

**The Mental Health  
Care and Treatment  
Review Board**

**ACTIVITY PLAN  
April 1, 2020 - March 31, 2023**

## **Chairperson's Message**

As Chairperson of the **Mental Health Care and Treatment Review Board** (Review Board), I present the Review Board's 2020-23 Activity Plan in accordance with the **Transparency and Accountability Act** for a Category 3 Provincial Government entity.

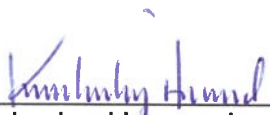
The Review Board is an independent, quasi-judicial, administrative tribunal to conduct review hearings under the **Mental Health Care and Treatment Act** (the Act).

The Review Board was established in 2007, and its mandate is based on involuntary psychiatric patients' rights to periodic, fair, and timely review of their involuntary status under the Act.

In developing this Activity Plan, the Review Board has considered the strategic directions of Government.

As Chairperson, my signature is indicative of the entire Review Board's accountability for preparation of this plan and for the achievement of the objective contained herein.

The Review Board looks forward to reporting to you annually on its activities.

  
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Kimberley Horwood  
Chairperson

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## **Mandate**

The Review Board was established in 2007 pursuant to section 56 of the Act.

The Review Board operates as an independent, quasi-judicial administrative tribunal to conduct review panel hearings under the Act as set out in subsection 56(1) of the Act. The Review Board's mandate is based on an involuntary psychiatric patient's right to periodic, fair, and timely review of their involuntary status under the Act.

The primary role of the Review Board is to review applications made by patients seeking a review of the issue of certification of involuntary admission under paragraph (a) of subsection 64(1) of the Act, to review applications made by patients seeking a review of the issuance of a Community Treatment Order under paragraph (b) of subsection 64(1) of the Act, and to review applications made by a patient alleging the denial of a right under paragraph (c) of subsection 64(1) of the Act.

The further duties and responsibilities of the Review Board include reporting annually to the Minister on its operations and on other matters as required by the Minister, and performing the other functions that may be prescribed by the regulations.

## **Membership**

The Review Board is appointed pursuant to subsection 57(1) of the Act. The Review Board is comprised of a minimum of 13 members appointed by the Lieutenant-Governor in Council, and include:

- (a) a chairperson, who is a member in good standing of the Law Society of Newfoundland and Labrador (Chairperson/Legal Representative);
- (b) four persons, each of whom is a member in good standing of the Law Society of Newfoundland and Labrador and who expresses an interest in mental health issues (Legal Representatives);
- (c) four persons, each of whom is a physician (Physician Representatives); and
- (d) four persons, each of whom is neither a member of the Law Society of Newfoundland and Labrador nor a physician and each of whom expresses an interest in mental health issues, with preference being given to a person who is or has been a consumer of mental health services (Public Representatives).

A person appointed to the board shall have knowledge or experience that will assist the board to achieve its mandate and the composition of the board shall reflect the cultural, ethnic, and regional diversity of the province.

The terms of appointment are stated at subsections 58(1) and (2) of the Act. Current Review Board members and their terms are referenced in Appendix B.

## Meetings

The Review Board is available to meet as required and has met in-person in St. John's, and by video conference or teleconference with members across the Province.

## Financial Overview

The Review Board is not required to have an audited statement. In the 2019-20 fiscal year, total expenses were approximately \$41,607.95, itemized as follows:

Board Members	\$ 29,870.95
Psychiatrists	\$ 11,487.00
Courier expenses	<u>\$ 250.00</u>
<b>Total</b>	<b>\$ 41,607.95</b>

Administrative support and expenses are provided by the Department of Health and Community Services.

## Primary Clients

The primary clients of the Review Board are those who make applications to the Review Board pursuant to section 64 of the Act, and the following applications may be made:

64. (1) ...
- (a) an application by an involuntary patient to review the issuance of certificates of involuntary admission or a certificate of renewal;
  - (b) an application by a person who is the subject of a community treatment order to review its issuance or renewal; and
  - (c) an application by a person detained in a facility alleging a denial of a right set out in section 11 or 12.

These applications are in addition to the automatic reviews of renewals of certificates of involuntary admissions in section 33 and issuing or renewing community treatment orders in subsections 53(1) and 53(3) of the Act.

