

INFO GUIDE

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Informal Patients

This Info Guide has been prepared by the Psychiatric Patient Advocate Office in the Ministry of Health for general informational purposes only. It does not contain legal advice. If you have a question, or would like advice about your specific legal situation, you should contact a lawyer.

I am an informal patient. What does that mean?

- You are an informal patient if you have been admitted to a psychiatric facility on the consent of another person in order to get treatment.
- The person who has consented to your admission is your substitute decision-maker. The person is usually a relative.
- Your status as an informal patient results from the doctor determining that you are not mentally capable of consenting to or refusing a particular treatment. That is why your doctor has obtained substitute consent from your Substitute Decision Maker on your behalf for this treatment, and your admission to a psychiatric facility.

I am at least 12 years old but younger than 16. What are my rights as an informal patient?

- **Right to Notice of Admission as an Informal Patient**
 - If you are admitted as an informal patient, you must receive a written notice of this status (Form 27) upon admission and every 3 months thereafter.

- **Right to Rights Advice**

- Once you are notified that you are or remain an informal patient, the officer-in-charge (administrator of the hospital) must promptly inform a Rights Adviser. The Rights Adviser is not involved in your care and treatment and is usually not an employee of the hospital. The Rights Adviser must visit you and provide you with specific information, including information about:
 - the change in your legal status (the fact that you are incapable of making treatment decisions and that you have been admitted as, or remain, an informal patient);
 - your right to challenge the doctor's decision to the Consent and Capacity Board (an independent board);
 - your right to have a lawyer; and
 - your right to apply for legal aid.
- If you choose to make an application to the Consent and Capacity Board, obtain a lawyer and apply for legal aid, the Rights Adviser will assist you in any one or all aspects of this process.
- As an informal patient, you have a right to have a hearing before the Consent and Capacity Board every three months. If it has been at least six months since you were either admitted to the hospital, or had a hearing before the Board, and you have not made an application for a review, you will be deemed to have made an application to the Board and there will be a hearing about your status as an informal patient.
- If you are at least 12 but younger than 16, and have been admitted as an informal patient, you have the right to apply to the CCB to determine whether you need observation, care and treatment in a psychiatric facility (Form 25).

I am 16 years or older. What are my rights as an informal patient?

- **You cannot be held legally against your will in the hospital.**

In most cases, if you are 16 years old or older, you cannot be admitted as an informal patient over your objection. You have a right to leave the hospital. There are two exceptions:

- If you have a court appointed "guardian of the person" who has the authority to consent to your admission to a psychiatric facility.
- If you have signed a special power of attorney for personal care (containing a Ulysses contract) in which you agree that you can be admitted to a psychiatric facility with the use of force, if necessary.

- In these two special circumstances, you can be admitted as an informal patient over your objection. However, you may be able to apply to the Consent and Capacity Board for a hearing about this issue.

I am under 12 years old. What are my rights as an informal patient?

- If you are under 12, you do not have the right to apply to the Consent and Capacity Board for a hearing about your admission as an informal patient. However, you can apply to the Board to review the doctor's finding that you are incapable with respect to a treatment. If the Board agrees with you, you will be able to make your own decision about the treatment. There will be no authority to admit you as an informal patient.

Questions?

- If you have questions, contact your local Patient Advocate or Rights Adviser or call the central office of the Psychiatric Patient Advocate Office at 1-800-578-2343.