



MEETING SD 17-20-24

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

**WEDNESDAY, JUNE 12, 2024
DET'ANCHOGH KÚÉ - EAGLE ROOM
10:30 AM**

AGENDA

1. Call to Order
2. Prayer
3. Review and Adoption of Agenda
4. Declarations of Conflict of Interest
5. Public Matters: Public Technical Briefing on *Mental Health Act* with Officials from the Department of Health and Social Services
6. In Camera Matters: Technical Briefing on *Mental Health Act* with Officials from the Department of Health and Social Services
7. New Business
 - a.
8. Date and Time of Next Meeting:
 - a. Monday, June 24, 2024 1:00PM
 - b. Wednesday, July 3, 2024 3:00PM
9. Adjournment



The NWT *Mental Health Act*

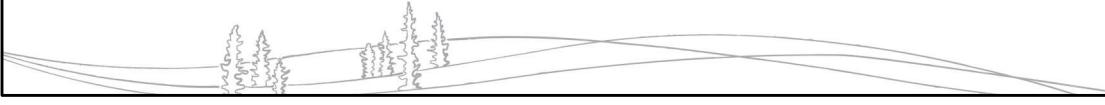
Standing Committee on Social Development – Technical and Operational Briefing
By DHSS and NTHSSA

June 12, 2024

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Overview

- Charter of Rights and Freedoms
- What the *Mental Health Act* (MHA) is and what it isn't
- Regulations
- Principles
- Main components of the MHA
- Patient Care and Supports
- Stakeholders
- Potential Areas for Amendments

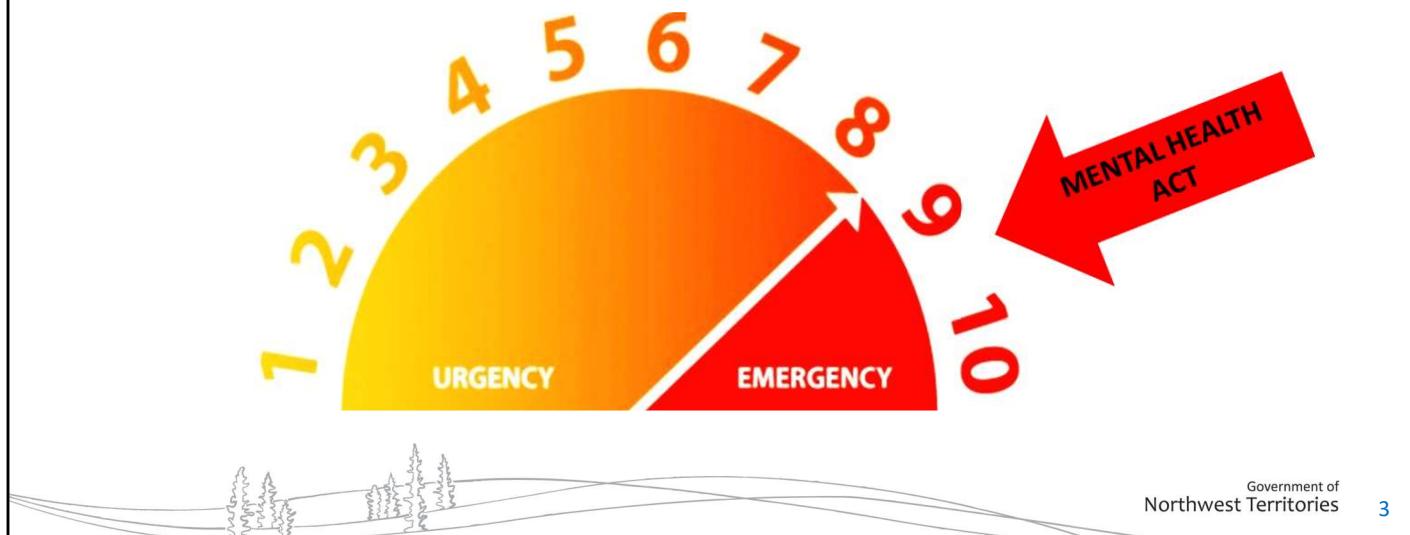


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Introduction to the *Mental Health Act* (MHA)



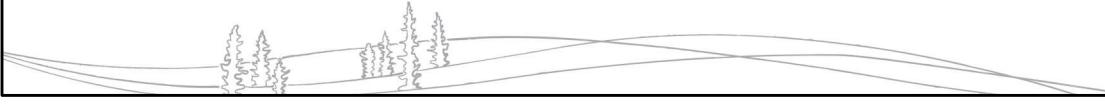
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- The Northwest Territories, like all jurisdictions in Canada, has legislation guiding the treatment, care and protection of individuals with acute or severe mental health needs.
- It is important to know that there are various types (and levels) of supports for people on the continuum of mental well-being and mental illness.
- The *Mental Health Act* is only one component of mental health support for people with mental illness who are experiencing low levels of mental well-being.
- The *Mental Health Act* is on the far end of this continuum; it is only used during a time of crisis or acute need. During this time, the person needing services, support or care is at their most vulnerable state; therefore, having a law that guides care and treatment is important to ensure their rights are protected.
- The Act provides guidance for people who require care and treatment (either voluntary or involuntary) for acute and severe mental health disorders.
- The *Mental Health Act* and supporting regulations provides direction and guidance around who can be admitted to hospital, when and how a person should be

admitted, while making sure the person's rights are protected to the greatest extent possible.

Canadian Charter Rights and Freedoms

- *“Everyone has a right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice”*
- No one is allowed to discriminate against someone for any reason including, a mental disability.



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- In Canada, we have many protections from discrimination, including discrimination due to a mental disability. The Canadian Charter of Rights and Freedoms states: "[e]veryone has a right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice"
- Section 15 of the Canadian Charter of Rights and Freedoms guarantees the rights and freedoms of everyone in Canada. Each person can expect to be treated fairly even though there may be differences of nationality, race, colour, religion, sex, age, mental or physical disability.

What The *Mental Health Act* is **NOT**

- **DOES NOT** legislate the continuum of mental health services that exist in communities.
- **IS NOT** usually the first step when a person is struggling with their mental health.



Help Lines



Online Supports



Facility-Based Addictions Treatment



Community-Based Supports



Contact Community Counsellor



Community Support Funds

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- It is not intended to legislate the continuum of mental health services that exist in communities and other parts of the system that are designed to meet the needs of others with mental health issues.
- It is rarely the first step when a person is struggling with their mental health - it is just one of many ways that residents' mental wellness can be supported in the NWT.
- Mental wellness support looks different for everyone. The Department and the HSSAs work to provide a range of options to individuals across the NWT including formal supports (i.e., counselling) and informal supports (i.e., peer support).
- Offering a "buffet" of services helps match individuals and families with the right care at the right time as defined by them.
- However, it is important to highlight that the NWT has limited programming or supports in place for individuals experiencing acute mental health crises, especially outside of Yellowknife. This is further exacerbated by other socio-economic factors outside of the HSS system, such as low and unstable income and access to housing, which impacts our ability to provide wrap around supports to residents

who interact with the MHA so that they can live safely in community.

- SCOSD was provided with a summary of mental health and wellness programs and services available in the NWT. While we won't go into detail on other mental wellness programs and services in the NWT in this presentation, we would be happy to answer any questions SCOSD may have afterwards.

Corresponding Regulations

Name of Regulation	Purpose
Designation of Facilities Regulations	<p>Lists the designated facilities in the NWT, which are:</p> <ul style="list-style-type: none"> • Hay River Health Centre • Inuvik Regional Hospital • Stanton Territorial Hospital
General Regulations	<ul style="list-style-type: none"> • Outlines patient rights • Notice requirements • Administrative matters • Designation of responsible medical practitioner
Apprehensions, Conveyance, and Transfer Regulations	<ul style="list-style-type: none"> • Defines peace officer • Allows for issuance of a summary statement relating to a person being conveyed • Extension of time allowed to transport a person
Assisted Community Treatment Regulations	<ul style="list-style-type: none"> • Community treatment plans • Requirements when community treatment plans are amended or obligations in the plan cannot be met • Designation of medical practitioners responsible for persons on community treatment plans
Review Board Regulations	<ul style="list-style-type: none"> • Composition of Board • Terms of Members • Review Board Orders • Review Board Annual Report
Forms Regulations	<ul style="list-style-type: none"> • Information to be contained on 29 forms

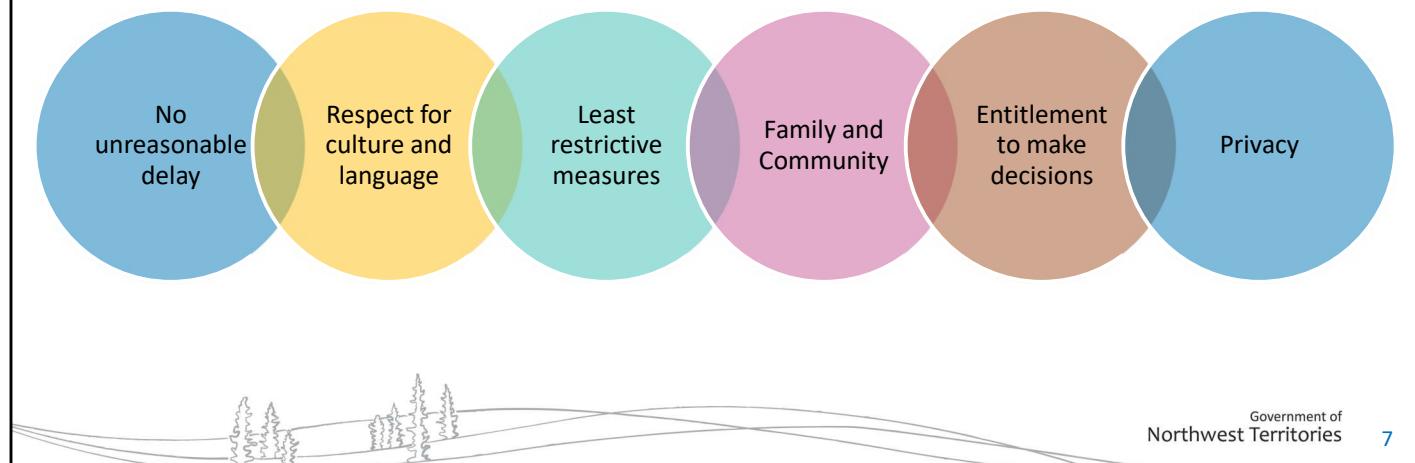
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The Mental Health Act: Principles for Implementation

The Act must be administered and interpreted according to the following principles:



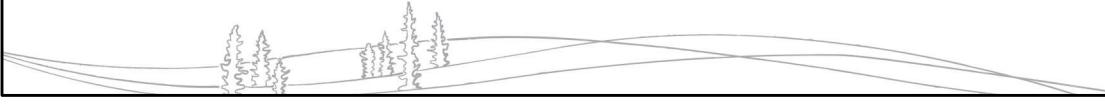
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There is a set of 6 guiding principles in the Mental Health Act that must be followed when health professionals are administering the Act:

- There should be no unreasonable delay in making or carrying out decisions affecting a person who is subject to this Act;
- Decisions that affect a person who is subject to this Act should respect the person's cultural, linguistic and spiritual or religious ties;
- The least restrictive measures should be used when actions are taken or decisions are made in respect of a person who is subject to this Act, taking into consideration the safety of the person and other persons;
- The importance of family and community involvement in the care and treatment of people suffering from mental disorders is recognized;
- A person who is subject to this Act is entitled to make decisions on his or her own behalf, to the extent of his or her capacity to do so;
- The privacy of persons who are subject to this Act should be respected.

The Mental Health Act: Main Components

- Mental Disorder
- Designated Facilities
- Entry Points for Voluntary and Involuntary Admissions
- Treatment Decision Certificates and Substitute Decision Makers
- Transfers
- Mental Health Act Review Board
- Patient Rights
- Short Term Leave and Assisted Community Treatment

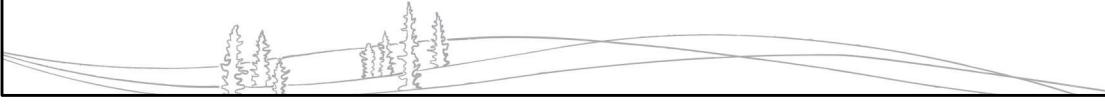


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Mental Disorder

- Mental disorder: “a substantial disorder of thought, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognize reality or ability to meet the ordinary demands of life”.
- General threshold for involuntary detention under the MHA, **due to a mental disorder**:
 - The person:
 - Is likely to seriously hurt themselves or another person, or is likely to seriously mentally or physically deteriorate or become seriously physically impaired; or
 - Has recently caused serious harm to themselves or another person or has threatened or tried to do so; AND
 - The person is unwilling to receive care or be examined or is not mentally competent to provide such consent.



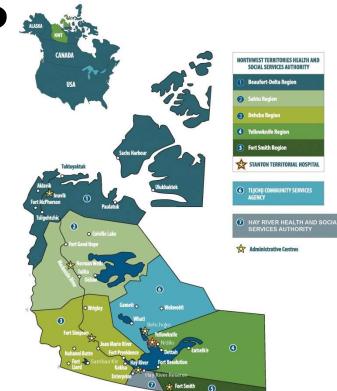
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Designated Facilities

- Hay River Health Centre – Hay River
- Inuvik Regional Hospital – Inuvik
- Stanton Territorial Hospital – Yellowknife



Director of the Designated Facilities:

- The person in charge of the administration and management of the facility they work at

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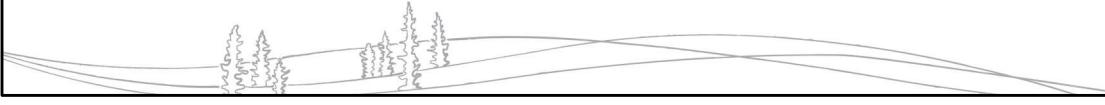
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- A "designated facility" means a facility designated by the regulations for the examination, care and treatment of persons with mental disorders. There are currently 3 in the NWT:
 - Hay River Health Centre
 - Inuvik Regional Hospital in Inuvik
 - Stanton Territorial Hospital in Yellowknife
- Fort Smith Health Centre had been previously designated, but its designation was removed due to limited capacity to act as a designated facility under the Act.
- The Director of a designated facility is defined in the MHA as "the person employed in the facility that is in charge of the administration and management of the facility." It is typically the CEO or COO.
 - They have certain responsibilities outlined in the Act, such as ensuring that an involuntary patient is informed of their rights at the earliest opportunity after admission, authorizing the transfer of an involuntary patient to another designated facility, and maintaining a record of the diagnostic and treatment services provided to each person detained in the facility.
- The vast majority of involuntary admissions occur at Stanton as it has the most

staff (including psychiatrists) and better space to accommodate the needs of involuntary patients. However, having designated facilities in other regional centres ensures individuals held under the Act can be conveyed to a designated facility for an involuntary psychiatric assessment as quickly as possible, and where appropriate, can be involuntarily admitted for further treatment and care, or they can be transferred to Stanton if they have more complex care and treatment needs.

Entry Point: Voluntary Care

- A person can be admitted as a voluntary patient under the MHA if a doctor:
 - Has examined the person and assessed their mental condition; and
 - Believes the person would benefit from in-person admission and treatment.



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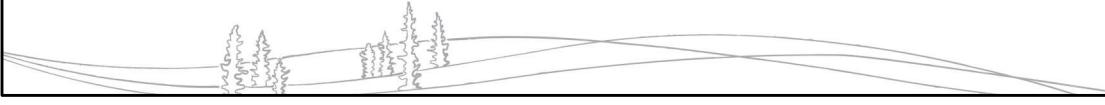
- Although the intent of the MHA is to regulate the provision of involuntary mental health care to ensure that individuals' rights are protected to the greatest extent possible, it also recognizes that voluntary admission is possible. This is important, as one of the criteria for involuntary admission is that the person is not suitable to be admitted as a voluntary patient.
- In many instances, an individual's mental disorder impacts their ability to fully understand and appreciate their illness and treatment options available to them. This may lead them to refuse treatment or assessments from their care team. In such cases, they may be admitted on an involuntary basis.
- You will notice that the criteria for voluntary admission are very broad and do not require the same level of serious risk that involuntary admission requires. This is to ensure that those struggling with their mental health can access in-patient care before they reach this point, if they are willing to do so.

Entry Points: Involuntary Care

There are three ways to access involuntary care under the Act when a person is experiencing a mental health emergency:

1. ***Health Professional Examination (MD, Psychiatrist, NP, RN, RPN, Psychologist)****
2. Voluntary Admission to Involuntary Assessment
3. Court Order
4. RCMP Officer

**required for all entry points*



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There are four ways under the Mental Health Act to receive an examination.

1. A health professional examines the person to determine if they should be examined by a medical practitioner to determine if involuntary admission is necessary. ***This step is required for all entry points. ***
2. A voluntary patient requesting to leave may be held involuntarily for further assessment to determine whether an involuntary admission is required
3. Any person who believes another person is suffering from a mental disorder and is aware the person is refusing to seek help, may apply to the court for an order to have the person examined
4. Peace officer may apprehend a person and bring them to a health facility for examination by a health professional

Entry Point: Health Professional Examination



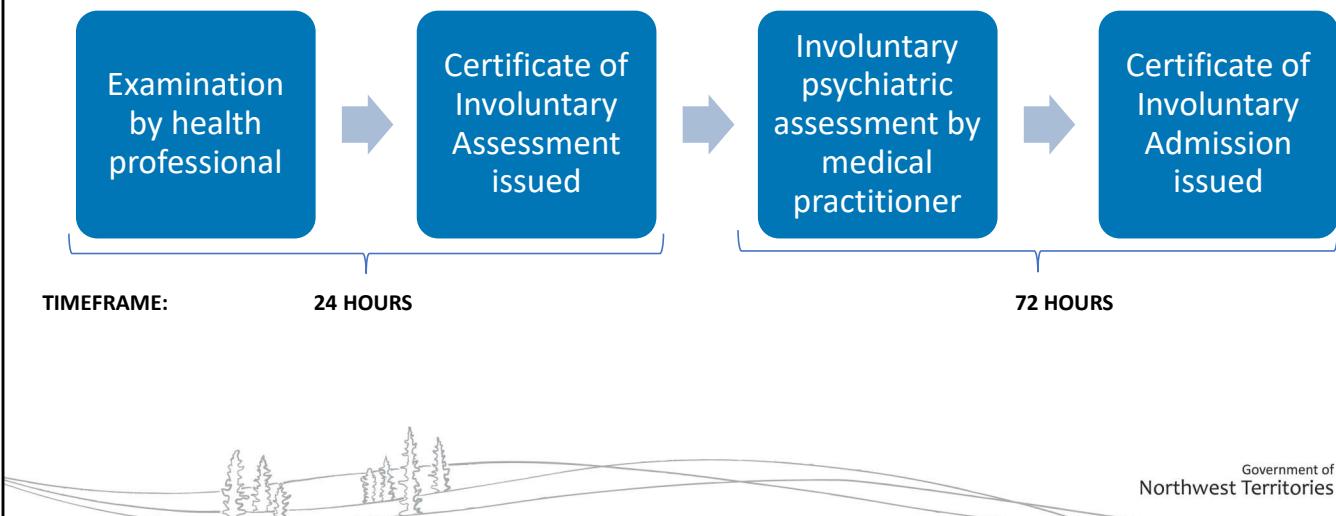
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- Following an examination, a health professional (including registered nurses) can issue a Certificate of Involuntary Assessment, requiring a person to be brought to a designated facility for an involuntary psychiatric assessment.
- To issue this certificate, the health professional would need to be of the opinion that:
 - The person is suffering from a mental health disorder
 - Because of the mental health disorder, the person:
 - Is likely to cause serious harm to themselves or to another person, or to suffer substantial mental or physical deterioration, or serious physical impairment, or
 - Has recently caused serious harm to themselves or another person, or has threatened or attempted to cause such harm; and
 - The person should undergo an involuntary psychiatric assessment to determine whether they should be admitted to a designated facility as an involuntary patient.
- The certificate of involuntary assessment must be issued within 24 hours of the examination.