While the Review Board operates as an entity independent of the Department of Health and Community Services and the Regional Health Authorities, the Review Board has a shared commitment with these organizations, to create an effort to provide the most effective care to those with mental health issues.

The Review Board does require interaction at the point of application with senior administrators of Regional Health Authorities and the acute psychiatric care teams in order to fulfill its mandate. Other entities/persons with which the Review Board has a shared commitment include:

### **Patient Representatives**

The patient representative role is defined by the Act as a "person, other than a rights advisor, who has reached the age of 19 years and who is mentally competent and available who has been designated by, and who has agreed to act on behalf of, a person with a mental disorder and, where no person has been designated, the representative shall be considered to be the next of kin, unless the person with the mental disorder objects." Non-government organizations, such as the Canadian Mental Health Association or the consumer group, Consumers Health Awareness Network Newfoundland and Labrador (CHANNAL), have supportive, less formal roles.

### **Rights Advisors**

Rights Advisors are persons appointed by the Minister pursuant to Section 13 of the Act to give advice and assistance to persons subjected to certificates of involuntary admission and community treatment orders. Rights Advisors also explain the certification process, assist with applications to the Review Board, and accompany the person/ client to the hearing.

### **Newfoundland and Labrador Legal Aid Commission (NLLAC)**

Persons who are subject to certificates of involuntary treatment or community treatment orders are able to access legal advice and assistance from the NLLAC. The role of counsel is integral to the hearing in assisting the Panels with clear and relevant evidence from the Applicant and effectively cross examining the Health Authority.

## Annual Objectives 2020-23

Over the course of 2020-23, the Review Board will meet as needed. Each panel will consist of three members, being: one Legal Representative (Lawyer), who acts as Chair of each Panel; one Physician Representative (Doctor); and one Public Representative (Layperson with experience in Mental Health).

The Panel will review applications on behalf of involuntary patients who request a review of their certification or community treatment order (CTO), and also from involuntary patients who are alleging a denial of rights resulting from involuntary psychiatric assessment. Decisions of the Review Board will be communicated directly to Applicants and their representatives, and to the admitting psychiatric facility or to the Assertive Community Treatment Team (ACT Team) in the case of an application in respect of a CTO.

The Review Board will provide an involuntary patient with a mechanism to access a review of the issuance of a certificate of involuntary admission. It also will provide a means by which a person who is subject to a community treatment order can appeal or apply for a review of such an order.

Due to the limited mandate of the Review Board, the annual objective will remain the same for each year of this Activity Plan. At the end of each year, the indicators and progress will be reviewed to determine if the indicators will remain the same for the period covered by this activity plan.

By March 31, 2021, 2022, and 2023, the Mental Health Care and Treatment Review Board will have reviewed applications under the Mental Health Care and Treatment Act to ensure the conditions for issuing or renewing certificates are appropriate and to ensure the Review Board's compliance with the requirements of the legislation, particularly concerning paragraph (c) of subsection 64(1) an application by a person detained in a facility alleging a denial of a right set out in section 11 or 12.

### Indicators:

- Number of applications received from mental health services
- Number of panels convened
- Number of hearings held/reviews completed
- Number of certificates upheld/cancelled
- Number of decisions communicated
- Timeliness of panels convened, hearings held, and decisions rendered
- Annual reports provided

# Appendix A: Strategic Directions

## **STRATEGIC DIRECTIONS 2020-23**

Strategic directions are the articulation of desired physical, social, or economic outcomes and normally require action by, or involvement of, more than one government entity. These directions are generally communicated by the Provincial Government through platform documents, Throne and Budget Speeches, policy documents and other communiqués. They summarize the outcomes desired for the health sector and are communicated to entities that plan and report in collaboration with the Department. The strategic direction and focus areas of the Department of Health and Community Services that are also related to the Mental Health Care and Treatment Review Board for the planning period 2020-23 are:

### **Strategic Direction: Healthier People**

**Outcome:** The Mental Health Care and Treatment Review Board ensures regular review of cases whereby individuals who require involuntary care, whether from involuntary admissions to hospital, or whether they are subject to community treatment orders, are receiving required care in the least intrusive means to ensure stable mental health.

