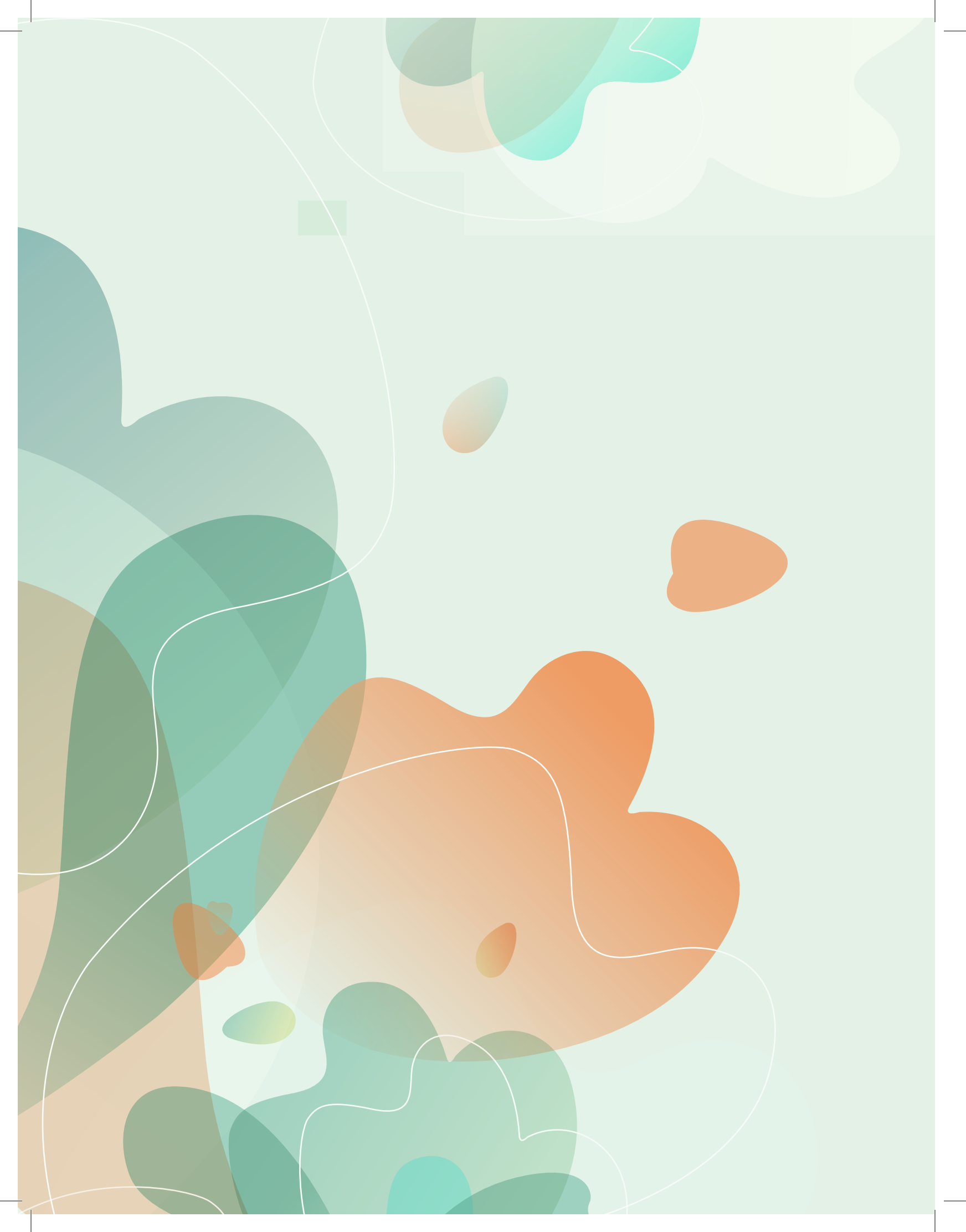




Mental Health Patient Advocate

2018/19 Annual Report





Letter to the Minister of Health

The Honorable Tyler Shandro
Minister of Health
423 Legislature Building
10800 97 Avenue
Edmonton, AB Canada T5K 2B6

Dear Minister Shandro:

It is my responsibility and honour to present the Mental Health Patient Advocate Annual Report for 2018/19.

