

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

**ACTIVITY PLAN
April 1, 2023 - March 31, 2026**

Chairperson's Message

As Chairperson of the Mental Health Care and Treatment Review Board, I present the Board's 2023-26 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"].

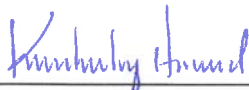
The Review Board was established in 2007, and its mandate is based on involuntary psychiatric patients' rights to periodic, fair, and timely review of their involuntary status under the Act.

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

The Review Board aspires to create a healthcare environment that provides the most effective care to those with mental health issues.

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.



Kimberley Horwood
Chairperson

Table of Contents

- Mandate 4
- Membership..... 4
- Meetings..... 5
- Financial Overview 5
- Primary Clients 5
- Annual Objectives 2023-26 7
- Strategic Directions 7
- Appendix A: Board Members as of June 2023 8

Mandate

The Mental Health Care and Treatment Review Board, [the "Review Board"], was established in 2007 pursuant to section 56 of the **Mental Health Care and Treatment Act** [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 **Mental Health Care and Treatment 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) 4 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) 4 persons, each of whom is a physician (Physician Representatives);
and
- (d) 4 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 audited financial statements. In the 2022-2023 fiscal year total expenses were \$110,255.18, itemized as follows:

Board Members	\$ 93,342.68 *
Psychiatrists	<u>\$ 16,912.50</u>
Total	\$ 110,255.18

* The 2022-2023 Review Board's expenses for Board Members increased in comparison with the previous fiscal year's expenses due to a deferred payment for an obligation from 2021-2022. If averaged over the past three years, the cost of operations would be more in line with previous years.

Cost of operations in 2020-2021 was \$75,348.40; in 2021-2022 was \$39,682.65; and in 2022-2023 was \$110,255.18. The 3-year average is \$75,095.41, which is in line with the historical operating cost.

Administrative support and expenses are provided by the Department of Health and Community Services (HCS), Mental Health and Addictions Division.

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 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."

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.

Legal Aid NL

Persons who are subject to certificates of involuntary treatment or community treatment orders are able to access legal advice and assistance from the Legal Aid NL. 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 2023-26

Over the course of 2023-26, 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, 2024, 2025, and 2026, the Mental Health Care and Treatment Review Board will have reviewed all submitted applications to ensure the conditions for issuing or renewing certificates are appropriate.

Indicators:

- Number of applications received
- Number of hearings scheduled
- Number of hearings held
- Number of certificates upheld/cancelled
- Number of decisions communicated
- Timelines of hearing scheduled, hearings held, and decisions rendered
- Annual reports provided

Strategic Directions

The Review Board conducts its activities in accordance with the Strategic Directions of the Department of Health and Community Services.

Appendix A: Board Members as of June 2023

MENTAL HEALTH CARE AND TREATMENT REVIEW BOARD

* indicates inactive Board Member

Position	Name	Term Expiry ¹
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	Frankie O'Neill	April 12, 2018
* Public Representative	Patricia Mercer	April 12, 2018
Public Representative	Elaine Dobbin	November 1, 2018
* Public Representative	Noreen Careen	May 16, 2020

¹ All Review Board Members have expired terms.

Position	Name	Term Expiry¹
* 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, 1st. 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/health