Understanding the Mental Health Act

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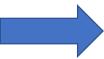
Land Acknowledgement

We recognize and acknowledge that we are collectively gathered on the traditional, ancestral, and unceded territories of the seven Interior Region First Nations. This region is also home to 15 Chartered Métis Communities. It is with humility that we continue to strengthen our relationships with First Nation, Métis, and Inuit peoples across the Interior.



The challenge

- Substance Use
- Persistent Mental Health Disorders
- Homelessness
- Other chronic health issues
- Behavioral crises/social disruption
 - = risk of involuntary admission



- Complex interactions
- No single solution
- Takes a team



Health-care initiatives:

- Low barrier/single point of access
- Substance use detection and treatment
- Assertive outreach/case management
- Coordination of acute > community care

- Overdose prevention/safe supply
- Accessible services



Mental Health Act

 Primary role: The authority, criteria and procedures for involuntary admission and treatment.

 Contains protections to safeguard the rights of people involuntarily admitted to a psychiatric facility.



"Treatment and rights need not be mutually exclusive. One need not come at the expense of the other. They must work hand in hand."

- BC Ombudsman report 2019



Involuntary Admission

- Impact on personal freedom
- Balance risk with need for care
- Our obligation defined in law





Key criteria

- 1. Mental disorder
- 2. Treatment can only be provided in hospital
- 3. To prevent substantial mental or physical deterioration/harm to self or others.
- 4. Unsuitable as voluntary patient



What happens when admitted...

- Physician determines if ALL four criteria met
- If so, patient is detained for 48 hours
- Second physician reviews independently can detain up to 30 days
- Treatment consent/informing near relative / rights to review required



MHSU admissions

- Between 2018/19 and 2020/21, the number of MHSU admissions to Kelowna General Hospital has stayed stable
- The percentage of clients who are involuntary admissions has increased in each of the past three years
- This is consistent with what we are seeing at Royal Inland Hospital in Kamloops



"A malfunctioning of the mind that results exclusively from selfinduced intoxication cannot be considered a disease of the mind in the legal sense, since it is not a product of the individual's inherent psychological makeup."

- Supreme Court Ruling, 2011



Implications of ruling

- Cannot be certified for "intoxication" in absence of ongoing illness.
- Underlying behavioral/risk issues must be present
 i.e. suicidal or intending to harm others
- Once the person detoxifies are these conditions still present?





Opportunities

- Address stigma
- Healthy communities rely on healthy partnerships:
 - ✓ Housing
 - ✓ Primary care
 - ✓ Substance use treatment
 - ✓ Psychiatric care



