

Information for Patients

The Mental Health Review Board has received your application for a review panel hearing and a hearing date has now been set with your facility. Along with the notice of hearing provided, this document contains information you may find helpful in preparing for your upcoming hearing.

What exactly does the review panel decide?

A review panel decides only one issue: whether you, the patient, continue to meet the criteria to remain certified. The panel considers only the information that is presented at the hearing and uses a legal test to come to their decision.

The review panel does not have authority to make any other decisions, including your treatment or privileges.

When do you find out your hearing decision?

Generally, the panel's decision is issued verbally before you leave your hearing and is effective immediately. If the panel decides that you should no longer be certified, you may leave the facility or choose to stay as a voluntary patient. The panel's written reasons must be provided to you within 14 days of your hearing.

What is the legal test?

There are four questions that the review panel must answer:

- Is it more probable than not that you are suffering from a disorder of the mind that requires treatment and seriously impairs your ability to react appropriately to your environment or to associate with others?
- Is it more probable than not that you require psychiatric treatment in or through a designated facility?
- Is it more probable than not that you require care, supervision and control in or through a designated facility to prevent your substantial mental or physical deterioration or for your own protection or the protection of others?
- Is it more probable than not that you are not suitable to be a voluntary patient?

This is a legal test that is set out under Section 22 of the *Mental Health Act*. The review panel will explain what this means at the beginning of your hearing. Please call us if you want more information.

Who makes up the panel?

The review panel attending your hearing will consist of three appointed members of the Mental Health Review Board. Each independent panel includes:

- A legal member
- A medical member
- A community member

Typically, the legal member chairs the review panel hearing.

Who will be at my hearing?

You will see three panel members and a case presenter. You may also see a representative, if you have one. There may also be a support person, witness, another advocate, or interpreter in attendance.

The hospital or mental health team will assign a “case presenter” to give reasons why they believe you must remain certified. The case presenter may be your treating psychiatrist, another doctor, a case manager, nurse, social worker, or somebody else that is knowledgeable of your history and condition. Sometimes, there may be more than one person from your treatment team there.

Do I need legal representation for my hearing?

We do encourage you to have someone help you prepare for your hearing. When you ask someone to represent you, that someone can be:

- An advocate from the Mental Health Law Program (MHLP) – This is a free service.
- A private lawyer that you hire to represent you.
- Your friend, family member, near relative, or someone you trust.

You can ask MHLP to represent you by checking off that request on your application. If you did this, then we have already submitted your request directly to MHLP. They will be contacting you to discuss the availability of an advocate at your hearing. For further information, please contact MHLP at 604-685-3425 or toll free 1-888-685-6222.

You can still ask MHLP to represent you. Please let your treatment team or the Mental Health Review Board know as soon as possible. You may also choose to represent yourself at your hearing.

Can I bring someone to my hearing with me?

Yes. You can bring a family member or friend to your hearing. That person would attend either as:

- A patient representative to act on your behalf at the hearing. A representative may not act as a witness for you.
- A witness to provide evidence at the hearing to support your decertification. If the witness cannot come in person, they can share information over the telephone or write a letter. A telephone will be provided at the hearing, but it is up to you to arrange contact with your witness.
- A support person to attend your hearing to support you and observe. A support person cannot give information or ask questions at the hearing.

Can I see my medical file?

Yes. You are entitled to see a copy of your file that is relevant to your hearing. If you want to review or obtain a copy of your medical records to prepare for your hearing, you must ask your treatment team as soon as possible before your hearing. If you are having trouble obtaining your medical file, you can ask the Board for help.

You are also entitled to see a written summary of the facility’s reasons for certifying you (the “case note”). For patients in hospital, you can request the case note from your treatment team 24 hours prior to your hearing. For outpatients, the case note will be available for pick-up 24 hours prior to your hearing at the facility where you are receiving treatment.

Do I need to bring any documents to the hearing?

No, but you can. If you have any documents that you want the review panel to consider at your hearing, bring them with you. You will be provided a pen and paper to make notes at your hearing.

Can I wear my own clothing to the hearing?

Yes. In most cases, you may wear clothing of your own choosing at the hearing.

Can I have an interpreter at my hearing?

Yes. If you would like to have an interpreter at your hearing, contact the Mental Health Review Board as soon as possible so we can arrange to have one in attendance.

Can I cancel or postpone my hearing?

Yes. If you want to cancel or postpone your hearing make sure you tell the Board as soon as possible by telephone or in writing. Before you decide, make sure you discuss this with your legal representative, if you have one. Please tell your MHLP advocate whether you want to cancel or postpone your hearing. Your advocate will tell us what you want to do.

If you decide to postpone within two days of your hearing, you can make a request to the Mental Health Review Board. If approved, your hearing will be rescheduled.

Where does the hearing take place and what happens if I do not show up?

The hearing will usually be held at the facility where you are receiving treatment. If for any reason the hearing is scheduled elsewhere, your transportation will be arranged by your treatment team.

If you do not show up to your hearing, it will be cancelled. You will need to wait until your next certification period to have another hearing unless you can provide a good reason for not attending.

Do I need to contact anyone before my hearing?

Yes. Please contact your treatment team and your advocate (if you have one) before your hearing. We need to make sure that you are aware of the time, date, and location of your hearing.

Need more information?

Please contact the Mental Health Review Board.

Website: www.bcmhrb.ca.
Telephone: 604-660-2325
Toll Free: 1-833-660-2425
Email: MHRBscheduling@gov.bc.ca