- The patient will then be transported to a designated facility (if not already at one), for a psychiatric assessment. The authority to apprehend and convey a patient to a designated facility with a certificate of involuntary assessment expires after 7 days. It is important to remember that, even though the peace officer has up to 7 days to pick up the person and bring them to a designated facility, they still must do so as soon as possible. This 7 day time frame is in place to ensure there is enough time to locate the person (if needed), and bring them to the designated facility that may be located in a different community from where the person is currently located.
- Once the person is at the designated facility, a medical practitioner has 72 hours to complete an involuntary psychiatric assessment of the person to determine if they require involuntary admission. If the patient meets the criteria for an involuntary admission, a medical practitioner/psychiatrist will issue a Certificate of Involuntary Admission. Once the certificate of involuntary admission is issued, the hospital can hold the patient for up to 30 days, with the option to extend the involuntary admission through a Renewal Certificate

Entry Point: Voluntary to Involuntary Assessment

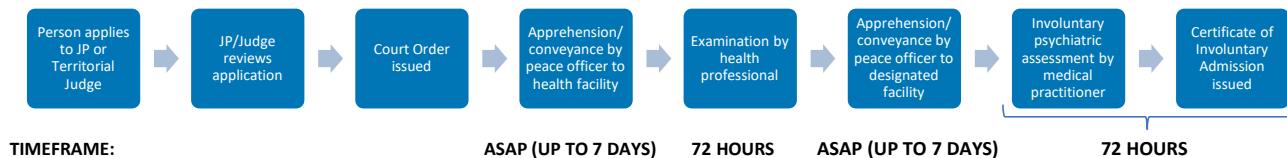


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- Voluntary patients can request to leave at any time.
- However, there are cases where voluntary patients would meet the involuntary admission criteria if they were not willing to be at the facility on a voluntary basis. The Act accounts for this and sets out what must happen if a voluntary patient requests to leave but it is not safe for them to do so.
- If a voluntary patient declines treatment and wants to leave the facility, a member of the treatment staff can detain a voluntary patient who has requested to be discharged if they believe that:
 - The patient is suffering from a mental disorder;
 - The patient is likely to cause serious harm to themselves or another person, or suffer substantial mental or physical deterioration, or serious physical impairment, if they leave the facility; and
 - A medical practitioner should examine the patient to determine if a certificate of involuntary assessment should be issued.
- A medical practitioner must examine the patient and issue a Certificate of Involuntary Assessment within 24 hours of the patient being detained, or discharge the patient.

- Changing a patient's status from voluntary to involuntary must follow the regular involuntary assessment and admission process.

Entry Point: Court Order



TIMEFRAME:

ASAP (UP TO 7 DAYS)

72 HOURS

ASAP (UP TO 7 DAYS)

72 HOURS

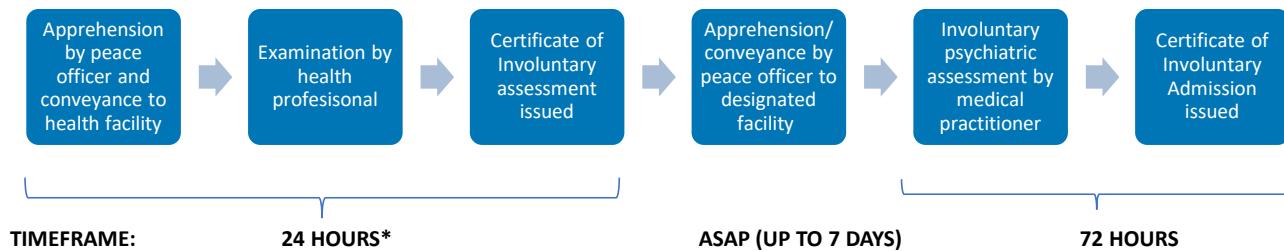
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- Any person who believes another person is suffering from a mental disorder and is a risk to themselves or others and is aware that the person is refusing to seek help may apply to a justice of the peace or territorial judge for an order to have that person examined by a health professional.
- JP's have two roles to play under the Mental Health Act – they can:
 1. Issue a court order for a person to be involuntarily examined by a health professional
 2. Issue a warrant to authorize a peace officer to enter a dwelling for the purpose of apprehending a person
- The person who makes an application to a JP or Territorial Judge must have reasonable grounds to believe that:
 - The person is suffering a mental disorder
 - Because of the mental disorder the person is:
 - Likely to cause serious harm to himself or herself or to another person, or to suffer substantial mental or physical deterioration, or serious physical impairment, OR
 - has recently caused serious harm to himself or herself or to another

- person, or has threatened or attempted to cause such harm, AND
- The other person has refused to undergo or appears not to be competent to consent to an examination by a health professional to assess their mental state.
- An application for an order must be made in writing, must state the grounds upon which they are making the request and must be supported by an affidavit made under oath or affirmation.
 - There is no legislated form to be completed to apply to the court for a Court Order related to the Mental Health Act.
 - An Order provide authority for a peace officer to apprehend and convey the person to a health facility to be examined by a health professional to determine if a Certificate of Involuntary Assessment is needed to authorize further involuntary psychiatric assessment. Once at the person is at the health facility, they can be detained for up to 72 hours to complete the initial exam. This timeframe is longer than the process previously described, because there has been a legal instrument issued to authorize the person's detention under the Act. The rest of the assessment and admission process must be followed.
 - As you can see, this process is quite lengthy. Due to the urgent nature of individuals' mental health needs under the MHA, this route is not usually used.

Entry Point: RCMP/Peace Officer



* may be extended by 72 hours if there are issues related to transport

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- RCMP = “Peace Officers” under the MHA
- Peace Officers are responsible for apprehending and conveying persons held under the MHA, and detention and control of persons for those purposes
- RCMP have specific duties under the Act when they apprehend and/or convey a person:
 - Take reasonable measures, including entering premises and using physical restraint, to apprehend and convey a person;
 - Promptly inform the person of the reasons why they were apprehended;
 - Inform the person of their rights to instruct legal counsel without delay, and must try to facilitate the person’s access to counsel;
 - As soon as possible, convey the person to the facility;
 - In the event of a delay in conveyance, provide the person with an opportunity to contact a family member, health professional, or other person;
 - Convey the person using the least intrusive means possible, without compromising the safety of the person or public;
 - Remain with the person or arrange for another peace officer to do so until

a facility or other authorized person accepts custody of the person

- A peace officer can detain a person without an Order for Involuntary Examination and bring them to a health facility for an involuntary examination if the peace officer has reasonable grounds to believe that:
 - The person has a mental disorder; and
 - Because of the mental disorder, the person:
 - is likely to seriously hurt themselves or another person, or suffer serious mental or physical deterioration, or serious physical impairment; or
 - has recently caused serious harm to themselves or another person, or has threatened or tried to do so; and
 - The person:
 - should be examined by a health professional to determine if an involuntary psychiatric assessment is needed; and
 - the person has refused to be examined by a health professional to assess their mental state, or does not appear to be mentally competent to consent to an examination; and
 - Because of the seriousness of the situation, it is not possible to get an Order.
- Where a Peace Officer apprehends a person under the Act, the person can be held for up to 24 hours in order to bring them to a health facility and for a health professional to complete an examination of the person to determine if a Certificate of Involuntary Assessment needs to be issued.
- This time may be extended by an additional 72 hours if there are issues related to transporting the person to the facility (for example, the person needs to travel to a different community because there is no health professional in that community available to do the examination).
- If a Certificate of Involuntary Assessment is not issued within that time, the person must be released.

Involuntary Admission

- When a Certificate of Involuntary Assessment has been issued, a doctor completes an involuntary psychiatric assessment of the person and can issue a Certificate of Involuntary Admission if they believe that the person:
 - Is suffering from a mental disorder; and
 - Is likely to cause serious harm to self or others, or suffer serious mental or physical deterioration or serious physical impairment if not admitted to hospital; and
 - Is not willing or able to be admitted as a voluntary patient.
- Authorizes involuntary admission for up to 30 days.
- Can be renewed with a Renewal Certificate for longer periods if necessary.



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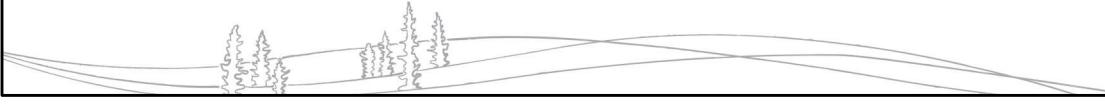
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- A doctor completes a psychiatric assessment of the person and issues a Certificate of Involuntary Admission if:
 - A Certificate of Involuntary Assessment is in effect;
 - They believe the person:
 - Is suffering from a mental disorder; and
 - The medical practitioner has examined the person and is of the opinion that the person
 - Is suffering from a mental disorder
 - Is likely to cause serious harm to themselves or to another person, or to suffer substantial mental or physical deterioration or serious physical impairment if they are not admitted as an involuntary patient; and
 - Is not suitable to be admitted a voluntary patient.
- The person who completes this assessment must be different from the one who completed the Certificate of Involuntary Assessment.
- A Certificate of Involuntary Admission allows a designated facility to hold a patient for up to 30 days.

- The person's involuntary admission can be renewed with a Renewal Certificate for longer periods if necessary.
 - First renewal = 30 days
 - Second renewal = 60 days
 - Third + renewals = 90 days
- The majority of involuntary admissions occur at Stanton Hospital on the inpatient psychiatry unit.

Treatment Decision Certificates

- When a patient has been assessed by a doctor as not mentally competent to make treatment decisions, the doctor must issue a Treatment Decision Certificate
- When a Treatment Decision Certificate is issued, efforts are made to find a substitute decision maker for the patient.
- The patient's ability to make treatment decisions must be periodically assessed.



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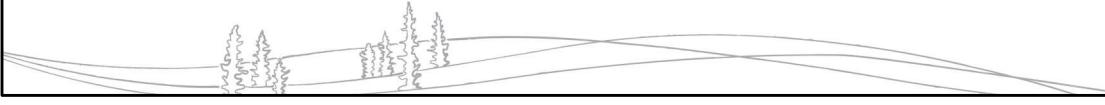
- As reasonably possible after the patient is admitted to a designated facility, the attending medical practitioner of a patient must assess the patient and determine whether the patient is mentally competent to make treatment decisions.
- In determining the mental competence of a patient to make treatment decisions, the medical practitioner must consider:
 - (a) whether the patient understands
 - (i) the conditions for which treatment is proposed,
 - (ii) the nature and purpose of the treatment,
 - (iii) the risks and benefits involved in undergoing the treatment, and
 - (iv) the risks and benefits involved in not undergoing the treatment;
 - (b) whether the mental condition of the patient affects his or her ability to appreciate the consequences of making treatment decisions.
- An attending medical practitioner who is of the opinion that a patient is not mentally competent to make treatment decisions must issue a treatment decision certificate with reasons for the opinion
- Where a treatment decision certificate is issued, the attending medical practitioner

or the director of the designated facility where the patient is admitted must make reasonable inquiries to find a substitute decision maker for the patient.

- The attending medical practitioner of a patient who is subject to a treatment decision certificate must cancel the certificate if the medical practitioner is of the opinion that the patient has gained mental competence to make treatment decisions

Substitute Decision Makers

- The following can be a substitute decision maker:
 - Person with lawful custody or authority of a patient who is a minor;
 - Legal guardian of the patient;
 - Agent of the patient under a personal directive
 - If none of the above apply, the patient's nearest relative.
- If a nearest relative is being pursued as the substitute decision maker, the patient must be given the opportunity to choose their substitute decision maker if they have the capacity to do so.



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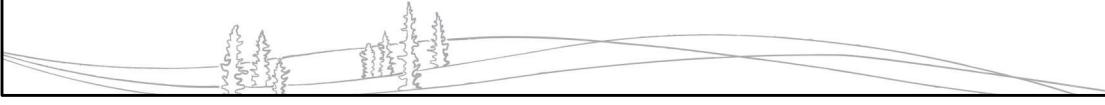
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- A substitute decision maker must be designated, in writing, to make treatment decisions on behalf of a patient who is subject to a treatment decision certificate, by the attending medical practitioner or the director of the designated facility where the patient is admitted
- Each of the following persons is eligible to be designated as a substitute decision maker for a patient:
 - a person who has lawful custody of or lawful authority in respect of a patient who is a minor;
 - a legal guardian of the patient;
 - an agent of the patient under a personal directive within the meaning of the Personal Directives Act;
 - if paragraphs (a), (b) and (c) do not apply, the nearest relative of the patient.
- "nearest relative" means:
 - the living relative of the patient who is the adult relative first listed in the following subparagraphs and who is the eldest of two or more relatives of the same category:
 - i. spouse,

- ii. child,
 - iii. parent,
 - iv. sister or brother,
 - v. grandparent,
 - vi. grandchild,
 - vii. aunt or uncle,
 - viii. niece or nephew; and
- a) in the absence of a relative referred to in paragraph (a), an adult friend of the person

Substitute Decision Makers

- To be eligible as a substitute decision maker, a person must be:
 - available to make treatment decisions on behalf of the patient
 - willing to make treatment decisions on behalf of the patient
 - apparently mentally competent
- A "nearest relative" (or adult friend) can only be chosen if they have been in contact with the patient in the last 12 months.
- The substitute decision maker must always consider any previous wishes of the patient and the best interests of the patient when making treatment decisions on their behalf.



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- To be eligible for designation as a substitute decision maker, a person must be
 - available to make treatment decisions on behalf of the patient
 - willing to make treatment

decisions on behalf of the patient

- apparently mentally competent
- A potential substitute decision maker that is considered the "nearest relative" of the patient may not be designated as the substitute decision maker for a patient unless they:
 - (a) have been in personal contact with the patient within the previous 12-month period;
 - (b) are willing to assume responsibility for making treatment decisions on behalf of the patient; and
 - (c) make a written statement

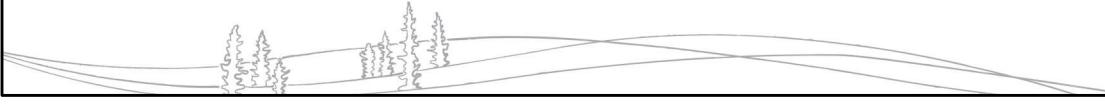
certifying

- (i) his or her relationship with the patient,
 - (ii) that he or she has been in personal contact with the patient within the previous 12-month period, and
 - (iii) that he or she is willing to assume responsibility for making treatment decisions on behalf of the patient.
-
- A substitute decision maker must make treatment decisions on behalf of a patient in accordance with expressed wishes in respect of treatment when the patient was apparently mentally competent to make treatment decisions. If expressed wishes of the patient are not known, or would endanger the physical or mental safety of the patient or another person, the substitute decision maker must make decisions in accordance with what the substitute decision maker believes to be in the best interests of the patient.

Transfers

An involuntary patient may be transferred:

- Within the NWT
- Outside the NWT
- Into the NWT



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Transfer of involuntary patients within the NWT:

- The director of a designated facility may, in writing, authorize the transfer of an involuntary patient to another designated facility or to another health facility, if
 - a) the director is satisfied that the transfer is in the best interests of the patient; and
 - b) an agreement to admit the patient has been entered into with the receiving facility.

Transfer of involuntary patient outside the NWT:

- The director of a designated facility may issue a certificate authorizing the transfer of an involuntary patient to a psychiatric facility or hospital outside the Northwest Territories where hospitalization has been arranged, if
 - a) the patient has come to or been brought into the Northwest Territories from elsewhere and the hospitalization is the responsibility of the jurisdiction to which the patient is to be transferred;
 - b) the director is satisfied that the transfer is in the best interests of the patient; or
 - c) a medical practitioner certifies that the patient cannot be properly cared for, observed, examined, assessed, treated, detained or controlled in a designated facility or health facility in the Northwest Territories.

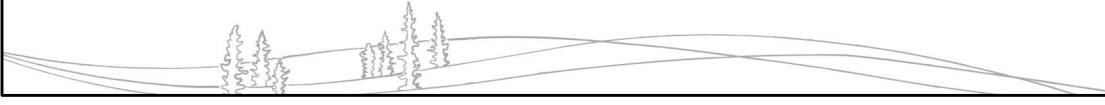
- ***A transfer under (a) or (b) requires consent of the patient or substitute decision maker (if applicable)***

Transfer of a patient into the NWT:

- The director of a designated facility may, in writing, authorize the transfer of a patient to the facility from a health facility outside the Northwest Territories, if the director is satisfied that:
 - a) the Northwest Territories is responsible for the patient's hospitalization; or
 - b) it would be in the best interests of the patient to be in a designated facility in the NWT .
- A patient transferred to a designated facility from a health facility outside the NWT must be examined by a medical practitioner as soon as possible to determine whether a certificate of involuntary assessment of the patient should be issued .

Mental Health Act Review Board (MHARB)

- The MHARB helps protect the rights of people who are held under the Act.
- If a patient or someone on their behalf wishes to appeal a decision made by their medical practitioner, they can apply to the Review Board.



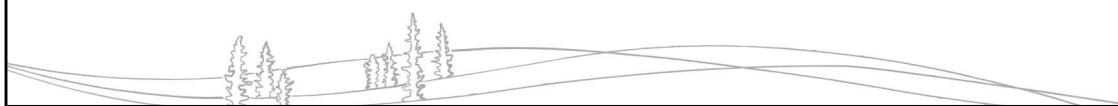
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- The Mental Health Act Review Board is a group of people who may review a patient's situation and their status as an involuntary patient. They ensure that individual rights are protected.
- They are impartial and have the best interests of the person in mind when they make decisions.
- The MHARB protects the rights of people held involuntarily in a health facility under the Mental Health Act

MHARB Composition

- Currently 12 Board Members, including the Chair.
 - Public Representatives – 4 members residing in Yellowknife, Fort Smith and Inuvik
 - Lawyers – 5 members (including the chair) residing in Yellowknife
 - Physicians – 3 members residing in Calgary and Ottawa
- The Board is chaired by a lawyer (who does not sit on any Review Panels.)
- The Board reflects the diversity of the NWT as much as possible.
- When there is a hearing, three of these members make up the Review Panel, which must include a lawyer, physician, and public representative.



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- Currently, there are 12 appointed Board Members.
- The Review Board is chaired by a lawyer licensed to practice in the NWT; the Chair does NOT sit on Review Panels.
- Review board members include lawyers, physicians, and public representatives. Only three members sit on a Review Panel (the body that decides each hearing) – a lawyer, physician and public representative.
- The board members reflect the diversity and gender balance of the NWT. The Act and regulations do not set out further requirements on this the process for seeking members requires individuals to put their names forward. If there were specific membership requirements to ensure representation across the NWT, it is likely that we would be unsuccessful in filling the required positions, jeopardizing the establishment of the Board.
- Physician members are chosen from the south to ensure they have no previous relationship with the patient.

Applying to the MHARB

Reasons To Apply:

- Cancel a certificate
- Appoint/change substitute decision maker
- Remove limits on patient rights
- Permission for medical treatment that's been refused
- Permission for psychosurgery
- Community treatment terms, conditions, etc.

