

ED – Mental Health Act Tip Sheet



Use your phone to scan the QR code for more information on the [Mental Health Act](#)

Common methods of apprehension

- A community physician using ([Form 1](#))
- A provincial court judge using ([Form 8](#))
- A police or peace officer using ([Form 10](#))

Other methods of apprehension

- Community Treatment Apprehension ([Form 23](#))
- Order to return a formal patient to a facility ([Form 3](#))

Criteria for certification

All 4 criteria must be present

Suffering from a mental disorder

Potential to benefit from treatment for the mental disorder

Likely to cause harm to others or to suffer negative effects

Unsuitable for admission to a facility other than as a formal patient

Form 1 – Admission Certificate

- Within 24 hours following examination of a person, the Qualified Health Professional (QHP) may issue a Form 1
- Issuance may occur in the community or at a non-designated facility.
- After issuance, person must be conveyed to a **designated facility* within 72 hours of the Form 1 being issued.
- Expires 24 hours after arrival to designated facility **or**, if already written in designated facility, expires 24 hours from date of issue
- Two Form 1's written by separate QHP's within 24 hours makes the patient "formal" status – valid for up to 1 month.
- Authority to care for, observe, examine, assess, treat, detain & control the person.

Form 8 – Warrant from Judge

- Form 8 authorizes any peace officer to apprehend and convey the person to a designated facility or secure location for assessment and examination.
- Valid for 7 days
- Assessment and examination as soon as possible, on arrival at a designated facility or secure location

Notification/Acknowledgement of Patient Rights

Both written and verbal explanations must be given at the time of certification.

The patient, their guardian, the person designated by the patient and nearest relative (unless patient objects) is given the following:

- Copies of certificates
- Competence assessment
- [Formal patient info sheet](#)
- Copy of "written statement of certification and acknowledgement of notification/patient rights under the mental health act" form.

Verbal explanation includes:

- Reason for certification
- Authority for detention and period of it
- Name and address of chair or review panel
- Notice of the right to appeal
- Their right to contact the [patient advocate](#)
- Notice when certs have expired or [cancelled](#)

Please see the "[Admission & Renewal Certificate Notification at Designated Facilities Checklist](#)"

Patient Rights:

- Informed of reason for detention without delay
- Consent/refuse treatment
- Second opinion
- Apply to review panel ([form 12](#))
- Treatment Plan
- Send/receive communication
- Right to visitors/lawyer
- Contact Patient advocate

What does this mean for me as the nurse?

- Consider the patient is able to make treatment decisions unless capacity is assessed otherwise (necessary documentation required – i.e. PGTA Form 6, [Emergency Exception to Consent](#), Form 11 if "formal", etc.)

KEY: Treatment is *different* than control for safety concerns

Form 10 – Peace Officer Apprehension

- Form 10 authorizes the peace officer, who has reasonable and probable grounds, to apprehend and convey the person to a designated facility or secure location for assessment and examination
- Assessment and examination as soon as possible, on arrival at a designated facility or secure location

Form 3 – Return formal patient

- When a formal patient elopes (AWOL) they may be returned with the issuance of a Form 3
- Form 3 authorizes any peace officer to apprehend and return the formal patient back to the named designated facility.
- If the formal patient returns to the designated facility without peace officer involvement, then staff should cancel the Form 3 and notify peace officers as soon as possible.
- Form 3 does not expire once issued.

Community Treatment Order (CTO)

CTO is a way to help people with persistent mental illness who meet criteria get the treatment, care & supports they need for recovery while living in the community.

Form 23 – CTO Apprehension

- A person subject to a CTO who has failed to comply may be apprehended and conveyed for examination at a designated facility with the issuance of a Form 23
- Form 23 authorizes the peace officer to take reasonable measures to apprehend and convey the person to a designated facility for examination
- Valid for 30 days
- Examination as soon as practicable, and within 72 hours, of arrival at a designated facility
- Separate examinations by two QHPs (one being a psychiatrist)
 - The **two QHPs each complete a [Form 24](#)** and must determine whether the CTO should be:
 - Cancelled,
 - Continued with any necessary amendments, or
 - Cancelled and admission certificates issued (provided the patient meets admission criteria)
- If a treatment (e.g. depot injection) is administered in the ED this needs to be communicated to the service provider and CTO team.

*Designated Facilities in Edmonton Zone include: AHE, GNH, GRH, MCH, RAH, Stollery, UAH, Villa Caritas