

The Mental Health Services Regulations

being

Chapter M-13.1 Reg 1 (effective April 1, 1986),
as amended by Saskatchewan Regulations [53/95](#) and [103/97](#).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER M-13.1 REG 1
The Mental Health Services Act
[Sections 13, 35 and 43]

Title

1 These regulations may be cited as *The Mental Health Services Regulations*.

Interpretation

2(1) In these regulations:

- (a) “**Act**” means *The Mental Health Services Act*;
- (a.1) “**district health board**” means a district health board as defined in *The Health Districts Act*;
- (b) “**level of care**” means the level of care determined in accordance with subsection 6(1);
- (c) “**local Assistant to the Fire Commissioner**” means the local Assistant to the Fire Commissioner within the meaning of *The Fire Prevention Act, 1992*;
- (d) “**operator**” means a person who operates an approved home;
- (e) “**resident**” means a person who receives lodging, board and care in an approved home in return for payment.

(2) Any reference to a form in these regulations is a reference to that form as it appears in Part I of the Appendix.

4 Apr 86 cM-13.1 Reg 1 s2; 12 Dec 97 SR 103/
97 s3.

Mental health regions

3 The following mental health regions are established:

- (a) Battlefords Mental Health Region, comprising the areas within the geographic boundaries of:
 - (i) the Battlefords Health District;
 - (ii) the Lloydminster Health District;
 - (iii) the Northwest Health District; and
 - (iv) the Twin Rivers Health District;
- (b) Moose Jaw Mental Health Region, comprising the areas within the geographic boundaries of:
 - (i) the Moose Jaw/Thunder Creek Health District; and
 - (ii) the South Country Health District;
- (c) Northern Mental Health Region, comprising the area within the geographic boundaries of the Northern Saskatchewan Administration District;

- (d) Prince Albert Mental Health Region, comprising the areas within the geographic boundaries of:
- (i) the North Central Health District;
 - (ii) the North-East Health District;
 - (iii) the Parkland Health District;
 - (iv) the Pasquia Health District; and
 - (v) the Prince Albert Health District;
- (e) Regina Mental Health Region, comprising the areas within the geographic boundaries of:
- (i) the Pipestone Health District;
 - (ii) the Regina Health District; and
 - (iii) the Touchwood Qu'Appelle Health District;
- (f) Saskatoon Mental Health Region, comprising the areas within the geographic boundaries of:
- (i) the Central Plains Health District;
 - (ii) the Gabriel Springs Health District;
 - (iii) the Living Sky Health District; and
 - (iv) the Saskatoon Health District;
- (g) Swift Current Mental Health Region, comprising the areas within the geographic boundaries of:
- (i) the Rolling Hills Health District;
 - (ii) the Southwest Health District; and
 - (iii) the Swift Current Health District;
- (h) Tri-District Mental Health Region, comprising the areas within the geographic boundaries of:
- (i) the Greenhead Health District;
 - (ii) the Midwest Health District; and
 - (iii) the Prairie West Health District;
- (i) Weyburn Mental Health Region, comprising the areas within the geographic boundaries of:
- (i) the Moose Mountain Health District;
 - (ii) the South Central Health District; and
 - (iii) the Southeast Health District;
- (j) Yorkton Mental Health Region, comprising the areas within the geographic boundaries of:
- (i) the Assiniboine Valley Health District;
 - (ii) the East Central Health District; and
 - (iii) the North Valley Health District.

Areas served

4 Each facility designated by the minister pursuant to subsection 4(1) of the Act for the purpose of providing mental health services shall serve the region in which it is situated.

4 Apr 86 cM-13.1 Reg 1 s4.

Regional Psychiatric Centre

5 No person shall be admitted to the Regional Psychiatric Centre (Prairies), Saskatoon, pursuant to section 24 of the Act unless he is currently charged with, or currently serving sentence of imprisonment for committing, an offence.

4 Apr 86 cM-13.1 Reg 1 s5.

Charges

6(1) In this section:

(a) **“committee”** means a long-term care screening committee appointed pursuant to subsection (2);

(b) **“long-term care”** means care that, because of infirmity, injury, illness or other disability, is required over a prolonged period.

(2) The officer in charge of an in-patient facility may appoint a long-term care screening committee for the purposes of this section.

(3) A committee may elect a chairman and vice-chairman of the committee and may make rules for the holding and conduct of meetings.

(4) A majority of the members of a committee constitutes a quorum and the decision of the majority of the members present and constituting a quorum is the decision of the committee.

(5) The committee may decide whether any person who seeks admission as a patient to, or is an in-patient in, the facility requires long-term care.

(6) Every person who:

(a) in the opinion of a committee, requires long-term care; and

(b) is an in-patient in a part of a facility that:

(i) has been set aside by the facility to provide in-patient care to persons requiring long-term care; and

(ii) contains beds set up for in-patient care in a number that does not exceed the number that the minister may approve for the purpose;

may be required to pay to the facility an amount equal to the amount he would be required to pay in the same circumstances to a facility other than a facility operated by the minister.

(7) Every person who:

(a) in the opinion of a committee or the attending physician requires long-term care; and

(b) is an in-patient in a part of a facility other than a part of the facility set aside pursuant to subclause (6)(b)(i);

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may be required to pay to the facility an amount equal to the amount he would be required to pay in the same circumstances to a facility other than a facility operated by the minister.

4 Apr 86 cM-13.1 Reg 1 s6; 9 Jne 95 SR 53/95 s3; 12 Dec 97 SR 103/97 s5.

Director

7 The director shall:

- (a) cause each facility to be inspected annually and provide any directions that may, in the director's opinion, tend to its improvement;
- (b) **Repealed.** 12 Dec 97 SR 103/97 s6.
- (c) where he orders a person to be brought into Saskatchewan for examination pursuant to section 21 of the Act, provide notice of that order to an official representative for the region in which the person is to be examined;
- (c.1) where he or she orders a person to submit to an examination pursuant to section 23.1 of the Act, provide notice of that order to an official representative for the mental health region in which the person is being detained;
- (d) where he orders the transfer of an involuntary patient pursuant to section 28 of the Act, provide notice of that order to an official representative for the region from which the person is to be transferred;
- (e) where he or she orders the return to another jurisdiction of a person who has been detained for the purposes of psychiatric treatment in Saskatchewan pursuant to section 28.2 of the Act, provide notice of that order to an official representative for the mental health region in which the person is being detained.

4 Apr 86 cM-13.1 Reg 1 s7; 9 Jne 95 SR 53/95 s4; 12 Dec 97 SR 103/97 s6.

Regional director

7.1(1) The regional director shall:

- (a) ensure that the officer in charge is not a psychiatrist; and
 - (b) maintain a list of persons who may be identified pursuant to clause 24.3(1)(e) of the Act as persons who will ensure that persons who are the subject of community treatment orders will receive the services that they require in order to be able to reside in the community.
- (2) The regional director may designate any person or agency to receive information concerning a patient for the purposes of clause 18(1)(a.1).

9 Jne 95 SR 53/95 s5; 12 Dec 97 SR 103/97 s7.

Officer in charge

8 The officer in charge of a facility shall:

- (a) on the detention of a person in the facility pursuant to section 23 of the Act, cause notice of that detention to be provided to an official representative for the region as soon as practicable;

(b) where a warrant or order under which a person is detained pursuant to section 23 of the Act is amended or revoked, cause notice of the amendment or revocation to be provided to an official representative for the region as soon as practicable;

(c) forthwith on the detention of a person in the facility pursuant to section 24 of the Act, cause notice of that detention to be provided to an official representative for the region by the most expeditious manner possible, providing for the exercise by the official representative of his obligations pursuant to clause 13(1)(c);

(d) where an order has been made by a judge for the detention of a person pursuant to subsection 24.1(3) of the Act, provide a copy of that order to the person and cause notice of that detention to be provided as soon as practicable to that person's nearest relative and an official representative for the region.

