INFO GUIDE

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What are your rights as a Psychiatric Patient?

This Info Guide has been prepared by the Psychiatric Patient Advocate Office in the Ministry of Health and Long-Term Care 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.

What are your key legal rights as a psychiatric patient?

- **You have the right** to the same rights and privileges of any person in Ontario, subject to the exceptions specifically set out in the Mental Health Act or other applicable legislation.
- **You have the right** to consent to or refuse to consent to treatment, if you are capable of making treatment decisions.
- **You have the right** to receive information about proposed treatments that is reasonably necessary for you to make informed decisions about your treatment. Health practitioners must explain the following things to you about the treatment before you make a decision:
  - the nature of the treatment;
  - expected benefits;
  - material risks;
  - material side effects;
  - alternative courses of action; and
  - likely consequences of not having the treatment.
- **You have the right** not to be detained involuntarily in a psychiatric facility, unless you meet criteria in the Mental Health Act or the mental disorder
provisions of the Criminal Code of Canada that provide the authority for you to be detained against your will.

- **You have the right** to leave the hospital and not be restrained if you are a voluntary or informal patient.
- **You have the right** to be informed of the reasons for involuntary detention and receive copies of the relevant documents signed by the doctor if you are an involuntary patient.
- **You have the right** to make decisions about your money and your belongings if you are capable of making decisions about property.
- **You have the right** to consent to the collection, use and disclosure of your personal health information if you are capable of making these decisions.
- **You have the right** to access and correct your personal health information (subject to some exceptions).
- **You have the right** to challenge findings made by your doctor before the Consent and Capacity Board if you are:
  - found to be incapable of making treatment decisions;
  - found to be incapable of making financial decisions;
  - found to be incapable of making decisions about collection, use or disclosure of your personal health information;
  - detained as an involuntary patient in a psychiatric facility;
  - an informal patient in a psychiatric facility (if you are between the ages of twelve and fifteen); or
  - on a community treatment order.
- **You have the right** to receive rights advice if you are admitted in a psychiatric facility and your doctor made a finding that you are:
  - incapable of making treatment decisions;
  - incapable of making financial decisions;
  - incapable of making decisions about collection, use or disclosure of your personal health information;
  - an informal patient (if you are between the ages of twelve and fifteen);
  - detained as an involuntary patient; or
  - being considered for issuance or renewal of a community treatment order while in hospital or living in the community.
- **You have the right** to have a hearing before the Consent and Capacity Board within seven days after the Board receives your application. Additionally:
- **You have the right** to either represent yourself or have a lawyer represent you.
- **You have the right** to receive assistance from Legal Aid Ontario if you have limited financial means and you satisfy certain financial criteria.
- **You have the right**, if you wish, to give evidence at the hearing.
You have the right to call witnesses to support your case at the hearing.
You have the right to choose whether to attend or not to attend the hearing (the Consent and Capacity Board has the power to require you to attend by issuing a summons).
You have the right to receive the Board’s decision within one day after the hearing ends.
You have the right to request from the Board within 30 days of the hearing, written reasons for the Board’s decision.
You have the right to send and receive written communications without interference (subject to some exceptions).
You have the right to vote, if eligible, in any municipal, provincial or federal election.
You have the right to have care provided by regulated health professionals consistent with their professional standards.
You have the right to make complaints about a doctor, nurse, social worker or other regulated health professional to the respective self-regulating college if you think the professional has not acted appropriately toward you.
You have the right to make a complaint to the Information and Privacy Commissioner if you feel your privacy rights have been violated.

The rights listed below are a guide to commonly accepted “rights” based on different sources, including ethical norms, best practices and policies of the various colleges regulating health practitioners. This is not a complete list.

You have the right to be treated with respect and dignity.
You have the right to express opinions and be heard.
You have the right to receive care and treatment in a safe and secure environment free of abuse, neglect, coercion, discrimination and harassment.
You have the right to communicate in a language and manner that allows you to understand the information being given to you.
You have the right to meet with or contact clergy or other spiritual advisers and to participate in religious and spiritual observances.

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.