This report summarizes the activities of the Mental Health Patient Advocate to support patients receiving care under the *Mental Health Act* to understand and exercise their rights and to investigate complaints from or related to patients who are under Admission Certificates or Community Treatment Orders.

This report is submitted in accordance with the provisions of Section 47(1) of the *Mental Health Act* for your presentation to the Legislative Assembly.

Respectfully submitted,

(Original signed by Kathleen Ness)
Kathleen Ness
Alberta Health Advocate & Mental Health Patient Advocate

Table of Contents

Letter to the Minister of Health.....	3
Message from the Mental Health Patient Advocate.....	5
Office of the Alberta Health Advocates.....	6
About the Mental Health Patient Advocate.....	7
Patients' Rights under the <i>Mental Health Act</i>	8
What is an Admission Certificate?.....	8
What is a Community Treatment Order (CTO)?.....	8
Achievements of the Year.....	9
Summary of Core Activities.....	10
Client Services.....	11
Client Casework Services.....	13
Complaints/Concerns.....	15
Education Services.....	17
Strategic Partnerships & Committees.....	17
Financial Summary.....	18
Contact Information.....	18



Message from the Mental Health Patient Advocate

It has been an honour and pleasure to serve as Alberta Health Advocate and Mental Health Patient Advocate since July 2018. As Advocate, it has been important to me to participate in sessions, forums and workshops to bring the voice of mental health patients to policy, planning and implementation decisions that will impact the health system and continuity of care for all Albertans.

Over the past year, our office has continued to provide valuable support to individuals interacting with the mental health system. Our staff have visited many of the designated mental health facilities across the province and met with patients, families and staff to discuss and review their rights under the *Mental Health Act*. The work of our office will continue to expand as we find ways to reach those under Community Treatment Orders and assist all Albertans in understanding and navigating between systems and multiple jurisdictions that together provide support to mental health concerns and issues.

I would like to acknowledge the work of Alberta Health and Alberta Health Services staff for their assistance in carrying out the legislated mandate of the Mental Health Patient Advocate. I also would like to acknowledge the numerous community organizations and champions who provide important support to individuals impacted by mental health issues. I am grateful for the staff of our office for their support and dedication to their work. Finally I want to say thank you to all the patients and family members who reached out to our office for assistance and guidance to address their concerns or learn about their rights under the *Mental Health Act*. Thank you for sharing your stories and for reminding us why we do the work that we do.

2018/19 Staff

Eunice Abekah, Wendy Armstrong, Ryan Bielby, Kelly Blenkin-Church, Ashley Cormack, Catherine Douglas, Lorraine D'Sylva, Jody-Lee Farrah, Susan Fernandes, Than Gunabalasingam, Robin McClung, Brightina Opoku-Yeboah, Tim Osborne, Deborah Prowse, Beverly Slusarchuk

Office of the Alberta Health Advocates

Established in 2014, the Office of the Alberta Health Advocates is comprised of the Mental Health Patient Advocate and the Health Advocate. Together, providing a single point of access for Albertans, the Advocates help people by listening to health service-related concerns and assisting them in finding ways to resolve those concerns. The Advocates refer people to the appropriate programs and services to address their complaints; they have the ability to conduct investigations or reviews into specific complaints related to mental health patient rights and the Alberta *Health Charter*. The Advocates provide education to Albertans about the mental health patient rights set out in the *Mental Health Act* and the expectations of the *Alberta Health Charter*.

The Office of the Alberta Health Advocates strives to empower Albertans to be effective advocates in their own health and health care; supporting and advocating for a health care system that is responsive and accountable to the people being served.

