



So You are Going to a Review Panel

Introduction

If you are going to a Review Panel hearing this must mean that you are certified or involuntarily detained under the *Mental Health Act*, in a mental health facility or on extended leave in the community, and that you or someone on your behalf applied for the hearing.

In order for anyone in B.C. to be certified (also referred to as involuntarily detained), at some point two doctors each completed a Form 4 Medical Certificate. These forms each contain the reasons why you were admitted and certified. You have a right to know the reasons for your certification.

What is a Review Panel?

A Review Panel is one way to have your certification under The *Mental Health Act* overturned. A panel is made up of three people who are independent from the doctors who certified you, and include:

- The chairperson who is someone with a legal background
- A doctor who has NOT treated you
- A community member

A Review Panel has the power to decide if the criterion for your certification continues to be met. That is all the panel can decide. They cannot make decisions or recommendations about your treatment, housing or any other matter.

Review Panel hearings must be audio recorded.

If the panel decides you no longer meet the criteria for certification, you may leave the facility or remain there as a voluntary patient. If you are on Extended Leave and the panel votes to decertify you, you may continue to see a Mental Health Team, if that is your choice.

What are the Criteria for Certification?

The *Mental Health Act* sets out four criteria that must be met in order to continue someone's certification.

The person must:

- suffer from a disorder of the mind which seriously impairs the person's ability to react appropriately to his/her environment or to associate with others
- require treatment in or through a mental health facility
- require care, supervision and control in or through a designated mental health facility to prevent his/her substantial mental or physical deterioration or for his/her protection or the protection of others
- not be suitable for admission as a voluntary patient

What Happens at a Review Panel?

In addition to the three panel members, there will be someone at the hearing called the Presenter. This is normally your treating psychiatrist, but it can also be your case manager, social worker or another doctor. The Presenter is there to give the reasons why the treatment team believes you need to remain certified.

You have the option, given sufficient time, to request your medical records before the hearing by filling out a Release of Information and giving this Release to hospital staff. Each facility will have different requirements for notice of record release requests. If staff denies your request for medical records, call the Mental Health Review Board at 604-660-2325.

As a reminder, for anyone in B.C. to be certified, at some point two doctors each completed a Form 4 Medical Certificate. These forms each contain the reasons why you were admitted and certified. These forms must be read out to the panel. In addition, if you have been certified for more than one month, more renewal form(s) will have been completed. The most recent renewal form will also be read out at the hearing.

After the Medical Certificates have been read out, the Presenter decides what information he or she will give the Panel members. Sometimes there will be a note written to the Panel members summarizing your case. Sometimes the Presenter will read entries from your chart or he or she may just summarize from memory. Regardless of how they present it, the information will fall into one of three categories:

- What led you to become certified
- How you've been doing while in hospital or on Extended Leave
- Why the treatment team believe you need to remain certified

It is quite likely the Presenter will say things to the Panel members you do not agree with. This is normal. The Panel members listen to the information with an open mind knowing you likely disagree with at least part of it. You will be provided with a pen and paper to make notes. The Chairperson will ask you at the beginning of the hearing not to interrupt the Presenter while he or she is talking.

When the Presenter is finished you will have the chance to ask him or her questions about the case. The Panel members will likely have questions for the Presenter.

This part of the hearing usually lasts about one hour.

When all questions have been asked of the Presenter, then it is your turn to present your case to the Panel members. They will be interested in hearing about any of the information you don't agree with, as well as what your plans are for discharge. If you have friends or family who support your discharge you may call them as witnesses. They can appear in person, write a letter, or talk to the Panel via speaker phone.

When you have finished explaining why you feel you should be decertified, the Presenter may ask you questions and then the Panel members may also ask you questions.

When you have finished speaking, the Presenter will first be given the chance to make concluding remarks, and then you will be given this chance as well.

Finally, you, the Presenter and any witnesses will be asked to leave the room while the Panel members consider all of the evidence presented and make their decision. This may take anywhere from 15 minutes to an hour. Once the decision has been made you will be called back into the room and told whether or not your certification is to be continued. It is unlikely you will be given specific reasons at that time, the written reasons will be mailed to you within a few days, but you will be told whether or not you are still certified.

If you are decertified it is **effective immediately**. If the decision is to continue your certification, you may reapply for another hearing when and if your certification is renewed. Your psychiatrist can let you know when that date is.