

August 23, 2022

To: Hon. Murray Rankin, Attorney General  
Hon. Sheila Malcolmson, Min. of Mental Health and Addictions

CC: Premier John Horgan  
Hon. Adrian Dix, Min. of Health

Re: Independent Rights Service for Mental Health

Pathways Serious Mental Illness Society is a small, volunteer-driven society whose mission is to alleviate the suffering caused by schizophrenia and other serious mental illness. We support families with education, information, advocacy, research and through improving services and legislation. Our service area is primarily Greater Vancouver, and we extended our reach to other parts of BC because of demand and need through the pandemic to the present.

We are understandably very interested in the new legislation introduced by the Province that is intended to help people experiencing a mental-health crisis to understand their rights and the supports available to them. This legislation will permit amendments to the Mental Health Act so that people involuntarily admitted under the act can access support from an independent rights advisor.

We commend the Attorney General and the Minister of Mental Health and Addictions in their intention to improve access to basic legal rights for all British Columbians and those specifically admitted to hospital under the Mental Health Act. We have no quarrel with this intention; however, we must offer that a person experiencing psychosis with a tenuous link to reality, may not have the capacity to truly understand their rights. (But the Form tells the advisor to repeat it when the person does understand.)

We are also very concerned that Rights Advisors will only inform patient about legal rights and not the right to treatment. We recommend, that in any rights form like Form 13, a critical right be added:

**“You have the right to be provided with safe and effective treatment and care.” \***

As family members who have supported loved ones undergoing a mental-health crisis, we are deeply concerned the right to refuse effective treatment could leave our loved ones trapped in psychosis and delusions. We want legislative changes that will improve our loved ones rights, not to interfere with treatment required to restore their mental well-being.

Currently, the BC MHA links involuntary treatment to involuntary hospitalization. When a person is deemed sufficiently ill to be admitted to hospital without their consent by two physicians, they are given treatment. The Ombudsman observed in his report that many more are admitted today on an involuntary basis - this is not due to the heavy hand of physicians denying people their rights; it is due to

a lack of beds and difficulty securing voluntary admission. As families working with family doctors, we know how increasingly difficult it is to be admitted to hospital on a voluntary basis.

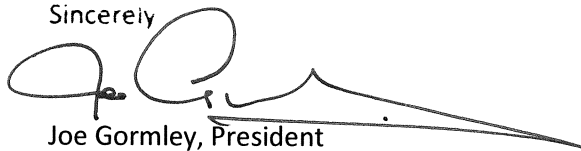
We share the desire to keep people safe, and we are not opposed to rights-advisor services. We must however insist that such services will not cause delay to individuals requiring life enhancing and lifesaving mental health treatment. The longer a person is in psychosis, the more cognitive damage results. Without timely treatment, the greater is the risk to the health and safety of the person in mental-health crisis and the greater the risk to the health and safety of nurses, doctors, and other health care workers. Without timely treatment those who are ill can remain trapped at length, indeed years, in psychosis, restraints and hospital as in some infamous Ontario cases. Indeed, Ontario physicians are united in seeking legislative changes to their MHA to enable patients to have access to involuntary treatment.

Under the BC MHA, a patient who has been involuntarily admitted to hospital and treated can file an appeal to have their situation reviewed, and if not in need of treatment or suitable as a voluntary patient, are decertified and discharged. This is an important way to protect the rights of an individual, once treatment has been effective. We find the system works best when family members are engaged in the appeal and discharge process.

In conclusion, Pathways Serious Mental Illness Society urges that the legislative changes to the Mental Health Act adding rights advisors, must be made in ways that do not remove essential access to involuntary treatment with involuntary hospitalization. We also urge that treatment be timely, to minimize harm and to maximize recovery for persons with serious mental illness and those with concurrent disorders.

Please do not hesitate to contact us should you have any questions. We would be pleased to provide witnesses in support of our position.

Sincerely



Joe Gormley, President

Note:

**\*A NEW SUGGESTED RIGHT “You have the right to be provided with safe and effective treatment and care.”**

*This is a very important right that involuntary patients have and MUST be made aware of it. This right derives from section 8 of the MHA: “A director must ensure (a) that each patient admitted to a designated facility is provided with professional service, care and treatment appropriate to the patient’s condition...” And section 1 defines ““**treatment**” means safe and effective psychiatric treatment...”*

*This right is the heart of the MHA. People can only be admitted involuntarily if they meet the definition of mental disorder which requires treatment and also a second criterion that they are in need of psychiatric treatment. Also the MHA provides a right to a second opinion on treatment.*

*This addition is necessary because without it, Rights Advisors and staff using this form will not convey to the patient that the best way to get well and be released and to restore their other rights is through this right to treatment and care. This section helps to “balance” other sections.*