

Mental Health Act Review Board 2022-2023 Annual Report

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Preamble

Honourable Minister Fitch and Minister Wilson, members, and stakeholders,

It is my pleasure to submit the Annual Report for the *Mental Health Act* Review Board as required under the *Accountability and Continuous Improvement Act*.

The *Mental Health Act* provides several procedural protections or safeguards for the seriously mentally ill of society two of which are provided through Tribunal and Review board hearings.

Within these quasi-judicial hearings, the review boards determine, among many legislated tasks, if the thresholds of the *Mental Health Act* criteria continue to be met while reviewing the status of involuntary patients within psychiatric facilities and in considering Supervised Community Care Orders for persons experiencing serious mental illness.

These individuals are potentially denied their rights and freedoms due to the risk their mental illness represent to themselves or others. Chairpersons are to ensure judicial fairness is upheld within their hearings.

When the thresholds are not met, the review board denies the application and the person is voluntary and regains their right to self-determination and more specifically as it pertains to their psychiatric needs.

This past year, the review boards' 6 chairpersons, 9 panel psychiatrists and 4 lay members presided over 180 review board hearings.

Although the nature and volume of work brings many challenges, New Brunswick can be proud of this critical and considerable accomplishment as it was done with dedication, compassion, and attention to judicial fairness.

Sincerest gratitude is extended to all review board members, Psychiatric Patient Advocates, and other stakeholders for their contribution to protecting and advocating for society's most vulnerable, the seriously mentally ill.

Respectfully,



Ginette Vautour-Kerwin
Director of Psychiatric Patient Advocate Services
Health Services Collaboration
Health

Mandate

Under the *Mental Health Act*, the review boards' mandate includes reviewing the status of involuntary patients within psychiatric establishments and ordering and reviewing supervised community care orders, inquiring as to patients' mental capacity, ability to manage their estates, reviewing treatment modalities, and authorizing transfers to other jurisdictions.

This protective structure allows the person to voice their concerns and objections to various applications. Chairpersons must ensure that judicial fairness is respected while establishing whether the criteria of the *Mental Health Act* continue to be met.

The Mental Health Review Board structure is divided in two: North (Zones 4, 5, 6) and South (Zones 1, 2, 3 and 7). Each review board panel consists of three members: one member who is a member of the Law Society of New Brunswick and is entitled to practise law in the province who shall act as chair; one member who is a psychiatrist or, if a psychiatrist is not available, a physician; and one member of the public. Alternate members may be appointed for each panel. Members are appointed for a term not exceeding five years and are eligible for reappointment.

Despite the expiry of his or her term, a member of a review board remains in office until the member resigns or is reappointed or replaced.

The chairman of the review board sends the Executive Director (ADM of Health Systems Collaboration) a copy of all decisions and orders made by the review board in relation to a request for inquiry or Supervised Community Care Order under sections 13, 30, 31, 32, 34.01 and 42 of the *Mental Health Act*. Since 2015, these copies are held within the Psychiatric Patient Advocate Services' files for the Executive Director's consideration. More recently, in March 2023, digitized copies are held within the Psychiatric Patient Advocate Services Share drive; the statutory requirements were deemed met through the provisions of the *Electronic Transactions Act* and approved by the Associate Deputy Minister and the Minister of Health in office.

Board membership

Mental Health Act Review Board

NORTH (ZONES 4,5,6) Bathurst, Campbellton, Edmundston

Chair

1. **Genève Jean – Zone 6**
(Nov 20, 2027)

Alternate Chairs **VACANT**

Member (Psychiatrist/GP)

Dr. Sergiy Ostashko
(March, 14, 2024)

Member

(not lawyer/doc)

Luc Blaquière – Zone 6
(March, 14, 2024)

Alternate Members (Psychiatrist/GP)

1. **VACANT** (Campbellton)
2. **VACANT** (Bathurst)

Alternate Members (not lawyer/doc)

