



WHAT ARE YOUR RIGHTS AS A PSYCHIATRIC PATIENT?

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The rights listed below are a guide to a psychiatric patient's legal rights based on legislation and case law. This is not a complete list.

- **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*.
- **You have the right** to accept or refuse treatment if you are capable of making treatment decisions.
- **You have the right** 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
 - the likely consequences of not having the treatment.

- **You have the right** not to be detained in a psychiatric facility unless you meet the criteria in the *Mental Health Act* or the mental disorder provisions of the *Criminal Code of Canada*.
- **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 refuse to sign a discharged against medical advice (AMA) form when leaving the hospital.
- **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 health practitioner before the Consent and Capacity Board if you are:
 - incapable of making treatment decisions;
 - incapable of making financial decisions;
 - incapable of making decisions about collecting, disclosing or using 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
 - put on a community treatment order.

- **You have the right** to receive rights advice if you are in hospital and your health practitioner made a finding that you are:
 - incapable of making treatment decisions;
 - incapable of making financial decisions;
 - incapable of making decisions about collecting, disclosing or using 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 their 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.
 - **You have the right** to receive a decision within one day after the hearing ends.
 - **You have the right** to request written reasons for the decision within thirty days of the decision.
- **You have the right** to send and receive communications without interference in writing and via telephone (subject to some exceptions).
- **You have the right** to obtain legal counsel. You must be provided with the means to contact, retain and instruct legal counsel and to communicate privately with legal counsel at all times and on an ongoing basis.
- **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 standards of professional conduct and codes of ethics.
- **You have the right** to make complaints about a doctor, nurse or social worker or other regulated health professional to their respective self-regulating college if you think they have 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.
- **You have the right** not to answer questions asked by the police.
- **You have the right** to confidentiality, in accordance with provincial legislation.

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?

- Contact the Psychiatric Patient Advocate Office if you have any questions with respect to your rights. Our phone number is (416) 327-7000 or 1-800-578-2343.
- Additional information about many of these topics can be found on our website: www.ppa.gov.on.ca .