

Rules and procedures covering mental illness and involuntary treatment in B.C.

The Mental Health Act is the law that describes what should happen when someone who is living with a mental illness needs treatment and protection for themselves/others.

In Canada, every province has a mental health law that is used to serve the people living in that province. People living in B.C. are governed by the B.C. Mental Health Act.

Below are common questions and answers regarding the Mental Health Act:

- **How can a person with mental illness receive treatment?**

A person experiencing a mental illness can receive treatment and support through a voluntary or involuntary process.

1. **Voluntary treatment** under the B.C. Mental Health Act means that the person is able and willing to seek treatment and support for their mental illness when they need it. In this case the person may seek treatment voluntarily, or by choice, at a hospital setting, from a family doctor, a psychiatrist (mental health doctor) or at a community mental health and substance use centre.
2. **Involuntary treatment** means that the person is not willing or able to seek help or treatment when they are experiencing severe mental illness that affects their ability to manage their lives safely, and they cannot be treated safely as a voluntary patient in the community. When this happens, the person may be brought to a hospital by police or through an order by a Judge or Justice of the Peace. This is to ensure the person is protected from harming themselves/others and prevent their mental illness from getting worse.

The B.C. Mental Health Act lists four criteria, or rules, that must be followed before a doctor can decide that the person experiencing a mental illness can be certified under the Act.

3. Is suffering from a disorder of the mind that seriously impairs the person's ability to react appropriately to their environment or to associate with others (as per the definition from Part 1 of the Act).
4. Requires psychiatric treatment in or through a designated facility.
5. Requires care, supervision and control in or through a designated facility to prevent the person's substantial mental or physical deterioration or for the person's own protection or the protection of others.
6. Is unsuitable to be a voluntary patient.

- **How does the Mental Health Act help people living with mental illness?**

The Mental Health Act provides directions and guidance around who can be admitted, when the person should be admitted and how the person should be admitted while making sure the person's rights are protected.

- **What is extended leave?**

Extended leave means that the person continues to be certified under the Mental Health Act after discharge from a designated facility, such as a hospital or other mental health care location.

Some reasons for extended leave may include:

- The person needs further treatment but they lack the insight into their need for continued treatment and are unwilling to continue treatment in the community.
- The person's mental and physical health may deteriorate (get worse) without the certification but they don't have to be in a designated facility.

In the case of an extended leave, the person is supported by a community mental health team that monitors his/her mental health and well-being and provides treatment and support as necessary. If the person is not able to follow the care or treatment plan in place, the mental health team has the ability to admit the person back to hospital.

- **If I am certified in a different province and move to B.C. will I continue to be certified under the B.C. Mental Health Act?**

If you were certified under the Mental Health Act in a different province or another country, that certification would not apply in B.C. The same rules apply to a person leaving from B.C. to go to another province, or moving to another country.

- **I am worried about my family member's mental health. How can I get them certified?**

Seeing a family member struggle with a mental illness can be difficult and even more so when the person is not willing or able to seek help. The process of certifying a person under the Mental Health Act; however, is generally used as a last resort and can only be done by a doctor. The doctor must see and assess the person before deciding whether or not the person meets the four requirements to be certified under the Mental Health Act.

If your family member is experiencing substantial deterioration in their mental health and/or you believe they are a danger to themselves or others, and they

are not willing or able to seek help on their own, there are options to consider to get them the help they need:

Get an order from the courts: Anyone can apply to a Judge or Justice of the Peace for a warrant to transport a person to be examined by a doctor.

Call the police for help: Police officers are empowered under the Mental Health Act to apprehend people they believe are suffering from an apparent mental disorder based on information they receive or on their own observations. Under the Mental Health Act, police officers can transport individuals to hospital for the purposes of an assessment by a physician. Physicians may certify the individual based on their assessment but certification is not guaranteed.

- **What will happen to my family member once they have been certified?**

Certification under the Mental Health Act is temporary, which means the doctor has to regularly monitor and review the person's mental health and the need for involuntary treatment to determine whether or not the person still meets the criteria for continued certification.

The person can only be treated in hospital as an involuntary patient for 48 hours after the first doctor examines him/her. During that time, a second doctor must examine the person and decide if the person still needs involuntary treatment and then sign a second certificate that will be valid for one month.

- **How long can a person be certified?**

After the first one month, if the person still needs to be treated involuntarily, the doctor can renew the certification for another one month and following this, it can be extended to three months. From then onwards, the certificate can be renewed every six months until the person no longer needs involuntary treatment.

- **Who can cancel a certification under the Mental Health Act?**

A Mental Health Act certificate can be cancelled in two ways:

1. **By a doctor who is usually a psychiatrist.** Once the doctor examines a person and they find that the person no longer meets the requirement for certification under the Mental Health Act, the doctor must decertify (cancel) the person.
2. **By a review panel:** If the review panel finds that the person no longer meets the requirement for certification, the panel must decertify the person immediately. The person then has the choice of voluntarily treatment in or out of hospital.

- **Why can't the doctor keep my loved one in the hospital longer?**

The doctor in the hospital must follow the rules of the Mental Health Act when providing mental health treatment to a person. This means they must respect the person's right to freedom and provide the person with the opportunity to participate freely in their treatment when the person is able to do so. Most people do not like to spend more time than needed in a hospital and prefer to receive supports and services in the community.

It is important for the person to be connected with services and supports in the community to sustain longer-term treatment, support and recovery plan that meets the person's needs.

Resources

The following resources provide more information about the Mental Health Act:

- [Mental Health Act B.C. \(full version\)](#)
- [Canadian Mental Health Association: B.C.'s Mental Health Act in plain language](#)
- [Ministry of Health: Guide to the Mental Health Act B.C.](#)
- [Here to Help: Coping with mental health crises and emergencies](#)