Our Vision

The Office of the Alberta Health Advocates envisions a coordinated, integrated and responsive health system that supports Albertans as full participants in their care and fairly addresses their concerns about health services.

Our Mission

The Office of the Alberta Health Advocates assists Albertans in managing concerns about services impacting their health, and in becoming effective advocates. The Office represents the voices of Albertans in the ongoing development of the health system.

Our Values

Respect Integrity Compassion Engagement Excellence

About the Mental Health Patient Advocate

The Mental Health Patient Advocate (MHPA) was established in 1990 and helps Albertans to understand and exercise their rights under the *Mental Health Act*. Mental health patient rights exist to help people who are or have been detained in hospital under Admission or Renewal Certificates, and people under Community Treatment Orders (CTO). The MHPA provides assistance to patients and others (including those acting on the patients' behalf) by conducting investigations into complaints and providing information and education about patient rights. Information and education is also provided to families, community organizations and the general public.

Patient rights provide important checks and balances that ensure mental health patients are not wrongfully detained, and when detained are treated fairly. The role of the MHPA is to protect mental health patient rights, investigate complaints impartially and resolve where possible, and to make recommendations that will improve patient care and the mental health system.

The protection of rights exists within the value of patient-centred care and treating patients with respect and dignity. It is critical when a patient loses their liberty due to their detainment or other restrictions, that they feel they have some respect and control in their situation. To support this vulnerable population, the MHPA works collaboratively with health care providers and others to strengthen awareness and understanding of the importance of upholding patient rights; together, we play a key role in helping patients and persons acting on their behalf to understand and exercise those rights.

What is an Admission Certificate?

A Form 1 Admission Certificate may be issued under Section 2 of the *Mental Health Act* by a physician who personally examines the person and is of the opinion that the person is:

- a) suffering from mental disorder
- b) likely to cause harm to the person or others or to suffer substantial mental or physical deterioration or serious physical impairment, and
- c) unsuitable for admission to a facility other than as a formal patient

The completion of one Admission Certificate provides the legal authority for the individual to be brought to and cared for, observed, assessed, detained and controlled in a designated facility for up to 24 hours from the time the person arrives at the facility.

A second Admission Certificate must be issued within 24 hours of the person's arrival at the facility by a different physician for further detainment.

Two Admission Certificates are sufficient authority to care for, observe, examine, assess, treat, detain and control the person for one month from the date the second Admission Certificate is issued.

What is a Community Treatment Order (CTO)?

A Community Treatment Order (CTO) is a tool used by physicians (one must be a psychiatrist), intended to assist patients in maintaining compliance with treatment while in the community; thereby breaking the cycle of involuntary hospitalization, decompensation, and re-hospitalization. There are criteria set out in the *Mental Health Act* that describe the conditions under which a CTO can be written.

Patients' Rights under the Mental Health Act

Rights of a **formal involuntary patient** (someone who is under two Admission or Renewal Certificates) include:

- to be told verbally and in writing the reason for one's involuntary detention in a facility
- to a copy of one's Admission or Renewal Certificate
- to retain a lawyer
- to refuse treatment unless deemed mentally incompetent or under a treatment order
- to appeal one's Admission/Renewal Certificates or the Certificate of Incompetence to a Review Panel
- to appeal Review Panel decisions to the Court of Queen's Bench
- to have one's health information kept confidential, within certain limits
- to send and receive written notes or letters without them being censored
- to contact the Mental Health Patient Advocate

The legal guardian of a person detained under the *Mental Health Act* has the right to be notified of the reasons for the detention and to receive copies of the certificates. The nearest relative also has these rights, unless the patient objects.

Rights of a patient under a **Community Treatment Order (CTO)** include:

- to receive information about their Community Treatment Order
- to retain a lawyer
- to apply to the Review Panel to cancel their Community Treatment Order
- to appeal any Review Panel decision to the Court of Queen's Bench
- to have one's health information kept confidential, within certain limits
- to be told that their Community Treatment Order has ended
- to contact the Mental Health Patient Advocate



Achievements of the Year

Each year, thousands of Albertans experience mental illness requiring mental health services. Some require treatment at hospitals on a voluntary basis, while some require formal care under the *Mental Health Act*. Through our work, we helped to assist individuals and their caregivers in their journey of recovery.