4 Apr 86 cM-13.1 Reg 1 s8; 9 Jne 95 SR 53/95
s6.

Chief psychiatrist

9 The chief psychiatrist for a mental health centre, psychiatric ward or mental health clinic is responsible for clinical services in the facility and for this purpose shall:

- (a) in matters of administration, be accountable to the officer in charge of the facility;
- (b) perform the functions normally performed by a chief of psychiatry;
- (c) be generally informed concerning the provision of all clinical services in the facility and provide any suggestions to the officer in charge that may, in his opinion, tend to the improvement of those services.

4 Apr 86 cM-13.1 Reg 1 s9; 12 Dec 97 SR 103/
97 s8.

Reasons for apprehension or detention

10 Any person who apprehends or detains a person pursuant to a certificate, warrant or order issued pursuant to the Act shall cause that person to be informed promptly of:

- (a) the reasons for his apprehension or detention, as the case may be; and
- (b) his right to retain and instruct counsel.

4 Apr 86 cM-13.1 Reg 1 s10.

Physician

11 A physician who completes a certificate pursuant to section 18 of the Act shall transmit a copy of that certificate to an official representative for the region.

4 Apr 86 cM-13.1 Reg 1 s11.

Judge

12 A judge who issues a warrant pursuant to section 19 of the Act, or an order pursuant to subsection 22(2) or (3) of the Act, shall transmit a copy of that certificate to an official representative for the region.

4 Apr 86 cM-13.1 Reg 1 s12.

Official representative**13(1)** An official representative for a region:

(a) on receipt of notice that a person has been apprehended or detained in the region pursuant to section 18, 19, 21, 22, 23.1 or 24.6 of the Act, shall make any contact with the person that he considers necessary to advise that person concerning his rights and obligations in relation to the apprehension or detention;

(b) on receipt of notice that a patient has been detained in a facility in the region pursuant to section 23 of the Act, shall visit the patient as soon as practicable after his detention and advise that patient concerning his rights and obligations in relation to detention pursuant to the applicable clause of section 23 of the Act;

(c) on receipt of notice that a patient has been detained in a facility in the region pursuant to section 24 of the Act, shall visit the patient within 24 hours of the commencement of his detention to introduce himself as an official representative for the purposes of this Act, to provide information pertinent to the rights and obligations of the patient in relation to the detention, and to offer assistance to enable the patient to exercise his rights;

(c.1) on receipt of a notice of motion that an application for a long term detention order has been made pursuant to section 24.1 of the Act, shall visit the person who is the subject of the application as soon as practicable, provide the person with information concerning his or her rights and obligations with respect to the application, and as far as is reasonably practicable, provide any assistance that is requested, including the following:

- (i) assist the person to obtain legal counsel;
- (ii) accompany the person to the court hearing;
- (iii) represent the person at the court hearing;

(c.2) on receipt of a notice that a person is subject to a community treatment order, shall speak with that person as soon as practicable after the community treatment order comes into effect in order to provide information pertinent to the rights and obligations of the person in relation to the community treatment order and to offer assistance to enable the person to exercise his or her rights;

(d) on receipt of notice that a patient has been ordered to be transferred from a facility in the region pursuant to section 28 of the Act, shall visit the patient as soon as practicable and in any event before the transfer of the patient, to provide information pertinent to the rights and obligations of the patient in relation to the order for transfer and to offer assistance to enable the patient to exercise his rights;

(d.1) on receipt of notice that a person has been ordered to be returned to another jurisdiction pursuant to section 28.2 of the Act, shall:

- (i) visit the person as soon as practicable and in any event before the transfer of the person out of Saskatchewan, to provide information pertinent to the rights and obligations of the person with respect to the order and to offer assistance to enable the person to exercise his or her rights; and

(ii) if requested to do so by the person, assist him or her to submit an appeal to the Court of Queen's Bench;

(e) on receipt of notice that a decision has been made to administer to a patient in the region a treatment that is designated as a special treatment pursuant to clause 43(g) of the Act, shall visit the patient as soon as is practicable, and in any event, except in case of emergency, prior to the commencement of the special treatment, advise the patient concerning his rights and obligations in relation to the special treatment which has been directed;

(f) may visit any patient in an in-patient facility, with the consent of that patient, after:

(i) notifying the officer in charge of the facility of his intention to visit the patient; and

(ii) giving consideration to any information provided by the officer in charge relating to the timing of the visit;

for the purpose of advising the patient concerning his rights and obligations;

(g) may visit any out-patient, at the request of that patient, for the purpose of advising the patient concerning his rights;

(h) where a person who is entitled to appeal to a review panel decides to appeal and requests the assistance of the official representative to initiate or to pursue an appeal, shall provide as far as is reasonably practicable any assistance that is requested including:

(i) submitting an appeal;

(ii) assisting the patient to obtain counsel;

(iii) accompanying the patient to the review panel hearing;

(iv) representing the patient at the review panel hearing;

(v) where a person is dissatisfied with the decision of the review panel, assisting the patient to submit an appeal to Her Majesty's Court of Queen's Bench for Saskatchewan; and

(vi) generally assisting the patient to remain informed during the review process;

(i) where a patient who is entitled to appeal to a review panel concerning detention pursuant to section 24 of the Act or an order for transfer pursuant to section 28 of the Act does not submit an appeal, if the official representative considers it advisable that an appeal should be submitted, shall submit an appeal on behalf of that patient;

(j) shall create and maintain a file on each patient about whom he receives information including copies of any certificates, warrants or orders, and a description of services provided by the official representative in relation to that patient pursuant to the Act or these regulations;

(k) unless he is required to do so by law, shall not disclose information obtained in the course of serving as an official representative for any purpose other than performing the duties and responsibilities of an official representative prescribed in the Act or these regulations, including the instruction of a solicitor.

(2) Clause (1)(k) does not apply to the provision of information to the director where the name and other means of identifying the patient are removed.

(3) An official representative acting pursuant to subsection (1) shall be given access to any information that he or she requires in order to provide advice or assistance to a patient.

4 Apr 86 cM-13.1 Reg 1 s13; 9 Jne 95 SR 53/95
s7; 12 Dec 97 SR 103/97 s9.

ECT

14(1) In this section, “ECT” means electroconvulsive therapy.

(2) Pursuant to clause 43(g) of the Act, electroconvulsive therapy is designated as a special treatment and no person shall administer ECT to an involuntary patient except in accordance with procedures described in subsection (4).

(3) No person other than a psychiatrist shall administer ECT to an involuntary patient except in the presence of and under the direct supervision of a psychiatrist.

(4) Before ECT is administered to an involuntary patient, a psychiatrist shall:

(a) examine the patient and inquire into the facts or circumstances of the patient that are necessary to be considered in order to enable the psychiatrist to form a satisfactory opinion that:

(i) the patient’s mental condition will improve significantly if ECT is administered;

(ii) the patient’s mental condition will not improve significantly without ECT; and

(iii) alternate treatments will be relatively ineffective in treating the patient’s mental condition;

(a.1) prepare a written record of the diagnosis, the facts on which the psychiatrist has determined that ECT should be administered to the patient and the decision to use ECT;

(b) ensure that all measures preliminary to the administration of ECT consistent with good medical practice have been taken;

(c) explain the purpose, nature and effects of ECT, possible alternative treatments and necessary preliminary and post-treatment care to the patient and:

(i) his nearest relative; or

(ii) in a case where a person other than the nearest relative has been appointed pursuant to section 26 of the Act, to that person;

and give consideration to the views the patient, the nearest relative or other person, as the case may be, expresses concerning ECT and any alternative treatments;

(d) complete a certificate in the form prescribed in subsection 43(9);

(e) obtain the certificate in the form prescribed in subsection 43(9):

(i) of a second psychiatrist; or

- (ii) where it is not reasonably practicable to obtain the opinion of a second psychiatrist and a delay in the commencement of ECT would pose a serious threat to the life or health of the patient, of a second physician with admitting privileges to the facility in which the patient is detained;
 - (f) forthwith on the issuance of two certificates pursuant to clauses (d) and (e):
 - (i) provide the patient with copies of those certificates;
 - (ii) notify an official representative for the region by the most expeditious manner possible of the issuance of those certificates; and
 - (iii) immediately transmit copies of those certificates to that official representative; and
 - (g) immediately advise the patient, the nearest relative of the patient and an official representative for the region, in the form prescribed in subsection 43(10), of the patient's right of appeal to the review panel against the administration of ECT as set out in section 24.
- (4.1) Except in case of emergency, no ECT is to be administered to an involuntary patient until after the patient is visited by an official representative pursuant to clause 13(1)(e).
- (5) Certificates issued pursuant to this section are valid for a maximum of eight ECT sessions or until the expiration of any authority for the patient to be detained as an involuntary patient, whichever occurs first.
- (6) Before further ECT is administered to an involuntary patient beyond the eight sessions specified in subsection (5), a psychiatrist shall comply with the requirements of clauses (4)(d), (e), (f), and (g).

