

What is a Community Treatment Order (CTO)?

Some individuals with serious and persistent mental disorders are caught in a cycle of being admitted to hospital when they meet the criteria for involuntary admission, are discharged after stabilization, but deteriorate in the community, only to be readmitted.

A Community Treatment Order (CTO) is a tool intended to assist patients in maintaining compliance with treatment while in the community, thereby breaking this cycle.

There are criteria set out in the *Mental Health Act* that describe the conditions under which a CTO can be written. Please refer to the Act for the specifics.

Who determines who will be on a CTO?

Psychiatrists and physicians determine who may be on a CTO, consistent with the criteria in the *Mental Health Act*. A Community Treatment Order (CTO) is not court ordered.

Specifically, two physicians, one of whom must be a psychiatrist, may issue a CTO. If there is no psychiatrist available to issue the CTO, Alberta Health Services can designate a physician who may act in this capacity (in consultation with a psychiatrist).

Who can be on a CTO?

CTOs are intended for individuals with mental illness who would otherwise decompensate in the community and be likely to cause harm to self or others, or suffer substantial mental or physical deterioration or serious physical impairment. These individuals are often subsequently admitted to the hospital for psychiatric treatment; however with appropriate support and supervision, they can remain in the community.

A CTO can be written while a person is a formal or voluntary inpatient preparing for discharge, or while the person is living in the community, as long as the criteria are met (please see the *Mental Health Act*, Section 9 for criteria). It is expected that a large proportion of CTO's will be written for persons who have been an involuntary patient in a designated mental health facility.

Is consent required for a CTO to be issued?

As a general rule, the person (if competent) or their substitute decision-maker (if the person is not competent), pursuant to section 28 of the *Mental Health Act* must give their consent for a CTO to be issued.

Are there any exceptions to consent?

A person's consent is **not required** for a CTO to be written in situations where the issuing physicians are of the opinion that the person

- has a history of not obtaining/continuing with treatment or care in the community, and
- poses a risk of harm to others should their mental health deteriorate, and the CTO would be reasonable and less restrictive than retaining the person as a formal patient.

Do persons under a CTO have rights protected under the Mental Health Act?

Yes. For instance, section 14 of the *Mental Health Act* provides that when a CTO is issued, a written statement must be given to the person who is subject to the CTO as well as their substitute decision-maker (SDM), if applicable.

This statement must include:

- the reason for the CTO
- the authority for the CTO
- information regarding the function of review panels
- the name and address of the chair of the appropriate review panel, and
- the right of the person subject to the CTO to apply to the review panel for cancellation of the CTO.

In the event of a language difficulty, an interpreter must be obtained and the above information and the written statement must be provided in the language spoken by the person subject to the CTO (or their guardian).

How long is a CTO in effect?

A CTO will be in effect for an initial six months after it is issued and will automatically expire unless two physicians renew it for another six months. There is no limit to the number of times a CTO may be renewed. There are automatic reviews of a CTO built into the legislation and also opportunities for the person to request that their CTO be cancelled.

Will there be a standard "CTO"?

Regulations include an approved Community Treatment Order form that must be used province wide. At a minimum, the completed form must include:

- the name of the 2 physicians who issue the CTO
- the dates and place where the person was examined
- the facts upon which the physicians have determined that a person meets the CTO criteria
- treatment or care required under the CTO
- the name of who will supervise the CTO, and
- provision for consent.

What conditions might be in the Order?

A CTO incorporates a treatment and care plan which outlines medications, medical appointments and other aspects of care, specific to the person's needs. These may include attendance at addiction and/or mental health services, skill development programs, or other activities that support the person's ability to stay well in the community.

Who is involved in developing the CTO care plan?

Generally speaking, the issuing psychiatrist will work with a treatment team, as outlined on the CTO, to prepare a care plan. The person on the CTO should participate in the planning to ensure:

- they understand the CTO process and their rights relative to CTOs, and
- their care plan appropriately reflects their personal goals for recovery and rehabilitation.

