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### *Review Process*

A key component to ensuring accountability for the Act is the Mental Health Care and Treatment Review Board, which is composed of lawyers, doctors, and community representatives.

The primary role of the Board is to review applications seeking a review of the issuance of certificates of involuntary admission, or a community treatment order, and to review applications alleging the denial of a right under the Act.

As part of its work, the Board may require the attendance of witnesses and production of documents, and may also arrange for a patient to be examined by a psychiatrist or engage independent experts to present evidence or make submissions.

The rights advisor may also advise and assist an involuntary patient, a person under a community treatment order, or a patient representative in asking for a review by the Review Board.



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## **MENTAL HEALTH** *Care & Treatment Act*

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# *What You Should Know...*

*For more information, visit:*  
[\*www.gov.nl.ca/health/mhcta\*](http://www.gov.nl.ca/health/mhcta)



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The *Mental Health Care and Treatment Act* came into force October 1, 2007, and focuses on the protection and treatment of people living with severe mental illness.

The Act:

- Contains criteria to determine whether an individual would benefit from intervention under the Act;
- Includes roles for physicians, psychiatrists, administrators, nurses, nurse practitioners and peace officers;
- Outlines the roles and operations of the Mental Health Care and Treatment Review Board;
- Allows for the provision of community treatment orders; and,
- Requires a mandatory review of the Act every five years.

### ***Rights-Based Approach***

The purpose of the legislation is to clearly communicate what an individual can expect from the health and community services system if involuntarily admitted to hospital.

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The rights-based approach allows a balance between the individual's right to health and safety and the need to offer interventions and supports to individuals who are unable to make those decisions as a result of their mental illness.

The Act also ensures that individuals will be advised of their rights. These include the right to:

- Know why a certificate of involuntary admission or a community treatment order has been issued or renewed, and receive a copy of the certificate or order;
  - Reasonable access to a telephone and visitors;
  - Retain and instruct legal counsel;
  - Send and receive correspondence;
  - Have input into treatment decisions;
  - Appeal a certificate of involuntary admission, or a community treatment order or renewal; and,
  - Access a patient representative and rights advisor.
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### ***Patient Supports***

To support patients, the Act legislates the position and function of rights advisors. These individuals offer advice and assistance to involuntary patients, people under a community treatment order, and their patient representatives.

Patients can also appoint a patient representative. This person advocates on behalf of the patient, works with staff in communicating the patient's needs, and supports the patient in accessing information regarding his or her care and treatment.

### ***Community Treatment Orders***

The Act also has a treatment option for individuals within community settings. Community Treatment Orders (CTOs) provide mandated treatment and care in the community under the supervision of the treating psychiatrist and other health care providers such as a case manager or an assertive community treatment (ACT) team. Certain criteria apply.

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