4 Apr 86 cM-13.1 Reg 1 s14; 9 Jne 95 SR 53/95
s8.

Information

- 15(1)** In this section and sections 16, 17 and 18, “**information concerning a patient**” means information concerning a patient that comes to a person's knowledge in the course of performing his duties pursuant to the Act or these regulations.
- (2) A person shall disclose information concerning a patient:
- (a) to a review panel where the review panel requires disclosure in order to perform its function in relation to that patient;
 - (b) subject to subsection (3), to the patient where the patient requests disclosure of such information to himself.
- (3) Subject to section 16, where a person who holds information concerning a patient that is requested by the patient to be disclosed considers that the disclosure of such information is likely to be injurious to the patient or to a third party and documents the reasons for this belief, he may withhold the information.

4 Apr 86 cM-13.1 Reg 1 s15.

Application to judge**16(1)** Where:

- (a) a patient, or another person with a sufficient interest, wishes to obtain information concerning that patient; and
- (b) the person who possesses that information refuses to disclose it;

the patient or other person may apply to a judge for an order that the information be disclosed.

(2) An application pursuant to subsection (1) is to be made by notice of motion directed to:

- (a) the person who possesses the information;
- (b) the patient; and
- (c) any other person to whom the judge considers it appropriate to direct the notice.

(3) The practice and procedure of Her Majesty's Court of Queen's Bench for Saskatchewan on an application in chambers apply *mutatis mutandis* to an application pursuant to this section.

(4) The judge may:

- (a) order the disclosure of any or all information requested;
- (b) specify the manner in which the information is to be disclosed; and
- (c) attach any conditions to the disclosure of the information that he considers appropriate.

4 Apr 86 cM-13.1 Reg 1 s16.

Release of information

17(1) Except for the purposes of section 18, a request for information concerning a patient is to be submitted to the person who possesses the information and is to include:

- (a) the name and address of the person requesting the information;
- (b) the name of the patient to whom the information relates;
- (c) the name of the facility or person possessing the information;
- (d) a description of the items of information requested;
- (e) the purposes for which the person requesting the information intends to use the information;
- (f) the date of the request; and
- (g) the signature of the person requesting the information.

(2) Consent for the release of information concerning a patient that is requested pursuant to subsection (1) may be provided by the patient to whom the information relates or another person authorized to consent on behalf of that patient and is to include:

- (a) a description of the items of information which are authorized to be released;

- (b) the name of the person to whom the information may be released;
 - (c) a consent to the release of the information described in clause (a);
 - (d) any terms and conditions under which the information may be released;
 - (e) the date of the consent;
 - (f) the signature of the patient or other person authorized to consent on behalf of the patient; and
 - (g) the signature of a witness.
- (3) A decision to release information concerning a patient that is requested pursuant to subsection (1) may be made by the facility or person possessing the information and is to be recorded in writing and entered in the record concerning that patient.

4 Apr 86 cM-13.1 Reg 1 s17.

Permitted disclosure

18(1) Subject to clause 13(1)(k) and section 26, a person who possesses information concerning a patient may disclose that information:

- (a) where required for the purpose of providing for the diagnosis, treatment or care of the patient, to:
 - (i) the chief psychiatrist of a facility;
 - (ii) the officer in charge of a facility;
 - (iii) any other person on the staff of or employed in a facility;
 - (iv) the patient's attending physician or another physician who is providing medical services to the patient;
 - (v) the regional director of the mental health region in which the patient is or may be treated;
 - (vi) the director; or
 - (vii) the chief executive officer of any hospital;
- (a.1) to the extent that is demonstrably necessary for the provision of other mental health services that are necessary to maintain or restore the mental health of the patient, to any person who has been designated by the regional director, or an employee of any agency that has been designated by the regional director pursuant to subsection 7.1(2);
- (b) with the written approval of:
 - (i) the regional director; or
 - (ii) the officer in charge, in the absence of the regional director;

to any person for research or teaching purposes or for the compilation of statistical data where the name and other means of identification of the patient are removed from the records;
- (c) to any body with statutory responsibility for the discipline of members of a health profession or for the quality or standards of professional services provided by them;

- (d) with the written approval of the regional director or his or her designate, to the public trustee within the meaning of *The Public Trustee Act*, where the information pertains to the administration of the estate of a dependent adult as defined in *The Public Trustee Act*;
 - (e) to an official representative for the region where he or she requires the information in order to provide advice or assistance to a patient pursuant to subsection 13(1);
 - (f) to a person who is providing care, assistance or support to the patient, where the disclosure is required to enable that person to provide that care, assistance or support, if:
 - (i) the patient is advised of the intention to release the information; and
 - (ii) the disclosure occurs in the presence of the patient, unless the regional director determines that disclosure in the presence of the patient would not be in the best interests of the patient;
 - (g) to the minister, for the purposes of:
 - (i) confirming the patient's eligibility to receive services; or
 - (ii) compiling information for the purposes of evaluating and planning for future delivery of mental health services.
- (2) Information pertaining to a deceased person may be released where:
- (a) a request for the information meets the requirements set out in clauses 17(1)(a) to (g); and
 - (b) the regional director or his or her designate:
 - (i) is satisfied that the person who is requesting the information has a legitimate interest in the information requested;
 - (ii) concludes that release of the information would not constitute an unreasonable invasion of privacy, having regard for the interests of family members and any other persons who may have been closely connected with the deceased person;
 - (iii) ensures that any information not relevant to the request is severed from the information that is to be disclosed;
 - (iv) decides to authorize the release of the information; and
 - (v) records the reasons for the decision in writing.

4 Apr 86 cM-13.1 Reg 1 s18; 9 Jne 95 SR 53/95
s9; 12 Dec 97 SR 103/97 s10.

Investigations by review panels

19(1) In this section and in sections 20 to 24, “**appellant**” means a person described in clause 33(1)(a), (b) or (c) of the Act who submits an appeal or on whose behalf an appeal is submitted.

(2) On receiving an appeal in writing pursuant to subsection 34(2) or (3) of the Act, the chairman of a review panel shall forthwith notify the facility of the appeal.

(3) The chairperson of a review panel shall notify the attending physician immediately on receiving an appeal in writing with respect to a community treatment order.

4 Apr 86 cM-13.1 Reg 1 s19; 9 Jne 95 SR 53/95 s10.

No transfer pending appeal

20 Where an appeal of an order for transfer pursuant to section 28 of the Act is submitted to a review panel, the patient who is the subject of the order shall not be transferred before the review panel has made its decision.

4 Apr 86 cM-13.1 Reg 1 s20.

Persons present at hearing

21(1) For the purposes of an investigation of an appeal pursuant to subsection 34(6) of the Act, the chairman of the review panel shall:

- (a) provide notification of the time and place of the hearing to the appellant;
 - (a.1) make every reasonable effort to provide notification of the time and place of the hearing to:
 - (i) the person who submitted the appeal, if other than the appellant;
 - (ii) the official representative for the region;
 - (iii) the officer in charge of the facility in which the appellant is a patient;
 - (iv) the chief psychiatrist of the facility mentioned in subclause (iii);
 - (v) the attending physician;
 - (b) admit to the hearing those persons who in his opinion have a legitimate interest in the hearing;
 - (c) exclude from the hearing persons who in his opinion do not have a legitimate interest in the hearing.
- (2) In determining who is to be admitted to a hearing the chairman shall give consideration to the wishes of the appellant.