The majority of our work with patients and families occurs over the phone with some services provided through email and in-person drop-in. We also strive to meet with patients in any of the 20 designated mental health facilities across the province to see firsthand the issues that they are experiencing and to meet with staff to ensure they understand the mandated role of the Mental Health Patient Advocate.

Here are the highlights of the achievements this year for the Mental Health Patient Advocate:

- A total of 811 new files were opened in 2018/19; this total includes 130 files that fell under the jurisdiction of both the Health Advocate and Mental Health Patient Advocate.
- Arising from the files opened, clients presented 1,782 issues and requests regarding mental health patient rights and the mental health system in general. The number of issues presented on each file demonstrates the complexity of the issues which our clients are dealing with.

Summary of Core Activities

The Mental Health Patient Advocate (MHPA) and staff carry out a number of core functions including complaint investigation, advocacy, and education to patients, families, caregivers and health service providers throughout Alberta. The core activity data reflects a combination of client casework, including complaint investigation, client resource services, and educational activities.

The following data represents the number of client files opened during the 2018/19 fiscal year under the jurisdiction of the Mental Health Patient Advocate. It is not uncommon for clients to contact the MHPA several times throughout the reporting year. For this reason,

the number of issues exceed the number of client files. For example, clients may return to the MHPA for service and support if: a re-admission to hospital has occurred; a new complaint or concern has arisen from a current or past hospital stay; or, if they have not been satisfied with the outcome or resolution of an ongoing concern.

Client Casework Services

	2018/19	2017/18	2016/17
Total Files	811	765	753
Issues/Requests	1,782	2,337	3,878

Client Services

The Mental Health Patient Advocate (MHPA) works to provide service and support to Albertans who are under the *Mental Health Act*, or have been under Admission or Renewal Certificates, or, are subject to a Community Treatment Order (CTO). The MHPA also supports those who are family members, friends, other concerned persons or someone acting on a client's behalf. The MHPA provides service and support by:

- addressing concerns regarding patient rights, detention, treatment or care.
- providing information about mental health services and resources.
- providing information about the *Mental Health Act* and mental health patient rights.

In 2018/19, a majority of clients who accessed MHPA services did not disclose their age. Of those who did disclose their age, the majority were between the ages of 25 to 64 years. There were also 15 adolescents under 18 years of age and 31 seniors over 64 years of age. Slightly more males than females accessed our services.

Client Services Profile by Age:

Number of Client Service Files	
Age	
Under 18	15
Ages 18-24	47
Ages 25-50	152
Ages 51-64	55
65 plus	31
Undisclosed	511
Total	811

Client Services Profile by Gender:

Number of Client Service Files	
Gender	
Male	376
Female	331
Another gender	0
Undisclosed	104
Total	811

In 2018/19, as in previous years, clients contacted the MHPA from across the province. Twenty-five percent of clients were located in Edmonton; 24 percent were located in Calgary; five percent were located in Ponoka; and 35 percent of clients identified being from other communities throughout Alberta.

Client Services Profile by Location:

Number of Client Service Files	
Location	
Edmonton	205
Calgary	195
Ponoka	44
Red Deer	21
Grande Prairie	9
Medicine Hat	19
Lethbridge	18
St. Paul	4
Claresholm	7
Fort McMurray	4
Undisclosed and other	285
Total	811

NOTE: The high numbers under the "Undisclosed" category reflect the fact that it is not required to disclose this information to receive services from the MHPA. Information is collected when it has been offered by the client, usually as a result of the information being relevant to the assistance that we provide.

Location of Designated Facilities*



* Designated Mental Health Facilities are hospitals that can admit and detain formal or involuntary patients under the *Mental Health Act*.

