Keeping You in the Hospital Against Your Wishes

Information for patients and families

Read this information to learn:

• what the law says about keeping you in the hospital
• why a doctor would make this decision
• your rights and using a rights advisor
How can a doctor make me stay in the hospital, even if I don’t want to?

The **Ontario Mental Health Act** is the law that:

- controls how mental health care is provided
- lists your rights as a patient in a psychiatric facility

This law says that in certain cases a doctor can decide to keep you in the hospital, even if you want to leave.

Why would my doctor make this decision?

There are different reasons why your doctor would make this decision. These reasons have to do with protecting you and others.

If your doctor decides to keep you in the hospital, they have to sign a legal form.

**Form 1**

If your doctor has signed a Form 1, you must stay in hospital for up to **72 hours** to be assessed (checked) by a psychiatrist. A psychiatrist is a medical doctor who is specially trained to diagnose and treat mental illness.

How does a Form 1 work?

- The doctor signing the Form 1 must have seen you in the last 7 days. They must have serious concerns about your mental health and at least 1 of the following:
  - your risk of hurting yourself
  - your risk of hurting others
  - your ability to take care of yourself
- The doctor will talk to you about their decision. They will give you a form called **Form 42**, which will list the reasons to keep you in hospital for an assessment.
After a psychiatrist has assessed you, they will recommend treatment. This may include whether you need to continue to stay in hospital.

Form 3
If your doctor has signed a Form 3, you must stay in hospital for up to 14 days. During this time, you will have on-going psychiatric (mental health) assessment and treatment. This is called involuntary admission.

How does a Form 3 work?
• The doctor signing the Form 3 must have serious concerns about your mental health and at least 1 of the following:
  ▪ your risk of hurting yourself
  ▪ your risk of hurting others
  ▪ your ability to take care of yourself
• You can also be admitted against your wishes (involuntarily) if you are becoming unwell with a known mental illness and you have gotten better from treatment in the past.
  Your Substitute Decision Maker (SDM) will take part in this process. Your SDM is someone who can legally make decisions for you if you are unable to.
• The doctor will talk to you about their decision. They will give you a form called Form 30. This will list the reasons to keep you in hospital as an involuntary patient, even if you want to go home.
What is a rights advisor and how can they help me?

- A rights advisor will talk to you about your legal choices and your rights as an involuntary patient.
- A rights advisor will see you if a doctor places you on a Form 3. The rights advisor will not see you if you are on a Form 1.
- If you disagree with the doctor’s decision, the rights advisor will help you challenge it and get a lawyer.
- The rights advisor can’t look at your medical chart and will not tell your doctor what you spoke about.

Where can I find more information?

If you have any questions, speak to your psychiatrist or call the Psychiatric Patient Advocate Office (PPAO) at: 416 327 7000 or 1 800 578 2343