4 Apr 86 cM-13.1 Reg 1 s21; 9 Jne 95 SR 53/95 s11.

Information from facility

22(1) Within 24 hours of receipt of notification pursuant to subsection 19(2):

- (a) the attending physician or, where he is not available, another person designated by the officer in charge, shall provide the chairman of the review panel with a statement in the form prescribed in subsection 43(15);
- (b) the officer in charge or another person designated by him, shall make available to the review panel any additional information from the appellant's medical record or other documents retained in the facility that he considers relevant to the appeal.

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(2) Within 24 hours of receiving notification pursuant to subsection 19(3), the attending physician, or, where he or she is not available, another physician designated by the attending physician, shall provide the chairperson of the review panel with a statement in the form prescribed pursuant to subsection 43(15).

4 Apr 86 cM-13.1 Reg 1 s22; 9 Jne 95 SR 53/95 s12.

Evidence

23 The review panel may receive and accept any evidence and information that in its discretion it may deem fit and appropriate whether or not admissible as evidence in a court of law.

4 Apr 86 cM-13.1 Reg 1 s23.

Additional rights of appeal

24(1) Where a decision has been made to administer to an involuntary patient a treatment designated pursuant to clause 43(g) of the Act as a special treatment, that patient may appeal that decision to the review panel.

(2) An appeal pursuant to subsection (1) is to be submitted in the form prescribed in subsection 43(14).

(3) Where an appeal pursuant to subsection (1) has been submitted to the review panel by the patient, the special treatment under appeal shall not be administered before the review panel has made its decision.

(4) The review panel shall conduct any investigation that it considers necessary.

(5) The review panel may confirm, vary or reverse the decision to administer the special treatment.

(6) The chairman of the review panel shall make a written report of the decision of the review panel and shall, before the end of the third business day following the day that the appeal was received, transmit the report to:

- (a) the patient;
- (b) the physician whose decision is under appeal; and
- (c) the officer in charge of the facility in which the involuntary patient is being detained.

4 Apr 86 cM-13.1 Reg 1 s24.

Records of review panel

25(1) During his tenure in office, the chairman of each review panel shall be the custodian of all records received or created by the review panel.

(2) When the chairman of a review panel is replaced in office, he shall forthwith hand over to his successor all documents, records and files that are in his custody in his capacity as chairman.

4 Apr 86 cM-13.1 Reg 1 s25.

Confidentiality

26 Unless he is required to do so by law, a member of a review panel shall not disclose information obtained in the course of serving as a member of a review panel for any purpose other than performing the duties and responsibilities of a review panel prescribed in the Act or these regulations.

4 Apr 86 cM-13.1 Reg 1 s26.

Return of documents

27 Original documents which are part of a facility's record, if removed from the facility, shall be returned to the officer in charge following examination by the review panel.

4 Apr 86 cM-13.1 Reg 1 s27.

Standards

28 Every in-patient facility shall comply with sections 11, 17, 22 to 49, 60 to 83 and 85 to 105 of *The Hospital Standards Regulations, 1980*.

4 Apr 86 cM-13.1 Reg 1 s28.

Certificate for approved home operation

29(1) Every person who wants to operate an approved home shall submit an application to the department for a certificate to operate a specified building or premises as an approved home.

(2) An application pursuant to subsection (1) must be in writing, pertain to a specified building or premises that may be required as an approved home and include evidence that the specified building or premises meets the requirements set out in section 30.

(3) The director may issue a certificate, on any terms and conditions that he or she considers appropriate, approving a person as an operator of an approved home in a specified building or premises where that person:

- (a) meets the requirements of clause 30(b);
- (b) will meet the requirements of clause 30(c) while operating an approved home in the building or premises specified in the certificate; and
- (c) will operate the specified building or premises that meet the requirements of clause 30(a) as an approved home.

(4) A certificate issued pursuant to subsection (3) is not transferable, is issued to the person who submitted the application pursuant to subsection (1) and is valid only with respect to the operator and the building or premises set out in the certificate.

(5) The director may suspend or revoke a certificate issued pursuant to subsection (3):

- (a) at any time, if the director forms the opinion, based on evidence satisfactory to him or her, that the building or premises set out in the certificate does not meet the requirements set out in section 30 or fails to comply with the terms and conditions of the certificate;

(b) on giving 30 days' notice in writing to the holder of the certificate, if the approved home is no longer required for the supervised accommodation of residents.

9 Jne 95 SR 53/95 s13.

Requirements for approval

30 A certificate respecting a building or premises that will be operated as an approved home shall not be issued unless the director is satisfied that:

- (a) the building or premises:
 - (i) is the principal residence of the operator;
 - (ii) meets the fire, health and safety standards established by applicable Acts and regulations and municipal bylaws;
 - (iii) has been inspected by a fire inspector within the meaning of *The Fire Prevention Act, 1992* in the year in which the application for a certificate is made or in the immediately preceding year and will be inspected after that time in accordance with *The Fire Prevention Act, 1992*;
 - (iii.1) has been inspected by the regional director or his or her designate in the year in which an application is made and annually while the certificate is valid;
 - (iv) provides sleeping accommodation with a reasonable amount of space and privacy for each resident;
 - (v) provides a reasonable amount of recreational space for residents;
 - (vi) provides adequate furnishings and accessories for each resident;
 - (vii) has a lockable storage cabinet in which medications may be stored;
- (b) the operator:
 - (i) is a suitable, reliable and responsible person who is able to provide supervised accommodation for persons who require such accommodation because of a mental disorder;
 - (ii) is able and willing to act as a trustee for residents when required;
 - (iii) will participate in educational activities as required by the regional director;
- (c) in the operation of the approved home, the operator will:
 - (i) operate in a manner that does not contravene any Act or regulation or municipal bylaw;
 - (ii) admit persons to it only after the regional director or his designate has determined that the operator is capable of providing the necessary supervised accommodation and has given his approval;
 - (iii) not provide supervised accommodation in the home for more than five residents at any one time;
 - (iv) provide for the individual needs of each resident including needs for food, supervised accommodation, safety, social relationship and privacy;

(v) keep the home open at all reasonable times to visitation and inspection by the local Assistant to the Fire Commissioner, public health inspector, the regional director or his designate and other officials of the branch; and

(vi) inform the regional director or his designate of any circumstances which may cause the operator to be unable to provide adequately for the supervised accommodation of residents.

4 Apr 86 cM-13.1 Reg 1 s30; 9 Jne 95 SR 53/95 s14.

Payments

31(1) Where a person is admitted to an approved home as a resident, the regional director or his designate may authorize payment to the resident or in trust to the operator, for the level of care provided, of a sum not exceeding the amount of payment authorized for the equivalent level of care in an approved home pursuant to *The Saskatchewan Assistance Act*.

(1.1) Where a resident in an approved home has special needs beyond those which may be met pursuant to subsection (1), the regional director or his or her designate may authorize a payment be made to the resident, or in trust to the operator, to cover the costs of special services, activities, equipment or materials that will make it possible for the resident to be accommodated in the approved home.

(2) Where a resident is temporarily absent from an approved home, the regional director or his or her designate may authorize payments to the operator at rates that are consistent with rates authorized in similar circumstances to be paid on behalf of beneficiaries pursuant to *The Saskatchewan Assistance Act*.

(3) Where a resident vacates an approved home without notice, the regional director or his or her designate may authorize a payment to the operator, in lieu of notice being given, at a rate that is consistent with rates authorized in similar circumstances to be paid on behalf of beneficiaries pursuant to *The Saskatchewan Assistance Act* where the payment does not constitute a duplicate payment for the resident at another residence.

4 Apr 86 cM-13.1 Reg 1 s31; 9 Jne 95 SR 53/95 s15.

32 Repealed. 12 Dec 97 SR 103/97 s11.

Patients' trust accounts - new

32.1(1) In this section and sections 33 and 34, "**patients' trust account**" means the patients' trust account established for the in-patient facility in which a patient is admitted.

(2) A district health board that operates an in-patient facility shall establish a patients' trust account to be known as the 'Patients' Trust Account (*name of facility*).

