

1970 Bill 98

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Third Session, 16th Legislature, 19 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 98**

**An Act to amend The Mental Health Act**

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THE MINISTER OF HEALTH

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First Reading .....

Second Reading .....

Third Reading .....

# BILL 98

1970

An Act to amend The Mental Health Act

(Assented to \_\_\_\_\_, 1970)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Mental Health Act* is hereby amended.

2. Section 2 is amended by adding the following clause after clause (k):

(l) "admitting officer" means the physician responsible for approving the admission of patients.

3. Section 5 is amended by striking out subsection (4) and by substituting the following subsection:

(4) Notwithstanding subsection (3), a person in hospital as a voluntary patient under this section

(a) after he has been personally examined by the responsible physician or a physician designated by the superintendent,

(b) upon that physician issuing a certificate, and

(c) with the approval of the superintendent,

may be detained in hospital for a period of 60 days from the date the physician issues the certificate.

4. Section 6 is amended by striking out subsection (2) and by substituting the following subsection:

(2) The certificates of two physicians in the prescribed form together with the prescribed history record and the written approval of the superintendent of the hospital to which admittance is intended shall be sufficient authority to any person to take the mentally disordered person named in the certificates into custody and to convey him to that hospital.

## **Explanatory Notes**

**1.** This Bill amends chapter 54 of the Statutes of Alberta, 1964.

**2.** Definition.

**3.** Certification of voluntary patients. At present this can only be done when the patient seeks a discharge. Subsections (3) and (4) read:

(3) Subject to subsection (4), a person in a hospital as a voluntary patient pursuant to this section shall not be detained therein for more than seventy-two hours after he or his nearest relative has given notice in writing to the superintendent that he desires to be discharged therefrom.

(4) Where a person in a hospital as a voluntary patient pursuant to this section, or his nearest relative, gives notice to the superintendent that he desires to be discharged from the hospital he may, notwithstanding subsection (3),

(a) upon his having been personally examined by the responsible physician or a physician designated by the superintendent, and

(b) upon the issue by that physician of a certificate, and

(c) with the approval of the superintendent,

be detained in hospital for a period of sixty days from the date of receipt of the notice by the superintendent.

**4.** Admission to hospital upon certification. Prior approval of superintendent will now be required. Subsection (2) reads:

(2) The certificates of two physicians upon the prescribed forms, accompanied by the prescribed history record, are sufficient authority to any person to take the person named in the certificate into custody and convey him to a hospital.

**5.** Section 7 is amended by striking out subsection (2) and by substituting the following subsection:

(2) The physician issuing the certificate shall obtain from the superintendent or admitting officer of the hospital to which admittance is intended an oral or written approval of the admittance and shall endorse

(a) the name of the person from whom the approval was obtained,

(b) the name of the hospital, and

(c) the time and date the approval was given

on the certificate which shall then be sufficient authority to any person to take the mentally disordered person named in the certificate into custody and convey him to that hospital.

**6.** Section 8 is amended by striking out subsection (5) and by substituting the following subsections:

(5) A person taken into custody pursuant to this section and taken to a place of safety other than a hospital shall be examined by a physician forthwith and if, on the examination, the physician finds that he is a mentally disordered person in need of care, supervision and control

(a) for his own protection or welfare, or

(b) for the protection of others,

the physician may issue a certificate in the prescribed form, otherwise the person shall be released.

(5a) The physician issuing the certificate shall obtain from the superintendent or admitting officer of the hospital to which admittance is intended an oral or written approval of the admittance and shall endorse

(a) the name of the person from whom the approval was obtained,

(b) the name of the hospital, and

(c) the time and date the approval was given

on the certificate which shall then be sufficient authority to any person to convey the mentally disordered person named in the certificate to that hospital.

**7.** Section 15 is amended as to subsection (7) by inserting after the word "secretarial" the word "legal".

**8.** This Act comes into force on the day upon which it is assented to.

**5. Admission on one certificate. Prior oral or written approval of superintendent required. Section 7, subsection (2) presently reads:**

(2) The certificate of one physician issued under subsection (1) is sufficient authority to any person to take the person named in the certificate into custody and convey him to a hospital.

**6. Similar to previous amendment. Section 8, subsection (5) presently reads:**

(5) A person taken into custody pursuant to this section and taken to a place of safety, other than a hospital, shall be examined by a physician forthwith and if on the examination it is found that he is a mentally disordered person in need of care, supervision and control

(a) for his own protection or welfare, or

(b) for the protection of others,

he may, upon the authority of the certificate of the examining physician, be taken and admitted to a hospital, otherwise he shall be released.

**7. Review panel. Legal counsel may be appointed to assist the panel. Section 15, subsection (7) presently reads:**

(7) The Minister shall provide such secretarial and other assistance to each review panel as may be required.