Community Treatment Orders (CTO)

- Person has a mental disorder (A) and is being considered for a CTO
- Separate exams by two physicians - at least one must be a psychiatrist or "designated physician" (L)
- Meets CTO criteria? J(a,b,c)
- NO
  - Voluntary treatment only
  - Forms 19, 20

YES

- Patient consents to CTO? J(f)
- Patient is competent? (I)
- Able to comply with treatment or care? J(e)
- Treatment or care available in community? J(d)
- ALL criteria met? J(a-e)

YES

- Formal Patient
- CTO Issued (Form 19) (K) (L) or Renewed (Form 20) (L) (M) within 72 hours of exams
  - Patient and others informed of CTO and rights under MHA (E) (F)

YES

- Patient complies with CTO? (N)
  - Provide support and information about consequences of failing to comply

YES

- Patient complies with CTO? (N)
  - ALL criteria met? J(a-e)

YES

- Meets CTO criteria? J(a,b,c)

YES

- Amendment needed and appropriate?
  - CTO amended and continued (M)

YES

- CTO cancelled (M)
  - Voluntary treatment
  - Provide information to patient, family doctor and others as required (E)

- Provide information to patient, family doctor and others as required (E)

NO

- CTO cancelled (M)

NO

- CTO amended and continued (M)

- Provide information to patient, family doctor and others as required (E)

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A. Definition of Mental Disorder (MHA 1(g))

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.

E. Informing Patient and Others (see MHA 14)

Who* MHA 14(1.1) (b)

- Patient
- Patient’s substitute decision maker under s.28
- Patient may designate one person (s. 14(1) & (4))
- Physician responsible for supervising CTO

Treatment Provider(s) named in CTO

What MHA 14(1.1) (a)

- The reason for issuance of the CTO
- Authority for issuance of CTO
- A board or the Review Panel
- Notice of the right to apply for review panel hearing to appeal CTO
- Notice and address of Review Panel Chair
- Notice of issuance, renewal, amendment, expiry or cancellation of CTO

How

- Written Statement (Form 26)
- Use verbal and written explanations
- Provide copy of CTO
- Use simple language
- An interpreter must be provided if necessary to facilitate understanding
- Give pamphlets about rights and copies of all certificates / documents to patients / SDM’s

* Additional notice to Family Doctor - on expiry or cancellation, along with any recommendations for treatment

F. Documentation

- Patient’s and Others’ receipt of:
  - CTO and Written Statement (Form 19 or 20 or 21 and Form 26)
  - Verbal and written information stating: reasons, duration, legal rights and date completed
- Patient’s awareness and apparent understanding of status and legal rights
- Response to information, behavior & mental status
- Patient’s consent or refusal of treatment
- Patient’s substitute decision maker under s.28

Not documented = Not done

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 34-35)
- 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 may select on behalf of a person subject to CTO (MHA 38(2))
- Any decision or order of the review panel may be appealed to the Court of Queen’s Bench

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 and the consequences of not doing so.

Treatment decisions may be made on behalf of a person who is subject to a CTO, when they are a minor or are not mentally competent by (in the following priority order):

- (a) agent of the person (under personal directive)
- (b) guardian of the person on a CTO
- (c) nearest relative as defined in section 1(i)(i)
- (d) 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 person on the CTO.

J. Criteria for CTO (MHA 9.1(1))

Two physicians, one of whom must be a psychiatrist, may, in accordance with the regulations, issue a CTO with respect to a person if they meet (a) to (f):

a. in their opinion, the person is suffering from a mental disorder, and
b. one or more of the following apply:
   i. within the immediate preceding three-year period the person has on two or more occasions, or for a total of at least 30 days,
   - A. been a formal patient in a facility
   - B. been in an approved hospital or lawfully detained in a custodial institution where there is evidence satisfactory to the two physicians that, while there, the person would have met the criteria for a formal patient as set out in section 2(a) and (b) at that time or those times, or
   - C. both been a formal patient in a facility and been in an approved hospital or lawfully detained in a custodial in situation in the circumstances described in paragraph (B); or
   ii. the person has within the immediately preceding three-year period been subject to a community treatment order or
   iii. in the opinion of the two physicians, the person has, while living in the community, exhibited a pattern of recurrent or repetitive behavior that indicates that the person is likely to cause harm to the person or others or suffer substantial mental or physical deterioration or serious physical impairment if the person does not receive continuing treatment or care while living in the community, and
   c. the two physicians, after separate examinations of the person by each of them within the immediately preceding 72 hours, are both of the opinion that the person is likely to cause harm to the person or others or to suffer substantial mental or physical deterioration or serious physical impairment if the person does not receive continuing treatment or care while living in the community, and
   d. the treatment or care the person requires exists in the community, is for the benefit of the person, and will be provided to the person, and
   e. in the opinion of each physician, the person is able to comply with the treatment or care requirements set out in the community treatment order, and either:
   i. consent to the issuing of the community treatment order has been obtained, A.
   ii. the person is not competent, from the person, or
   B. if the person is not competent, in accordance with section 28(1), or
   ii. consent to the issuing of the community treatment order has not been obtained but in the opinion of the issuing physician, A.
   - the person has, while living in the community, exhibited a history of not obtaining or continuing with treatment or care that is necessary to prevent the likelihood of harm to others, and
   - B. a community treatment order is reasonable in the circumstances and would be less restrictive than retaining the person as a formal patient.