(3) Where a patient admitted to an in-patient facility is in possession of a sum of money on admission or comes into possession of a sum of money after admission, the district health board shall, subject to sections 33 and 34, hold that money in the patients' trust account.

12 Dec 97 SR 103/97 s12.

Patient incompetent

33(1) In this section and in section 34, “**incompetent**” means a person who is certified as incompetent pursuant to section 28 of *The Mental Health Act* or section 38.2 of *The Mentally Disordered Persons Act* or declared a mentally disordered person pursuant to *The Mentally Disordered Persons Act*.

(2) In the case of a patient who is incompetent at or after the time of admission, all sums of money in excess of \$1,000 held on his behalf in the patients’ trust account are to be transferred to the Public Trustee or, if another person has been appointed committee of the estate of the incompetent, to that other person during the month following the month in which he is determined to be incompetent.

(3) When money is received on behalf of a patient after he has been determined to be incompetent, all sums of money in excess of \$1,000 held on his behalf in the patients’ trust account are to be transferred to the Public Trustee or, if another person has been appointed committee of the estate of the incompetent, to that other person during the month following the month in which the money is received.

(4) All money held on behalf of an incompetent may be held in the patients’ trust account for his use while he is in the in-patient facility and may be used to pay for any charges payable by him pursuant to section 6.

(5) When an incompetent is discharged from an in-patient facility, the sums of money held in the patients’ trust account on his behalf at the time of discharge shall, within 30 days of his discharge, be forwarded to the Public Trustee or, if another person has been appointed committee of the estate of the incompetent, to that other person.

(6) Where a sum of money held on behalf of an incompetent pursuant to this section is \$500 or less, the interest earned on that sum may be used for patients’ comforts generally.

(7) Where a sum of money held on behalf of an incompetent pursuant to this section exceeds \$500, the interest earned on that sum shall be credited to him.

4 Apr 86 cM-13.1 Reg 1 s33; 12 Dec 97 SR 103/
97 s13.

Patient not incompetent

34(1) A patient admitted to an in-patient facility who is not incompetent and who is in possession of any sum of money at the time of his or her admission may elect to:

(a) subject to the bylaws and rules of the district health board operating the in-patient facility, assume responsibility for handling that money or arrange for another person to handle that money on his or her behalf; or

(b) authorize in the form prescribed in subsection 43(16) that the money be held in the patients’ trust account.

(2) Where a patient so authorizes in writing, the money held on behalf of that patient pursuant to this section may be used to pay for any charges that are payable by the patient for the provision of mental health services.

(3) Where a sum of money held on behalf of a patient pursuant to this section is \$500 or less, the interest earned on that sum may be used for patients' comforts generally.

(4) Where a sum of money held on behalf of a patient pursuant to this section exceeds \$500, the interest earned on that sum is to be credited to the patient.

4 Apr 86 cM-13.1 Reg 1 s34; 12 Dec 97 SR 103/97 s14.

Investments

35 Sums of money held by district health boards in patients' trust accounts authorized by section 32.1 may be invested in a bank, credit union or trust company savings account or in any of the securities that are approved by the Investment Board appointed pursuant to *The Financial Administration Act, 1993*.

12 Dec 97 SR 103/97 s15.

36 to 42 Repealed. 12 Dec 97 SR 103/97 s16.

Forms

43(1) A certificate of a physician pursuant to section 18 of the Act is to be in Form A.

(2) An information laid before a judge of the Provincial Court of Saskatchewan pursuant to subsection 19(1) of the Act is to be in Form B.

(3) A warrant issued pursuant to subsection 19(2) of the Act is to be in Form C.

(4) An order pursuant to subsection 21(1) of the Act regarding a patient to be brought into Saskatchewan is to be in Form D.

(5) A judge's order pursuant to subsection 22(2) of the Act regarding the voluntary examination of a person in custody is to be in Form E.

(6) A judge's order pursuant to subsection 22(3) of the Act regarding the involuntary examination of a person in custody is to be in Form F.

(6.1) An order by the director requiring that a person submit to an examination pursuant to section 23.1 of the Act is to be in Form F.1.

(7) A certificate of a physician pursuant to section 24 of the Act is to be in Form G.

(8) An order of a physician pursuant to subsection 24(9) or clause 31(1)(a) of the Act is to be in Form H.

(8.1) An order by a judge for detention of a person pursuant to subsection 24.1(3) of the Act is to be in Form H.1.

(8.2) A notification pursuant to subsection 24.1(8) of the Act that a detention order has expired or been rescinded is to be in Form H.2.

(8.3) A community treatment order pursuant to section 24.3 of the Act is to be in Form H.3.

- (8.4) A certificate in support of a community treatment order pursuant to section 24.4 of the Act is to be in Form H.4.
- (8.5) A notification by an attending physician advising a patient, the patient's nearest relative and the official representative that a community treatment order is no longer in effect pursuant to subsection 24.5(2) of the Act is to be in Form H.5.
- (8.6) An order to revoke a community treatment order pursuant to subsection 24.5(3) of the Act is to be in Form H.6.
- (8.7) An order for the apprehension, conveyance and examination of a person pursuant to section 24.6 of the Act is to be in Form H.7.
- (9) A certificate of a physician pursuant to section 14 is to be in Form I.
- (10) A notice of the right of appeal to a review panel pursuant to section 14 is to be in Form J.
- (11) An order pursuant to section 28 of the Act for the transfer of an involuntary patient is to be in Form K.
- (12) An authorization for the temporary removal of an involuntary in-patient from a facility pursuant to section 29 of the Act is to be made in writing, and is to include reasons and be dated and signed by the attending physician.
- (12.1) An order of an attending physician to transfer a patient from one in-patient facility to another in-patient facility within the same municipality pursuant to subsection 28(5) of the Act is to be in Form L.1.
- (12.2) An order by the director to return a person to another jurisdiction pursuant to subsection 28.2(1) of the Act is to be in Form L.2.
- (12.3) A notice by an attending physician advising a patient that he or she is no longer subject to detention pursuant to section 24 and that is issued pursuant to section 31.1 of the Act is to be in Form L.3.
- (13) A notice pursuant to section 33 of the Act regarding appeal procedures is to be in Form M.
- (14) An appeal pursuant to section 34 of the Act or subsection 24(2) to a review panel is to be in Form N.
- (15) A statement of a physician pursuant to section 22 to a review panel is to be in Form O.
- (16) An authorization pursuant to clause 34(1)(b) for money to be held in a patients' trust account is to be in Form P.

Appendix

PART I

Form A

Certificate of Physician that Psychiatric Examination is Required
(Section 18 of *The Mental Health Services Act*)

CANADA
PROVINCE OF SASKATCHEWAN

I, the undersigned _____,
(name in full and qualifications)

a physician, residing and practising at _____,

hereby certify that, on the _____ day of _____, 19 _____,

separately from any other medical practitioner, I personally
examined _____

(name in full)

of _____,
(residence)

and after making due inquiry into all the facts in connection with the case of the said person necessary to be inquired into in order to enable me to form a satisfactory opinion, I certify that the said person is suffering from a mental disorder and requires a psychiatric examination to ascertain whether he/she should be admitted to an in-patient facility pursuant to section 24 of *The Mental Health Services Act* and that I have formed this opinion on the following grounds:

Arrangements have been made with _____, a physician with admitting privileges to an in-patient facility, for the said person to be examined as an out-patient.

Date

Signature of witness

Signature of physician

Form B

Information

(Subsection 19(1) of *The Mental Health Services Act*)

CANADA
PROVINCE OF SASKATCHEWAN

This is the information of _____
(informant's name)

of _____ .
(residence)

The informant says that:

(name)

of _____
(residence)

refuses to submit to a medical examination and the informant has reasonable and probable grounds to believe and does believe that the said _____
(name)

is suffering from a mental disorder and is in need of examination to determine whether he/she should be admitted to an in-patient facility pursuant to section 24 of *The Mental Health Services Act*.

(Signature of informant)

SWORN before me this _____ day of _____, 19 _____, at _____.