1. **Lucie Robichaud**
(March 14, 2024)

SOUTH (ZONES 1,2,3,7) Moncton, Saint John, Fredericton, Miramichi

Chair

Daniel Léger – zone 1
April 22, 2025

Alternate Chairs

1. **Bert Cyr – Zone 1**
(April 22, 2025)
2. **Shelley Dumouchel – Zone 3**
(March, 14, 2024)
3. **Amy Stewart**
(Nov 21, 2027)
4. **Tim Dubé**
(Nov 9, 2027)

Member

(Psychiatrist/GP)

Dr. Jérôme Doucet - zone 1
(May 17, 2025)

Member

(not lawyer/doc)

Rina Arseneault – zone 3
(March 14, 2024)

Alternate Members (Psychiatrist/GP)

1. **Dr. Theveshen Padayachee - zone 3**
(Nov 21, 2027)
2. **Dr. Teshome Kelkile – zone 3**
(June 19, 2023)
3. **Dr. Sanjay Siddhartha - zone 7**
(Nov 21, 2027)
4. **Dr. Margo Rioux – zone 1**
(April 22, 2025)
5. **Dr. Christopher Bryniak – zone 2**
(May 21, 2026)
6. **Dr. Samir Taleb – zone 2**
(May 21, 2026)
7. **Dr Benoit Bergeron – zone 1**
(December 15, 2026)

Alternate Members (not lawyer/doc)

1. **Thérèse Roy – zone 1**
(March 14, 2024)
2. **VACANT**
3. **VACANT**

Legislation, policies, and by-laws

The Review Board processes are legislated under the *Mental Health Act* in accordance with its regulations and the members of the review board have all the powers conferred upon commissioners under the *Inquiries Act*.

Financial information

Pursuant to subsection 20.1(2) of *New Brunswick Regulation 94-33* under the *Mental Health Act* (the Regulation), chairs and alternate chairs of review boards receive \$250 for each hearing and \$125 for each hour of travel time to attend a hearing. Members who are not the chair of a tribunal receive \$80 for each hearing. Additionally, pursuant to paragraph 20.1(1)(a.1) of the Regulation, psychiatrists serving on review boards receive \$250 for each hour of sitting in a hearing and, for preparation time, and an additional \$250 for each day of sitting in a hearing.

In accordance with subsection 20.1(2) of the Regulation, travel and other expenses incurred by all members of review boards are reimbursed in accordance with the GNB Travel Policy (AD-2801) set by Treasury Board.

The review boards fall under the ABC category of a Regulatory/Adjudicative bodies under the approved *Remuneration Policy and Classification Framework for Agencies, Boards and Commission*. The above remuneration and expenses rates fall within the maximum rates set by the Policy.

MENTAL HEALTH ACT REVIEW BOARDS 2022-2023	
Number of Hearings:	177
Hearings:	\$ 133,860.70
Travel:	\$ 12,388.50
Disbursements:	\$ 7,542.30
HST:	\$ 6301.51
TOTAL EXPENDITURES	\$ 160,093.01

Staffing

The Psychiatric Patient Advocate Services and its Psychiatric Patient Advocates bear the responsibility of engaging the process involving all hearings.

The Director of Psychiatric Patient Advocate Services orients all newly appointed review board members and is responsible for this structure's functioning, consistency in processes and overall performance.

The chairpersons and panel psychiatrists all have practices outside of these appointments and rely on their administrative assistants for support, if they have them, or like the review board panel lay members, function somewhat independently.

The Psychiatric Patient Advocates coordinate all hearings and ensure that the evidentiary documents are submitted for the hearings, that the patients have been prepared for their hearing, represent the patients within their hearings and ensure that their voices are heard, and their rights are known and respected.

When and where required, Psychiatric Patient Advocate Services provide support and problem solving for any issues, technical or otherwise, that may arise.

Psychiatric Patient Advocate Services codes and processes all members' invoices and ensures a thorough cross-checking procedure.