Client Casework Services

Client casework services consists of work with Albertans that falls within the jurisdiction of the Mental Health Patient Advocate (MHPA). Persons who are or have been under one or two Admission Certificates or Renewal Certificates, or subject to a Community Treatment Order (CTO), or those acting on their behalf, or other concerned citizens may contact the MHPA if they have a concern pertaining to patient rights, detention, treatment or care.

In 2018/19, 46 percent of client casework files involved formal patients, and three percent involved persons subject to a community treatment order. The remaining client casework files involved clients where a legal status was either unspecified or not-applicable, such as voluntarily admitted patients or those admitted via the criminal justice system.

In the following table, the legal status of clients who contacted the MHPA is derived from the total client files opened in 2018/19.

Client Casework Services by Legal Status:

2018/19	
Clients	
Formal Patients (including previously formal patients)	376
Community Treatment Order (including inpatient and community)	21
Unspecified Status (including voluntary, not criminally responsible)	414
Total	811

The first Form 1 Admission Certificate may be issued anywhere in Alberta. Formal patients under two admission or two renewal certificates, may only be accommodated in one of the twenty designated facilities across Alberta.

A CTO may be issued while the person is about to be discharged from hospital or while the person resides in the community.

The majority of patients served by the MHPA are hospitalized at one of the designated mental health facilities located in Edmonton or Calgary.

Client Casework Services by Designated Mental Health Facility:

Number of Client Casework Services Files	
Designated Mental Health Facility	
North Zone	2%
Northern Lights Regional Health Centre	32
Queen Elizabeth II Hospital	7
St. Therese – St. Paul Health Care Centre	4
Edmonton Zone	29%
Alberta Hospital Edmonton	74
Grey Nuns Community Hospital	52
Misericordia Community Hospital	13
Royal Alexandra Hospital	51
University of Alberta Hospital	34
Villa Caritas	10
Central Zone	9%
Centennial Centre for Mental Health	55
Red Deer Regional Hospital	18
Calgary Zone	26%
Alberta Children’s Hospital	0
Foothills Medical Centre	54
Peter Lougheed Centre	69
Rockyview General Hospital	59
South Health Campus	26
Southern Alberta Forensic Psychiatry Centre	6
South Zone	6%
Chinook Regional Hospital	16
Medicine Hat Regional Hospital	22
Claresholm Centre for Mental Health	10
Not Specified	28%
Total	811

The issues and requests presented in the client casework service files are addressed through one of the MHPA core functions. These functions include: complaint investigation, advocacy, patient rights or providing information.

Complaint investigations are conducted when complaints are made with respect to a formal patient or person subject to a CTO. Investigations deal with a number of issues as a result of formal patient status or a CTO, including concerns about patient rights; administrative fairness; alleged abuse; a failure to provide services to the patient; or health service provider conduct.

Advocacy refers to those activities where individuals are supported to act on their own behalf, or, where assistance is requested, to ensure the voice of patients is heard and considered by the treatment team.

Patient Rights refers to the process by which persons who fall under the jurisdiction of the *Mental Health Act*, or those acting on their behalf, are informed of their legislated rights.

Providing Information refers to activities such as the provision of information about the application of and practice under the *Mental Health Act*, connecting patients and families to community resources and mental health services and programs, and assisting patients and families to navigate the mental health system.

It is not uncommon for multiple issues to be presented in each client casework service file. To address the issues and requests effectively, several core functions are often applied to each client casework service file. This speaks to the complexity of the work.

Client Casework Issues by Core Functions:

Number of Issues	
Core Function	
Patient Rights	1,008
Providing information	426
Advocacy	274
Complaint investigations	74



Complaints/Concerns

The Mental Health Patient Advocate (MHPA) provides assistance to address concerns and resolve complaints. The MHPA does this by carrying out investigations into complaints. The types of concerns that are addressed range from detainment, treatment, care and/or control of a patient against their will, to lack of privileges, lack of privacy and access to information. Some complaints may present as very complex and some are historical in nature.

