

Instructions for Form 12: Application for Review
(Section 68, *Involuntary Psychiatric Treatment Act*)

The actions and decisions to be documented on this form, which forms a part of the *Involuntary Psychiatric Treatment Regulations*, are to be undertaken in a manner consistent with Canada's accepted obligations under the *United Nations Convention on the Rights of Persons with Disabilities* and in accordance with the guiding principles set out in subsection 2(1) of the Act.

When to use this form:

- To apply to the Review Board for [to] review the patient's file for any of the following reasons:
 - to review a declaration of involuntary admission or a declaration of renewal
 - to review a declaration of competency for involuntary patients under subsection 58(1) of the *Hospitals Act*
 - under subsection 42(1) of the Act, to determine whether a capable informed consent by a substitute decision-maker has been rendered
 - to review a community treatment order or a renewal of a community treatment order
 - to review a certificate of leave or a certificate of cancellation of leave
 - to review the status of a substitute decision-maker referred to in clauses 38(1)(c) to (g) of the Act
- the Review Board may refuse to review the file of a patient upon application of the patient at any time during the 90 days following the date the file was previously reviewed.
- This form may be filled out by
 - the patient
 - a substitute decision-maker
 - a guardian or representative appointed by law
 - a person who has been authorized to give consent under the *Medical Consent Act*
 - a person authorized by the patient to act on their behalf (authorization is attached)
 - the chief executive officer
 - the chief executive officer or their designate
 - the Minister of Health and Wellness or their designate
 - a member of the Review Board

Notes:

- This form, once completed, must be filed with both of the following:
 - the designated NSH or IWK MHA staff or administrative office responsible for managing IPTA health records
 - the provincial IPTA Review Board administration at IPTAadmin@novascotia.ca.

- If an application for review is filed, the patient and the patient's substitute decision-maker must be reminded of the patient's right to be represented by legal counsel in accordance with Section 72 of the Act.
- In accordance with subsection 70(2) of the Act, all of the following people must be given 3 clear days' written notice of this application:
 - the applicant
 - the patient
 - the patient's substitute decision-maker
 - the patient advisor, if no one has been authorized to act on behalf of the patient
 - the patient's attending psychiatrist
 - the chief executive officer or their designate
 - every other person who is entitled to be a party
 - any person who, in the opinion of the Review Board, has a substantial interest in the subject matter of the application.
- In accordance with subsection 69(2) of the Act, a hearing must begin as soon as reasonably possible after the application is received by the Review Board and no later than 21 days after the application is received.

Form 12: Application for Review
(Section 68, *Involuntary Psychiatric Treatment Act*)

To: Chair of the Review Board

I, _____ (*full name of applicant*), of _____
_____ (*address of applicant*),
apply to the Review Board in the matter of _____ (*full name of*
patient), an involuntary patient being treated at or through
_____ (*name of psychiatric facility*).

I ask the Review Board for a hearing to review (***check one***)

- a declaration of involuntary admission
- a declaration of renewal of involuntary admission
- a declaration of competency for an involuntary patient under subsection 58(1) of the *Hospitals Act*
- whether a capable informed consent by a substitute decision-maker has been rendered under subsection 42(1) of the *Involuntary Psychiatric Treatment Act*
- a community treatment order
- a renewal of a community treatment order
- a certificate of cancellation of leave
- the status of the substitute decision-maker

I am (***check one***)

- the patient
- a substitute decision-maker
- a guardian or representative appointed by law
- a person who has been authorized to give consent under the *Medical Consent Act*
- a person authorized by the patient to act on their behalf (authorization is attached)
- the chief executive officer or their designate
- the Minister of Health and Wellness or their designate

a member of the Review Board

I understand that in a hearing before the Review Board every party, including the patient and the patient's substitute decision-maker, is entitled to be represented by legal counsel.

_____ ^(dd/mm/yyyy) _____
(date of signature) (signature of applicant)

(applicant's name—printed)