

## Who can cancel the certification?

A Mental Health Act certification can be stopped (discontinued) in 2 ways:

1. By a doctor
2. By a Review Panel

### The Rights of Those Certified

You have the right to:

- ✓ Know where you are.
- ✓ Know why you have been certified.
- ✓ Have your doctor check regularly to see if you still need to be certified.
- ✓ Choose another doctor to examine you and give a second opinion.
- ✓ Ask for a hearing by a Review Panel.
- ✓ Speak to a lawyer.

Want to know more about these rights?  
Ask your doctor or nurse.

## Want to learn more about the Mental Health Act and certification?

- [www.fraserhealth.ca](http://www.fraserhealth.ca)  
search 'Mental Health Act'
- [www.bcmentalhealthrights.ca](http://www.bcmentalhealthrights.ca)

## When You Are Certified Under the Mental Health Act

[www.fraserhealth.ca](http://www.fraserhealth.ca)

This information does not replace the advice given to you by your healthcare provider.

Catalogue #265939 (October 2019)  
To order: [patienteduc@fraserhealth.ca](mailto:patienteduc@fraserhealth.ca)



## What is the Mental Health Act?

It is a law that tells us the rules for how a person experiencing a severe mental illness can be kept in the hospital against their will.

## What does it mean to be ‘certified’?

‘Certified’ happens only after a doctor has examined a person and believes they fit **all 4** of the certification rules under the law:

1. The person has a mental illness, and it seriously impairs the person’s ability to react appropriately to the situation or communicate with others.
2. The person needs psychiatric treatment.
3. The person needs special care to:
  - protect themselves or others
  - prevent the person’s health from getting worse
4. The person is not willing or able to agree to being treated voluntarily.

## What happens once a person is certified?

Once certified, the person cannot leave the hospital without their doctor’s written permission. Also the person cannot refuse to be treated for their mental illness (including assessments, investigations, and medications).

## How long can a person be certified?

That depends. It is temporary, meaning the person must be checked regularly to see if they still need to be certified. When admitted to the hospital and first certified by a doctor, the person can be kept in the hospital for up to 48 hours. If certified again by a doctor after 48 hours, the person could stay in the hospital for up to 1 month. (If a doctor in the community completes the first certificate, the second certificate for 1 month is from the date the person is admitted to the hospital.) The certificate can then be renewed for another month, then for 3 months, and then for periods of 6 months.

Periods a person can be certified	1 <sup>st</sup> certificate	2 <sup>nd</sup> certificate	1 <sup>st</sup> renewal	2 <sup>nd</sup> renewal	3 <sup>rd</sup> and added renewals
	48 hours	1 month	1 month	3 months	6 months

## What are the ‘Levels of Observation’?

This refers to how closely the person is supervised. The care team reviews the Level each day and changes it based on the person’s mental status as well as their safety and the safety of others.

Level	Restrictions and Privileges	Level	Restrictions and Privileges
Constant	<ul style="list-style-type: none"> <li>• Staff person constantly with patient</li> <li>• Hospital pyjamas, own clothes locked up</li> <li>• Restricted to unit</li> <li>• Can leave unit for diagnostic procedures or treatment, but only if with a nurse or an assigned staff person</li> <li>• No access to sharp objects, unless used under supervision</li> <li>• No off unit privileges</li> </ul>	Level 2	<ul style="list-style-type: none"> <li>• Own clothes</li> <li>• Restricted to unit</li> <li>• Can leave unit, but only if with a nurse, an assigned staff person, or other responsible adult (such as a family member or friend)</li> <li>• No access to sharp objects, unless used under supervision</li> <li>• A doctor can order a therapeutic leave out of the hospital with a responsible adult</li> </ul>
Level 1	<ul style="list-style-type: none"> <li>• Hospital pyjamas, own clothes locked up</li> <li>• Restricted to unit</li> <li>• Can leave unit to attend program activities, and for diagnostic procedures or treatment, but only if with a nurse or an assigned staff person</li> <li>• No access to sharp objects, unless used under supervision</li> <li>• No off unit privileges</li> </ul>	Level 3	<ul style="list-style-type: none"> <li>• Own clothes</li> <li>• Can leave the unit, unaccompanied, for up to 1 hour at a time</li> <li>• Care team might limit how often you leave the unit if they need to assess and treat you</li> <li>• A doctor can order an accompanied or unaccompanied therapeutic leave out of the hospital</li> </ul>