Having a system designed to provide personalized care to individuals suffering with mental health issues is imperative to their success in the long term. While community treatment orders are in place, the criteria are restrictive for a first CTO and it would be helpful to review the legislation with a view to making them more accessible to mental health patients. It would make it easier for treating psychiatrists to ensure they can get the care they need in the community for those who require supervision in their treatment plan, but might not require inpatient admission.

### **Strategic Direction: Better Living**

**Outcome:** Improved well-being for the people of Newfoundland and Labrador. When people feel that they are being heard, and that they have a voice in their care, particularly in the context of mental health and addictions, they will more readily accept treatment. By enabling involuntary patients to request a review of their certificate, this empowers a patient who might otherwise feel as though they have no voice in the process to feel that they are playing an active role in their treatment plan, as opposed to a simple participant in it. They are more willing to accept a course of treatment if they feel as though they are involved. This, in turn, leads to greater progress, and longer periods of wellness, in the community upon discharge.



### **Strategic Direction: A Bright Future**

**Outcome:** Improved accessibility of health and community programs and services toward better care of the population, including vulnerable persons. The focus on creating more mental health and addiction services, together with the commitment toward new physical infrastructure, are steps toward a much better future for those with mental illness in this province. The Review Board will be able to focus on treatment issues once any issues related to infrastructure grievances are no longer paramount to involuntary patients.

### **Strategic Direction: A More Efficient Public Sector**

**Outcome:** As mental health services become more cooperative and more streamlined, the services become better and the costs become more efficient.

The Review Board process provides an additional layer of accountability to ensure that the rights of vulnerable individuals are being upheld and that appropriate mental health and addiction services are being provided.

### **Strategic Direction: A Better Economy**

**Outcome:** The Review Board operates to enrich mental health services within our province. A healthier population builds a better economy.

The Review Board also uses technology to ensure that all users of the mental health system have access to equivalent services, and that review hearings held in person in St. John's are consistent with those held by video-conference in rural areas within the province, all the while keeping costs to a minimum and virtually eliminating travel.

## Appendix B: Board Members as of June 2020

### MENTAL HEALTH CARE AND TREATMENT REVIEW BOARD

<b>Position</b>	<b>Name</b>	<b>Term Expiry<sup>1</sup></b>
Chairperson – Lawyer	Kimberley Horwood	April 12, 2018*
Member – Lawyer	Christina Kennedy	May 16, 2020*
Member – Lawyer	Ian Wallace	May 16, 2020*
Member – Lawyer	Geoffrey Aylward	April 13, 2018*
Physician Representative	Dr. Robert Young	April 12, 2018*
Physician Representative	Dr. Christopher Heughan	April 12, 2018*
Physician Representative	Dr. Peter Blackie	April 12, 2018*
Physician Representative	Dr. Joan Kranenka	April 12, 2018*
Physician Representative	Dr. Theodora (Ted) Rosales	May 16, 2020*
Public Representative	Gerald Warren	April 12, 2018*
Public Representative	Brenda Stamp	April 12, 2018*
Public Representative	Frankie O’Neill	April 12, 2018*
Public Representative	Patricia Mercer	April 12, 2018*

<sup>1</sup> All Review Board Members noted with an asterisk have expired terms, yet continue to carry out their duties until reappointed or replaced, as is permitted under subsection 58(1.1) of the Act.

<b>Position</b>	<b>Name</b>	<b>Term Expiry<sup>1</sup></b>
Public Representative	Elaine Dobbin	November 1, 2018*
Public Representative	Noreen Careen	May 16, 2020*
Public Representative	Sandra McKellar	May 16, 2020*
Public Representative	Chad Perrin	May 16, 2020*
Public Representative	Abigail Sheppard	May 16, 2020*
Public Representative	Jerry Vink	May 16, 2020*
Public Representative	Jerry Young	May 16, 2020*

## **Mental Health Care and Treatment Review Board**

Department of Health and Community Services  
Confederation Building, 1<sup>st</sup>. Floor, West Block  
P.O. Box 8700  
St. John's, NL A1B 4J6  
Telephone: (709)729-3658: Fax: (709)729-4429

[www.gov.nl.ca/hcs](http://www.gov.nl.ca/hcs)