



# Northwest Territories *Mental Health Act*

## Substitute Decision Makers

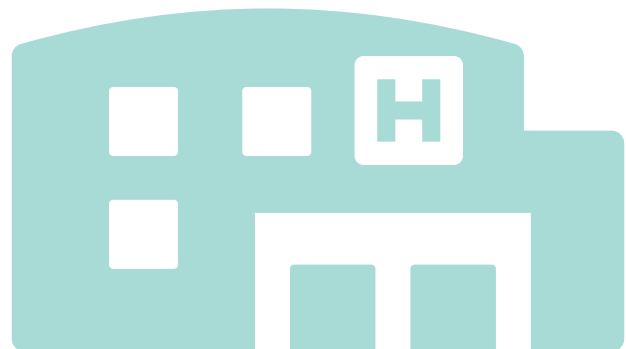
Government of  
Northwest Territories

## Designated Facilities

Designated facilities help voluntary and involuntary patients.

There are four (4) designated facilities in the Northwest Territories that assess, care for, and treat people living with mental health disorders.

- Stanton Territorial Hospital
- Inuvik Regional Hospital
- Hay River Health Centre
- Fort Smith Health and Social Services Centre



## Mental Health Act Review Board

If a person who is admitted to a designated facility feels their rights are violated under the Act, or wishes to appeal a decision made by their doctor, they or another person can apply to the Mental Health Act Review Board.

The Board reviews the application and decides if they need to hold a hearing to examine the situation. If the Review Board holds a hearing, their decision is binding. This means that their decision is the same as a court ruling.

**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., Tatsaotłne Building, 6th Floor  
Box 1320  
Yellowknife NT X1A 2L9

Phone: 867-767-9061, ext. 49177  
Fax: 867-873-0143  
Email: MHAct\_ReviewBoard@gov.nt.ca

[www.nwtmharb.ca](http://www.nwtmharb.ca)

### For questions regarding the *Mental Health Act*

Department of Health and Social Services  
Government of the Northwest Territories  
5015-49th St., Tatsaotłne Building, 6th Floor  
Box 1320  
Yellowknife NT X1A 2L9

Phone: 867-767-9061  
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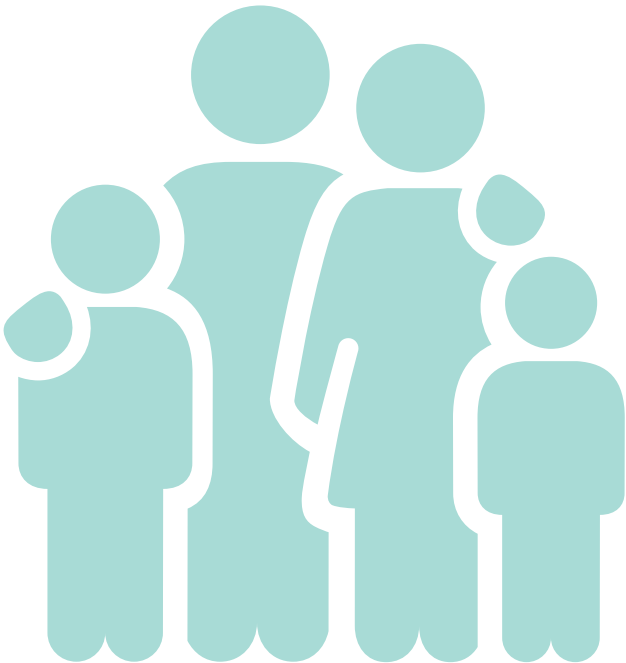
[www.hss.gov.nt.ca](http://www.hss.gov.nt.ca)

**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.**

**A Substitute Decision Maker supports and advocates for the person living with the mental health disorder**

The Substitute Decision Maker

- Supports and advocates.
- Makes decisions based on the person’s best interests.
- Considers the person’s wishes when they were able to make their own decisions.
- Can apply to the Review Board on the patient’s behalf, if needed.



**Who appoints the Substitute Decision Maker?**

A doctor assesses the person living with the mental health disorder to see if they can make decisions on their own, such as deciding to take a specific treatment or medication.

If the doctor determines that the person requires help to make treatment decisions, a Treatment Decision Certificate is completed and the doctor will seek out a Substitute Decision Maker.

*The Treatment Decision Certificate means that the person with the mental health disorder is not capable of making decisions at the time of the doctor’s examination.*

The doctor considers the patient’s wishes when choosing the Substitute Decision Maker from the following list of eligible people:

- Person with lawful custody or authority if the patient is a minor.
- Legal guardian.
- Agent of the patient under the *Personal Directives Act*.
- Nearest relative or family member.



**How do Substitute Decision Makers make decisions for the person with the mental health disorder?**

**With each decision, the Substitute Decision Maker considers these factors:**

- What is in the person’s best interests?
- Will the person’s condition improve or get worse?
- Do the expected benefits of the treatment outweigh the risks?
- Is the treatment the least intrusive approach to meet the person’s treatment needs?
- What wishes did the person express when they were capable of making their own decisions?

**Who is a Substitute Decision Maker?**

When someone is admitted to a designated facility under the *Mental Health Act*, they may not be able to make their own treatment decisions. At these times, someone is appointed to make treatment decisions for that person.

**Who can be a Substitute Decision Maker?**

- It is usually a family member or someone else who knows the patient well and has a relationship with them.
- The person must have had personal contact with the person living with the mental health disorder in the last 12 months.
- The Substitute Decision Maker must be mentally capable of making treatment decisions for someone else.
- The person must be available and willing to make treatment decisions for the person living with the mental health disorder.
- The Substitute Decision Maker must sign a legal form to confirm the relationship with the person living with the mental health disorder.