Who Can Apply:

- Patient/person subject to the certificate
- Patient's substitute decision maker
- Patient's legal guardian
- Family member of the patient
- Patient's medical practitioner
- Director of the designated facility
- Public Trustee
- Any other person if the Chairperson gives permission

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- A person can make an application to the Review Board for many reasons, including:
 - Request to remove limits on the patient's rights
 - Cancel a certificate, such as:
 - If a patient wishes to leave the hospital and there is:
 - A Form 2: Certificate of Involuntary Assessment, a Form 3: Certificate of Involuntary Admission or Form 4: Renewal Certificate in place, a patient can apply to the Review Board to cancel the Certificate
 - If a patient feels they are competent to make treatment decisions, but a medical practitioner has determined they are not, a patient may apply to the Review Board to cancel the Form 11: Treatment Decision Certificate.
 - Or Form 14: Certificate of Mental Incompetence: to have the patient make their own decisions about their estate.
 - Appoint or change a substitute decision maker if there is a disagreement over the designation of a substitute decision maker or a specific treatment decision (for example, decision to not take medication prescribed).
 - A doctor can make a request to the Review Board to authorize a

- treatment or a procedure that the involuntary patient or their substitute decision maker has refused.
 - Issues regarding Form 22: Assisted Community Treatment Certificate or the conditions in Form 23: Community Treatment Plan. For example, for the Assisted Community Treatment Certificate: to have the patient return to the hospital for care and treatment, instead of receiving care and treatment in the community.
 - To cancel limits placed on patient rights
- It is also important to know that the Review Board will hold a mandatory hearing without an application for patients who have been involuntary for 6 months in a row without any prior hearings. These mandatory hearings assess if the person still meets the criteria to be an involuntary patient, or if the certificate can be cancelled.
- The MHARB does NOT have legal power to hear general complaints, such as about the food, or complaints about staffing. The patient can be directed to talk to the HSS System Navigator or the facility Patient Services representative if they have any other types of concerns or complaints.
- **Many people can apply to the review board:**
 - Patient/person subject to the certificate
 - Patient's substitute decision maker
 - Patient's legal guardian
 - Family member of the patient
 - Patient's medical practitioner
 - Director of the designated facility
 - Public Trustee
 - Any other person (besides the Chairperson or Review Panel) if the Chairperson of the Review Board gives permission
- If it is someone not on the list, then the Chairperson would have to decide if the application is warranted. Examples of things that would likely be taken into consideration would include the presumed capacity of the applicant, their relationship to the patient, etc.

MHARB: Application Process



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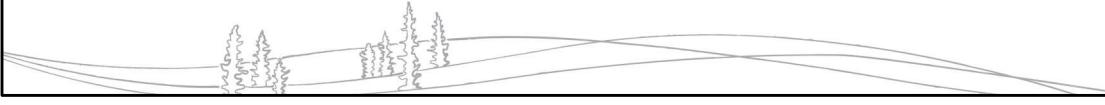
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- Form 19: *Application to Review Board* is available on the Review Board's website under Resources.
- Nurses and medical practitioners at the hospital also have copies of the application.
- Anyone can help the patient fill out an application – the office of the Review Board, a health professional or any other person.
- The application can be faxed or emailed to the Review Board by the applicant or someone at the facility. Staff at the facility can also help an individual send in Form 19 to the Review Board.
- The Review Board Chairperson will review the application, and decide to:
 - Hold a hearing OR
 - Dismiss the application.
 - Applications will be dismissed if they are deemed frivolous, vexatious or not made in good faith, for example, someone in Canada outside of the NWT applies to the Review Board.
- The Chairperson will send the person who applied for the hearing a written notice of their decision **within 72 hours**.
- If a decision is made to hold a hearing, it must be held **within 14 days**.
- If the patient would like support as they go through the process of applying to the Review Board,

there is a lawyer who is available **at no charge to the patient** to provide that support. Each of the designated facilities has the contact information for the lawyer. For example, the Mental Health Coordinator at Stanton Territorial Hospital has a Release of Information form available so if an applicant is at Stanton, it is ready for the patient to sign so their name can be passed along to the lawyer. The lawyer will then reach out and connect with the patient to discuss their need.

MHARB: Panel Hearing

- All patients participating in a review panel hearing will have access to legal counsel
- A review panel is made up of 3 board members:
 - ❑ Medical practitioner
 - ❑ Legal member
 - ❑ Public representative
- An Elder, cultural advisor, family member and/or support person can be present at the hearing



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- The Act states that any party to an application may be represented by legal counsel
- Patients specifically have the right to consult with and instruct legal counsel
 - The Department has chosen to fund legal counsel for patients applying to the Review Board in order to uphold their Charter rights.
 - There is currently a lawyer assigned for applicants who will represent the patient free of charge. The patient can also hire and pay for a different lawyer. The patient may also choose not to have a lawyer.
 - If they choose to have one, the patient's lawyer is there to advocate for them. They can speak for the patient, or the patient can speak for themselves or the patient can have others speak on their behalf.
- A Review Panel hearing is not adversarial.
 - The Review Panel is there to listen and be supportive.
- The Review Panel may ask for information from the health facility, doctor(s), the patient under involuntary care, substitute decision maker (if applicable), and others.

- Where a Review Panel is assembled, the chairperson must notify the patient of their right to request that an elder or cultural advisor be engaged as part of the review panel process.
- An elder, cultural advisor, family member and/or (with permission) a friend can be present at the hearing.
- The Review Panel will make a decision and issue a written order **within 48 hours after** the completion of the hearing. **A written decision will follow within one week.**
- The Review Panel decision is binding. This means the health facility, doctor, and patient must comply with the decision.
 - If a person disagrees with the decision of the Review Board, they may:
 - Contact a lawyer and apply to the Supreme Court of the Northwest Territories within 30 days; or
 - Wait 30 days and make a new application to the Review Board for this same matter
- If the patient decides to appeal the decision of the Review Board and if they have used the lawyer who is available to them, that lawyer can provide case specific advice and opinions. The lawyer would also write a memo summarizing their thoughts / opinions on the specific case and if they feel that the appeal has grounds to proceed to the Supreme Court. The contract **with legal counsel** does not include representation at the Supreme Court.
- **It is important to note that the patient may apply to the Review Board before the 30 days for a different reason or matter.**

MHARB Contact Information

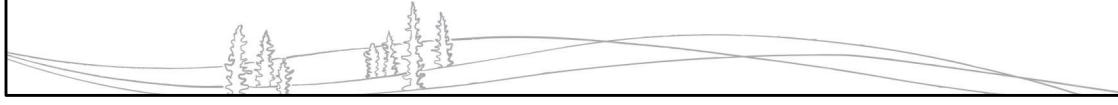
Location: 5015-49th St, 6th Floor, YK

Phone: 867-767-9061, ext. 49177

Email: MHAct_ReviewBoard@gov.nt.ca

Website: <https://mharb.hss.gov.nt.ca>

Application to Review Board Forms:
<https://mharb.hss.gov.nt.ca/en/resources>



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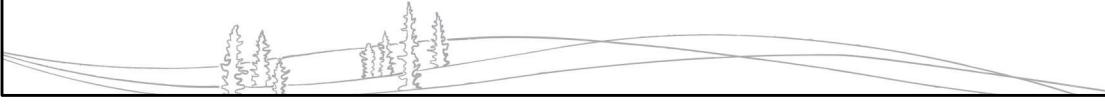
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Patient Rights

Any person subject to the Act is afforded basic rights that they must be informed of, and that health professionals must respect and promote.

*** These are in addition to basic privileges available to all patients ***

- People must be informed of their rights ASAP
- Information is given in written and verbal form in a language and manner they can understand
- Attempts to provide patient with information on their rights is ongoing
- If there is a risk of harm to the patient or others, there may be limitations placed on patient rights
- Patient rights must be visibly posted where patients can see them in a designated facility



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- A person who has been detained under the Act cannot be deprived of any right or privilege enjoyed by others because they are receiving or have received mental health services, unless their medical practitioner has reasonable grounds to believe that exercising a specific right would put the patient or others at risk of physical, emotional, or mental harm.
- All people admitted to a hospital, not just those under the MHA, are afforded basic privileges, such as fresh air breaks – these do not need to be set out in legislation.
 - An important distinction between a right and a privilege, is that:
 - A privilege is **granted** based on the circumstances and may be limited if necessary. For example, any patient admitted to a hospital has the privilege of fresh air breaks, but must be granted permission to do so. A limitation could be placed on this privilege to reduce potential risks. For example, a MHA patient might only be allowed to have fresh air breaks under supervision if they have a history of absconding.
 - A right is available **without needing any special permission**. Rights can be also limited, but only under certain circumstances.

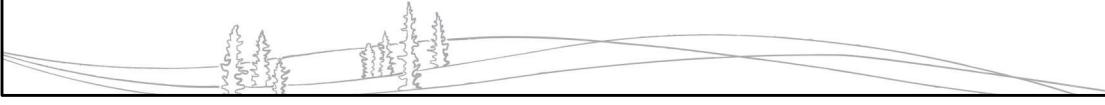
The Act sets out clear requirements around the rights of individuals who are held under the Act, and places obligations on the health care team to make sure

individuals are aware of these rights and understand them. This includes:

- All people must be informed of their rights as soon as they are detained involuntarily
- Rights must be presented to the patient and/or their substitute decision maker in written form (Form 1, Patient Rights Card) and verbally, in a language and manner they can understand.
- If the medical practitioner is unsure whether the patient/SDM understands their rights, they must inform the director of the facility or designate and attempts to provide the patient with information is ongoing until they have demonstrated an understanding
- Rights are typically explained by the health professional issuing a certificate or on apprehension by a peace officer.
- A director of a designated facility, designate or another health professional involved in the person's care may provide this information if the medical practitioner is unsure the patient understands their rights and ongoing attempts are required
- Some rights may be limited if the doctor believes, based on information (either directly observed or provided by the patient or others) that there is a risk of harm to the physical, emotional or mental health of the patient or another person.
- Patient rights must be posted in the designated facilities where patients can see them.
- A director of a designated facility is ultimately responsible for taking measures to ensure patients are informed of and understand their rights
- Health Professionals must examine the patient regularly to see if they continue to meet the criteria to be involuntarily detained or admitted

Patient Rights

Apprehension	Detention Under Certificate	Admission	Voluntary and Involuntary Patients
The right to: <ul style="list-style-type: none"> • be informed promptly of the reasons for the apprehension • retain and instruct counsel without delay • communicate with a family member, health professional or other person in the event of any delay in conveying the person to a designated facility. 	To be provided with verbal and written information on: <ul style="list-style-type: none"> • the authority under which the certificate was issued • the reasons the certificate was issued • the function of the Review Board • the right to apply to the Review Board for an order cancelling the certificate • the address of the Review Board • Consult with and instruct legal counsel in private 	The right to (*subject to reasonable limits) <ul style="list-style-type: none"> • identify a person who is to be notified of the involuntary admission • access to his or her substitute decision maker* • access to visitors during scheduled visiting hours* • access to a telephone to make or receive calls* • access to materials and resources to write and send correspondence* • access to correspondence sent to him or her* 	<ul style="list-style-type: none"> • A second opinion, where a patient objects to being discharged • To be informed of the purpose, nature, and effect of diagnostic procedures and treatment • To consent to or refuse psychiatric and other medical treatment.



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- Rights vary based on a person's status under the MHA.

Persons who are apprehended under the Act:

- must be informed of their rights **on detention**. This includes the right to:
 - Be informed of the reasons they were apprehended
 - Retain and instruct counsel without delay
 - Communicate with a family member, health professional or other person in the event conveyance to a designated facility is delayed

On detention under a Certificate issued under the Act (Certificate of Involuntary Assessment, Certificate of Involuntary Admission, or Renewal Certificate):

- The person must be informed, both verbally and in writing in a language and manner that they understand, about their rights to:
 - the authority under which they are being detained
 - the reasons why the certificate was issued
 - Know about the functions of the Review Board, and how and where to apply
 - Consult with and instruct legal counsel in private

Once admitted under a Certificate of Involuntary Admission or Renewal Certificate, or where a voluntary patient is temporarily detained pending an involuntary

examination:

- patients have the right to:
 - Identify who is to be notified of their involuntary admission/detention
 - Access their SDM*
 - Access visitors during visiting hours*
 - Use the telephone*
 - Send and receive correspondence*
- The Asterix indicates what rights can be restricted.
 - Rights can only be restricted if the doctor believes that exercising those rights would result in a risk of harm to the physical, emotional, or mental health or well-being of the patient or another person.
 - Where rights are restricted, they may only be restricted to the extent necessary to protect the patient or others from harm, and the restriction of rights must be documented and provided to the patient and substitute decision maker (if applicable) verbally and in writing, including:
 - An explanation of how the right is being limited;
 - The reasons for limiting the right;
 - How long the right will be limited; and
 - The right to apply to the Review board for an order cancelling the limitation.
- Patients who have a Treatment Decision Certificate cancelled must be re-informed of their rights.

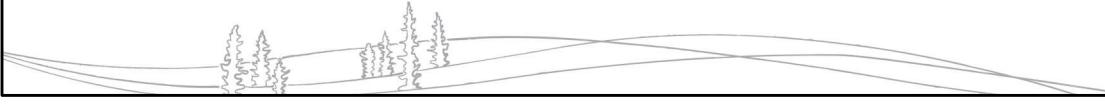
Both voluntary and involuntary patients also have the right to:

- A second medical opinion if they object to being discharged,
- Be informed (and their SDM, if applicable), by their medical practitioner about the purpose, nature, and effect of diagnostic procedures to be performed and treatment to be provided
- Consent to or refuse medical or other treatment, unless they have been deemed as lacking the capacity to make treatment decisions (i.e., have had a Treatment Decision Certificate issued).

Short Term Leave

- A short term leave certificate can be issued to allow an involuntary patient to leave the facility for up to 30 days, under any conditions the doctor considers appropriate.
- Requires patient or substitute decision maker consent.
- Can be cancelled if the patient does not comply with the conditions, or their mental condition changes.
- Regular access to fresh air is considered a basic patient privilege typically included in a person's plan of care on arrival to a designated facility* and is not considered short term leave.

* may be limited if there is a risk of harm to the patient or others



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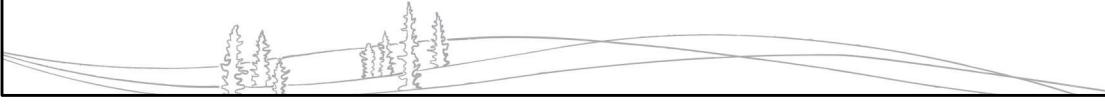
- The attending medical practitioner of an involuntary patient admitted to a designated facility may issue a short term leave certificate authorizing the patient to be released from the facility on short term leave, subject to any conditions that the medical practitioner considers appropriate, for a period not exceeding 30 days after the certificate is issued.
- A short term leave certificate for an involuntary patient may not be issued unless the patient or, if applicable, their substitute decision maker consents.
- An involuntary patient released on short term leave shall, by the date and time of expiration specified in the short term leave certificate, return to the designated facility from which the patient was released, unless he or she ceases to be an involuntary patient before that time.
- The attending medical practitioner of an involuntary patient who is subject to a short term leave certificate may cancel the certificate, if the medical practitioner
 - a) is of the opinion that the patient's mental condition may result in harm to the patient or another person if the patient does not return to the designated facility; or
 - b) determines that the patient has failed to comply with one or more

conditions of the certificate.

- On receiving notice of the cancellation of a short term leave certificate, an involuntary patient shall immediately return to the designated facility from which he or she was released on short term leave
- Regular access to fresh air is considered a patient privilege and is not considered short term leave
- If the involuntary patient does not return to the designated facility from which they were released on short term leave, an “unauthorized absence statement” authorizing the apprehension and conveyance must be completed and is valid for up to 30 days from the date it is issued

Assisted Community Treatment (ACT)

- ACT is a type of extended leave that allows an involuntary patient to live and receive treatment and supervision in the community for up to six months at a time.
- It must be considered safe for both the patient and the public.
- ACT requires a comprehensive Community Treatment Plan (CTP) with agreement from all parties to participate in the plan.
- Patient must be willing to comply and participate in the development of the CTP.



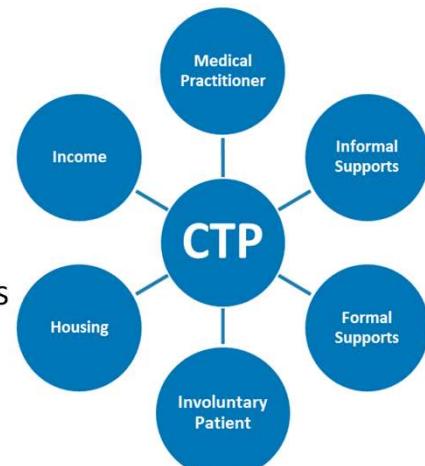
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- A patient must be assessed by a medical practitioner to determine if they can live safely in the community where there are appropriate community supports available.
- The patient must be willing to participate in the development of a community treatment plan and agree to comply with it.
- Community Treatment Plans include various components
 - Stable income and housing must be in place
 - Informal supports – family, Elders, employers, etc.
 - Formal supports – health professionals
 - The involuntary patient

ACT: Community Treatment Plans

- CTPs include:
 - Plan for treatment
 - Plan for other supports, including income and housing
 - Conditions relating to the supervision and treatment or care of the patient
 - Obligations of the patient
 - Identification of the supervising medical practitioner
 - Identification of person who has agreed to monitor the patient, assist the patient with complying with the plan, and report to the supervising medical practitioner
 - Names of health professionals and other persons/bodies who have agreed to provide supervision, treatment, care or other supports, and their obligations
 - Agreement of the patient or substitute decision maker (if applicable) to comply
- The patient is required to attend regular assessments while in the community.
- ACT Certificates and CTPs can be amended or cancelled.



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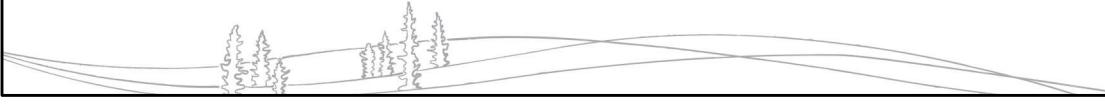
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- A medical practitioner is designated as the person responsible for the overall supervision and management of the community treatment plan (“supervising medical practitioner”) and persons or bodies named in the plan to provide support to the patient.
- ACT requires the development of a community treatment plan. CTPs must include:
 - Plan for treatment
 - Plan for other supports, including income and housing
 - Conditions relating to the supervision and treatment or care of the patient
 - Obligations of the patient regarding supervision, treatment, and other matters
 - Identification of the supervising medical practitioner (physician responsible for the overall supervision and management of the CTP)
 - Identification of a substitute decision maker, family member or other person who has agreed to monitor the patient, assist the patient with complying with the plan, and report to the supervising medical practitioner
 - Names of health professionals and other persons/bodies who have agreed to provide supervision, treatment, care or other supports, and

- their obligations under the plan
- Agreement of the patient or substitute decision maker (if applicable) to comply with the plan.
- Within 24 hours after issuing an ACT Certificate, the supervising medical practitioner must provide the CTP to the patient and, if applicable, to the patient's substitute decision maker.
- The ACT Certificate (or Cancellation of ACT certificate) must be filed with the director of the designated facility within 24 hours.
- The supervising medical practitioner is responsible for assessing the patient at regular intervals to:
 - Assess compliance with the plan;
 - Assess the effectiveness of the plan; and
 - Determine if the patient continues to meet the involuntary admission criteria.
- Roles and responsibilities of CTP members
 - Health professionals, other persons, or bodies named in the plan are responsible for implementing the plan to the extent they agreed to and reporting to the supervising medical practitioner, in accordance with the plan.
 - CTP members need to advise the supervising medical practitioner within 24 hours if the patient is not complying with the plan.
- Measures are in place to make sure ACT can respond to the changing needs of the patient. For example:
 - The supervising medical practitioner can make changes to the community treatment plan, in consultation with the health professionals and other persons/bodies named in the plan, to make sure that adequate treatment, services, and support remain available for the patient.
 - The supervising medical practitioner can issue a certificate requiring the patient to attend a psychiatric assessment if they feel the patient is not complying with the plan, sufficient efforts have been made to help the patient comply, the patient has been told they are not complying and about the possible consequences of not complying, and the patient isn't willing attend an assessment voluntarily.
 - The supervising medical practitioner can cancel an ACT Certificate, requiring the involuntary patient to immediately return to the designated facility, if they believe the patient's mental condition has changed and they can no longer live safely in the community.

