

What Is the Involuntary Psychiatric Treatment Act (IPTA)?

Information for patients

Nova Scotia's **Involuntary Psychiatric Treatment Act (IPTA)** is a law that allows psychiatrists to admit a person to the hospital against that person's will if the psychiatrist has reasonable and probable grounds to believe the person

- has a mental disorder
- needs psychiatric treatment in a hospital
 - will suffer serious physical and/or mental harm if they are not treated
 - is threatening or attempting to seriously harm themselves or someone else
- is not agreeing to treatment
- cannot currently make their own medical treatment decisions because of their mental disorder

If you DO NOT meet any of these conditions, the hospital must give you the choice to stay voluntarily for treatment or to leave.

If the psychiatrist has "reasonable and probable grounds," that means they are NOT acting on a hunch or suspicion. Their reasons for admitting a person must be based on dependable, trustworthy information and must be supported by evidence like a psychiatric assessment or information from caregivers.

You have the right to...

If you DO meet these conditions and have been admitted to hospital as an involuntary psychiatric patient in Nova Scotia, the hospital must immediately tell you

- that you are being admitted as an involuntary psychiatric patient
 - which hospital you are being admitted to
 - that you can leave the hospital if your condition improves or if the Declaration of Involuntary Admission is not renewed
 - that you have a right to talk to a lawyer. If you do not have a lawyer, or cannot afford one, you can get free legal service from **Nova Scotia Legal Aid (NSLA)**
- that you have the right to contact Nova Scotia's **Patient Rights Advisory Service (PRAS)**, how to contact them, and what they do
 - that you have the right to access your health records, and how to request them. You do not have to pay to access them and they should be made available in a timely manner once you ask for them.
 - that you have the right to submit a request (IPTA Form 12) to the IPTA Review Board asking them to review your admission (learn more below)

A Declaration of Involuntary Admission is a form the psychiatrist must fill out when they admit you to the hospital as an involuntary patient.

Who is here to help you?

Substitute decision makers

A **substitute decision maker (SDM)** is a person who can help make treatment decisions for you if you cannot make treatment decisions on your own. **SDMs** are usually close family members. A close friend can also be your SDM if you made a **Personal Directive** appointing them while you were well. Any person acting as an SDM must have had personal contact with you over the last year.

You may have more than one person who is qualified to be your **SDM**. However, the responsibility is passed along a list of appropriate people in a certain order, according to the law. For example, someone you personally choose to

be your **SDM** while you are well (either a family member or a friend) will always be given the opportunity to take on the role before anyone else. If you have not personally chosen anyone your spouse or common-law partner must be offered the role before your adult child or sibling.

The full list of people who can be your **SDM** can be found in the Act. Your treating psychiatrist, patients rights advisor, or lawyer can also provide more information.

If someone is unwilling or unable to act as your **SDM**, they can say no and the responsibility will then pass to the next most-qualified person.

The IPTA Review Board

If you have been admitted as an involuntary psychiatric patient, you can ask the IPTA Review Board to review, or “hear,” your case.

If you ask for a review, an IPTA Review Board Panel will lead your hearing. The panel will be made up of at least one lawyer, at least one psychiatrist, and at least one layperson. The members of the panel must not be connected with you or the hospital. This way, their decision will be unbiased – that means it will not favour you or the hospital based on a previous relationship.

The layperson is someone who has a personal interest in mental health, but does not necessarily work in the mental health field.

At the hearing, the hospital will present the evidence that was used to admit you or is being used to keep you admitted.

You can also collect and present evidence. **NSLA** and **PRAS** can help you do this. You also have the right to have a lawyer represent you.

Once the panel has heard the evidence, the IPTA Review Board will decide whether you should stay in the hospital or can be released. The hospital must do as the IPTA Review Board says.

If you do not agree with the IPTA Review Board’s decision, you can appeal it through the Nova Scotia Court of Appeals. The hospital can also appeal the decision.

The IPTA Review Board automatically reviews cases to make sure patients are not being held longer than necessary. They schedule these automatic reviews at the following points in your admission, and the review must be held within 21 days of being scheduled:

- 60 days after admission
- 180 days after admission
- one year after admission
- one year and 180 days after admission
- two years after admission
- every year after the two-year mark

Patient Rights Advisory Service (PRAS)

The **Patient Rights Advisory Service (PRAS)** can help you and/or your **SDM** understand your rights. **PRAS** can meet with you, help explain what is happening, and help you apply to the IPTA Review Board for a hearing and/or to **NSLA** for free legal aid services. Someone from **PRAS** can also go with you to your IPTA Review Board hearing.

You do not have to accept help from PRAS.

Nova Scotia Legal Aid (NSLA)

Nova Scotia Legal Aid (NSLA) can provide you with free legal services. They can help you gather information and understand your legal options. They can also represent your case during an IPTA Review Board hearing.

NSLA will work with you to make sure your rights are being respected.

You do not have to accept services from **NSLA**. You have the right to hire and pay for your own lawyer.

Any more questions?

You can contact any member of your care team at the hospital, your **NSLA** representative, or your **PRAS** advisor if you have any questions. Please record their information below for easy reference:

Position	Name	Telephone	Email
Attending Physician			
Assistant			
NSLA Lawyer			
Assistant			
Patient Rights Advisor			
Assistant			