Depending on the nature and complexity of the concern, the investigation process may vary. The investigation process may include making inquiries into allegations which can result in early resolution through discussion between the patient, an advocate representative and members of the care team. Some investigations

may require a more in-depth investigative process involving the collection and examination of information and may result in recommendations for future consideration.

Most concerns are resolved within a few days, although some investigations may require a longer period of time to conduct. Complaint resolution and investigation outcomes vary, depending on the nature of the complaint and the complainant's desired outcome. In some cases, the client's inquiry or complaint can be resolved by another organization, program, and service or complaints resolution process. In these cases, the client is referred to the most appropriate place to address their concern. Following these determinations, complaints are considered resolved by the MHPA. Investigations may also be discontinued at the discretion of the MHPA according to the legislation.

Scenario

Concern:

An individual reached out to our office with questions about their detention under the *Mental Health Act*. They did not fully understand the reasons why they were being kept in hospital and wanted to know more about their rights and how they could appeal their detention.

How the Advocate Helped:

Staff from our office were able to meet with the individual in the designated mental health facility where they were receiving treatment. The Advocate Representative was able to explain to them what their rights are under the *Mental Health Act*. Staff took them time to review the individual's Admission Certificates to help them understand what they meant. Staff also provided information regarding how the individual could appeal their detention to the Mental Health Review Panel should they wish to do so.

Advocate Representatives assisted clients to address their issues and requests by helping them:

- Understand and exercise the legislated rights under the *Mental Health Act*
- Ensure the legislated rights were respected
- Become empowered in the health care journey
- Learn how to self-advocate and advocate for others
- Ensure the patient's voice was heard and considered
- Understand the roles and responsibilities of the various health care providers and how to navigate the mental health system.
- Understand other complaint resolution bodies and other resources that may assist if the issue falls outside of MHPA jurisdiction



Education Services

In 2018/19, the Mental Health Patient Advocate (MHPA) completed and participated in nearly 40 educational service events. The MHPA promotes and supports patient rights and brings awareness to issues in mental health through presentations and knowledge exchange. The MHPA delivers presentations to inform and educate health service and community organizations, government, health providers, leaders and Albertans about the role and mandate of the MHPA, the *Mental Health Act* and mental health patient rights. Over the past year, the MHPA has delivered presentations, participated in forums and collaborated with stakeholders on working groups and committees.

Our educational presentations offer an excellent opportunity to work with a range of individuals who may have either a personal or professional interest in the *Mental Health Act* and the role of the Mental Health Patient Advocate. Our staff have become regular presenters within a number of educational institutions across the province which provides us with an excellent opportunity to educate future social workers, lawyers, occupational therapists and many others who will undoubtedly be presented with the opportunity to support individuals with mental health issues throughout their careers.

Strategic Partnerships & Committees

Staff from the Mental Health Patient Advocate's office participate in a wide range of strategic partnerships and committees. Our participation in this work allows us to maintain a high level of awareness of current trends and issues within the mental health community and to bring forward issues of concerns that have brought to our attention.

Financial Summary

The following represents the combined budgets for the Health Advocate and Mental Health Patient Advocate.

	2018/19 Budget	2018/19 Actual	2017/18 Budget	2017/18 Actual
Salaries and Employee Benefits	\$ 1,636,000	\$ 1,215,093	\$ 1,484,000	\$ 1,241,077
Travel and Accommodations	\$ 27,000	\$ 6,589	\$ 27,000	\$ 6,487
General and Administrative Services	\$ 241,000	\$ 70,729	\$ 393,000	\$ 79,945
Total	\$ 1,904,000	\$ 1,292,410	\$ 1,904,000	\$ 1,327,509

Contact Information

We are available to assist you during regular office hours, 8:15 a.m. to 4:30 p.m. (closed from 12:00 p.m. to 1:00 p.m.) Monday through Friday. If you telephone after hours, a confidential voicemail is available to take your message.

Visit our website at: www.albertahealthadvocates.ca

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