

# Understanding the Mental Health Act

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# Land Acknowledgement

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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
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- 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. Unsuited 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 self-induced 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





# Questions?

