

Your Rights as a Person with Mental Illness

When you are admitted to the psychiatric ward of the hospital, you may be admitted either voluntarily or involuntarily. Depending on your status of admission, you have different rights under the law (Mental Health Act of BC). The following outlines your rights and responsibilities.

Voluntary Admission to Hospital

If you choose to be admitted to the hospital for your mental illness, it means that you are fully aware of your situation and voluntarily enter treatment in the hospital. Even though you choose to do this, it can be a time when you are unsure of your rights as a citizen and as a person using mental health services.

In Canada, all citizens are governed by the Canadian Charter of Rights and Freedoms. These broad rights guide the way our society treats all individuals in Canada. The Charter may be viewed on the web at <http://laws.justice.gc.ca/en/charter>.

Expectations of the Mental Health System in British Columbia (excerpts from draft BC Mental Health Charter of Rights)

The following “rights” were drafted in 2001 as a way of describing what people can and should expect from the mental health system in British Columbia. This is not law but intended to help service providers, patients and family members to achieve the best of our mental health system.

- The right to have your basic human rights respected.
- The right to services that promote mental wellness and recovery and positive attitudes towards mental illness.
- The right to have concerns listened to, heard and responded to with procedures that follow respectful process.
- The right to privacy.
- The right to access timely and relevant treatment and services.
- The right and responsibility to be a full partner in one’s care and to participate in the development, implementation and evaluation of one’s plan for recovery/rehabilitation.
- The right to the least restrictive environment possible when in an in-patient setting.
- The right to appropriate and comprehensive information, education and training, in plain language, about one’s mental health problems, their treatment and what recovery services and community supports are available to meet one’s needs
- The right of access to a support person of one’s choice, which could include family, advocates or friends, or to exclude individuals whom the person feels would have a negative effect on their treatment/well-being at this time.
- The right to be included and involved at all levels of systemic mental health service delivery and policy.

- Each hospital should have patient rights posted and accessible.

Involuntary Admission to Hospital – “Committed”

When you are involuntarily admitted or “committed” to a hospital for your mental illness, you come under the Mental Health Act of British Columbia. This means that you do not have a choice about staying in hospital. Under the Mental Health Act, the staff will see that you receive medication or treatment for your disorder even if you are against taking it.

The Mental Health Act is intended to help people with mental disorders to obtain treatment and care that medical doctors believe is needed when a person does not recognize they are ill. The Act also is intended to provide safeguards for the rights of people who are involuntarily admitted to a psychiatric facility. A plain language version of the Act may be found at:

www.cmha-bc.org/content/resources/cmhapubs/cmhapubs.htm or the official government version at www.healthservices.gov.bc.ca/mhd/publications.html

Criteria for Involuntary Admission Section 22/Mental Health Act of BC

If you are admitted involuntarily to the hospital for care and treatment it is because two doctors have separately examined you and it is their opinion that:

- You are suffering from a mental disorder that seriously impairs your ability to react appropriately to your environment or to associate with others; and,
- You require treatment from this hospital so that you do not become more ill; and,
- You should be in hospital to prevent your substantial mental or physical deterioration or to protect yourself or other people; and,
- You probably would not seek help on your own.
- You may be admitted for just a few days or for up to one month, depending upon how well you respond to treatment. However, the law requires the doctor to automatically review your situation at the end of one month.

Rights of People Involuntarily Admitted under the Mental Health Act of BC 1998

- You have the right to know the name and location of the hospital and ward to which you have been involuntarily admitted.
- You have the right to know why you have been involuntarily admitted to this hospital.
- You have the right to get advice from a lawyer about this admission at any time.
- You have the right to a Review Panel Hearing if you or a person on your behalf thinks you are ready to leave the hospital.
- You have the right to a second medical opinion about your psychiatric treatment if you or someone on your behalf questions it.
- You have the right to look at the documents authorizing your involuntary admission to ensure that you have been treated according to the law.
- You have the right to appeal to the Supreme Court if you want a judge to decide whether or not you should stay in hospital.

According to the law (Mental Health Act), each person who is involuntarily admitted to hospital must be made aware of their rights and sign **Form 13** indicating that they have been notified of their rights under the Act. A copy of the 1998 Mental Health Act must be

available for people in the hospital to review. Rights of people involuntarily admitted must be posted on a nearby bulletin board.

A copy of Form 13 and the “Rights Under the Mental Health Act” are available at:
www.healthservices.gov.bc.ca/mhdforms/mhdforms.html

Need help?

If you believe your rights have been breached, then it is best to talk or write directly to the person or organization giving you the services. Very often they will welcome the complaint or concern as it helps them to improve their standard of service or uncover a problem.

If you feel uncomfortable or unable to do this, you can take a friend, relative or advocate with you as support. You also have the support of the Hospital Patient Representative who is trained to help people resolve health care concerns. This service is for free.

Be sure to address your concern fairly and respectfully. Some communities may have access to mental health advocates who will help you work through your concerns. There are provincial organizations like the BC Coalition for People with Disabilities or the office of the Ombudsman or the Minister of State for Mental Health who are also available to help you address your concerns if you cannot get them resolved locally.

For More Information

- Office of the Ombudsman
1-800-567-3247 or www.ombudsman.bc.ca
- Freedom of Information and Privacy Commissioner
1-800-663-7867 or www.oicbc.org
- BC Human Rights Tribunal
1-888-440-8844 or www.bchrt.bc.ca