

Community Treatment Order: Qualified Health Professional

The *Mental Health Act (MHA) of Alberta* was amended January 1, 2010, to include Community Treatment Orders (CTOs). CTOs are intended to support a person with serious and persistent mental illness to remain stable in their own community. With the necessary treatment and support, the risk of decompensation can be reduced, potentially avoiding, or reducing the cycle of admission, discharge, and re-admission as a formal patient.

For a CTO to be issued, a CTO “must identify the person who is responsible for the supervision of the community treatment order and any reporting obligations in respect of the community treatment order in accordance with the regulations” (*MHA*, section 9.1(2)(f)).

The *Mental Health Amendment Act, 2020*, proclaimed in force on September 30, 2020, repealed section 9.7 the designation of a physician for the purposes of supervising a CTO, to now include any **psychiatrist, physician, or nurse practitioner** willing to supervise a CTO.

The issuance of a CTO usually originates from psychiatric units in designated facilities across the province. Depending on where the person resides, they may be admitted to a psychiatric facility far removed from their own community. Thus, it may not be practical for the issuing psychiatrist or **Qualified Health Professional (QHP)** on staff at the facility to supervise the person’s CTO following hospital discharge. Therefore, the person requires a supervising QHP who will take on this role of supervising a CTO in the person’s own community.

Supervising a CTO

The main elements for supervising a person’s CTO are:

- monitoring/assessing a person’s mental health
- providing treatment and care
- receiving & responding to non-compliance reports; possibly issuing apprehension orders
- attending & presenting evidence at Review Panel hearings (potentially at Court of King’s Bench)
- completing renewals of CTOs
- collaborating with the treatment team and Zone CTO Coordinator
 - one of the renewal examinations must be completed by a psychiatrist completing amendments to an existing CTO

Explanation of the CTO Process

The primary elements of CTOs are issuances, renewals, cancellations, amendments, review panel hearings and responding to non-compliance.

Qualified Health Professional (QHP)
Currently, a Psychiatrist,
Physician, or
Nurse Practitioner

When a person is considered for a CTO, the CTO Zone Coordinator potentially works closely with the treatment team and QHPs to help determine whether a CTO is appropriate. The CTO Zone Coordinator also can assist in identifying and engaging services, liaises with QHPs and service providers, as well as support and facilitate the CTO process.

Issuance/Renewal

For a CTO to be issued or renewed the person needs to meet the criteria set out in sections 9.1(1) & 9.3(1) of the *MHA*. There are six components in the process of issuing or renewing a CTO, culminating in the completion of a Form 19 or Form 20:

- examination by the issuing QHP
- second examination by a QHP
 - one of the examinations must be completed by a **psychiatrist**
- identifying the service providers and the type(s) of services and care that will be provided to person
- identifying a QHP responsible for supervising a CTO
- determining whether the CTO will be issued or renewed with consent

These elements require significant preparation and coordination, much of which is facilitated by the CTO Zone Coordinator. A CTO is in effect for up to six months after the day that it is issued and will automatically expire unless it is renewed.

Service Provider

The supervising QHP is usually included as a service provider on the Treatment and Care section of the CTO. This enables establishing and maintaining contact with the person on a CTO as well as the provision of services, such as monitoring their physical health, mental health and medication needs.

While not specified in the *MHA*, the supervising QHP often plays a primary role in considering whether continuing the CTO is in the best interest of the person and subsequently participating in the renewal process, including the completion of a Form 20.

Non-compliance

Service providers on the CTO must report any failure to comply with treatment and/or care listed to the CTO Zone Coordinator within 24 hours of the non-compliance (Form 27). The *CTO Regulations* section 6(3) specify that the QHP supervising the CTO is to receive copies of the non-compliance forms within 24 hours.

After reporting non-compliance, the person must be provided with reasonable assistance by the QHP to comply with the CTO. Reasonable efforts must be made to inform the person, and if applicable, their alternate decision maker, the person has: failed to comply, an order may be issued for them to be apprehended and taken to a designated facility for examination, and, as a result, they may be admitted to a facility and detained as a formal patient.

A QHP may then issue an apprehension order if they are satisfied these efforts have occurred (*MHA*, sections 9.6(1) and (2)).

Review Panels/ Court of King's Bench

Review panel hearings occur when a CTO is renewed for the second time and at the time of every second renewal after that until the CTO expires or is cancelled, these hearings are called “deemed applications.” As well, the person subject to a CTO or others on their behalf may apply to the Review Panel hearing at any time for cancellation of their CTO.

When an application for a hearing is made to the review panel or Court of King's Bench, the QHP who issued, amended or renewed the CTO as well as the supervising QHP will be notified of the hearing (*MHA*, section 40(1)(c)). The onus is on the QHP who issued, amended or renewed the CTO, or the person supervising the CTO, to demonstrate the person subject to the CTO continues to meet criteria as noted in the *MHA* 9.1(1) (a) to (e), (*MHA*, section 42(2)). However, usually the supervising QHP attends these hearings and presents information and evidence of how the person meets criteria for the CTO.

Amendment

Section 9.4 of the *MHA* states that a CTO may be amended by a QHP. To amend a CTO, the QHP would complete a Form 21. A CTO may be amended for various reasons, including when a person moves or there are changes to their treatment.

Cancellation

Section 9.5 of the *MHA* states that a CTO may be cancelled at any time by a psychiatrist “if any of the criteria set out in section 9.1(1)(b) to (d) cease to apply.” The psychiatrist would complete a Form 22 noting any treatment recommendations.

Recommended Resources/Information

- *Mental Health Act*
- Mental Health Act Forms
- *CTO Regulation*
- CTO Information Sheet
- Alberta Mental Health Patient Advocate
- Government of Alberta: Alberta Health Care Insurance Plan (AHCIP) CTO Billing Information
- CTO Zone Coordinator Contact List

The *Mental Health Act* forms and links to these resources are available on the [Alberta Health Services Mental Health Act external webpage](#).

Mental Health Act Qualified Health Professional Roles

| MHA Forms | Psychiatrist | Physician | Nurse Practitioner |
|--|---|-----------|--------------------|
| Form 19 & 20 CTO Issuance & Renewal | ✓ | ✓ | ✓ |
| | <ul style="list-style-type: none"> At least one of the examinations must be completed by a psychiatrist | | |
| Form 21 CTO Amendment | ✓ | ✓ | ✓ |
| Form 22 CTO Cancellation or Expiry | ✓ | | |
| | <ul style="list-style-type: none"> For the cancellation of a CTO, only a psychiatrist can complete this form For the expiry of a CTO, a QHP can complete the form | | |
| Form 23 CTO Apprehension Order | ✓ | ✓ | ✓ |
| Form 24 CTO Examination on Apprehension | ✓ | ✓ | ✓ |
| | <ul style="list-style-type: none"> At least one of the examinations must be completed by a psychiatrist | | |