

Purpose of the Mental Health Act Review Board

The Mental Health Act Review Board helps to protect the rights of people who are involuntarily held under the *Mental Health Act*.

If a patient or a person on their behalf wishes to appeal a decision made by their doctor, they can contact the Mental Health Act Review Board.

The Mental Health Act Review Board protects the rights of people held involuntarily in a health facility under the *Mental Health Act*.



Mental Health Act Review Board

The Mental Health Act Review Board members include:

- lawyers,
- doctors, and
- members of the public.

The Board is independent of government and hospitals.

Who Can Apply?

The following can apply to the Review Board:

- the patient
- the patient's substitute decision maker
- the patient's legal guardian
- a family member of the patient
- the patient's doctor
- the director of the designated facility
- the Public Trustee
- any other person, with permission from the Review Board

The *Mental Health Act* is the law that guides short-term assessment, care, and treatment of people experiencing a mental health emergency.

For questions regarding the Mental Health Act Review Board

Mental Health Act Review Board
5015-49th St., Tatsaotjine Building, 6th Floor
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Yellowknife NT X1A 2L9

Phone: 867-767-9061, ext. 49177
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If you would like this information in another official language, contact us at 1-855-846-9601.
Si vous voulez ces renseignements dans une autre langue officielle, communiquez avec nous au 1-855-846-9601.

Northwest Territories *Mental Health Act*

Review Board

Government of
Northwest Territories



Applying for a Review Panel Hearing

A person being held under the *Mental Health Act*, or another person on their behalf, can apply to the Mental Health Act Review Board for a hearing.

Applications are available:

- on the Mental Health Act Review Board website
- from nurses and doctors on the hospital's units

The completed application can be faxed or emailed to the Review Board.

The Review Board Chairperson reviews the application.

They decide to:

- hold a hearing OR
- dismiss the application.

They send the person who applied for the hearing a written notice of their decision.

If a decision is made to hold a hearing, it must be held within 14 days.

The Hearing

A Review Panel is appointed which includes a doctor, lawyer and public representative.

The Review Panel may ask for information from the health facility, doctor(s), the patient under involuntary care, substitute decision maker, and others.

An elder, cultural advisor, and/or family member can be present at the hearing.

The Review Panel decision is binding. This means the health facility, doctor, and patient must comply with the decision.

If a person disagrees with the decision of the Review Board, they may:

- Contact a lawyer and apply to the Supreme Court of the Northwest Territories within 30 days; or
- Wait 30 days and make a new application to the Review Board.

Reasons to apply to the Review Board

- To have a person being held involuntarily released from the health facility or hospital.
- To have a patient return to the hospital for care and treatment, instead of living in the community as a patient.
- To allow a patient to make their own treatment decisions.
- There is disagreement over who the Substitute Decision Maker should be.
- To remove any limits placed on a patient's rights.
- To authorize the doctor to perform a treatment or procedure that the patient or substitute decision maker does not want.
- There are issues around Assisted Community Treatment or the conditions outlined in the Community Treatment Plan.



The Review Board also holds mandatory hearings without an application for patients who have been involuntary for six months in a row without any prior hearings. The mandatory hearings assess if the person still meets the criteria to be an involuntary patient, or if the certificate can be cancelled.