What ACT is **NOT**

- A community treatment plan is **NOT** the same as a community treatment order (CTO), which does not require involuntary admission.
- ACT is not the same as short term leave, which is limited to 30 days and has no comprehensive treatment plan associated with it.
- A patient on ACT is not discharged. They remain an involuntary patient and the designated facility is still responsible for them. If the patient needs to return to a facility, they do not have to go through the admission process again.



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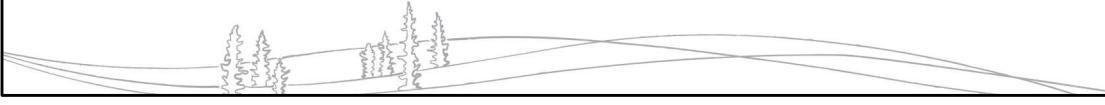
ACT/CTPs are NOT the same as a community treatment order (CTO)

- CTOs are used in many southern jurisdictions. This sometimes causes confusion for staff who are used to working under southern mental health frameworks.
- In southern CTOs, they are not limited to involuntary patients – they are available to voluntary patients as well as those who are not admitted under the MHA.
- A CTO requires the person to comply with the Order for treatment – if they do not comply, they are detained under the MHA and brought to a facility for an involuntary examination and admission if .
- CTOs are used to break the cycle of involuntary hospitalization, decompensation, and re-hospitalization. It includes the following important elements:
 - **Consent of the person is not required**
 - It is for people who:
 - have a history of not obtaining or continuing with treatment or care in the community that is needed to prevent the likelihood of harm to self or others
 - Are suffering negative effects, including substantial mental or physical deterioration or serious physical impairment, as a result of their mental disorder

- A CTO is reasonable for in the circumstances, and **less restrictive than retaining them as an involuntary patient.**

Patient Care and Supports

- Care team consists of mental health nurses, psychiatrists, recreational therapists, occupational therapist, Indigenous Wellness Team, Indigenous client advocate, mental health social worker
- Individual treatment plans are developed for each patient following initial psychiatric assessment
- Patients under involuntary admission typically have access to:
 - Fresh air breaks and passes
 - Recreation activities
 - Daily cultural activities
 - Regular outings to community organizations and cultural programs
 - Visits and engagement with family and/or friends as decided by the client.



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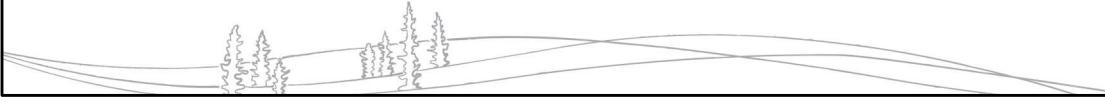
- The majority of involuntary admissions occur on the inpatient psychiatry unit at Stanton.
- In most cases, patients are informed of their rights at the time of admission, the only exception to this would be if there was an immediate safety concern or risk or if there was a need to identify a substitute decision maker.
 - Information about patient rights is posted throughout the inpatient unit, and in all patient rooms.
 - Patients are provided a handout on admission that outlines the daily routine on the unit, how to access services, what activities are available, etc.
- At the time of Involuntary Admission, patients have already undergone a psychiatric evaluation and assessment (form 2) where a treatment plan has already been initiated. Therefore, when the medical practitioner has determined the patient meets criteria for Involuntary Admission, the treatment team typically has a very good understanding of risk. This allows the treatment team and patient to openly discuss their care plan and treatment goals.
 - Typically, the treatment plan includes a number of activities such as recreation activities, cultural activities, outings to community

organizations such as the Arctic Indigenous Wellness Camp, fieldhouse, multiplex, etc. All of these activities are critical in assessing the patients to determine their readiness for discharge or transition to voluntary status.

- It is worth flagging that some patients are not permitted fresh air breaks off hospital grounds or passes due to heightened risk of harm or absconding (leaving without permission). Although the psychiatry unit has a patio space available, for patients who smoke this can present a challenge because the current smoking legislation (*Smoking Control and Reduction Act*) does not allow smoking anywhere on hospital grounds.
- While on the inpatient psychiatry unit, the care team consists of a number of multidisciplinary team members who support the client in establishing a care plan and treatment goals. The team typically consists of mental health nurses, psychiatrists, recreational therapist, occupational therapist, Indigenous Wellness team, Indigenous client advocate, mental health social worker, behavioural health workers.
- Stanton also has a Clinical Mental Health Coordinator:
 - The role's focus is the MHA - emphasizing integrated case management via ACT, protecting patient rights, and practicing person-centred care.
 - Their caseload consists of patients admitted to Stanton for treatment of mental health disorders. Primarily, the patients served are on the Psychiatric Unit, but may also include patients on other units in the hospital.
 - The Social Worker ensures patients are discharged from hospital with pre-arranged, community-based support plans. This will also involve facilitating collaboration between residents and professionals, such that best practice is followed across the health system.
- There are formal safeguards within the Act to ensure that, should the client status change during an outing, they are able to return the facility to maintain safety

The Mental Health Act: Stakeholders

- Persons/families who access Mental Health Services under provisions of the Act
- Indigenous Governments, Advisory Bodies and Wellness Programs
- Justices of the Peace
- Mental Health Act Review Board members
- COO's of Designated Facilities
- Area Medical Directors
- Psychiatrists – Inpatient and Outpatient
- Primary Care Practitioners (Physicians, NP's, CHN's)
- Emergency Department and Acute Care Physicians
- Health Care Providers in Acute Care Settings
- Community Mental Health Nurses
- Medical Social Workers
- RCMP
- Community Support Programs (Salvation Army, Adult Services, Integrated Service Delivery, Community Counseling Program, Outreach Nursing, Housing First, Shelter Services, Office of the Public Guardian, Withdrawal Management Services)
- Office of the Client Experience
- Department of Health and Social Services



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Ongoing and structured consultation with stakeholders involved in operationalizing and supporting persons who are or have been subject to the Act is essential to evaluation of MHA legislation impacts on service delivery.

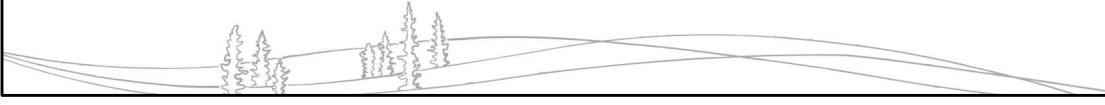
Measures should be taken to ensure engagement is conducted in respect and consideration of the unique culture, history and needs of peoples of the NWT and persons with lived experience. Ensuring person centred, trauma informed and recovery oriented approaches to engagement promotes relationship building toward trust, culturally safe service delivery, improved access to mental health care services, and overall health outcomes for persons, families and communities across the NT.

It is important to highlight that this list is not exhaustive, but demonstrates the need for integrated services and collaboration across GNWT departments and agencies and NGOs, not just the health and social services system. Without integrated and collaborative care, we will continue to experience frequent re-admissions and have people struggling with their mental health and wellness falling through the cracks.

Potential Areas for Amendments

16 areas have been identified that warrant further review for potential amendments to address operational challenges

While Amendments to the Act and operational improvements will lead to better care under the Act, improved mental health and wellness for NWT residents requires a whole of government response and appropriate funding and resources.



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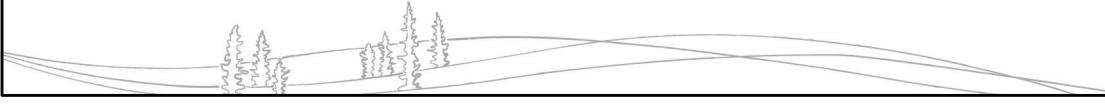
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- The Operational Issues document provided to SCOSD outlines operational issues that have been identified to date as well as those that have been brought forward by staff who frequently work with the MHA.
- Many of the operational issues can be addressed by developing or improving on SOPs, increasing use of nursing staff and their role within the Act, and through staff education.
- Today we will focus on the issues that the Department and Authorities believe require further review to inform necessary amendments to the legislative framework.
- **Committee should note that a couple of areas for amendments have been added to this presentation that were not in the document previously provided to SCOSD, as the need to include them was identified following submission of that document.**
- As noted earlier, the NWT has limited programming or supports in place to support mental health and wellness across the continuum, especially outside of Yellowknife. This is further exacerbated by other socio-economic factors outside of

the HSS system, such as low and unstable income and access to housing, which impacts our ability to provide wrap around supports to residents who interact with the MHA so that they can live safely in community. Addressing these challenges cannot be done through changes to the legislative framework or operational processes alone – supports and capacity, both human and financial, across government is required.

Potential Areas for Amendments

1. Updating "Mental Disorder" definition
2. Reviewing role of the Director of the Designated facility
3. Reviewing list of Designated Facilities
4. Addressing the number and complexity of forms
5. Reviewing the list of "health professionals"
6. Reviewing terminology for consistency with operational language
7. Add ability to cancel a Certificate of Involuntary Assessment



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- "Mental Disorder" definition
 - Alberta changed their definition in 2021. Alberta's definition, and definitions that have been more recently updated elsewhere in Canada, should be reviewed to determine what changes may be required to the NWT MHA to ensure it remains aligned with best practice.
- The role of the Director of the Designated facility
 - Many of the Director's responsibilities are shared with others; however, the Director does have sole responsibility for a number of things in the Act (authorizing transfers, maintaining a record of patients ensuring patients are informed of their rights), some of which the Act states can be delegated in writing. This leads to confusion about if or how the Directors responsibilities can be delegated. These responsibilities should be reviewed to reduce the administrative burden on the director to the greatest extent possible. This could include removing the delegating provisions and instead specifying what duties, if any, *cannot* be delegated.
- List of Designated Facilities
 - Inuvik and Hay River have fluctuating capacity to accept involuntary

patients under the MHA. Their designation as designated facilities should be reviewed, and their delegations rescinded if it is determined that they cannot safely detain, restrain, examine, treat, and care for patients under the MHA.

- The number and complexity of forms
 - Overall there is a large number of forms that are long and require a lot of complex information that is not always easy to follow. Some forms have duplicate information, or there is unnecessary duplication across forms. Forms should be reviewed to reduce the number of forms, limit the complexity of information, and make them more plain language and accessible. Because health professionals may work through some forms with patients, it is important that this review include both an operational lens and lens of persons with lived experience.
- The list of "health professionals"
 - With the scope of practice of many HSS professions expanding, the current list of "health professionals" should be reviewed to determine if other professionals can be added to the list. This will require a review of each profession's scope of practice and what other professions are designated as "health professionals" under other jurisdictions' MHAs.
- Terminology review
 - There is confusion caused by the terms "Involuntary Assessment" and "Involuntary Admission", as during the assessment phase a client is operationally admitted to a hospital, but not yet 'admitted' as an involuntary patient under the Act.
- Cancellation of Certificate of Involuntary Assessment
 - There is currently no ability to cancel a certificate of involuntary assessment. However, there are cases where a person is being held under a certificate of involuntary assessment and their condition substantially changes while they are waiting to be brought to a designated facility. For example, an individual may be in a situational crisis and quite distraught and suicidal or experiencing psychosis induced by alcohol or drugs, but once they become sober their situational crisis resolves. It goes against the principles of the Act and person-centred care to hold a person longer than is necessary.
 - To mitigate this issue in the interim, legal advice has been provided that

rather than conveying the person to a designated facility simply to release them, a medical practitioner should complete a virtual psychiatric assessment of the person to confirm the appropriateness of release. If that assessment indicates that the person does not meet the criteria for involuntary admission, then the person could be released.

- To ensure the health professionals involved are not liable should the person be released and later harm themselves or another person, explicit ability to cancel a certificate of involuntary assessment should be added to the Act.

Potential Areas for Amendments

8. Reworking Assisted Community Treatment model to align with the Community Treatment Order model, including removing requirement that person be an involuntary patient.
9. Allowing the substitute decision maker to provide verbal consent instead of written, where appropriate
10. Reviewing time required to complete an assessment before a Certificate of Involuntary Admission/Renewal expires (currently 72hrs)
11. Reviewing the oversight role(s) and most appropriate place/scope for the role
12. Reviewing short term leave provisions to reduce administrative burden

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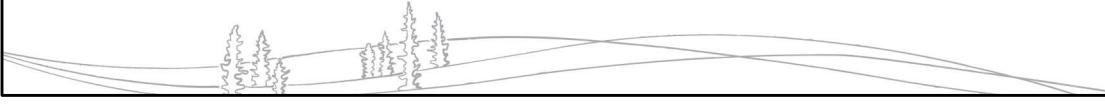
- Assisted Community Treatment vs. Community Treatment Orders
 - The current ACT provisions lead to a lot of confusion amongst front line staff, as they are perceived to be the same as CTOs that are used in the south for individuals who are not being held involuntarily under the MHA. Instead, ACT is intended to be a form of extended leave with a comprehensive plan for community support and treatment.
 - These provisions should be reviewed to more clearly delineate ACT/extended leave from CTOs.
 - Consideration should be given to reworking the ACT provisions to better align with the intent of southern CTOs and removing the eligibility requirement that the person be an involuntary patient.
 - This should include considering the services and supports that are available in the NWT and how community treatment can be set up to allow patients in smaller, more remote communities to succeed.
- Allowing the substitute decision maker to provide verbal consent instead of written
 - Substitute decision makers often reside outside of Yellowknife, where most involuntary patients are admitted. Obtaining written consent or signatures from a substitute decision maker can be challenging and lead

to delays, such as delays in short term leave. Where written consent is required should be reviewed and the ability to provide verbal consent should be provided for, where appropriate.

- The time required to complete an assessment before a certificate expires (currently 72hrs)
 - It has been suggested that the current timeline is too short. This should be reviewed and compared to timelines provided in other jurisdictions and updated if appropriate.
- Reviewing the oversight role(s) and most appropriate place/scope for the role
 - At the Review Board's public briefing, they recommended that the Review Board play a broader role in oversight of the MHA. The Department would like to explore this recommendation further.
 - Currently, the Director of Mental Health, appointed by the Minister, receives copies of forms related to involuntary admissions to keep a registry of involuntary patients. The intent of this role is unclear and it's not always known if they are receiving all forms. Further, this current role causes some concerns that Department staff are aware of sensitive personal health information when they shouldn't be.
 - A larger oversight role could allow for a more comprehensive reporting to identify trends and outcomes, identify gaps in the system, and inform future service delivery.
 - A cost analysis of expanding the oversight role(s) in the Act would have to be completed before any amendments could be proposed.
- Reviewing short term leave provisions to reduce administrative burden
 - Current short term leave process is administratively burdensome, often requiring multiple passes to allow involuntary patients to leave the facility for short periods of time.
 - The current short term leave provisions were designed to allow leave from the facility for up to 30 days, but do not account for the need for frequent shorter leaves of absence.
 - This issue can be addressed by reviewing the current short term leave provisions and similar leave of absence provisions in other jurisdictions to reduce the administrative burden involved in allowing a patient to leave the facility regularly for short periods of time.

Potential Areas for Amendments

13. Removing ability to apply to the Review Board for a review of a Certificate of Involuntary Assessment
14. Moving the hearing notice period to regulations, decreasing the length of notice that must be provided, and allowing for the notice period to be shortened with consent of all parties
15. Providing clear authority to share personal health information with the Elder/cultural advisor with the consent of the patient or substitute decision maker (if applicable)
16. Clarifying that the Elder/cultural advisor is to be engaged to the extent requested and/or agreed to by the patient or substitute decision maker (if applicable)



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- Removing ability to apply for review of Certificate of Involuntary Assessment
 - Applications can currently be made to the Review Board to cancel any certificate issued. This means that patients admitted under a *Form 3 – Certificate of Involuntary Admission* could potentially be required to apply to the Review Board twice within the span of only a few days if they had applied for their initial *Form 2 - Certificate of Involuntary Assessment* to be cancelled, because a review of this certificate would not result in an automatic

review of their Form 3 - *Certificate of Involuntary Admission*.

- There have been several instances when a patient on a Form 2 – *Certificate of Involuntary Assessment* has applied to the Review Board; however, a hearing cannot be arranged due to the legislated timelines for the review as well as the short duration of the certificate.
- It has been suggested that the ability to apply to the Review Board for a review of a Certificate of Involuntary Assessment be removed as it cannot be reasonably provided.
- Moving hearing notice period to regulations
 - On receiving an application for consideration, a review panel is required to schedule a hearing at the within 14 days and give 7 days written notice of the date, time, place and purpose of the hearing to the parties. We've heard from the Review board that, on multiple occasions, the review panel wanted to schedule hearings earlier and have been

unable to because of this restriction in the legislation. It has been suggested that the 7 days notice requirement be shortened.

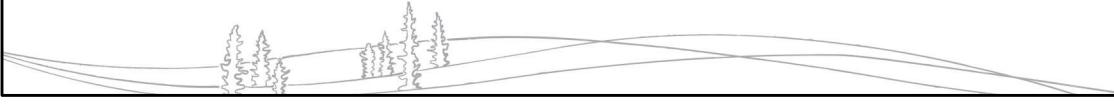
- The Department would propose that the most flexible approach to addressing this issue is to move the notice period to the regulations, working with the Review Board and NTHSSA to determine the most appropriate minimum notice period required for all parties to be prepared for a hearing, and adding a provision that allows the notice period to be shortened with consent of all the parties in order to allow hearings to take place as quickly as possible.
- Providing clear authority to share personal health information with the Elder/cultural advisor
 - We've heard from the Review Board that the information being disclosed to the Elder/cultural advisor may be too wide, as the test for disclosure means they basically get every relevant or relied upon record, which could be interpreted to be the whole chart.

This disclosure may be detrimental to the patient.

- This requires further review and inclusion of a disclosure provision outlining what information may be disclosed, and that consent of the patient always be required.
- Clarifying the role of the Elder/cultural advisor
 - We've heard from the Review Board that clarity is required regarding the role of the Elder/cultural advisor – are they a witness, observer, support person, or amicus (assists court by offering information, expertise, and insight that has a bearing on the issues in the case – typically considered under the court's discretion).
 - The role of the Elder/cultural advisor was left intentionally vague to allow the patient requesting this support to determine what role they would like this person to play in their review. However, this issue could be addressed by expanding on s.68.1 in the Act to

clarify that the Elder/cultural advisor is to be engaged to the extent and for any purpose(s) requested by the patient.

Questions?



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MENTAL HEALTH ACT

SNWT 2015,c.26

In force September 1, 2018

SI-006-2018

LOI SUR LA SANTÉ MENTALE

LTN-O 2015, ch. 26

En vigueur le 1^{er} septembre 2018

TR-006-2018

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SNWT 2017,c.20

SNWT 2018,c.18

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MODIFIÉE PAR

LTN-O 2017, ch. 20

LTN-O 2018, ch. 18

LTN-O 2023, ch. 7 [A]

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MENTAL HEALTH ACT

The Commissioner of the Northwest Territories, by and with the advice and consent of the Legislative Assembly, enacts as follows:

PART 1
INTERPRETATION
AND APPLICATION

Definitions

1. (1) In this Act,

"assisted community treatment certificate" means an assisted community treatment certificate issued under subsection 37(1); (*certificat de traitement en milieu communautaire assisté*)

"certificate of involuntary admission" means a certificate of involuntary admission issued under subsection 13(1); (*certificat d'admission involontaire*)

"certificate of involuntary assessment" means a certificate of involuntary assessment issued under subsection 10(1); (*certificat d'évaluation non volontaire*)

"certificate of mental incompetence" means a certificate of mental incompetence issued under paragraph 79(2)(a); (*certificat d'incapacité mentale*)

"chairperson" means the chairperson of the Review Board; (*président*)

"community treatment plan" means a community treatment plan referred to in subsection 37(3); (*plan de traitement en milieu communautaire*)

"designated facility" means a facility designated by the regulations for the examination, care and treatment of persons with mental disorders; (*établissement désigné*)

"director" means, in respect of a facility, the person employed in the facility who is in charge of the administration and management of the facility; (*directeur*)

"dwelling place" means the whole or any part of a building or structure that is kept or occupied as a permanent or temporary residence, and includes

- (a) a building within the curtilage of a dwelling place that is connected to it by a doorway or a covered and enclosed passageway, and

LOI SUR LA SANTÉ MENTALE

Le commissaire des Territoires du Nord-Ouest, sur l'avis et avec le consentement de l'Assemblée législative, édicte :

PARTIE 1
DÉFINITIONS, INTERPRÉTATION
ET APPLICATION

1. (1) Les définitions qui suivent s'appliquent à la Définitions présente loi.