Judge of the Provincial Court of Saskatchewan

FORM C
Warrant to Apprehend
[Subsection 19(2) of The Mental Health Services Act]

CANADA
 PROVINCE OF SASKATCHEWAN

To all or any of the Constables or Peace Officers in Saskatchewan or to _____ :
(name of other person directed to execute warrant)

WHEREAS information has been laid before me, the undersigned, a Judge of the Provincial Court of Saskatchewan, that: _____
(name in full of person who is the subject of this warrant)

of _____
(residence)

refuses to submit to a medical examination and is believed to be suffering from a mental disorder and is in need of examination to determine whether he or she should be admitted to an in-patient facility pursuant to section 24 of *The Mental Health Services Act*;

AND WHEREAS I have made sufficient inquiry to satisfy myself that _____
(name in full of person who is the subject of this warrant)

is in need of the examination on the following grounds: _____

 _____;
 _____;

AND WHEREAS I have made arrangements with _____, a physician
(name of physician)

who has admitting privileges to _____, in order that
(name of in-patient facility)
 an examination may be made.

THESE ARE THEREFORE TO COMMAND you or any of you in Her Majesty's Name forthwith to apprehend _____
(name of person who is the subject of this warrant)

and convey him/her to _____
(place/location)

in order that an examination may be made.

AND FOR WHAT SHALL BE DONE in the premises by the constables, peace officers or _____
(name of other person who is directed to execute warrant)

and the physician mentioned above, this shall be sufficient warrant authority.

Given under my hand and seal this _____ day of _____, _____, at _____
 _____ in the Province of Saskatchewan.

 Judge of the Provincial Court of Saskatchewan".

FORM D

Order for Person from Outside Saskatchewan to be Taken Into Custody, Conveyed and Examined as an Out-patient
[Section 21 of The Mental Health Services Act]

CANADA
PROVINCE OF SASKATCHEWAN

I, _____
(name of director)

being the director of mental health services appointed pursuant to section 6 of *The Mental Health Services Act*, and having reason to believe that _____
(name of person being detained)

who is detained in _____
(name and address of hospital)

a hospital, by reason of having a mental disorder, should be brought into Saskatchewan, do hereby authorize that person to be taken into custody, conveyed to _____
(name of in-patient facility and city)

an in-patient facility, and examined as an out-patient by a physician with admitting privileges to that in-patient facility.

Date

Signature of director

Form E

Order to convey person in custody for voluntary examination(Subsection 22(2) of *The Mental Health Services Act*)

CANADA

PROVINCE OF SASKATCHEWAN

To all or any of the constables or peace officers in the Province of Saskatchewan and
to _____ ,

(name in full and qualifications)

a qualified mental health professional:

THESE ARE to command you or any of you in Her Majesty's name to take possession
of _____

(name of person in custody)

who has been apprehended and charged with _____

_____ and who has requested an examination in order to determine whether he/she may be
treated for a mental disorder:

AND FURTHERMORE, you or any of you are hereby commanded to convey the said
person to _____
and I hereby require you the said mental health professional to receive him/her for
examination;

AND FOR WHAT SHALL BE DONE in the premises by you, the said constables or
peace officers, and you the said mental health professional, this shall be sufficient
authority.

Given under my hand and seal this ____ day of _____ , 19 ____, at _____

Judge

4 Apr 86 cM-13.1 Reg 1.

Form F

Order for psychiatric examination as an out-patient

(Subsection 22(3) of *The Mental Health Services Act*)

CANADA

PROVINCE OF SASKATCHEWAN

To all or any of the constables or peace officers in the Province of Saskatchewan and to _____ ,

a physician who has admitting privileges to _____ :
(in-patient facility)

THESE ARE to command you or any of you in Her Majesty's name to take possession of _____

who has been charged with _____

_____ and who is considered by me to be in need of an examination to determine whether he/she should be admitted to an in-patient facility pursuant to section 24 of *The Mental Health Services Act*;

AND FURTHERMORE, you or any of you are hereby commanded to convey the said _____

to _____ ,

and I hereby require you the said physician to receive him/her for examination as an out-patient;

AND FOR WHAT SHALL BE DONE in the premises by you, the said constables or peace officers, and you the said physician, this shall be sufficient authority.

Given under my hand and seal this _____ day of _____ , 19 _____ ,

at the _____ of _____

in the _____ of _____ .

Judge

FORM F.1
**Order by the Director Requiring
That a Person Submit to an Examination**
[Section 23.1 of The Mental Health Services Act]

CANADA
PROVINCE OF SASKATCHEWAN

I, _____
(name of director)

being the director of mental health services appointed pursuant to section 6 of *The Mental Health Services Act*, and having reason to believe that _____
(name of person being detained)

has been detained under provisions of the *Criminal Code* as unfit to stand trial, not criminally responsible by reason of mental disorder or acquitted on account of insanity and his or her detention is about to expire; hereby order _____
(name of person being detained)

be examined by a physician with admitting privileges to an in-patient facility to ascertain whether he or she should be detained in an in-patient facility pursuant to section 24.

Date

Signature of director

Form G

**Certificate of medical practitioners for compulsory admission
of a person to an in-patient facility**
(Section 24 of *The Mental Health Services Act*)

CANADA
PROVINCE OF SASKATCHEWAN

I, the undersigned _____,
(name in full and qualifications)

a duly qualified medical practitioner with admitting privileges to _____,
(in-patient facility)

hereby certify that I, on the _____ day of _____, 19 _____,
at _____

separately from any other practitioner, personally examined _____
(name in full)

of _____
(residence)

and after making due inquiry into all the facts in connection with the case of the said person necessary to be inquired into in order to enable me to form a satisfactory opinion, I am of the opinion that:

- (a) the said person is suffering from a mental disorder as a result of which the said person is in need of treatment or care and supervision which can be provided only in an in-patient facility;
- (b) as a result of the mental disorder, the said person is unable to fully understand and to make an informed decision regarding his/her need for treatment or care and supervision; and
- (c) as a result of the mental disorder, the said person is likely to cause harm to himself/herself or to others or to suffer substantial mental or physical deterioration if he/she is not detained in an in-patient facility;

and I have formed this opinion on the following grounds:

Date

Signature of examining physician

Date

Signature of witness

Form H

Revocation of certificate of committal

(Subsection 24(9) and clause 31(1)(a) of *The Mental Health Services Act*)

CANADA
PROVINCE OF SASKATCHEWAN

I, the undersigned _____ ,
(name in full and qualifications)

a duly qualified medical practitioner, being the attending physician responsible for the
care and treatment of _____ , hereby revoke any certificate issued
(name of patient)

pursuant to section 24 which is in effect on this date on the following grounds:

Date

Signature of physician

FORM H.2
Notification That a Detention Order has Expired or Been Rescinded
[Subsection 24.1(8) of The Mental Health Services Act]

CANADA
 PROVINCE OF SASKATCHEWAN

Notice to:

(name of patient)

(nearest relative)

(official representative)

An order of the Court of Queen's Bench issued on _____

(date)

pursuant to subsection 24.1(3) of *The Mental Health Services Act* requiring that:

(name of patient)

be detained in _____

(name of in-patient facility)

_____ expired on _____ ; or

(date)

_____ was rescinded by the Court on _____ and is no longer in force.

(date)

Date

Signature of attending physician

Form H.3

Community Treatment Order
[Section 24.3 of The Mental Health Services Act]

CANADA
PROVINCE OF SASKATCHEWAN

I, the undersigned _____
(name in full and qualifications)

a psychiatrist within the meaning of *The Mental Health Services Act*, certify that on
the _____ day of _____, _____, at _____,
(place of examination)

I examined _____
(name of person who is the subject of this order)

(the subject), of _____
(residence)

and on the basis of this examination and any other pertinent facts that have been
communicated to me have probable cause to believe, based on the following grounds:

that the subject:

- (i) is suffering from a mental disorder for which he or she is in need of treatment or care and supervision that can be provided in the community;
- (ii) during the immediately preceding two-year period:
 - _____ (a) has been detained in an in-patient facility for a total of 60 days or longer;
 - _____ (b) has been detained in an in-patient facility on three or more separate occasions; or
 - _____ (c) has previously been the subject of a community treatment order;
- (iii) as a result of the mental disorder, is likely to cause harm to himself or herself or to others, or to suffer substantial mental or physical deterioration if he or she does not receive treatment or care and supervision while residing in the community;
- (iv) requires services in order to reside in the community so that he or she will not be likely to cause harm to himself or herself or to others, or to suffer substantial mental or physical deterioration, and these services exist in the community, are available to the subject and will be provided to the subject;

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(v) as a result of the mental disorder, is unable to fully understand and to make an informed decision regarding his or her need for treatment or care and supervision; and

(vi) is capable of complying with the requirements for treatment or care and supervision contained in this community treatment order;

and therefore the subject will be provided with the following services and treatment:

_____.

If a certificate in support of this order is issued in Form H.4, the subject is to attend appointments with the attending psychiatrist/physician and with _____,

(name of case manager authorized by regional director)

and is to submit to medical treatment and services that are prescribed by the attending psychiatrist/physician, who will ensure that the required services will be provided for a period of _____ beginning on _____

(maximum 3 months)

(date)

in order for the subject to reside in the community.

