

Nova Scotia Hospitals Act

Hospitals Act, R.S.N.S., c. 208.

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1. Does this Act apply to the hospital that you are in?

1.1. The Act does not apply to a nursing home or home for the aged (s. 3(b)).

2. Who can admit you to the hospital?

2.1. You may admit yourself, with a doctor's approval (s. 35(1)(a)).

2.2. Two doctors may admit you without your consent if they believe that you are suffering from a psychiatric disorder. They don't have to know for sure that you are suffering from a psychiatric disorder; they only have to believe that you probably are (s. 36).

2.2.1. The doctors must believe that the person will not get proper care at home because he or she is a danger to himself or others. (s. 36(2))

2.3. A police officer may take you to be assessed by doctors, without your consent, if he/she thinks that you are going to commit a crime (ss. 38(1); 40).

2.4. A judge may order that doctors examine you at home, or order that you be brought to hospital to be examined, if someone asks him/her to do so (ss. 37; 39).

3. What happens once you are admitted?

3.1. A doctor must see you within 24 hours of your admittance (s. 42(1)).

- 3.2. A psychiatrist must see you within 3 days of your admittance (s. 42(1)).
- 3.3. Within 7 days of your admittance, a psychiatrist must decide whether you are suffering from a psychiatric disorder and whether that makes you a danger to yourself or other people (s. 42(2)).
 - 3.3.1. If the psychiatrist doesn't make a decision within 7 days, the hospital must let you leave (s. 42(5)).
 - 3.3.2. If the psychiatrist says that you aren't suffering from a psychiatric illness, or that you aren't a danger to anyone, then they must let you leave (s. 42(5)).
 - 3.3.3. If the psychiatrist decides that you are suffering from a psychiatric disorder and that you are a danger to yourself or other people then the psychiatrist must fill out some forms to give you Formal Status (s. 42(3)).

4. If you have Formal Status, what happens next?

- 4.1. The hospital may keep you for one month after you first arrive (s. 44(2)).
- 4.2. A psychiatrist can decide to keep you in the hospital for further three and six month periods (s. 44(3)).
- 4.3. The hospital is allowed to keep you until a psychiatrist, the Supreme Court, or the Psychiatric Facilities Review Board says you can leave. The Review Board looks at each patient every six months for the first two years, and then once a year.

5. What are your rights while you are in the hospital?

- 5.1. Your rights under s. 70 of the *Hospital Act* are to be posted in the hospital for you to read (s. 70(7)).
- 5.2. You are allowed to contact a lawyer and the hospital must assist you in doing so (s. 70(8)(c)).
- 5.3. You are allowed to send and receive mail

- 5.3.1. The hospital must provide you with reasonable access to letter writing materials and stamps (s. 70(4))
- 5.3.2. The hospital staff may not open or delay your outgoing mail (s. 70(1)).
- 5.3.3. The hospital staff may not open your incoming mail unless the hospital administrator is present (s. 70(2)).
- 5.3.4. No one may withhold your incoming mail unless a psychiatrist says that it would be harmful to your mental health (s. 70(3)).
- 5.4. You are allowed to make phone calls without anyone listening (s. 70(5)).
- 5.5. You are allowed to have visitors (s.70(6)).
- 5.6. If there is anything you don't understand, the hospital must make sure it is explained to you (s. 70(8)(c)).
- 5.7. You are allowed to apply for a review by the review board and the hospital must assist you with your application if you request it (s. 70(8)(d)).

6. Is the hospital allowed to treat you?

- 6.1. Usually the hospital must gain your consent before it treats you, but it is different for mental health consumers.
- 6.2. A psychiatrist may say that you are not capable of consenting to treatment. To do so, they will look to: (s. 52(2))
 - 6.2.1. How well you understand the treatment being proposed.
 - 6.2.2. How well you understand your condition.
 - 6.2.3. How well you understand the risks involved with taking or not taking the treatment.
 - 6.2.4. Your general condition.

6.3. If a psychiatrist says that you are not able to consent, they may treat you if a family member or guardian says it is okay. This is true even if the person being treated does not want treatment (s. 54(2)).

7. When can you leave the hospital?

7.1. If you have entered the hospital on your own, you may leave whenever you want (s. 45(1)).

7.2. If you have been ordered to be in a facility you must be told you are allowed to leave by a psychiatrist, a court, or a review board. (ss. 45(2); 47(3); 68(a), respectively)

8. Disclaimer – PLEASE READ!

The law is described here in plain language to make it more accessible for persons with disabilities. We provide this service to help our consumers begin to understand the law as it applies to them and alert themselves to legal issues as a first step of advocating for themselves and their peers. reachAbility does not present this information as an accurate statement of the law and it should not be taken as such. More authoritative statements of the law can be found at <http://www.gov.ns.ca/legislature/legc/> and <http://laws.justice.gc.ca/en/>.

If you think your rights under the law presented above have been infringed, you should seek licensed legal counsel to discuss that problem. Legal referrals can be made through any of the following:

<u>Organization</u>	<u>Website</u>	<u>Phone</u>
reachAbility	http://www.reachability.org	429-5878
Legal Information Society of Nova Scotia	http://www.legalinfo.org/referral.html	455-3135 (Metro) 1-800-665-9779 (toll free in NS)