«agent de la paix» Membre de la Gendarmerie royale du Canada ou toute personne ou catégorie de personnes prévue par règlement. (*peace officer*)

«certificat d'admission involontaire» Certificat d'admission involontaire délivré en application du paragraphe 13(1). (*certificate of involuntary admission*)

«certificat de congé de courte durée» Certificat de congé de courte durée délivré en application du paragraphe 35(1). (*short term leave certificate*)

«certificat d'évaluation non volontaire» Certificat d'évaluation non volontaire délivré en application du paragraphe 10(1). (*certificate of involuntary assessment*)

«certificat d'incapacité mentale» Certificat d'incapacité mentale délivré en application de l'alinéa 79(2)a). (*certificate of mental incompetence*)

«certificat de renouvellement» Certificat de renouvellement délivré en application de l'alinéa 17(2)b). (*renewal certificate*)

«certificat de traitement en milieu communautaire assisté» Certificat de traitement en milieu communautaire assisté délivré en application du paragraphe 37(1). (*assisted community treatment certificate*)

«certificat relatif aux décisions liées au traitement» Certificat relatif aux décisions liées au traitement délivré en application du paragraphe 29(3). (*treatment decision certificate*)

«comité de révision» Comité de révision visé au paragraphe 62(1). (*review panel*)

(b) a unit that is designed to be mobile and to be used as a permanent or temporary residence and that is being used as such a residence; (<i>lieu d'habitation</i>)	«conseil de révision» Le conseil de révision visé au paragraphe 60(1). (<i>Review Board</i>)
"health professional" means	«critères d'admission involontaire» Les critères précisés aux sous-alinéas 13(1)b)(i), (ii) et (iii). (<i>involuntary admission criteria</i>)
<ul style="list-style-type: none"> (a) a medical practitioner who is entitled under the <i>Medical Profession Act</i> to practise psychiatry in the Northwest Territories, (b) a medical practitioner other than one referred to in paragraph (a), (c) a nurse practitioner as defined in section 1 of the <i>Nursing Profession Act</i>, (d) a person licensed under an Act to practise as a psychologist in the Northwest Territories, or (e) a prescribed person or class of persons; (<i>professionnel de la santé</i>) 	«curateur public» Le curateur public nommé en vertu de la <i>Loi sur le curateur public</i> . (<i>Public Trustee</i>)
"involuntary admission criteria" means the criteria specified in subparagraphs 13(1)(b)(i), (ii) and (iii); (<i>critères d'admission involontaire</i>)	«décision liée au traitement» Notamment une décision quant au consentement à tout traitement psychiatrique ou autre traitement médical. (<i>treatment decision</i>)
"involuntary patient" means a person admitted to a designated facility under the authority of a certificate of involuntary admission, and includes a person who	«directeur» À l'égard d'un établissement, la personne employée dans l'établissement qui est chargée de l'administration et la gestion de l'établissement. (<i>director</i>)
<ul style="list-style-type: none"> (a) is subject to a renewal certificate, (b) is absent from the facility without authorization, (c) is absent from the facility under the authority of a short term leave certificate, or (d) resides outside the facility under the authority of an assisted community treatment certificate; (<i>patient en placement non volontaire</i>) 	«établissement désigné» Établissement désigné par règlement pour l'examen, les soins et le traitement des personnes atteintes de troubles mentaux. (<i>designated facility</i>)
"involuntary psychiatric assessment" means a psychiatric assessment of a person to determine whether a certificate of involuntary admission of the person or a renewal certificate should be issued; (<i>évaluation psychiatrique non volontaire</i>)	«évaluation psychiatrique» Examen d'une personne et évaluation de son état mental afin de déterminer si elle est atteinte de troubles mentaux. (<i>psychiatric assessment</i>)
"justice of the peace" means a justice of the peace within the meaning of the <i>Justices of the Peace Act</i> ; (<i>juge de paix</i>)	«évaluation psychiatrique non volontaire» Évaluation psychiatrique d'une personne pour déterminer s'il faut délivrer un certificat d'admission involontaire à son égard ou un certificat de renouvellement. (<i>involuntary psychiatric assessment</i>)
"mental disorder" means a substantial disorder of thought, mood, perception, orientation or memory that grossly impairs judgement, behaviour, capacity to recognize reality or ability to meet the ordinary demands of life; (<i>troubles mentaux</i>)	«juge de paix» Juge de paix au sens de la <i>Loi sur les juges de paix</i> . (<i>justice of the peace</i>)
"dieu d'habitation" L'ensemble ou toute partie d'un bâtiment ou d'une construction tenu ou occupé comme résidence permanente ou temporaire, y compris :	«lieu d'habitation» L'ensemble ou toute partie d'un bâtiment ou d'une construction tenu ou occupé comme résidence permanente ou temporaire, y compris :
	<ul style="list-style-type: none"> a) un bâtiment qui se trouve dans la même enceinte qu'une maison d'habitation et qui y est relié par une baie de porte ou par un passage couvert et clos; b) une unité qui est conçue pour être mobile et pour être utilisée comme résidence permanente ou temporaire et qui est ainsi utilisée. (<i>dwelling place</i>)
"mandataire spécial" Mandataire spécial désigné en application du paragraphe 30(2). (<i>substitute decision maker</i>)	«mandataire spécial» Mandataire spécial désigné en application du paragraphe 30(2). (<i>substitute decision maker</i>)

"peace officer" means a member of the Royal Canadian Mounted Police or a prescribed person or class of persons; (*agent de la paix*)

"psychiatric assessment" means an examination of a person and an assessment of the mental condition of the person for the purpose of determining whether the person suffers from a mental disorder; (*évaluation psychiatrique*)

"Public Trustee" means the Public Trustee appointed under the *Public Trustee Act*; (*curateur public*)

"renewal certificate" means a renewal certificate issued under paragraph 17(2)(b); (*certificat de renouvellement*)

"Review Board" means the Review Board referred to in subsection 60(1); (*conseil de révision*)

"review panel" means a review panel referred to in subsection 62(1); (*comité de révision*)

"short term leave certificate" means a short term leave certificate issued under subsection 35(1); (*certificat de congé de courte durée*)

"substitute decision maker" means a substitute decision maker designated under subsection 30(2); (*mandataire spécial*)

"treatment decision" includes a decision as to whether or not to consent to psychiatric or other medical treatment; (*décision liée au traitement*)

"treatment decision certificate" means a treatment decision certificate issued under subsection 29(3); (*certificat relatif aux décisions liées au traitement*)

"voluntary patient" means a person admitted to a designated facility under subsection 3(1). (*patient en placement volontaire*)

«patient en placement non volontaire» Personne admise dans un établissement désigné en vertu d'un certificat d'admission involontaire, y compris la personne qui, selon le cas :

- a) est assujettie à un certificat de renouvellement;
 - b) est absente de l'établissement sans autorisation;
 - c) est absente de l'établissement en vertu d'un certificat de congé de courte durée;
 - d) réside ailleurs que dans l'établissement en vertu d'un certificat de traitement en milieu communautaire assisté.
- (*involuntary patient*)

«patient en placement volontaire» Personne admise dans un établissement désigné en application du paragraphe 3(1). (*voluntary patient*)

«plan de traitement en milieu communautaire» Plan de traitement en milieu communautaire visé au paragraphe 37(3). (*community treatment plan*)

«président» Le président du conseil de révision. (*chairperson*)

«professionnel de la santé» Selon le cas :

- a) tout médecin autorisé en vertu de la *Loi sur les médecins* à exercer la psychiatrie dans les Territoires du Nord-Ouest;
- b) tout autre médecin que celui visé à l'alinéa a);
- c) tout infirmier praticien ou infirmière praticienne au sens de l'article 1 de la *Loi sur la profession infirmière*;
- d) toute personne autorisée en vertu d'une loi à exercer la profession de psychologue dans les Territoires du Nord-Ouest;
- e) toute personne ou catégorie de personnes visée par règlement. (*health professional*)

«troubles mentaux» Troubles graves de la pensée, de l'humeur, de la perception, de l'orientation ou de la mémoire qui diminuent ou altèrent sensiblement le jugement, le comportement, la capacité de reconnaître la réalité ou l'aptitude à faire face aux exigences ordinaires de la vie. (*mental disorder*)

Definition: "medical practitioner"	(2) Except for the purposes of the definition "health professional" in subsection (1), a reference to "medical practitioner" means a medical practitioner who is entitled under the <i>Medical Profession Act</i> to practise psychiatry in the Northwest Territories, or if a psychiatrist is not available, another medical practitioner.	(2) Sauf pour l'application de la définition de «professionnel de la santé» au paragraphe (1), toute référence à un médecin vise le médecin autorisé sous le régime de la <i>Loi sur les médecins</i> à exercer la psychiatrie dans les Territoires du Nord-Ouest ou, en cas de non-disponibilité d'un psychiatre, un autre médecin.	Définition : «médecin»
Interpretation: mentally competent to consent	(3) For the purposes of this Act, a person is mentally competent to consent if the person has the ability to understand the subject matter in respect of which consent is required and the ability to appreciate the consequences of giving or withholding consent. SNWT 2023,c.7,s.25(2).	(3) Pour l'application de la présente loi, toute personne est mentalement capable de consentir si elle a la capacité de comprendre l'objet du consentement demandé et d'apprecier les conséquences du fait de donner ou de refuser son consentement. LTN-O 2018, ch. 18, art. 15(2).	Interprétation : mentalement capable de consentir
Conflict with <i>Personal Directives Act</i>	2. In the event of a conflict or inconsistency between this Act and the <i>Personal Directives Act</i> , that Act prevails to the extent of the conflict or inconsistency.	2. Les dispositions de la <i>Loi sur les directives personnelles</i> l'emportent sur les dispositions incompatibles de la présente loi.	Incompatibilité avec la <i>Loi sur les directives personnelles</i>
Definition: person who is subject to this Act	2.1. (1) In this section, "person who is subject to this Act" means <ul style="list-style-type: none"> (a) a person who, under this Act, is a patient; or (b) a person who is or who may be apprehended under this Act. 	2.1. (1) Au présent article, «personne assujettie à la présente loi» s'entend : <ul style="list-style-type: none"> a) de toute personne qui, en vertu de la présente loi, est un patient; b) de toute personne qui est ou peut être appréhendée en vertu de la présente loi. 	Définition : «personne assujettie à la présente loi»
Principles	(2) This Act must be administered and interpreted in accordance with the following principles: <ul style="list-style-type: none"> (a) there should be no unreasonable delay in making or carrying out decisions affecting a person who is subject to this Act; (b) decisions that affect a person who is subject to this Act should respect the person's cultural, linguistic and spiritual or religious ties; (c) the least restrictive measures should be used when actions are taken or decisions are made in respect of a person who is subject to this Act, taking into consideration the safety of the person and other persons; (d) the importance of family and community involvement in the care and treatment of people suffering from mental disorders should be recognized; (e) a person who is subject to this Act is entitled to make decisions on his or her own behalf, to the extent of his or her capacity to do so; (f) the privacy of persons who are subject to this Act should be respected. 	(2) La présente loi doit être appliquée et interprétée en conformité avec les principes suivants : <ul style="list-style-type: none"> a) aucun délai anormal ne devrait survenir dans la prise ou l'application des décisions touchant les personnes assujetties à la présente loi; b) les liens culturels, linguistiques et spirituels ou religieux des personnes assujetties à la présente loi devraient être respectés dans la prise de décisions les touchant; c) les mesures les moins contraignantes devraient être prises dans les interventions ou les décisions visant les personnes assujetties à la présente loi, tenant compte de la sécurité de celles-ci et de celle d'autrui; d) l'importance de la participation de la famille et de la collectivité aux soins et au traitement des personnes atteintes de troubles mentaux devrait être reconnue; e) les personnes assujetties à la présente loi ont le droit de prendre des décisions pour leur propre compte, dans la mesure de leur capacité; 	Principes

		f) le respect de la vie privée des personnes assujetties à la présente loi devrait être assuré.
	PART 2 ADMISSION TO DESIGNATED FACILITY	PARTIE 2 ADMISSION DANS UN ÉTABLISSEMENT DÉSIGNÉ
	Voluntary Admission	Admission volontaire
Requirements for voluntary admission	<p>3. (1) Subject to subsection (2), a medical practitioner may admit a person to a designated facility as a voluntary patient, if the medical practitioner</p> <ul style="list-style-type: none"> (a) has examined the person and assessed the mental condition of the person; and (b) is of the opinion that the person would benefit from in-patient admission and treatment at the facility. 	<p>3. (1) Sous réserve du paragraphe (2), un médecin peut admettre une personne dans un établissement désigné comme patient en placement volontaire, si les deux conditions suivantes sont réunies :</p> <ul style="list-style-type: none"> a) il a examiné la personne et évalué son état mental; b) il est d'avis que la personne bénéficierait de l'hospitalisation et d'un traitement dans l'établissement.
Consent to admission	<p>(2) A person may not be admitted to a designated facility under subsection (1) unless he or she consents to the admission and is, in the opinion of the medical practitioner, mentally competent to consent to the admission.</p>	<p>(2) Nul ne peut être admis dans un établissement désigné en vertu du paragraphe (1), à moins de consentir à l'admission et d'être mentalement capable de consentir selon l'avis du médecin. L.T.N-O. 2018, ch. 18, art. 15(3).</p>
Question about notification	<p>3.1. (1) A medical practitioner who admits a person to a designated facility as a voluntary patient shall ask the patient who, if anyone, should be notified of the admission.</p>	<p>3.1. (1) Le médecin qui admet une personne dans un établissement désigné comme patient en placement volontaire demande au patient qui, s'il y a lieu, devrait être avisé de l'admission.</p>
Notification	<p>(2) Reasonable efforts must be made, as soon as practicable, to notify a person identified under subsection (1).</p>	<p>(2) Des efforts raisonnables doivent être faits, dès que possible, pour aviser toute personne identifiée en vertu du paragraphe (1). LTN-O 2018, ch. 18, art. 15(3).</p>
Discharge of voluntary patient	<p>4. Subject to subsection 5(1), a voluntary patient may, on his or her request, be discharged from a designated facility.</p>	<p>4. Sous réserve du paragraphe 5(1), tout patient en placement volontaire peut, à sa demande, obtenir son congé d'un établissement désigné. LTN-O 2018, ch. 18, art. 15(3).</p>
Voluntary patient detained for examination	<p>5. (1) A member of the treatment staff of a designated facility may detain and, if necessary, restrain a voluntary patient who requests to be discharged, if the staff member believes on reasonable grounds that</p> <ul style="list-style-type: none"> (a) the patient is suffering from a mental disorder; (b) the patient is likely to cause serious harm to himself or herself or to another person, or to suffer substantial mental or physical deterioration, or serious physical impairment, if he or she leaves the facility; and 	<p>5. (1) Un membre du personnel traitant d'un établissement désigné peut détenir et, au besoin, mettre en contention le patient en placement volontaire qui demande son congé, s'il a des motifs raisonnables de croire que le patient se trouve dans la situation suivante :</p> <ul style="list-style-type: none"> a) il est atteint de troubles mentaux; b) il risque de s'infliger ou de causer à autrui un préjudice grave, ou de subir une importante détérioration mentale ou physique, ou une déficience physique grave s'il quitte l'établissement;

Examination within 24 hours	(c) a medical practitioner should examine the patient to determine if a certificate of involuntary assessment of the patient should be issued.	c) un médecin devrait l'examiner pour déterminer s'il faut délivrer un certificat d'évaluation non volontaire à son égard.
Change of patient's status	(2) No later than 24 hours after being detained under subsection (1), a voluntary patient must be examined by a medical practitioner to determine whether a certificate of involuntary assessment of the patient should be issued.	(2) Au plus tard 24 heures après sa détention en vertu du paragraphe (1), le patient en placement volontaire doit être examiné par un médecin pour déterminer s'il faut délivrer un certificat d'évaluation non volontaire à son égard. LTN-O 2018, ch. 18, art. 15(3).
Involuntary admission requirements	6. The attending medical practitioner of a voluntary patient may, in accordance with sections 13, 14 and 15, change the patient's status to that of an involuntary patient.	6. Le médecin traitant d'un patient en placement volontaire peut, conformément aux articles 13, 14 et 15, changer le statut du patient à celui de patient en placement non volontaire. LTN-O 2018, ch. 18, art. 15(3) et (4).
Detention of person for examination	<p>Involuntary Admission Process</p> <p>7. (1) A person may only be admitted to a designated facility as an involuntary patient if</p> <ul style="list-style-type: none"> (a) a health professional has examined the person and has issued a certificate of involuntary assessment of the person in accordance with subsections 10(1) and (2); and (b) a medical practitioner has conducted an involuntary psychiatric assessment of the person and has issued a certificate of involuntary admission in accordance with section 13. <p>(2) A person may only be detained for an examination referred to in subsection 10(1), in accordance with</p> <ul style="list-style-type: none"> (a) the authority under subsection 5(1) to detain a voluntary patient; (b) the authority under paragraph 11(7)(c) to detain a person when a court order is issued under subsection 11(6); (c) the authority under paragraph 12(2)(b) to detain a person apprehended by a peace officer under subsection 12(1); or (d) the authority under paragraph 25(2)(c) to detain a patient transferred to a designated facility under section 25. 	<p>Processus d'admission involontaire</p> <p>7. (1) Toute personne ne peut être admise dans un établissement désigné comme patient en placement non volontaire que si les deux conditions suivantes sont réunies :</p> <ul style="list-style-type: none"> a) un professionnel de la santé l'a examinée et a délivré un certificat d'évaluation non volontaire à son égard conformément aux paragraphes 10(1) et (2); b) un médecin lui a fait subir une évaluation psychiatrique non volontaire et a délivré un certificat d'admission involontaire conformément à l'article 13. <p>(2) La détention d'une personne aux fins de l'examen visé au paragraphe 10(1) ne peut se faire que conformément :</p> <ul style="list-style-type: none"> a) au pouvoir de détention d'un patient en placement volontaire prévu au paragraphe 5(1); b) au pouvoir de détention d'une personne prévu à l'alinéa 11(7)c) en présence d'une ordonnance judiciaire rendue en vertu du paragraphe 11(6); c) au pouvoir de détention prévu à l'alinéa 12(2)b) d'une personne appréhendée par un agent de la paix en vertu du paragraphe 12(1); d) au pouvoir de détention prévu à l'alinéa 25(2)c) d'un patient transféré à un établissement désigné en vertu de l'article 25.

Detention of person for involuntary psychiatric assessment

(3) A person may only be detained for an involuntary psychiatric assessment for the purpose of subsection 13(1) in accordance with the authority under paragraph 10(3)(c) to detain a person when a certificate of involuntary assessment of the person is issued.

Information on detention under certificate

8. (1) On the detention in a health facility of a person under the authority of a certificate of involuntary assessment, certificate of involuntary admission or renewal certificate, the health professional who issued the certificate or the director of the facility where the person is detained shall, at the earliest opportunity, provide the following information to the person in written and verbal form:

- (a) the authority under which the certificate was issued;
- (b) the reasons the certificate was issued;
- (c) the function of the Review Board;
- (d) the right to apply to the Review Board for an order cancelling the certificate;
- (e) the address of the Review Board;
- (f) prescribed information.

