

2009 Bill 59

Second Session, 27th Legislature, 58 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 59

MENTAL HEALTH AMENDMENT ACT, 2009

DR. SHERMAN

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 59
Dr. Sherman

BILL 59

2009

MENTAL HEALTH AMENDMENT ACT, 2009

(Assented to , 2009)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends SA 2007 c35

**1(1) The *Mental Health Amendment Act, 2007* is amended by
this section.**

(2) Section 8 is amended

(a) in the new section 9.6(2) by striking out “issuing”;

(b) in the new section 9.7

(i) in subsection (1)

**(A) by adding “or issue an apprehension order” after
“cancel a community treatment order”;**

**(B) by adding “or issuing an apprehension order” after
“cancelling a community treatment order”;**

**(ii) in subsection (2) by adding “, or issue an apprehension
order,” after “or cancel a community treatment order”.**

Explanatory Notes

1(1) Amends chapter 35 of the Statutes of Alberta, 2007.

(2) Sections 9.6(2) and 9.7 presently read:

(2) An order shall not be issued under subsection (1) unless the issuing psychiatrist is satisfied that efforts that are reasonable in the circumstances have been made to

- (a) inform the person that the person has failed to comply with the community treatment order,*
- (b) inform the person of the possibility that the psychiatrist may issue an order for apprehension and assessment of the person if the person continues to fail to comply with the community treatment order, and of the possible consequences of that assessment, and*
- (c) provide reasonable assistance to the person to comply with the community treatment order.*

9.7(1) Notwithstanding sections 9.1, 9.3, 9.4, 9.5 and 9.6 but subject to the regulations, where no psychiatrist is available to issue, renew, amend or cancel a community treatment order, a board or a regional health authority may designate a physician or health

(3) Section 19(c) is amended in the new section 42(2) by striking out “9.1(1)” and substituting “9.1(1)(a) to (e)”.

Amends RSA 2000 cM-13

2(1) The *Mental Health Act* is amended by this section.

(2) Section 45 is amended

(a) in subsection (2)(b) by striking out “boards” and substituting “any person”;

(b) by adding the following after subsection (2):

(3) A regulation made under subsection (2)(b) prevails despite the *Health Information Act*.

(3) Section 52 is amended by adding “community treatment order,” after “renewal certificate,”.

professional for the purpose of issuing, renewing, amending or cancelling a community treatment order.

(2) If a board or a regional health authority designates a physician or health professional under subsection (1), the designated physician or health professional may issue, renew, amend or cancel a community treatment order only after consultation with a psychiatrist.

(3) The new section 42(2) presently reads:

(2) In a hearing before a review panel or the Court of Queen's Bench under this Act in respect of a community treatment order, the onus is on the psychiatrist or designated physician or health professional who issued, amended or renewed the community treatment order, as the case may be, or the person supervising the community treatment order, to show that the person meets the criteria set out in section 9.1(1).

2(1) Amends chapter M-13 of the Revised Statutes of Alberta 2000.

(2) Section 45 presently reads:

45(1) The Lieutenant Governor in Council shall appoint a Mental Health Patient Advocate, who shall investigate complaints from or relating to formal patients and exercise any other powers and perform any other duties that are prescribed in the regulations.

(2) The Lieutenant Governor in Council may make regulations

(a) respecting the powers and duties of the Patient Advocate;

(b) requiring boards to make available any information referred to in the regulations for the purpose of an investigation by the Patient Advocate.

(3) Section 52 presently reads:

52 An admission certificate, renewal certificate, certificate under section 27, warrant, order, transfer or other form issued under this Act or the regulations shall not be held to be insufficient or invalid by reason only of any irregularity, informality or insufficiency in it or in any proceedings in connection with it.

3 This Act comes into force on January 1, 2010.

3 Coming into force.

RECORD OF DEBATE

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