If the person is considered to be incompetent, their substitute decision-maker would also be involved in care planning.

An essential element of developing the care plan is to ensure that the required treatment (e.g. medication; medical care; clinical tests; other interventions) and community supports (e.g. case management; supervision; and other activities) are available and will be provided to the person.

How does a person or their substitute decision-maker (SDM) indicate their consent to the CTO?

The physician issuing the CTO will meet with the patient to review the following:

- purpose of the CTO
- the treatment /care plan and the conditions of the CTO, and
- the person's rights relative to the CTO.

The person will be asked to sign the consent portion of the CTO and will receive a copy.

In cases where the person is deemed not competent, these steps will involve the SDM as well.

How will the Mental Health Patient Advocate be involved with CTOs?

Alberta's Mental Health Patient Advocate is appointed by an Order in Council to promote and protect mental health patients' rights and investigate and take appropriate action to resolve mental health patients' concerns and complaints with regard to their rights, care and treatment.

Previously, the Advocate could intervene only if a person had formal patient status, that is, had two admission or two renewal certificates under the *Mental Health Act*. The Advocate's office is now also able to respond to and investigate complaints when a person is detained under one certificate. Their jurisdiction also extends to persons subject to CTOs.

Furthermore, the Advocate serves as a patient/family resource relative to the application of the mental health legislation.

Can a person request a review of their CTO?

Yes, requests to cancel a CTO can be made to a **Review Panel**. This is similar to the rights granted to formal patients under the *Mental Health Act*. The Review Panel is an independent body appointed by the Minister. The Review Panel can either cancel or refuse to cancel a CTO. Amendments to CTOs can and must be made by a psychiatrist, not a Review Panel.

The *Mental Health Act* has provisions regarding how to apply to a review panel for cancellation of a CTO, who may do this, the automatic review process, notice of hearings and further information on decisions and appeals. There is provision in the legislation for an automatic review on the first renewal (after 6 months), and every second renewal, i.e. 12 months, after that.

Can a CTO be amended?

Yes. The regulations provide a procedure for amending conditions of the order. Generally speaking, the specified treatment and care components can be amended by a psychiatrist at any time. The onus remains on the psychiatrist to determine whether the required care and treatment is available and will be provided to the person, and whether the person has the ability to comply with the amended terms of the CTO.

Who can cancel a CTO?

The physician who issues the CTO may or may not be the physician who supervises the CTO in the community. Community treatment orders may be cancelled at any time by a psychiatrist (in practice, this may be the supervising psychiatrist or designated physician) if the criteria for issuing a CTO no longer apply.

In a situation where a person, or where applicable their SDM, no longer agrees to the CTO, they may discuss this with their psychiatrist or physician who is supervising their CTO. A psychiatrist or designated physician may, as appropriate, amend the CTO or issue an admission certificate for the person.

A person on a CTO may also apply to the Review Panel for cancellation of the CTO. Patients have the right to appeal the decision of the Review Panel to the Court of Queens Bench.

Consequences of non-compliance with treatment or care under a CTO

The legislation requires that the physician take reasonable efforts to inform the person of the following:

- that the person is not in compliance with the CTO
- the need for compliance (and provide reasonable assistance to comply), and
- the consequences of non-compliance (e.g. order for apprehension, assessment).

If all efforts have failed to support the person's compliance with treatment or care under the CTO, a psychiatrist may issue an order that authorizes a peace officer to apprehend the person and to convey them to a designated facility for an examination. The psychiatrist must indicate on the apprehension form a *specific facility* to which the person must be conveyed.

The examination must take place within 72 hours of the person's arrival at the facility. The assessment may result in:

- the CTO being cancelled and the patient being released or offered a bed as a voluntary patient
- the CTO being cancelled and the patient certified as a formal patient, or
- the CTO being amended and the person released to continue with their care plan in the community under the revised terms of the CTO.

Zone and Provincial contacts are available for consultation.

Further information is available on the Alberta Health Services website at:

<http://www.albertahealthservices.ca/MHA.asp>