Rights on involuntary admission

(2) Subject to subsection (3), on the admission of a person to a designated facility as an involuntary patient, the patient has the right to

- (a) consult with and instruct legal counsel in private;
- (a.1) identify a person who is to be notified of the involuntary admission;
- (b) access to his or her substitute decision maker;
- (c) access to visitors during scheduled visiting hours;
- (d) access to a telephone to make or receive calls;
- (e) access to materials and resources to write and send correspondence; and
- (f) access to correspondence sent to him or her.

Reasonable limits

(3) The rights referred to in subsection (2) are subject to reasonable prescribed limits.

(3) La détention d'une personne en vue de l'évaluation psychiatrique non volontaire aux fins du paragraphe 13(1) ne peut se faire que conformément au pouvoir de détention d'une personne prévu à l'alinéa 10(3)e) lorsqu'est délivré un certificat d'évaluation non volontaire de la personne. LTN-O 2018, ch. 18, art. 15(3) et (4).

Détention en vue d'une évaluation psychiatrique non volontaire

Patient Rights

Droits du patient

8. (1) Dès la détention d'une personne dans un établissement de santé en vertu de tout certificat d'évaluation non volontaire, certificat d'admission involontaire ou certificat de renouvellement, le professionnel de la santé qui a délivré le certificat ou le directeur de l'établissement où est détenue la personne informe celle-ci dès que possible de ce qui suit, par écrit et de vive voix :

- a) le pouvoir en vertu duquel le certificat a été délivré;
- b) les motifs de la délivrance du certificat;
- c) le rôle du conseil de révision;
- d) le droit de présenter au conseil de révision une demande d'ordonnance annulant le certificat;
- e) l'adresse du conseil de révision;
- f) les renseignements réglementaires.

Information dès la détention en vertu d'un certificat

(2) Sous réserve du paragraphe (3), dès son admission dans un établissement désigné comme patient en placement non volontaire, le patient a les droits suivants :

- a) consulter et constituer un avocat en privé;
- a.1) identifier une personne qui sera avisée de l'admission involontaire;
- b) avoir accès à son mandataire spécial;
- c) recevoir des visiteurs pendant les heures de visite normales;
- d) avoir accès à un téléphone pour faire ou recevoir des appels;
- e) avoir accès au matériel et aux ressources pour rédiger et envoyer de la correspondance;
- f) avoir accès à la correspondance qui lui est adressée.

Droits dès l'admission involontaire

(3) Les droits visés au paragraphe (2) sont assujettis aux limites réglementaires raisonnables.

Limites raisonnables

Information on involuntary admission	(4) The director of a designated facility shall ensure that an involuntary patient is informed of the rights referred to in subsection (2) at the earliest opportunity after admission.	(4) Le directeur d'un établissement désigné assure que tout patient en placement non volontaire est informé des droits visés au paragraphe (2) dès que possible après l'admission. LTN-O 2017, ch. 20, art. 7(2); LTN-O 2018, ch. 18, art. 15(4).	Information des l'admission involontaire
Information about rights	9. (1) The director of a designated facility shall make every reasonable effort to ensure that a patient is given information in respect of his or her rights under this Act in a language and manner that the patient understands.	9. (1) Le directeur d'un établissement désigné fait tous les efforts raisonnables pour assurer qu'un patient reçoit l'information concernant ses droits en vertu de la présente loi dans une langue et d'une manière que le patient comprend.	Information concernant les droits
Duty regarding information	(2) A person who informs a patient of his or her rights under this Act shall <ul style="list-style-type: none"> (a) make every reasonable effort to ensure that the patient understands the rights; and (b) inform the director if he or she is unsure whether the patient understands the rights. 	(2) La personne qui informe un patient de ses droits en vertu de la présente loi : <ul style="list-style-type: none"> a) d'une part, fait tous les efforts raisonnables pour assurer que le patient comprend bien ses droits; b) d'autre part, informe le directeur s'il n'est pas certain que le patient a bien compris ses droits. 	Devoir relatif à l'information
Right to second medical opinion	9.1. A voluntary patient or an involuntary patient who objects to being discharged from a designated facility has the right, prior to discharge, to be examined by a second medical practitioner to determine whether the patient should remain in the facility.	9.1. Tout patient en placement volontaire ou patient en placement non volontaire qui s'oppose à ce qu'on lui accorde son congé d'un établissement désigné a le droit, avant de recevoir son congé, d'être examiné par un deuxième médecin afin de déterminer s'il devrait demeurer dans l'établissement. LTN-O 2018, ch. 18, art. 15(3) et (4).	Droit à un deuxième avis médical
Certificate of involuntary assessment	10. (1) A health professional who examines a person may require the person to undergo an involuntary psychiatric assessment by issuing a certificate of involuntary assessment, if the health professional is of the opinion that <ul style="list-style-type: none"> (a) the person is suffering from a mental disorder; (b) because of the mental disorder, the person <ul style="list-style-type: none"> (i) is likely to cause serious harm to himself or herself or to another person, or to suffer substantial mental or physical deterioration, or serious physical impairment, or (ii) has recently caused serious harm to himself or herself or to another person, or has threatened or attempted to cause such harm; and 	10. (1) Le professionnel de la santé qui examine une personne peut exiger qu'elle subisse une évaluation psychiatrique non volontaire en délivrant un certificat d'évaluation non volontaire, s'il est d'avis que la personne visée se trouve dans la situation suivante : <ul style="list-style-type: none"> a) elle est atteinte de troubles mentaux; b) en raison des troubles mentaux, selon le cas : <ul style="list-style-type: none"> (i) elle risque de s'infliger ou de causer à autrui un préjudice grave, ou de subir une importante détérioration mentale ou physique, ou une déficience physique grave, (ii) elle s'est récemment infligée ou a récemment causé à autrui un préjudice grave, ou a menacé ou tenté de le faire; 	Certificat d'évaluation non volontaire

Examination by Health Professional

Examen par un professionnel de la santé

- 10.** (1) A health professional who examines a person may require the person to undergo an involuntary psychiatric assessment by issuing a certificate of involuntary assessment, if the health professional is of the opinion that
- (a) the person is suffering from a mental disorder;
 - (b) because of the mental disorder, the person
 - (i) is likely to cause serious harm to himself or herself or to another person, or to suffer substantial mental or physical deterioration, or serious physical impairment, or
 - (ii) has recently caused serious harm to himself or herself or to another person, or has threatened or attempted to cause such harm; and
- 10.** (1) Le professionnel de la santé qui examine une personne peut exiger qu'elle subisse une évaluation psychiatrique non volontaire en délivrant un certificat d'évaluation non volontaire, s'il est d'avis que la personne visée se trouve dans la situation suivante :
- a) elle est atteinte de troubles mentaux;
 - b) en raison des troubles mentaux, selon le cas :
 - (i) elle risque de s'infliger ou de causer à autrui un préjudice grave, ou de subir une importante détérioration mentale ou physique, ou une déficience physique grave,
 - (ii) elle s'est récemment infligée ou a récemment causé à autrui un préjudice grave, ou a menacé ou tenté de le faire;

	(c) the person should undergo an involuntary psychiatric assessment to determine whether he or she should be admitted to a designated facility as an involuntary patient.	c) elle devrait subir une évaluation psychiatrique non volontaire pour déterminer s'il faut l'admettre dans un établissement désigné comme patient en placement non volontaire.
Timing	(2) A certificate of involuntary assessment of a person may not be issued under subsection (1) later than 24 hours after the examination to which it relates.	(2) Le certificat d'évaluation non volontaire d'une personne ne peut pas être délivré en vertu du paragraphe (1) plus de 24 heures après l'examen auquel il se rapporte. Moment de la délivrance
Authorized acts	<p>(3) Subject to this Act, a certificate of involuntary assessment of a person authorizes</p> <ul style="list-style-type: none"> (a) apprehension of the person by a peace officer and conveyance of the person by a peace officer or other authorized person to a designated facility; (b) care for and observation, examination, assessment and treatment of the person <ul style="list-style-type: none"> (i) for 72 hours after conveyance of him or her to a designated facility, or (ii) if the person is at a designated facility when the certificate is issued, for 72 hours after the certificate is issued; and (c) detention and control of the person for the purposes of paragraphs (a) and (b). 	<p>(3) Sous réserve de la présente loi, le certificat d'évaluation non volontaire d'une personne autorise,</p> <p>à la fois :</p> <ul style="list-style-type: none"> a) l'appréhension de la personne par un agent de la paix et son transport par un agent de la paix ou une autre personne autorisée à un établissement désigné; b) l'apport de soins à la personne, et l'observation, l'examen, l'évaluation et le traitement de la personne : <ul style="list-style-type: none"> (i) soit pendant 72 heures après son arrivée à l'établissement désigné, (ii) soit pendant 72 heures après la délivrance du certificat, si la personne est dans un établissement désigné lors de la délivrance du certificat; c) la détention et la maîtrise de la personne aux fins des alinéas a) et b). <p>Actes autorisés</p>
Expiration of authority	(4) The authority under paragraph (3)(a) to apprehend a person and convey him or her to a designated facility expires at the end of the seventh day after the certificate of involuntary assessment is issued.	(4) Le pouvoir prévu à l'alinéa (3)a) d'appréhender la personne et de la transporter à un établissement désigné cesse à la fin du septième jour qui suit la délivrance du certificat d'évaluation non volontaire. LTN-O 2018, ch. 18, art. 15(4). Expiration du pouvoir
	Order for Involuntary Examination	Ordonnance d'examen non volontaire
Definition: "justice"	11. (1) In this section, "justice" means justice of the peace or territorial judge.	11. (1) Au présent article, «juge» s'entend d'un juge de paix ou d'un juge territorial. Définition : «juge»
Application for order	(2) Subject to subsection (3), any person may apply to a justice for an order that another person be examined involuntarily by a health professional to determine whether a certificate of involuntary assessment of the person should be issued.	(2) Sous réserve du paragraphe (3), toute personne peut demander à un juge d'ordonner l'examen non volontaire d'une autre personne par un professionnel de la santé pour déterminer s'il faut délivrer un certificat d'évaluation non volontaire à l'égard de cette dernière. Demande d'ordonnance
Grounds	<p>(3) A person who makes an application under subsection (2) must have reasonable grounds to believe that</p> <ul style="list-style-type: none"> (a) the other person is suffering from a mental disorder; 	<p>(3) L'auteur d'une demande en vertu du paragraphe (2) doit avoir des motifs raisonnables de croire que la personne visée se trouve dans la situation suivante :</p> <ul style="list-style-type: none"> a) elle est atteinte de troubles mentaux; <p>Motifs</p>

	<p>(b) because of the mental disorder, the other person</p> <ul style="list-style-type: none"> (i) is likely to cause serious harm to himself or herself or to another person, or to suffer substantial mental or physical deterioration, or serious physical impairment, or (ii) has recently caused serious harm to himself or herself or to another person, or has threatened or attempted to cause such harm; and <p>(c) the other person has refused to undergo or appears not to be mentally competent to consent to an examination by a health professional to assess the mental state of that person.</p>	<p>b) en raison des troubles mentaux, selon le cas :</p> <ul style="list-style-type: none"> (i) elle risque de s'infliger ou de causer à autrui un préjudice grave, ou de subir une importante détérioration mentale ou physique, ou une déficience physique grave, (ii) elle s'est récemment infligée ou a récemment causé à autrui un préjudice grave, ou a menacé ou tenté de le faire; <p>c) elle a refusé de subir l'examen d'un professionnel de la santé afin d'évaluer son état mental, ou ne semble pas mentalement capable d'y consentir.</p>
Form of application	<p>(4) An application under subsection (2) must</p> <ul style="list-style-type: none"> (a) be made in writing; (b) state the grounds for the request; and (c) be supported by an affidavit made under oath or affirmation. 	<p>(4) La demande prévue au paragraphe (2) doit être, à la fois :</p> <ul style="list-style-type: none"> a) écrite; b) motivée; c) accompagnée d'un affidavit fait sous serment ou affirmation solennelle.
Procedure	<p>(5) A justice may, if he or she considers it warranted in the circumstances, consider the application and evidence of any witnesses without notice to the person who is the subject of the application.</p>	<p>(5) Le juge peut, s'il l'estime justifié dans les circonstances, étudier la demande et les dépositions des témoins sans aucun avis à la personne visée dans la demande.</p>
Order	<p>(6) After considering an application made under subsection (2) and the evidence of any witnesses, the justice may issue an order that the person who is the subject of the application be examined involuntarily by a health professional, if the justice finds that</p> <ul style="list-style-type: none"> (a) the person appears to be suffering from a mental disorder; (b) because of the mental disorder, the person <ul style="list-style-type: none"> (i) is likely to cause serious harm to himself or herself or to another person, or to suffer substantial mental or physical deterioration, or serious physical impairment, or (ii) has recently caused serious harm to himself or herself or to another person, or has threatened or attempted to cause such harm; (c) the person should be examined by a health professional to determine whether an involuntary psychiatric assessment of the person is required; and 	<p>(6) Après avoir étudié la demande faite en vertu du paragraphe (2) et les dépositions des témoins, le juge peut ordonner que la personne visée subisse l'examen non volontaire d'un professionnel de la santé, s'il conclut qu'elle se trouve dans la situation suivante :</p> <ul style="list-style-type: none"> a) elle semble atteint de troubles mentaux; b) en raison des troubles mentaux, selon le cas : <ul style="list-style-type: none"> (i) elle risque de s'infliger ou de causer à autrui un préjudice grave, ou de subir une importante détérioration mentale ou physique, ou une déficience physique grave, (ii) elle s'est récemment infligée ou a récemment causé à autrui un préjudice grave, ou a menacé ou tenté de le faire; <p>c) elle devrait être examinée par un professionnel de la santé pour déterminer s'il faut procéder à l'évaluation psychiatrique non volontaire;</p>

	<p>(d) the person has refused to undergo or appears not to be mentally competent to consent to an examination by a health professional to assess the mental state of the person.</p>	<p>d) elle a refusé de subir l'examen d'un professionnel de la santé afin d'évaluer son état mental, ou ne semble pas mentalement capable d'y consentir.</p>
Authorized acts	<p>(7) Subject to this Act, an order issued under subsection (6) for an involuntary examination of a person authorizes</p>	<p>(7) Sous réserve de la présente loi, l'ordonnance rendue en vertu du paragraphe (6) en vue de l'examen non volontaire d'une personne autorise, à la fois :</p>
	<ul style="list-style-type: none"> (a) apprehension of the person by a peace officer and conveyance of the person by a peace officer or other authorized person to a health facility; (b) care for and observation, examination, assessment and treatment of the person for 72 hours after conveyance of the person to a health facility; and (c) detention and control of the person for the purposes of paragraphs (a) and (b). 	<ul style="list-style-type: none"> a) l'appréhension de la personne par un agent de la paix et son transport par un agent de la paix ou une autre personne autorisée à un établissement de santé; b) l'apport de soins à la personne, et l'observation, l'examen, l'évaluation et le traitement de celle-ci pendant 72 heures après son arrivée à l'établissement de santé; c) la détention et la maîtrise de la personne aux fins des alinéas a) et b).
Expiration of authority	<p>(8) The authority under paragraph (7)(a) to apprehend a person and convey him or her to a health facility expires at the end of the seventh day after the order referred to in subsection (6) is issued.</p>	<p>(8) Le pouvoir prévu à l'alinéa (7)a) d'appréhender la personne et de la transporter à un établissement de santé cesse à la fin du septième jour qui suit la délivrance de l'ordonnance visée au paragraphe (6). Expiration du pouvoir</p>
Apprehension by peace officer	<p>Peace Officer Authority to Apprehend for Involuntary Examination</p>	<p>Pouvoir des agents de la paix d'appréhender en vue d'un examen non volontaire</p>
	<p>12. (1) A peace officer may, without an order issued under subsection 11(6), apprehend a person and convey him or her to a health facility for the purpose of an examination by a health professional to determine whether a certificate of involuntary assessment of the person should be issued, if the peace officer has reasonable grounds to believe that</p> <ul style="list-style-type: none"> (a) the person is suffering from a mental disorder; (b) because of the mental disorder, the person <ul style="list-style-type: none"> (i) is likely to cause serious harm to himself or herself or to another person, or to suffer substantial mental or physical deterioration, or serious physical impairment, or (ii) has recently caused serious harm to himself or herself or to another person, or has threatened or attempted to cause such harm; (c) the person should be examined by a health professional to determine whether an involuntary psychiatric assessment of 	<p>12. (1) Tout agent de la paix peut, sans ordonnance délivrée en vertu du paragraphe 11(6), apprêhender une personne et la transporter à un établissement de santé pour se faire examiner par un professionnel de la santé pour déterminer s'il faut délivrer un certificat d'évaluation non volontaire à son égard, s'il a des motifs raisonnables de croire que la personne se trouve dans la situation suivante :</p> <ul style="list-style-type: none"> a) elle est atteinte de troubles mentaux; b) en raison des troubles mentaux, selon le cas : <ul style="list-style-type: none"> (i) elle risque de s'infliger ou de causer à autrui un préjudice grave, ou de subir une importante détérioration mentale ou physique, ou une déficience physique grave, (ii) elle s'est récemment infligée ou a récemment causé à autrui un préjudice grave, ou a menacé ou tenté de le faire; c) elle devrait être examinée par un professionnel de la santé pour déterminer s'il faut procéder à l'évaluation <p>Appréhension par un agent de la paix</p>

	<p>the person is required;</p> <p>(d) the person is unwilling to undergo or appears not to be mentally competent to consent to an examination by a health professional to assess the mental state of the person; and</p> <p>(e) by reason of exigent circumstances, it would be impracticable to obtain an order under subsection 11(6).</p>	<p>psychiatrique non volontaire;</p> <p>d) elle est réticente à subir l'examen d'un professionnel de la santé afin d'évaluer son état mental, ou ne semble pas mentalement capable d'y consentir;</p> <p>e) l'urgence de la situation rend difficilement réalisable l'obtention d'une ordonnance en vertu du paragraphe 11(6).</p>
Direct conveyance	<p>(1.1) Subject to subsection (1.2), the authority of a peace officer under subsection (1) is authority to apprehend a person and convey him or her directly to a health facility.</p>	<p>(1.1) Sous réserve du paragraphe (1.2), le pouvoir d'un agent de la paix prévu au paragraphe (1) constitue le pouvoir d'appréhender une personne et de la transporter directement à un établissement de santé.</p>
Exception	<p>(1.2) If it is not possible to convey a person apprehended under subsection (1) directly to a health facility, any temporary detention of the person must be in accordance with the regulations.</p>	<p>(1.2) S'il n'est pas possible de transporter une personne appréhendée en vertu du paragraphe (1) directement à un établissement de santé, toute détention temporaire de la personne doit être conforme aux règlements.</p>
Authorized acts	<p>(2) Where, under subsection (1), a peace officer conveys a person to a health facility,</p> <p>(a) a health professional may examine the person to determine whether to issue a certificate of involuntary assessment of the person; and</p> <p>(b) the person may be detained and controlled for the purposes of apprehension and conveyance under subsection (1) and examination under paragraph (a).</p>	<p>(2) Lorsque, en vertu du paragraphe (1), un agent de la paix transporte une personne à un établissement de santé :</p> <p>a) d'une part, un professionnel de la santé peut alors examiner la personne pour déterminer s'il faut délivrer un certificat d'évaluation non volontaire à son égard;</p> <p>b) d'autre part, la personne peut être détenue et maîtrisée aux fins de l'appréhension et du transport prévus au paragraphe (1) et de l'examen prévu à l'alinéa a).</p>
Expiration of authority	<p>(3) Subject to the regulations, the authority under this section to convey a person to a health facility and detain the person expires 24 hours after he or she is apprehended.</p>	<p>(3) Sous réserve des règlements, le pouvoir prévu au présent article de transporter une personne à un établissement de santé et de détenir la personne prend fin 24 heures après l'appréhension.</p>
Certificate of involuntary admission	<p>Involuntary Admission</p> <p>13. (1) A medical practitioner who has conducted an involuntary psychiatric assessment of a person may require the admission of the person to a designated facility as an involuntary patient by issuing a certificate of involuntary admission, if</p> <p>(a) a certificate of involuntary assessment of the person is in effect; and</p> <p>(b) the medical practitioner has personally examined the person and is of the opinion that the person</p> <p>(i) is suffering from a mental disorder,</p> <p>(ii) is likely to cause serious harm to</p>	<p>Admission involontaire</p> <p>13. (1) Le médecin qui a fait une évaluation psychiatrique non volontaire d'une personne peut exiger l'admission de celle-ci dans un établissement désigné comme patient en placement non volontaire en délivrant un certificat d'admission involontaire, si les deux conditions suivantes sont réunies :</p> <p>a) un certificat d'évaluation non volontaire de la personne est en vigueur;</p> <p>b) le médecin a personnellement examiné la personne et il est d'avis qu'elle se trouve dans la situation suivante :</p> <p>(i) elle est atteinte de troubles mentaux,</p>