K. The CTO must: (see MHA 9.1(2)(3))

- Be written on the correct form (Form 19 or 20)
- Identify and be signed by the issuing physicians
- Be written on the correct form (Form 19 or 20 or 21 and Form 26)
- Identify and be signed by the issuing physicians, (c) Contain the dates and location (city/town & facility)
- Contain the names of the physician(s) *
- Be written on the correct form (Form 26)
- Satisfy any other requirement provided for in the regulations
- Be written on the correct form (Form 19 or 20 part III)
- Be on Form 21 with copy of CTO attached
- Function of the Review Panel

L. Issuing a CTO

- “Issuing Psychiatrist” means the psychiatrist, or the “designated physician”, who last issued, renewed, or amended a CTO (CTO Reg 1)
- If a psychiatrist is not available a physician may be “designated” under MHA 9.7(1). Designation is for maximum 2 years. Use Form 25 (CTO Reg 5)
- Examinations can be conducted remotely including by video conference (CTO Reg 2)
- It is recommended that the physician list a class of medication, not the dosage, on the CTO
- Formal Patient Certificates are cancelled on the issuance of a CTO (MHA 9.1(3))

M. CTO Amendments, Renewals & Cancellation (see MHA 9.2-5)

- The issuing psychiatrist completes a Written Statement (Form 26) when issuing, renewing or amending a CTO (MHA 14(1.1)(a), CTO Reg 9(1))
- CTO is valid for 6 months and can be renewed anytime before its expiry (MHA 9.2.3)
- Issuing psychiatrist to send copy of renewal forms to review panel for deemed applications (CTO Reg 9(1))
- CTO can only be amended or cancelled by a psychiatrist or designated physician (MHA 9.4, 9.5)
- If medication is stated on a CTO, adjustments within the class do not require an amendment (Form 19 and 20 part III)
- An amendment to the Treatment and Care Plan must be on Form 21 with copy of CTO attached
- CTO supervisor issues notice of the cancellation or expiry of a CTO (CTO Reg 8(2))
- CTO should be cancelled upon admission as formal patient. (MHA 9.4(c))

N. CTO Non Compliance (see MHA 9.6)

- Within 24 hours of becoming aware, a Treatment or Care Provider(s) must report non compliance to regional health authority (AHS) (Reg 6, Form 27)
- Before an Apprehension Order for non-compliance is issued, patient must be informed of the consequences of non compliance and assistance must be provided to help them comply (MHA 9.6)
- An order for apprehension under MHA 9.6 must be on Form 23 (Expires 30 days)
- Two examinations and decision to amend, cancel or continue CTO must be made within 72 hours of arrival at a facility (Form 24)
- “Facility” means a place or part of a place designated in the Mental Health Regulation as a facility, otherwise known as designated facility

# Form Name Completed by
7 Information Informant
8 Warrant Judge
10 Statement of Peace Officer on Apprehension Peace Officer
12 Application for Review Panel Hearing Patient/ Anyone
13 Notice of Hearing Before Review Panel Review Panel Chair
17 Decision of Review Panel Regarding Admission & Renewal Certificates Review Panel Chair
18 Decision of Review Panel Regarding Renewal & CTO’s (Deemed Application) Review Panel Chair
19 Issuance of CTO Psychiatrist & Physician
20 Renewal of CTO Psychiatrist & Physician
21 Amendments to CTO A Psychiatrist
22 CTO Cancellation or Expiry A Psychiatrist or “Designated Physician” Superintending Physician
23 CTO Apprehension Order A Psychiatrist
24 CTO Examination on Allegations A Psychiatrist & Physician
26 CTO Designation of Physician Regional Health Authority
27 CTO Written Statement Issuing Psychiatrist
28 CTO Non-compliance report Treatment or Care Provider.

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