status and rights under MHA (E) (F).

- **Consider CTO**
  - Meets criteria for CTO
  - Willing to accept treatment in facility?
  - Admitted as a voluntary patient?

- **Discharge**
  - Review Panel Hearing: within 21 days (G).

- **Interventions**
  - To control patient to prevent serious bodily harm are permitted (H).

- **Each renewal; 2 physicians must complete separate exams and Renewal Certificates (Form 2), at least one must be a psychiatrist and one a facility staff physician**
  - 1st renewal: 1 month
  - 2nd renewal: 1 month
  - 3rd and subsequent renewals: 6 months
  - If not renewed, Formal status expires.

- **Person may access MH Patient Advocate services at any time after first Form 1**
- **Review Panel hearing may be requested anytime once person is a Formal Patient**
- **Automatic Review Panel Hearing 6 months after admission or since last review**

- **Facility** means a place or part of a place designated in the Mental Health Regulation as a facility, otherwise known as designated facility.

- **Material appearing in this resource may be reproduced or copied in full for education and program development purposes or not-for-profit, non-commercial activities without permission**

13-Jan-16
A. Definition of Mental Disorder
(see MHA 1(1)(j))
A substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality or ability to meet the ordinary demands of life.

B. apprehension by Warrant or Peace Officers Statement (see MHA 10 and 12)
To apprehend a person to conduct an examination, the judge and/or the Peace Officer must have reasonable and probable grounds to believe that the person is in a condition likely to cause harm to the person or others or to suffer substantial mental or physical deterioration or serious physical impairment.

1. Judges Warrant: (section 10, Form 8)
- There is no other way to arrange for an examination.
- Application supported by sworn information that the person is suffering from mental disorder.

2. Peace Officer: (section 12, Form 10)
- The person is suffering from a mental disorder.
- The person should be examined for their own safety or the safety of others.
- Circumstances are such that proceeding under section 10 would be dangerous.

C. Three Criteria for Formal Patient Certification (see MHA 2(a-c))
- Suffering from a mental disorder
- In a condition likely to cause harm to the person or others or to suffer substantial mental or physical deterioration or serious physical impairment.
- Unsuitable for admission to a facility other than as a formal patient.

D. Admission Certificates

Effect of One Admission Certificate (see MHA 4(1))
Gives sufficient authority to:
- Care for, observe, assess, detain and control, apprehend and convey to a facility within 72 hours of issue.
- Care for, observe, assess, detain and control the person during apprehension and conveyance.
- Care for, observe, examine, assess, treat, detain and control the person for up to a maximum of 24 hours after arrival at facility unless a 2nd certificate is written.

Effect of Two Admission Certificates (see MHA 7(1,2))
Gives sufficient authority to:
- Care for, observe, examine, assess, treat, detain and control the person named on the certificate for up to one month after issuing of the certificate.
- One certificate must be signed by a physician on staff at the facility.
- If needed, Renewal Certificate must be completed prior to expiry of existing certificate.

E. Informing Patient and Others (see MHA 14)

Who
- Patient
- Patient's agent, substitute decision maker (SDM)
- Patient's nearest relative (unless patient objects)
- Patient may designate one person s. 14 (1) & (4)

What
- The reason for issuance of the certificates
- The authority for detention and the period of it
- Function of the review panel
- Notice of the right to apply for a review panel hearing to appeal treatment orders, certificates or finding of incompetence

F. Documentation

- Patient's and Others' receipt of:
  - Certificates
  - Verbal and written information about formal status: reasons, duration and legal rights, date completed.
- Patient's awareness and apparent understanding of formal status and legal rights.
- Response to information, behavior & mental status.
- If an appeal is being made.
- Patient's consent or refusal of treatment.

G. Review Panel (see MHA 34-43)

- Composed of a chair or vice-chair (must be a lawyer), a psychiatrist, a physician, a member of the general public (see MHA 34-36).
- Review panel members may not be on staff at the facility and must not be treating or have treated the patient.
- The applicant and the applicant's representative have a right to be present during presentation of evidence.
- Use Form 12 to apply for review panel hearing.
- A board (usually delegated to a physician) may apply on behalf of a formal patient (MHA 38(2)).
- A board or attending physician may apply to review panel for treatment order (MHA 29 (2)).
- Any decision of or order of the review panel may be appealed to the Court of Queen's Bench.

H. Control (see MHA 30)

- Control is the minimal use of reasonable force, by mechanical means or medication - without patient's consent – as necessary to prevent serious bodily harm to the person or another person.
- If interventions / medications, are used to control the behavior, not to treat patient, staff must document behavior requiring control and measures used.

I. Mental Competency (see MHA 28)

- Competency means that the person is able to understand the subject-matter relating to, and the consequences of, making treatment decisions or giving consent & the consequences of not doing so.
- Treatment decisions may be made on behalf of a formal patient when the patient is a minor or is not mentally competent by (in the following priority order):
  - agent of the patient (under personal directive)
  - guardian of the patient
  - nearest relative as defined in section 1(1)(j)(i), or
  - the Public Guardian (last resort)
- The authorized person shall make the treatment decisions in accordance with what they believe to be the best interests of the patient.

Additional Information
- Formal Patient Certificates (admission / renewal) are cancelled on the issuance of a Community Treatment Order. (MHA 9.1(3))
- On admission as a formal patient, the Community Treatment Order should be cancelled (MHA 9.6(4c))
- Mental Health Patient Advocate services are available at any time.
- "Facility" means a place or part of a place designated in the Mental Health Regulation as a facility, otherwise known as designated facility.