	<p>himself or herself or to another person, or to suffer substantial mental or physical deterioration, or serious physical impairment if he or she is not admitted as an involuntary patient, and</p> <p>(iii) is not suitable to be admitted as a voluntary patient.</p>	<p>(ii) elle risque de s'infliger ou de causer à autrui un préjudice grave, ou de subir une importante détérioration mentale ou physique, ou une déficience physique grave si elle n'est pas admise comme patient en placement non volontaire,</p> <p>(iii) elle n'est pas apte à être admise comme patient en placement volontaire.</p>
Requirement	(2) A certificate of involuntary admission of a person may not be issued under subsection (1) by the medical practitioner who issued the certificate of involuntary assessment of the person.	<p>(2) Le certificat d'admission involontaire d'une personne ne peut pas être délivré en vertu du paragraphe (1) par le médecin qui a délivré le certificat d'évaluation non volontaire de la personne. LTN-O 2018, ch. 18, art. 15(3) et (4).</p>
Definition: "issuer"	<p>14. (1) In this section, "issuer" means the medical practitioner who issues a certificate of involuntary admission.</p>	<p>14. (1) Au présent article, «délivreur» s'entend du médecin qui délivre un certificat d'admission involontaire.</p>
Contents of certificate	<p>(2) A certificate of involuntary admission must include the following information:</p> <ul style="list-style-type: none"> (a) the name of the person who is subject to the certificate; (b) the name and address of the issuer; (c) the date and time when the issuer personally examined the person named in the certificate; (d) the facts on which the issuer relied to form the opinion that the person named in the certificate met the involuntary admission criteria, distinguishing the facts observed by the issuer from facts communicated to him or her by others; (e) the name and address of the designated facility where the person named in the certificate was examined; (f) the name and address of the designated facility where the person is to be admitted as an involuntary patient; (g) the date and time the certificate is issued; (h) the date and time of expiration of the certificate, which must not be later than the expiration of the period referred to in paragraph (3)(b). 	<p>(2) Le certificat d'admission involontaire doit comprendre les renseignements suivants :</p> <ul style="list-style-type: none"> a) le nom de la personne qu'il vise; b) le nom et l'adresse du délivreur; c) la date et l'heure auxquelles le délivreur a personnellement examiné la personne nommée dans le certificat; d) les faits sur lesquels s'est fondé le délivreur pour conclure que la personne nommée dans le certificat répondait aux critères d'admission involontaire, en distinguant ceux qu'il a lui-même observés de ceux qui lui ont été communiqués par des tiers; e) le nom et l'adresse de l'établissement désigné où s'est déroulé l'examen de la personne nommée dans le certificat; f) le nom et l'adresse de l'établissement désigné où la personne sera admise comme patient en placement non volontaire ; g) la date et l'heure de délivrance du certificat; h) la date et l'heure d'expiration du certificat, l'expiration ne devant pas être postérieure à la période visée à l'alinéa (3)b).
Authorized acts	<p>(3) Subject to this Act, a certificate of involuntary admission of a person authorizes</p>	<p>(3) Sous réserve de la présente loi, le certificat d'admission involontaire d'une personne autorise, à la fois :</p>

	<ul style="list-style-type: none"> (a) conveyance of the person by a peace officer or other authorized person to the designated facility where the person is to be admitted as a patient; (b) care for and observation, examination, assessment and treatment of the person for a period not exceeding 30 days after the certificate is issued; and (c) detention and control of the person for the purposes of paragraphs (a) and (b). 	a) le transport de la personne par un agent de la paix ou une autre personne autorisée à l'établissement désigné où la elle doit être admise comme patient; b) l'apport de soins à la personne, et l'observation, l'examen, l'évaluation et le traitement de celle-ci pendant une période maximale de 30 jours après la délivrance du certificat; c) la détention et la maîtrise de la personne aux fins des alinéas a) et b).
Admission as involuntary patient	LTN-O 2018, ch. 18, art. 15(4).	LTN-O 2018, ch. 18, art. 15(4).
Delay in conveying person	<p>15. (1) Subject to subsection (2), a person who is subject to a certificate of involuntary admission must be promptly admitted as an involuntary patient to the designated facility referred to in paragraph 14(2)(f).</p> <p>(2) In circumstances where it is impracticable to promptly convey a person who is subject to a certificate of involuntary admission to the designated facility named in the certificate, the person may be detained, pending admission to the facility, at a location authorized by the regulations, for a period not exceeding seven days.</p>	<p>15. (1) Sous réserve du paragraphe (2), la personne assujettie à un certificat d'admission involontaire doit être admise sans tarder comme patient en placement non volontaire dans l'établissement désigné visé à l'alinéa 14(2)f).</p> <p>(2) Dans les cas où il serait difficilement réalisable de transporter sans tarder la personne assujettie à un certificat d'admission involontaire à l'établissement désigné nommé dans le certificat, la personne peut être détenue, jusqu'à son admission dans l'établissement, dans un emplacement autorisé par règlement pour une période maximale de sept jours.</p>
Renewal of certificate	<p>16. A certificate of involuntary admission may be renewed in accordance with section 17.</p>	<p>16. Le certificat d'admission involontaire peut être renouvelé conformément à l'article 17.</p>
Requirement for assessment	Renewal Process	Processus de renouvellement
Cancellation or renewal certificate	<p>17. (1) The attending medical practitioner of an involuntary patient shall conduct an involuntary psychiatric assessment of the patient within 72 hours before the expiration of</p> <ul style="list-style-type: none"> (a) the certificate of involuntary admission of the patient; or (b) a renewal certificate. <p>(2) On concluding an involuntary psychiatric assessment under subsection (1) of an involuntary patient,</p> <ul style="list-style-type: none"> (a) if the medical practitioner is of the opinion that the involuntary admission criteria are no longer met, he or she shall cancel the certificate of involuntary admission of the patient and any renewal certificate; or (b) if the medical practitioner is of the opinion that the involuntary admission 	<p>17. (1) Le médecin traitant d'un patient en placement non volontaire fait l'évaluation psychiatrique non volontaire du patient dans les 72 heures qui précèdent l'expiration de l'un ou l'autre des certificats suivants :</p> <ul style="list-style-type: none"> a) le certificat d'admission involontaire du patient; b) tout certificat de renouvellement. <p>(2) Au terme de l'évaluation psychiatrique non volontaire prévue au paragraphe (1) d'un patient en placement non volontaire , le médecin :</p> <ul style="list-style-type: none"> a) s'il est d'avis que les critères d'admission involontaire ne sont plus remplis, annule le certificat d'admission involontaire du patient et tout certificat de renouvellement; b) s'il est d'avis que les critères d'admission involontaire sont toujours remplis, peut renouveler le certificat d'admission

		criteria continue to be met, he or she may renew the certificate of involuntary admission of the patient by issuing a renewal certificate.	involontaire du patient en délivrant un certificat de renouvellement. LTN-O 2018, ch. 18, art. 15(4).
First renewal certificate	18. (1) A first renewal certificate authorizes	(a) care for and observation, examination, assessment and treatment of the patient who is subject to it for a period not exceeding 30 days after the certificate is issued; and (b) detention and control of the patient who is subject to it for the purposes of paragraph (a).	18. (1) Le premier certificat de renouvellement autorise :
Second renewal certificate	(2) A second renewal certificate authorizes	(a) care for and observation, examination, assessment and treatment of the patient who is subject to it for a period not exceeding 60 days after the certificate is issued; and (b) detention and control of the patient who is subject to it for the purposes of paragraph (a).	(a) d'une part, l'apport de soins au patient qu'il vise, et l'observation, l'examen, l'évaluation et le traitement de celui-ci pendant une période maximale de 30 jours après la délivrance du certificat; (b) d'autre part, la détention et la maîtrise du patient qu'il vise aux fins de l'alinéa a).
Third or subsequent renewal certificate	(3) A third or subsequent renewal certificate authorizes	(a) care for and observation, examination, assessment and treatment of the patient who is subject to it for a period not exceeding 90 days after the certificate is issued; and (b) detention and control of the patient who is subject to it for the purposes of paragraph (a).	(2) Le deuxième certificat de renouvellement autorise : (a) d'une part, l'apport de soins au patient qu'il vise, et l'observation, l'examen, l'évaluation et le traitement de celui-ci pendant une période maximale de 60 jours après la délivrance du certificat; (b) d'autre part, la détention et la maîtrise du patient qu'il vise aux fins de l'alinéa a).
Definition: "issuer"	19. (1) In this section, "issuer" means the medical practitioner who issues a renewal certificate.		(3) Le troisième certificat de renouvellement ou tout certificat de renouvellement subséquent autorise : (a) d'une part, l'apport de soins au patient qu'il vise, et l'observation, l'examen, l'évaluation et le traitement de celui-ci pendant une période maximale de 90 jours après la délivrance du certificat; (b) d'autre part, la détention et la maîtrise du patient qu'il vise aux fins de l'alinéa a).
Contents of certificate	(2) A renewal certificate must include the following information:	(a) the name of the patient who is subject to the certificate; (b) the name and address of the issuer; (c) the date and time when the issuer personally examined the patient named in the certificate; (d) the facts on which the issuer relied to form the opinion that the patient named in the certificate met the involuntary admission criteria, distinguishing the facts observed by the issuer from facts communicated to him or her by others;	19. (1) Au présent article, «délivreur» s'entend du médecin qui délivre un certificat de renouvellement.
			Définition : «délivreur»
			(2) Le certificat de renouvellement doit comprendre les renseignements suivants :
			(a) le nom du patient qu'il vise; (b) le nom et l'adresse du délivreur; (c) la date et l'heure auxquelles le délivreur a personnellement examiné le patient nommé dans le certificat; (d) les faits sur lesquels s'est fondé le délivreur pour conclure que le patient nommé dans le certificat répondait aux critères d'admission involontaire, tout en distinguant les faits qu'il a lui-même observés d'avec ceux qui lui ont été communiqués par des tiers;

- (e) the name and address of the designated facility where the patient named in the certificate was examined;
- (f) the date and time the certificate is issued;
- (g) the date and time of expiration of the certificate, which must not be later than the expiration of the applicable period referred to in paragraph 18(1)(a), (2)(a) or (3)(a).

Ongoing Assessment

Requirement for assessment	<p>20. (1) The attending medical practitioner of an involuntary patient shall conduct psychiatric assessments of the patient on a reasonable ongoing basis to determine whether the involuntary admission criteria continue to be met.</p>	<p>e) le nom et l'adresse de l'établissement désigné où s'est déroulé l'examen du patient nommé dans le certificat;</p> <p>f) la date et l'heure de délivrance du certificat;</p> <p>g) la date et l'heure d'expiration du certificat, l'expiration ne devant pas être postérieure à l'expiration de la période pertinente visée à l'alinéa 18(1)a), (2)a) ou (3)a).</p>	Évaluation continue
Cancellation of certificate	<p>(2) If the medical practitioner referred to in subsection (1) is of the opinion that the involuntary admission criteria are no longer met, he or she shall cancel the certificate of involuntary admission of the patient and any renewal certificate.</p>	<p>20. (1) Le médecin traitant d'un patient en placement non volontaire fait des évaluations psychiatriques du patient, de façon raisonnablement continue, afin de déterminer si les critères d'admission involontaire sont toujours remplis.</p>	Annulation du certificat
Change of patient status and notice	<p>21. On the expiration or cancellation of a certificate of involuntary admission of a person and any renewal certificate,</p> <ul style="list-style-type: none"> (a) the person who was subject to the certificate ceases to be an involuntary patient; and (b) the director of the facility where the person was admitted or the attending medical practitioner of the person shall ensure that the person is notified that he or she is no longer an involuntary patient. 	<p>21. Dès l'expiration ou l'annulation du certificat d'admission involontaire d'une personne et de tout certificat de renouvellement :</p> <ul style="list-style-type: none"> a) d'une part, la personne qui était assujettie au certificat cesse d'être un patient en placement non volontaire; b) d'autre part, le directeur de l'établissement où était admise la personne, ou le médecin traitant de la personne, assure que l'on avise la personne qu'elle n'est plus un patient en placement non volontaire. 	Changement de statut du patient
Release or change in status	<p>22. On the expiration or cancellation of a certificate of involuntary admission of a person who is detained in a designated facility, and any renewal certificate,</p> <ul style="list-style-type: none"> (a) the attending medical practitioner shall notify the person <ul style="list-style-type: none"> (i) that he or she is free to leave the facility, and (ii) that he or she may request to remain in the facility as a voluntary patient; and (b) the person must be released from the designated facility unless his or her status 	<p>22. Dès l'expiration ou l'annulation du certificat d'admission involontaire d'une personne détenue dans un établissement désigné et de tout certificat de renouvellement :</p> <ul style="list-style-type: none"> a) d'une part, le médecin traitant avise la personne à la fois : <ul style="list-style-type: none"> (i) qu'elle est libre de quitter l'établissement, (ii) qu'elle peut demander de rester dans l'établissement comme patient en placement volontaire; b) d'autre part, la personne doit être libérée 	Libération ou changement de statut

	<p>is changed, with his or her consent, to that of a voluntary patient.</p>	<p>de l'établissement désigné, sauf si elle a désormais, avec son consentement, le nouveau statut de patient en placement volontaire.</p>
	<p>LTN-O 2018, ch. 18, art. 15(3).</p>	
	<p>Transfer of Involuntary Patients</p>	<p>Transfert des patients en placement non volontaire</p>
Transfer within NWT	<p>23. (1) The director of a designated facility may, in writing, authorize the transfer of an involuntary patient to another designated facility or to another health facility, if</p> <ul style="list-style-type: none"> (a) the director is satisfied that the transfer is in the best interests of the patient; and (b) an agreement to admit the patient has been entered into with the receiving facility. <p>(2) The director of a designated facility shall, when determining the best interests of an involuntary patient for the purposes of paragraph (1)(a),</p> <ul style="list-style-type: none"> (a) consult with the attending medical practitioner, the patient's other health care providers, the patient and, if applicable, his or her substitute decision maker; and (b) in the case of a patient who is subject to a treatment decision certificate, consider any wishes expressed by the patient when he or she was mentally competent to make treatment decisions. <p>(3) The authority conferred by any certificates to which an involuntary patient is subject under this Act continues in effect in the designated facility or other health facility to which the patient is transferred.</p> <p>(4) Until the time a certificate of involuntary admission of a patient and any renewal certificate ceases to have effect, if an involuntary patient is transferred to a health facility that is not a designated facility,</p> <ul style="list-style-type: none"> (a) the patient continues as an involuntary patient; and (b) the health facility to which the patient is transferred is deemed to be a designated facility for the purposes of the application of this Act. 	<p>LTN-O 2018, ch. 18, art. 15(5).</p> <p>23. (1) Le directeur d'un établissement désigné peut, par écrit, autoriser le transfert d'un patient en placement non volontaire à un autre établissement désigné ou un autre établissement de santé, si les deux conditions suivantes sont réunies :</p> <ul style="list-style-type: none"> a) il est convaincu que le transfert est dans l'intérêt véritable du patient; b) un accord d'admission du patient a été conclu avec l'établissement d'accueil. <p>(2) Le directeur d'un établissement désigné, lorsqu'il détermine l'intérêt véritable du patient en placement non volontaire aux fins de l'alinéa (1)a) :</p> <ul style="list-style-type: none"> a) d'une part, consulte le médecin traitant, les autres fournisseurs de soins de santé du patient, le patient et, s'il y a lieu, son mandataire spécial; b) d'autre part, dans le cas d'un patient assujetti à un certificat relatif aux décisions liées au traitement, prend en compte les volontés qu'a exprimées le patient lorsqu'il était mentalement capable de prendre des décisions liées au traitement. <p>(3) Le pouvoir que confère tout certificat auquel est assujetti un patient en placement non volontaire en vertu de la présente loi est maintenu dans l'établissement désigné ou autre établissement de santé d'accueil.</p> <p>(4) Jusqu'à ce que le certificat d'admission involontaire d'un patient ou tout certificat de renouvellement cesse d'avoir effet, advenant le transfert du patient en placement non volontaire à un établissement de santé qui n'est pas un établissement désigné :</p> <ul style="list-style-type: none"> a) d'une part, le patient demeure un patient en placement non volontaire; b) d'autre part, l'établissement de santé d'accueil est réputé être un établissement désigné pour l'application de la présente loi.
Best interests of involuntary patient		Transfert à l'intérieur des T.N.-O.
Authority of certificates		Intérêt véritable du patient en placement non volontaire
Status of patient on transfer to health facility		Pouvoir en vertu de certificats
		Statut du patient lors du transfert à un établissement de santé

Authority to convey patient	(5) A written authorization issued under subsection (1) authorizes conveyance of the involuntary patient by a peace officer or other authorized person to the receiving designated facility or other health facility and detention and control of the patient for the purpose of conveyance.	(5) L'autorisation écrite délivrée en vertu du paragraphe (1) permet le transport du patient en placement non volontaire par un agent de la paix ou une autre personne autorisée à l'établissement désigné ou autre établissement de santé d'accueil, et la détention et la maîtrise du patient aux fins du transport. LTN-O 2018, ch. 18, art. 15(4).	Pouvoir de transporter le patient
Transfer out of NWT	24. (1) The director of a designated facility may issue a certificate authorizing the transfer of an involuntary patient to a psychiatric facility or hospital outside the Northwest Territories where hospitalization has been arranged, if <ul style="list-style-type: none"> (a) the patient has come to or been brought into the Northwest Territories from elsewhere and the hospitalization is the responsibility of the jurisdiction to which the patient is to be transferred; (b) the director is satisfied that the transfer is in the best interests of the patient; or (c) a medical practitioner certifies that the patient cannot be properly cared for, observed, examined, assessed, treated, detained or controlled in a designated facility or health facility in the Northwest Territories. 	24. (1) Le directeur d'un établissement désigné peut délivrer un certificat autorisant le transfert d'un patient en placement non volontaire à un établissement psychiatrique ou un hôpital à l'extérieur des Territoires du Nord-Ouest où l'hospitalisation a été prévue si, selon le cas : <ul style="list-style-type: none"> a) le patient est venu aux Territoires du Nord-Ouest, ou y a été amené, en provenance d'ailleurs, et l'hospitalisation relève du ressort vers lequel sera transféré le patient; b) le directeur est convaincu que le transfert est dans l'intérêt véritable du patient; c) un médecin atteste que le patient ne peut être soigné, observé, examiné, évalué, traité, détenu ou maîtrisé convenablement dans un établissement désigné ou un établissement de santé des Territoires du Nord-Ouest. 	Transfert hors des T.N.-O
Consent required	(2) A certificate may not be issued under paragraph (1)(a) or (b) unless the patient or, if applicable, his or her substitute decision maker consents.	(2) Aucun certificat ne peut être délivré en vertu de l'alinéa (1)a) ou b) sans le consentement du patient ou, s'il y a lieu, de son mandataire spécial.	Consentement requis
Best interests of involuntary patient	(3) The director of a designated facility shall, when determining the best interests of an involuntary patient for the purposes of paragraph (1)(b), <ul style="list-style-type: none"> (a) consult with the attending medical practitioner, the patient's other health care providers, the patient and, if applicable, his or her substitute decision maker; and (b) in the case of a patient who is subject to a treatment decision certificate, consider any wishes expressed by the patient when he or she was mentally competent to make treatment decisions. 	(3) Le directeur d'un établissement désigné, lorsqu'il détermine l'intérêt véritable d'un patient en placement non volontaire aux fins de l'alinéa (1)b) : <ul style="list-style-type: none"> a) d'une part, consulte le médecin traitant, les autres fournisseurs de soins de santé du patient, le patient et, s'il y a lieu, son mandataire spécial; b) d'autre part, à l'égard d'un patient assujetti à un certificat relatif aux décisions liées au traitement, prend en compte les volontés qu'il a exprimées lorsqu'il était mentalement capable de prendre des décisions liées au traitement. 	Intérêt véritable du patient en placement non volontaire
Authority to convey patient	(4) A certificate issued under subsection (1) authorizes conveyance of the involuntary patient by a peace officer or other authorized person for the	(4) Le certificat délivré en vertu du paragraphe (1) autorise le transport du patient en placement non volontaire par un agent de la paix ou	Pouvoir de transporter le patient

