



FORM 13.1 - MENTAL HEALTH ACT YOUR RIGHTS UNDER THE *MENTAL HEALTH ACT* AS AN INVOLUNTARY PATIENT

(Sections 34 and 34.3, R.S.B.C. 1996, c. 288) HLTH 3513.1 2025/08/19

You are here as an involuntary patient. This means your doctor or nurse practitioner assessed you. Their opinion is you are experiencing a serious mental health issue and you need psychiatric treatment in or through a mental health facility. The facility must provide you with appropriate care, treatment, and support.

You have rights under the *Mental Health Act*. Page 1 of this form is a summary of your rights. These will be reviewed and discussed with you. More details about these rights are on page 2. You can ask questions or for more information at any time. You will get a copy of this form.



You must be informed where you are getting mental health treatment.

You are being treated in or through: _____ in _____
Designated Facility Name *City or Town*



You must be informed why you are an involuntary patient.

The doctor or nurse practitioner must write the reasons on a certificate. You can ask to see this certificate.



A doctor must assess you regularly to check if you should still be an involuntary patient.



You can meet with a Rights Advisor.

Rights Advisors explain your rights, answer questions, and provide options. They do not work for the government, facility or treatment team. Rights Advisors meet with you in private and do not share what you talk about. Their help is free.



You can ask for a second medical opinion on your treatment.

If you do not agree with your mental health treatment, you can ask for another doctor to give a second opinion on your treatment.



You can apply for a hearing with a review panel if you do not agree that you should be an involuntary patient.

The people on the panel do not work for the government, facility, or treatment team. They are not involved in decisions about your treatment. They hear your case and decide if you should still be an involuntary patient. The hearing is free.



You can speak to a lawyer.

A Rights Advisor can help you with finding a lawyer or other legal help.



You can apply to the court for a judge to review your case.

The judge can see if:

1. There is evidence that proper procedures were followed and there is legal authority to keep you as an involuntary patient.
2. There is enough reason or legal authority to keep you as an involuntary patient.

You may sign this form if you wish. (check all that apply)

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I confirm that my rights under the *Mental Health Act* have been reviewed and discussed with me.

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I want to meet with a Rights Advisor. I understand I can ask to meet with a Rights Advisor whether I sign this or not.

I understand my name, personal health number, and contact information will be shared with the Rights Advisor.

First and Last Name of Person (please print)

Signature of Person

Date (DD / MM / YYYY)

TO BE COMPLETED BY THE TREATMENT TEAM MEMBER PROVIDING RIGHTS NOTIFICATION (check all that apply)

☐

This form has been reviewed and discussed with the person.

☐

The person is not able to review and discuss this form at this time. They will be reassessed regularly and the rights notification will be attempted again.

☐

The person declined to complete the form.

Name (please print)

Role

Date (DD / MM / YYYY)

Time (24HR HH:MM)

Your rights under the *Mental Health Act* as an involuntary patient



Why am I an involuntary patient?

A doctor or nurse practitioner assessed you. Their opinion is **you meet all 4 of the criteria** to be an involuntary patient under the *Mental Health Act*.

1. You have a mental disorder that seriously impairs your ability to react appropriately to your environment or associate with other people.
2. You need psychiatric treatment either in or through a designated facility.
3. You need care, supervision and control in or through a designated facility to prevent your substantial mental or physical deterioration or to protect yourself or others.
4. You cannot be suitably admitted as a voluntary patient.

The doctor or nurse practitioner must write the reasons they believe you meet these 4 criteria on a certificate called a **Form 4.1/4.2: Medical Certificate** or **Form 6: Renewal Certificate**. You can ask to see your certificate.

When possible, your treatment team will involve you in planning your treatment. You might have to take medications or other forms of treatment even if you do not want to.

You can leave the facility *only* if your doctor permits it.



How do I get a second medical opinion?

You can ask for another opinion from a second doctor if you do not agree with your mental health treatment. This doctor will assess you and give a second opinion on whether your treatment is appropriate. The second opinion must be considered, but it might not lead to a change in your treatment plan. To ask for a second medical opinion, fill out **Form 11: Request for Second Medical Opinion**.

A support person can also ask for a second medical opinion on your behalf. A Rights Advisor or a member of your treatment team can give you more information and help you ask for a second medical opinion.



How do I get a review panel hearing?

You can ask for a hearing with a review panel if you do not agree that you should be an involuntary patient. There are 3 people on the panel who hear your case. They decide whether you still meet all 4 criteria to be an involuntary patient. They cannot decide about your treatment.

You can ask for a review panel hearing after your second medical certificate and after each renewal certificate. Each hearing is free.

To apply for a hearing, fill out **Form 7: Application for Review Panel Hearing**. A support person can also apply for a review panel hearing on your behalf. A Rights Advisor or a member of your treatment team can give you more information and help you apply for a review panel.



How do I access a lawyer?

You can contact a lawyer at any time. A Rights Advisor can give you information about finding a lawyer or other legal help. They can also help you find out if you can get legal aid.



How can I get a judge to review my case?

You can apply to the court to ask a judge to review your case. You might need a lawyer to help with this. A support person can also apply to the court on your behalf. A Rights Advisor can give you more information about applying to the court and getting legal help. There are 2 options:

1. The judge can see if there is evidence that proper procedures were followed and there is legal authority to keep you as an involuntary patient. This is called a *habeas corpus* application. It protects people from unlawful detention.
2. The judge can see if there is enough reason or legal authority to keep you as an involuntary patient. This is called a Section 33 application.



How can I report a concern about my experience as an involuntary patient?

There are steps you can take if you have concerns about your care or how you have been treated. The options depend on the type of concern you have. A Rights Advisor can explain what options are available and how to report your concerns.



How long can I be treated as an involuntary patient?

When a doctor or nurse practitioner completes the first medical certificate, you might need to stay in the facility for up to 48 hours. If another doctor assesses you and completes a second medical certificate, you might need to stay in the facility for up to 1 month.

A doctor must assess you regularly to check your progress. You stop being an involuntary patient as soon as a doctor's opinion is you no longer meet all 4 criteria. You could then choose to continue treatment as a voluntary patient.

If the doctor's opinion is you still meet all 4 criteria, they could renew your medical certificate.

- The first renewal period is for up to another month.
- The second renewal period is for up to 3 months.
- Each renewal period after that is for up to 6 months.

In some cases, a doctor might decide you will be on "extended leave". This means you are still an involuntary patient but can leave the facility and must follow your treatment plan in the community.



How can a Rights Advisor help me?

You are encouraged to meet with a Rights Advisor. A Rights Advisor can give you information about your rights and options under the *Mental Health Act*. They support you to make decisions. A Rights Advisor can also help connect you with local resources and supports, including those for Indigenous persons. Their help is free.

You can choose to invite a support person (e.g., family member, friend) to your Rights Advice meeting.