Date

Signature of examining psychiatrist

Signature of witness

9 Jne 95 SR 53/95 s17; 12 Dec 97 SR 103/97 s17.

FORM H.4
Certificate in Support of a Community Treatment Order
[Section 24.4 of The Mental Health Services Act]

CANADA
 PROVINCE OF SASKATCHEWAN

I, the undersigned _____
(name in full and qualifications)

a psychiatrist within the meaning of *The Mental Health Services Act*, certify that on the _____ day
 of _____, _____, at _____,
(place of examination)

I examined _____
(name of person who is the subject of a community treatment order)
 of _____
(residence)

and on the basis of this examination and any other pertinent facts that have been communicated to me have probable cause to believe, based on the following grounds:

that _____
(name of person who is the subject of this order)

- (i) is suffering from a mental disorder for which he or she is in need of treatment or care and supervision that can be provided in the community;
- (ii) during the immediately preceding two-year period:
 - _____ (a) has been detained in an in-patient facility for a total of 60 days or longer;
 - _____ (b) has been detained in an in-patient facility on three or more separate occasions; or
 - _____ (c) has previously been the subject of a community treatment order;
- (iii) as a result of the mental disorder is likely to cause harm to himself or herself or to others, or to suffer substantial mental or physical deterioration if he or she does not receive treatment or care and supervision while residing in the community;
- (iv) requires services in order to reside in the community so that he or she will not be likely to cause harm to himself or herself or to others, or to suffer substantial mental or physical deterioration, and these services: (a) exist in the community; (b) are available to the person; and (c) will be provided to the person;
- (v) as a result of the mental disorder is unable to fully understand and to make an informed decision regarding his or her need for treatment or care and supervision; and
- (vi) is capable of complying with the requirements for treatment or care and supervision contained in this community treatment order;

AND FURTHERMORE, I have probable cause to believe that a community treatment order has been issued with respect to _____
(name of person who is the subject of a community treatment order)

in accordance with the requirements of section 24.3 of *The Mental Health Services Act*;

THIS IS THEREFORE to certify that I support the community treatment order and concur with the treatment which the person is to follow and the services that will be provided to that person.

 Date

 Signature of examining psychiatrist

FORM H.5
**Notification by an Attending Physician Advising a Patient
 that a Community Treatment Order is No Longer in Effect**
[Subsection 24.5(2) of The Mental Health Services Act]

CANADA
 PROVINCE OF SASKATCHEWAN

Notice to

_____ *(name of patient)*

_____ *(nearest relative)*

_____ *(official representative)*

A community treatment order issued on _____ *(date)*

pursuant to section 24.3 of *The Mental Health Services Act* with respect to:

_____ *(name of patient)*

expired on _____ *(date)* , has not been renewed, and is no longer in force.

 Date

 Signature of attending physician

FORM H.6
Order to Revoke a Community Treatment Order
[Subsection 24.5(3) of The Mental Health Services Act]

CANADA
PROVINCE OF SASKATCHEWAN

WHEREAS a community treatment order was issued on _____
(date)

pursuant to section 24.3 of *The Mental Health Services Act* with respect to:

(name of person who has been the subject of a community treatment order)

AND WHEREAS the said person no longer meets the criteria specified in clause 24.3(1)(a) of *The Mental Health Services Act*,

I, the undersigned _____
(name of attending physician)

being the psychiatrist responsible for the care and treatment of the person in the community, hereby revoke the certificate issued pursuant to section 24.3 of *The Mental Health Services Act* which is in effect on this date;

and you, _____
(name of person who has been the subject of a community treatment order)

are hereby advised that you are no longer subject to the conditions of that community treatment order.

Date

Signature of attending physician

Copies to:

- 1. Patient
- 2. Nearest relative
- 3. Official representative

FORM H.7
Order for the Apprehension, Conveyance
and Examination of a Person
[Section 24.6 of The Mental Health Services Act]

CANADA
 PROVINCE OF SASKATCHEWAN

To any peace officer or to _____
(name of other person directed to execute this order)

WHEREAS a community treatment order was issued on _____
(date)

pursuant to section 24.3 and has been validated pursuant to section 24.4 of *The Mental Health Services Act* with respect to: _____
(name of person who is the subject of a community treatment order)

AND WHEREAS that person has failed to comply with the requirements of that community treatment order and refuses to submit to a psychiatric examination to ascertain whether he or she should be admitted to an in-patient facility pursuant to section 24 of *The Mental Health Services Act*;

I, the undersigned _____
(name of attending physician)

being the psychiatrist responsible for the care and treatment of the person in the community, hereby order that the person be apprehended and immediately conveyed to _____
(location)

where I may examine him or her to ascertain whether he or she should be admitted to an in-patient facility pursuant to section 24 of *The Mental Health Services Act*.

 Date

 Signature of attending physician

Form I

Certificate for Electroconvulsive Therapy
(Section 14 of *The Mental Health Services Regulations*)

CANADA
PROVINCE OF SASKATCHEWAN

I, the undersigned _____ ,
(name in full and qualifications)

being

_____ a psychiatrist

_____ a physician

with admitting privileges to _____ , hereby
(in-patient facility)

certify that I, on the _____ day of _____ , 19 _____ ,
separately from any other physician, personally examined _____ ,
(name in full)

an involuntary patient in _____ ,
(in-patient facility)

and after making due inquiry into all the facts in connection with the case of the said person necessary to be inquired into in order to enable me to form a satisfactory opinion, I am of the opinion that:

- (a) the person's mental condition will improve significantly if ECT is administered;
- (b) alternative treatments are relatively ineffective for treating the patient's mental disorder; and
- (c) the patient's mental condition will not show significant improvement without ECT;

and I have formed this opinion on the following grounds:

Date

Signature of examining psychiatrist or physician

FORM J
Notification Regarding Appeal Procedures
[Clause 14(4)(g) of The Mental Health Services Regulations]

CANADA
 PROVINCE OF SASKATCHEWAN

Notice to

(name of patient)

(nearest relative)

(official representative)

A decision to administer ECT (electroconvulsive therapy) to an involuntary patient has been made with respect to _____

(name of patient)

Section 24 of *The Mental Health Services Regulations* creates the right of appeal by a patient of a decision to administer ECT to an involuntary patient.

A review panel has been appointed to investigate those appeals. A person who wishes to submit an appeal is advised to write to the chairperson of the review panel. The name and address of the chairperson of the review panel for this region are as follows:

(name)

(address)

Date

Signature of attending physician

Form K

Order for transfer
(Section 28 of *The Mental Health Services Act*)

CANADA
PROVINCE OF SASKATCHEWAN

To _____, officer in charge of _____,
(in-patient facility)

and to _____ officer in charge of _____:
(in-patient facility)

Whereas it appears advisable to transfer _____,
a patient now detained in _____,
(in-patient facility)

to _____
(in-patient facility)

for the following reasons:

_____;

Now by this order you, _____,
the said officer in charge of _____,
are hereby authorized and required to deliver the said patient into the custody of the
officer in charge of _____;

And you, _____, officer in charge of _____;
are hereby authorized and directed to receive and detain in custody in the said facility
the said _____.

