



Involuntary status and your rights

What is involuntary detention/hospitalization?

The purpose of an involuntary detention/hospitalization under the *Mental Health Act* is to provide equal rights in accessing appropriate care and treatment to a person whose mental illness is to a nature or degree so as to require hospitalization in the interests of the individual's own safety or the safety of others.

Any physician who examines a person and determines he/she may be suffering from a mental illness that requires hospitalization in the interests of the person or others, may complete an "examination certificate." This certificate gives authority to detain a person for a period not exceeding 72 hours for the purposes of observation, examination, assessment and routine clinical medical treatment.

During a period of involuntary detention, the person must remain in the hospital/facility.

Within 72 hours, an attending psychiatrist must assess and examine the patient and make one of three decisions:

1. Release the person if further observation, examination, assessment, restraint, care or treatment is no longer deemed necessary;
2. Admit the person as a voluntary patient if he/she is in need of further observation, examination, assessment, restraint, care or treatment; and suitable as a voluntary patient; or
3. Apply to a Tribunal to have the person admitted as an involuntary patient, as well as request the order to provide routine clinical medical treatment without the patient's consent.

While the person remains under detention, a psychiatric patient advocate will contact them to provide information regarding their rights, as well as help them understand what might be expected during this 72 hour period.

Should the psychiatrist file an application for involuntary hospitalization and request routine clinical medical treatment be given without the patient's consent, a patient advocate will review the applications with the patient and answer any questions pertaining to the process involved in a tribunal hearing with both the patient and his/her nearest relative.

A patient's rights during an involuntary hospitalization

A patient has a right to:

- know the reason for and the place of detention;
- retain and instruct legal counsel without delay;
- contact Psychiatric Patient Advocate Services;
- be informed of any medication administered;
- be informed when the involuntary status expires; and
- have his/ her nearest relative informed of the detention, the place and the reasons for detention, and the right to counsel.

Patient advocacy services during involuntary hospitalization

Psychiatric Patient Advocate Services (PPAS) are made aware of all detentions and involuntarily hospitalizations under the *Mental Health Act*. Psychiatric patient advocates meet, confer with, advise, and assist all persons detained under involuntary status and assist all persons detained under involuntary status and when required, will be present at all Tribunal and Review Board hearings. PPAS advocates act in the best interests of the patients, and assist patients in understanding the *Act*, and their rights.

This services is provided free of charge to the patient who is involuntarily hospitalized under the *Mental Health Act*.

Contact us by mail or telephone

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