



Your Legal Rights

as an involuntary patient under the BC Mental Health Act



What is the Independent Rights Advice Service (IRAS)?

IRAS is a service that connects involuntary patients in BC with Rights Advisors.

Rights Advisors explain your rights, answer questions, and provide options.

Independent

Rights Advisors do not work for the government, facility, or healthcare team.

Confidential

Rights Advisors meet you in private and they don't share what you talk about. You may invite a support person to your Rights Advice meeting.

For minors, Rights Advisors can answer questions about your parents'/guardians' involvement in your treatment.

Free

You can meet with a Rights Advisor free of charge. You can tell your healthcare provider when you want to meet with a Rights Advisor.

Meetings are by phone or video-call. In-person meetings are available in some locations. For patients in designated facilities, the facility must provide a private space suitable for the meeting.

Why was I made an involuntary patient?

The Mental Health Act says a doctor or nurse practitioner can make you an involuntary patient if they examine you, and they are of the opinion that you...

▶ **have a mental disorder, and it seriously impairs your ability to react to your environment and associate with others,**

and

▶ **need psychiatric treatment in or through a facility,**

and

▶ **have to be in a facility, or supervised, to protect yourself or others. This includes preventing you from getting substantially worse mentally or physically,**

and

▶ **would not stay in a facility and agree to psychiatric treatment if admitted as a voluntary patient.**

The doctor or nurse practitioner will record the reasons why they are of the opinion that you meet all four criteria on the first certificate (Form 4.1) and a different doctor will record the reasons on the second certificate (Form 4.2).

What are my rights as an involuntary patient?

Healthcare providers must tell you your rights when you are made an involuntary patient, and on transfer or renewal.

Right to meet with a Rights Advisor

Right to be told where you are

Healthcare providers will tell you the name and location of the facility.

Right to be told the reasons why you've been made an involuntary patient

Healthcare providers will show you the documents that explain how you meet the four criteria (Forms 4.1, 4.2, 6).

Right to be examined by a doctor

A doctor must examine you before deciding to renew you as an involuntary patient (Form 6).

Right to a second medical opinion

You have a right to have a different doctor examine you and suggest different psychiatric treatment (Form 11).

Right to a review panel hearing

You have a right to apply for a review panel hearing by the independent Mental Health Review Board. Review panels have three people who will hear your case and decide if you still meet all four criteria to be an involuntary patient. The hearing is free.

Right to apply to court

You have a right to apply to court for a judge to review your case. A lawyer can provide you with advice about going to court and represent you in court procedures.

Right to a lawyer

You have a right to contact a lawyer. The facility must provide access to a phone and a private space to call. A Rights Advisor can explain your options for getting a lawyer or legal advocate, and how to apply for legal aid.

What happens when I am an involuntary patient?

You are not allowed to leave the facility without the permission of healthcare providers. Healthcare providers can give you psychiatric treatment without your consent, such as medication.

How long am I required to stay as an involuntary patient?

This decision is made by your doctor. You might be an involuntary patient for up to

- 48 hours under the first certificate (Form 4.1)
- one month under the second certificate (Form 4.2)

If the doctor is of the opinion that you still meet all four criteria after a month, they can complete a renewal certificate (Form 6) to keep you longer.

What happens if I am on extended leave?

You are still an involuntary patient, but you are allowed to live outside of the facility under certain conditions. You have the same rights under the Mental Health Act.

How do I complain about my experiences as an involuntary patient?

Rights Advisors can discuss your complaint options. These include independent offices (such as the **Office of the Ombudsperson**), professional regulators (such as the **College of Physicians and Surgeons**), or health authority complaint offices (such as the **Patient Care Quality Office**).

Contact the Independent Rights Advice Service



www.irasbc.ca



604-681-4070

