

Your Rights Under the Involuntary Psychiatric Treatment Act (IPTA)

Your Rights Under the IPTA

Under the *Involuntary Psychiatric Treatment Act* (IPTA), you may be admitted to the hospital voluntarily or involuntarily.

Voluntary admission

- You (or the person who can legally act for you) and a psychiatrist agree that it would help you to be in the hospital and you decide to be admitted.
- As a voluntary patient with capacity, you are able to make decisions about your health care and may leave the hospital when you want to.
 - › **If your health care team thinks you need to be held as an involuntary patient, you must be seen by a doctor within 3 hours.**
 - › If you are not seen by a doctor within 3 hours, you may leave the hospital if you want to.

Court order and powers of police

- You may be brought to the hospital by police or under a court order to have a medical exam by a doctor.
 - › If this happens, a doctor must examine you within 24 hours (1 day).
 - › After 24 hours, you may be held for an involuntary psychiatric assessment. If the assessment is not needed, you may leave the hospital if you want to.

Medical exam by a doctor

A doctor will examine you to see if there are reasonable and probable grounds for you to have a psychiatric assessment, because:

- You have a mental disorder and, because of the mental disorder:
 - › you will suffer serious physical and/or mental harm
 - or**
 - › you are threatening or trying to seriously harm yourself or someone else, or have recently done so
- and**
- You would benefit from psychiatric inpatient treatment and are not suitable for inpatient treatment as a voluntary patient.

You can be held for an involuntary psychiatric assessment for 72 hours (3 days). If, after 72 hours, a *Declaration of Involuntary Admission* form* has not been filled out, you can leave the hospital if you want to.

***A *Declaration of Involuntary Admission* form must be filled out by a psychiatrist for you to be admitted to the hospital as an involuntary patient.**

Involuntary admission

You may be admitted to the hospital involuntarily if a psychiatrist assesses you, and has reasonable and probable grounds to believe that you:

- have a mental disorder,
- need psychiatric treatment in a hospital, and
 - › will suffer serious physical and/or mental harm if you are not treated**or**
 - › are threatening or trying to seriously harm yourself or someone else, or have recently done so,
- are not suitable for inpatient admission as a voluntary patient, and
- cannot make your own medical treatment decisions because of your mental disorder at this time.

Your rights

- The hospital must tell you right away that you have the right to leave the hospital if your condition improves enough or if the Declaration of Involuntary Admission form is not renewed within the timeframes set by law:
 - › First renewal: within 30 days of admission
 - › Second renewal: within 30 days of first renewal
 - › Third renewal: within 60 days of second renewal
 - › All following renewals: within 90 days of last renewal

Substitute decision maker (SDM)

- An SDM is a person appointed to:
 - › get information from the hospital.
 - › make decisions for you if you are not able to make your own decisions.
- An SDM is usually a close family member, but they do not have to be. You can also choose a close friend as your SDM if you made a **Personal Directive (PD)** choosing them while you were well. Any person acting as an SDM must have had personal contact with you over the last year (12 months).

- For more information about PDs, ask a member of your health care team for pamphlet 1942, *Advance Care Planning - Making Your Personal and Medical Wishes Known*, or visit:
 - › www.nshealth.ca/patient-education-resources/1942

Scan the QR code below on your device (open the camera on your device, point the camera at the code, and tap the banner or border that appears)



Patient Rights Advisor Service (PRAS)

- Hospital staff are required to tell the PRAS about your involuntary admission right away. The PRAS can help you and/or your SDM:
 - › understand your rights.
 - › apply to the IPTA Review Board for a hearing to review your involuntary hospital admission.
 - › apply to Nova Scotia Legal Aid for free legal aid services.

For more information about the Patient Rights Advisor Service:

- › Phone: (toll-free): 1-866-779-3322
or 902-404-3322
- › Fax: 902-404-9020
- › Email: PRASADMIN@novascotia.ca
- › <https://beta.novascotia.ca/sites/default/files/documents/1-1205/patient-rights-advisory-service-factsheet-en.pdf>



Nova Scotia Legal Aid

- You have the right to talk to a lawyer. Nova Scotia Legal Aid offers free legal services to people who have been involuntarily admitted to a hospital for psychiatric treatment in Nova Scotia.
- For more information, visit:
 - › <https://beta.novascotia.ca/sites/default/files/documents/1-1205/nova-scotia-legal-aid-factsheet-en.pdf>



Involuntary Psychiatric Treatment Act: Overview and Forms

- › <https://beta.novascotia.ca/involuntary-psychiatric-treatment-act-overview-and-forms>



Duty to inform patient

When you are admitted to the hospital as an involuntary patient, you and your SDM must be advised of the following information **in writing**:

- That you have been admitted to the hospital as an involuntary patient and the reason for your admission
- The name and location of the hospital where you have been admitted
- What the IPTA Review Board does
- Your right to apply to the IPTA Review Board and how to do so
- Your right to free legal counsel (a lawyer) while you are involuntarily admitted
- How to apply for free legal counsel
- What PRAS does
- Your right to free access to your medical records and how to request them

This pamphlet is for educational purposes only. It is not intended to replace the advice or professional judgment of a health care provider. The information may not apply to all situations. If you have any questions, please ask your health care provider.

Prepared by: Mental Health and Addictions

Reviewed by: Legal Services

Designed and Managed by: Nova Scotia Health Library Services

WX85-1146 © January 2025 Nova Scotia Health Authority

To be reviewed January 2028 or sooner, if needed.

Learn more: <https://library.nshealth.ca/patient-education-resources>