(name of patient)

Date

Signature of director

FORM L.1
**Order of a Physician to Transfer a Patient from One Facility
to Another Facility Within the Same Municipality**
[Subsection 28(6) of The Mental Health Services Act]

CANADA
PROVINCE OF SASKATCHEWAN

To _____
(name of officer in charge)

officer in charge of _____
(name of in-patient facility)

and to _____
(name of officer in charge)

officer in charge of _____
(name of in-patient facility)

It is advisable to transfer _____
(name of patient)

a patient now being detained in _____
(name of in-patient facility)

pursuant to section 24 of *The Mental Health Services Act* to another in-patient facility in the same
municipality; now by this order you are authorized to deliver the said patient and detain him or her
in _____
(name of in-patient facility)

Date

Signature of attending physician

Copies to:

1. Patient
2. Nearest relative
3. Official representative

FORM L.2
**Order by the Director to Return a
 Person to Another Jurisdiction**
[Subsection 28.2(3) of The Mental Health Services Act]

CANADA
 PROVINCE OF SASKATCHEWAN

WHEREAS _____
(name of person being detained)

is being detained in _____
(name of in-patient facility)

AND WHEREAS I have reason to believe that an order has been issued by a person with the lawful
 authority in _____
(name of jurisdiction)

to order that _____
(name of person being detained)

should be returned to that jurisdiction in order to be given a compulsory psychiatric examination;
 I hereby order that person be returned to that jurisdiction for the purpose of such compulsory
 psychiatric examination under the following terms and conditions:

 Date

 Signature of Director

Copies to:

1. Patient
2. Official representative

FORM L.3
**Notice by an Attending Physician Advising a Patient that He or She
 is No Longer Subject to Detention Pursuant to Section 24**
[Section 31.1 of The Mental Health Services Act]

CANADA
 PROVINCE OF SASKATCHEWAN

Notice to _____
(name of patient)

A certificate or certificates issued on _____
(date or dates)

pursuant to section 24 of *The Mental Health Services Act* with respect to:

(name of patient)

expired on _____, have not been renewed, and you are no longer
(date)

subject to detention or treatment pursuant to section 24.

 Date

 Signature of attending physician

Copies to:

1. Patient
2. Nearest relative
3. Official representative

FORM M
Notification Regarding Appeal Procedures
[Section 33 of The Mental Health Services Act]

CANADA
PROVINCE OF SASKATCHEWAN

Notice to

(name of patient)

(nearest relative)

(official representative)

* * * * *

(name of patient)

_____ is being detained in _____
(name of in-patient facility)

on the authority of medical certificates;

_____ has been ordered to be transferred to _____ ; or
(name of in-patient facility)

_____ has become the subject of a community treatment order.

Section 34 of *The Mental Health Services Act* creates rights of appeal by a patient, the patient's nearest relative, an official representative or any other person who has a sufficient interest.

A review panel has been appointed to investigate those appeals. A person who wishes to submit an appeal is advised to write to the chairperson of the review panel. The name and address of the chairperson of the review panel for this region are as follows:

(name)

(address)

Date

Signature of attending physician

FORM N
Appeal to Review Panel
 [Section 34 of The Mental Health Services Act;
 subsection 24(2) of The Mental Health Services Regulations]

CANADA
 PROVINCE OF SASKATCHEWAN

To _____, chairperson
(name of chairperson)

of the review panel for _____
(region)

I, _____
(name of patient who is appealing, or on whose behalf this appeal is submitted)

of _____
(address)

hereby appeal:

_____ my detention in _____;
(name of in-patient facility)

_____ the order for my transfer to _____;
(name of another in-patient facility)

_____ my community treatment order dated _____;
(provide date(s) order issued and validated)

_____ the decision to administer ECT to me without my consent.

 Date

 Signature of patient, nearest relative,
 official representative or other
 interested person

 Address

 Relationship of signatory to patient
 if signatory other than the patient

FORM O
Statement by Attending Physician to Review Panel
 [Section 22 of The Mental Health Services Regulations]

CANADA
 PROVINCE OF SASKATCHEWAN

To the review panel for _____
(region)

concerning the appeal by _____
(name of patient)

dated _____ concerning:
(date)

_____ his/her detention in _____
(name of in-patient facility)

_____ the order for his/her transfer to _____
(name of another in-patient facility)

_____ his/her community treatment order.

Information concerning the patient:

1. Full name _____
2. Date of birth _____
3. Usual place of residence _____
4. Name and address of nearest relative _____

Attached is a copy/copies of:

_____ the certificate/certificates under which the patient is currently being detained.
 _____ the order for transfer (if an order for transfer is under appeal and if a copy of the order is not available, give the reasons for the transfer stated in the order)

_____ the community treatment order.
 _____ the certificate in support of the community treatment order
 _____ portions of the clinical record of the patient which are pertinent to the appeal.

 Date

 Signature of attending physician

Form P

Authorization for money to be held in the patients' trust account
(Clause 34(1)(b) of *The Mental Health Services Regulations*)

I, _____,
of _____,
(home address)

being an in-patient in _____,
(name of facility)

DO HEREBY AUTHORIZE the officer in charge of the said facility to place the sum of
\$ _____ in the Patients' Trust Account on my behalf.

I understand that:

- (a) if the sum stated above is \$500 or less, the interest earned on that sum will be used for patients' comforts generally; and
- (b) if the sum stated above exceeds \$500, the interest earned on that sum will be credited to me and paid to me when I am discharged or at my request.

Date

Signature of witness

Signature of patient

I further authorize the officer in charge of the facility to pay for any charges payable by me pursuant to section 6 of *The Mental Health Services Regulations* out of the funds which I have authorized to be placed in the Patients' Trust Account.

Date

Signature of witness

Signature of patient

4 Apr 86 cM-13.1 Reg 1.

PART II

Repealed. 12 Dec 97 SR 103/97 s18.

Editorial Appendix

Transitional

19(1) Any assets and liabilities of an individual in-patient in any of the Patients' Trust Accounts established by an in-patient facility pursuant to section 32 are transferred to and become the assets and liabilities of the individual in-patient in the Patients' Trust Account established pursuant to section 32.1 by the district health board that operates that in-patient facility.

(2) All assets and liabilities in any of the following accounts established by each in-patient facility are transferred to and, subject to subsection (4), become the assets and liabilities of the district health board that operates the in-patient facility:

- (a) Grants and Donations Trust Funds established pursuant to section 37;
- (b) Canteen (I.C.B.) Funds established pursuant to section 38;
- (c) Bazaar (I.C.B.) Funds established pursuant to section 39.

(3) All assets and liabilities of the Mental Health Services Special Purpose (I.C.B.) Fund established pursuant to section 40 are transferred to and, subject to subsection (4), are divided equally among the following district health boards and become the assets and liabilities of those district health boards:

- (a) Battlefords District Health Board;
- (b) East Central District Health Board;
- (c) Midwest District Health Board;
- (d) Moose Jaw/Thunder Creek District Health Board;
- (e) North Central District Health Board;
- (f) Prince Albert District Health Board;
- (g) Regina District Health Board;
- (h) Saskatoon District Health Board;
- (i) South Central District Health Board;
- (j) Swift Current District Health Board.

(4) A district health board to which assets are transferred pursuant to this section shall make expenditures from those assets only for the purposes for which the funds were originally established.

(5) The following accounts and funds cease to exist as of the day on which section 11 comes into force:

- (a) all Patients' Trust Accounts established pursuant to section 32;
- (b) all Grants and Donations Trust Funds established pursuant to section 37;
- (c) all Canteen (I.C.B.) Funds established pursuant to section 38;
- (d) all Bazaar (I.C.B.) Funds established pursuant to section 39;
- (e) the Mental Health Services Special Purpose (I.C.B.) Fund established pursuant to section 40.

12 Dec 97 SR 103/97 s19.