Transfer into NWT	<p>purpose of transfer out of Northwest Territories and detention and control of the patient for the purpose of conveyance.</p> <p>25. (1) The director of a designated facility may, in writing, authorize the transfer of a patient to the facility from a health facility outside the Northwest Territories, if the director is satisfied that</p>	<p>une autre personne autorisée aux fins du transfert en partance des Territoires du Nord-Ouest, et la détention et la maîtrise du patient aux fins du transport. LTN-O 2018, ch. 18, art. 15(4).</p>	Transfert aux T.N.-O.
Authorized acts	<p>(2) If a patient who is subject to a written authorization issued under subsection (1) is, under the law of the transferring jurisdiction, subject to an order or certificate similar to a certificate of involuntary admission, the written authorization issued under subsection (1) authorizes</p> <ul style="list-style-type: none"> (a) apprehension of the patient by a peace officer and conveyance of the patient by a peace officer or other authorized person to the designated facility; (b) care for and observation, examination, assessment and treatment of the patient for 72 hours after conveyance of the patient to the health facility; and (c) detention and control of the patient for the purposes of paragraphs (a) and (b). 	<p>(2) Si le patient visé dans l'autorisation écrite délivrée en vertu du paragraphe (1) est assujetti, au titre de la loi du ressort de départ, à une ordonnance ou un certificat semblable au certificat d'admission involontaire, l'autorisation écrite délivrée en vertu du paragraphe (1) autorise, à la fois :</p> <ul style="list-style-type: none"> a) l'appréhension du patient par un agent de la paix et son transport par un agent de la paix ou une autre personne autorisée à l'établissement désigné; b) l'apport de soins au patient et l'observation, l'examen, l'évaluation et le traitement de celui-ci pendant 72 heures après son arrivée à l'établissement de santé; c) la détention et la maîtrise du patient aux fins des alinéas a) et b). 	Actes autorisés
Examination	<p>(3) A patient transferred to a designated facility from a health facility outside the Northwest Territories must be examined by a medical practitioner as soon as possible to determine whether a certificate of involuntary assessment of the patient should be issued.</p>	<p>(3) Le patient transféré à un établissement désigné en provenance d'un établissement de santé de l'extérieur des Territoires du Nord-Ouest doit être examiné par un médecin dès que possible pour déterminer s'il faut délivrer un certificat d'évaluation non volontaire à son égard.</p>	Examen
Consent to treatment	<p>PART 3 TREATMENT DECISIONS</p> <p>Consent, Information and Emergency Treatment</p> <p>26. Subject to this Act and to other exceptions under the law in respect of the requirement for consent to medical treatment, a patient who is subject to this Act has the right to consent to or refuse psychiatric and other medical treatment.</p>	<p>PARTIE 3 DÉCISIONS LIÉES AU TRAITEMENT</p> <p>Consentement, information et traitement d'urgence</p> <p>26. Sous réserve de la présente loi et d'autres dérogations prévues par la loi concernant l'obligation d'obtenir le consentement au traitement médical, tout patient assujetti à la présente loi a le droit d'accepter ou de refuser tout traitement psychiatrique et autre traitement médical.</p>	Consentement au traitement

Right to information	27. A patient and, if applicable, his or her substitute decision maker, has the right to be informed by the attending medical practitioner of the purpose, nature and effect of diagnostic procedures to be performed and treatment to be provided.	27. Le patient et, s'il y a lieu, son mandataire spécial ont le droit d'être informés par le médecin traitant du but, de la nature et des conséquences de l'examen diagnostique et du traitement prévus.	Droit à l'information
Emergency treatment	28. (1) Subject to subsections (2) and (3), if the delay required to obtain consent will prolong suffering by a patient who is subject to this Act, or put the patient at risk of sustaining serious bodily harm, emergency treatment may be provided, without consent, to <ul style="list-style-type: none"> (a) a patient who lacks the capacity to consent, in the case of a patient who is not subject to a treatment decision certificate; or (b) a patient, pending consent by a substitute decision maker or an order in respect of treatment from a review panel or court, in the case of a patient who is subject to a treatment decision certificate. 	28. (1) Sous réserve des paragraphes (2) et (3), si le délai requis pour obtenir le consentement prolongera les souffrances d'un patient assujetti à la présente loi, ou mettra le patient en danger de subir une lésion corporelle grave, un traitement d'urgence peut être fourni, sans consentement : <ul style="list-style-type: none"> a) au patient qui n'a pas la capacité de consentir, dans le cas d'un patient non assujetti à un certificat relatif aux décisions liées au traitement; b) au patient, en attente du consentement du mandataire spécial ou d'une ordonnance d'un comité de révision ou d'un tribunal relativement au traitement, dans le cas d'un patient assujetti à un certificat relatif aux décisions liées au traitement. 	Traitement d'urgence
Second opinion	(2) Except where a second medical practitioner is not available, emergency treatment must not be provided under subsection (1) unless a second medical practitioner <ul style="list-style-type: none"> (a) confirms the incapacity and the need for treatment, in the case of paragraph (1)(a); or (b) confirms the need for treatment, in the case of paragraph (1)(b). 	(2) Sauf si un deuxième médecin n'est pas disponible, un traitement d'urgence ne doit pas être fourni en vertu du paragraphe (1), à moins qu'un deuxième médecin ne confirme : <ul style="list-style-type: none"> a) quant à l'alinéa (1)a), l'incapacité du patient et la nécessité du traitement; b) quant à l'alinéa (1)b), la nécessité du traitement. 	Contre-expertise
Termination of authority	(3) The authority under subsection (1) to provide emergency treatment without consent ceases, <ul style="list-style-type: none"> (a) in respect of paragraph (1)(a), when the patient gains capacity to consent or a treatment decision certificate is issued in respect of the patient; or (b) in respect of paragraph (1)(b), when a treatment decision is made by a substitute decision maker, or an applicable order is made by a review panel or a court. 	(3) Le pouvoir prévu au paragraphe (1) de fournir un traitement d'urgence sans consentement cesse : <ul style="list-style-type: none"> a) quant à l'alinéa (1)a), lorsque le patient retrouve la capacité de consentir ou lors de la délivrance d'un certificat relatif aux décisions liées au traitement à l'égard du patient; b) quant à l'alinéa (1)b), lors de la prise d'une décision liée au traitement par le mandataire spécial, ou d'une ordonnance pertinente d'un comité de révision ou d'un tribunal. 	Cessation du pouvoir
Determining mental competence	Mental Competence to Make Treatment Decisions	Capacité mentale de prendre des décisions liées au traitement	
	29. (1) The attending medical practitioner of a patient <ul style="list-style-type: none"> (a) shall, as soon as reasonably possible after the patient is admitted to a designated facility, determine whether the patient is 	29. (1) Le médecin traitant d'un patient : <ul style="list-style-type: none"> a) d'une part, dès que possible après l'admission du patient dans un établissement désigné, détermine si le 	Détermination de la capacité mentale

Factors	<p>(2) In determining the mental competence of a patient to make treatment decisions, the medical practitioner shall consider</p> <ul style="list-style-type: none"> (a) whether the patient understands <ul style="list-style-type: none"> (i) the conditions for which treatment is proposed, (ii) the nature and purpose of the treatment, (iii) the risks and benefits involved in undergoing the treatment, and (iv) the risks and benefits involved in not undergoing the treatment; and (b) whether the mental condition of the patient affects his or her ability to appreciate the consequences of making treatment decisions. 	<p>patient est mentalement capable de prendre des décisions liées au traitement;</p> <p>b) d'autre part, peut, en d'autres occasions, déterminer si le patient est mentalement capable de prendre des décisions liées au traitement.</p>
Treatment decision certificate	<p>(3) An attending medical practitioner who is of the opinion that a patient is not mentally competent to make treatment decisions shall issue a treatment decision certificate in respect of the patient, with reasons for the opinion.</p>	<p>(2) Lorsqu'il détermine la capacité mentale du patient de prendre des décisions liées au traitement, le médecin prend en considération les facteurs suivants :</p> <p>a) si le patient comprend :</p> <ul style="list-style-type: none"> (i) l'état pour lequel le traitement est proposé, (ii) la nature et le but du traitement, (iii) les risques et les avantages du fait de subir le traitement, (iv) les risques et les avantages du fait de ne pas subir le traitement; <p>b) si l'état mental du patient influe sur sa capacité d'évaluer les conséquences de la prise de décisions liées au traitement.</p>
Inquiries for substitute decision maker	<p>(4) Where a treatment decision certificate is issued in respect of a patient, the attending medical practitioner or the director of the designated facility where the patient is admitted shall make reasonable inquiries to find a substitute decision maker for the patient.</p>	<p>(3) Le médecin traitant qui est d'avis que le patient n'est pas mentalement capable de prendre des décisions liées au traitement délivre un certificat relatif aux décisions liées au traitement à l'égard du patient, accompagné de ses motifs.</p>
Review required	<p>(5) The attending medical practitioner of a patient who is subject to a treatment decision certificate shall periodically review the mental condition of the patient to determine whether the patient has gained mental competence to make treatment decisions.</p>	<p>(4) Lorsqu'un certificat relatif aux décisions liées au traitement est délivré à l'égard d'un patient, le médecin traitant ou le directeur de l'établissement désigné où est admis le patient fait des recherches raisonnables afin de trouver un mandataire spécial pour le patient.</p>
Cancellation of certificate	<p>(6) The attending medical practitioner of a patient who is subject to a treatment decision certificate shall cancel the certificate if the medical practitioner is of the opinion that the patient has gained mental competence to make treatment decisions.</p>	<p>(5) Le médecin traitant d'un patient assujetti à un certificat relatif aux décisions liées au traitement réexamine périodiquement l'état mental du patient afin de déterminer s'il a retrouvé la capacité mentale de prendre des décisions liées au traitement.</p>
Expiration of certificate	<p>(7) A treatment decision certificate expires when the person who is subject to it ceases to be a patient.</p>	<p>(6) Le médecin traitant d'un patient assujetti à un certificat relatif aux décisions liées au traitement qui est d'avis que le patient a retrouvé la capacité mentale de prendre des décisions liées au traitement annule le certificat.</p> <p>(7) Le certificat relatif aux décisions liées au traitement expire lorsque la personne qu'il vise cesse d'être un patient.</p>

	Substitute Decision Makers and Treatment Decisions	Mandataires spéciaux et décisions liées au traitement
Definition: "nearest relative"	<p>30. (1) In this section, "nearest relative" means, with respect to a patient,</p> <ul style="list-style-type: none">(a) the living relative of the patient who is the adult relative first listed in the following subparagraphs and who is the eldest of two or more relatives of the same category:<ul style="list-style-type: none">(i) spouse,(ii) child,(iii) parent,(iv) sister or brother,(v) grandparent,(vi) grandchild,(vii) aunt or uncle,(viii) niece or nephew; and(b) in the absence of a relative referred to in paragraph (a), an adult friend of the person.	<p>30. (1) Au présent article, «plus proche parent», à l'égard d'un patient, s'entend des personnes suivantes :</p> <ul style="list-style-type: none">a) le parent adulte qui est le premier énuméré aux alinéas qui suivent et qui est l'aîné d'au moins deux parents de la même catégorie :<ul style="list-style-type: none">(i) le conjoint,(ii) l'enfant,(iii) la mère ou le père,(iv) la soeur ou le frère,(v) la grand-mère ou le grand-père,(vi) la petite-fille ou le petit-fils,(vii) la tante ou l'oncle,(viii) la nièce ou le neveu;b) en l'absence d'un parent visé à l'alinéa a), un ami adulte.
Designation of substitute decision maker	<p>(2) A substitute decision maker must be designated, in writing, to make treatment decisions on behalf of a patient who is subject to a treatment decision certificate, by the attending medical practitioner or the director of the designated facility where the patient is admitted.</p>	<p>(2) À l'égard d'un patient assujetti à un certificat relativ aux décisions liées au traitement, le médecin traitant ou le directeur de l'établissement désigné où est admis le patient doit désigner, par écrit, un mandataire spécial pour prendre les décisions liées au traitement au nom du patient.</p>
Requirements for designation	<p>(3) To be eligible for designation as a substitute decision maker, a person must be</p> <ul style="list-style-type: none">(a) available to make treatment decisions on behalf of the patient;(b) willing to make treatment decisions on behalf of the patient; and(c) apparently mentally competent.	<p>(3) Pour être admissible à être désignée mandataire spécial, toute personne doit, à la fois :</p> <ul style="list-style-type: none">a) être disponible pour prendre les décisions liées au traitement au nom du patient;b) être disposée à prendre les décisions liées au traitement au nom du patient;c) être apparemment mentalement capable.
Eligible persons	<p>(4) Subject to this section, each of the following persons is eligible to be designated as a substitute decision maker for a patient:</p> <ul style="list-style-type: none">(a) a person who has lawful custody of or lawful authority in respect of a patient who is a minor;(b) a legal guardian of the patient;(c) an agent of the patient under a personal directive within the meaning of the <i>Personal Directives Act</i>;(d) if paragraphs (a), (b) and (c) do not apply, the nearest relative of the patient.	<p>(4) Sous réserve du présent article, est admissible à être désignée mandataire spécial d'un patient chacune des personnes suivantes :</p> <ul style="list-style-type: none">a) à l'égard du patient mineur, toute personne qui a la garde légale ou qui détient l'autorité légitime;b) tout tuteur légal du patient;c) tout mandataire du patient en vertu d'une directive personnelle au sens de la <i>Loi sur les directives personnelles</i>;d) dans les autres cas, le plus proche parent du patient.
Conditions: nearest relative	<p>(5) A potential substitute decision maker under paragraph (4)(d) may not be designated as the substitute decision maker for a patient unless the</p>	<p>(5) Tout mandataire spécial éventuel prévu à l'alinéa (4)d) ne peut pas être désigné mandataire spécial d'un patient, sauf s'il remplit les conditions</p>

potential substitute decision maker	suitables :	
<ul style="list-style-type: none"> (a) has been in personal contact with the patient within the previous 12-month period; (b) is willing to assume responsibility for making treatment decisions on behalf of the patient; and (c) makes a written statement certifying <ul style="list-style-type: none"> (i) his or her relationship with the patient, (ii) that he or she has been in personal contact with the patient within the previous 12-month period, and (iii) that he or she is willing to assume responsibility for making treatment decisions on behalf of the patient. 		
Reliance on statement	(6) A medical practitioner may rely on the accuracy of information provided in a statement referred to in paragraph (5)(c) unless it is not reasonable to do so.	(6) Le médecin peut se fier à l'exactitude des renseignements contenus dans l'attestation écrite visée à l'alinéa (5)c), sauf s'il n'est pas raisonnable de le faire.
Application	(7) Subsections (8), (9) and (10) apply notwithstanding the priority under subsection (1) for determining the nearest relative of a patient.	(7) Les paragraphes (8), (9) et (10) s'appliquent malgré l'ordre de priorité prévu au paragraphe (1) pour déterminer le plus proche parent du patient.
Patient's choice of substitute decision maker	<p>(8) A patient must be given the opportunity to choose a substitute decision maker from the persons referred to in subsection (1), if</p> <ul style="list-style-type: none"> (a) paragraph (4)(d) applies in respect of the designation of a substitute decision maker; and (b) there are reasonable grounds to believe that the patient is competent to participate in a decision regarding his or her substitute decision maker. 	<p>(8) Le patient doit avoir l'occasion de choisir un mandataire spécial parmi les personnes visées au paragraphe (1) si :</p> <ul style="list-style-type: none"> a) d'une part, la désignation du mandataire spécial relève de l'alinéa (4)d); b) d'autre part, il existe des motifs raisonnables de croire que le patient est capable de prendre part à une décision quant à son mandataire spécial.
Designation	(9) A person chosen under subsection (8) who meets the requirements of subsections (3) and (5) must be designated as the substitute decision maker for the patient.	(9) Toute personne choisie en vertu du paragraphe (8) qui remplit les conditions des paragraphes (3) et (5) doit être désignée mandataire spécial du patient.
Consideration of patient's wishes	<p>(10) The attending medical practitioner of a patient, or the director, may designate any person described in subsection (1) to be the substitute decision maker for the patient, if</p> <ul style="list-style-type: none"> (a) paragraph (4)(d) applies in respect of the designation of a substitute decision maker; (b) there are not reasonable grounds to believe that the patient is competent to participate in a decision regarding his or her substitute decision maker; 	<p>(10) Le médecin traitant du patient, ou le directeur, peut désigner mandataire spécial du patient toute autre personne décrite au paragraphe (1) si les conditions suivantes sont réunies :</p> <ul style="list-style-type: none"> a) la désignation du mandataire spécial relève de l'alinéa (4)d); b) il n'existe pas de motifs raisonnables de croire que le patient est capable de prendre part à une décision quant à son mandataire spécial; c) le patient :

- (c) the patient
 - (i) objects to the nearest relative acting as his or her substitute decision maker, or
 - (ii) expresses a wish in respect of who, described in subsection (1), should be designated as substitute decision maker; and
- (d) the medical practitioner or director who makes the designation is satisfied, on giving consideration to the wishes of the patient, that it is appropriate to designate the person.

SNWT 2023,c.7,s.25(3).

Limitation of liability

- 31.** A medical practitioner is not liable for failure to request a treatment decision from a potential substitute decision maker, if the medical practitioner
- (a) has acted on a treatment decision made by a substitute decision maker designated under subsection 30(2), following reasonable inquiries for a substitute decision maker; or
 - (b) has acted on a treatment decision made otherwise in accordance with the law.

Wishes of patient

- 32.** (1) Subject to subsection (2), if a patient expressed wishes in respect of treatment when he or she was apparently mentally competent to make treatment decisions, the substitute decision maker for the patient shall make treatment decisions on behalf of the patient in accordance with those wishes.

Best interests of patient

- (2) A substitute decision maker shall make treatment decisions on behalf of a patient in accordance with what the substitute decision maker believes to be in the best interests of the patient, if
- (a) the substitute decision maker does not have knowledge of wishes referred to in subsection (1); or
 - (b) following the patient's express wishes would endanger the physical or mental health or safety of the patient or another person.

Determining best interests

- (3) A substitute decision maker shall consider the following factors when determining the best interests of a patient:
- (a) whether the condition of the patient will be or is likely to be improved by the treatment;

- (i) soit s'oppose à ce que le plus proche parent soit son mandataire spécial,
- (ii) soit exprime une volonté quant à la personne, parmi celles décrites au paragraphe (1), qui devrait être désignée mandataire spécial;
- d) le médecin ou le directeur qui fait la désignation est convaincu, lorsqu'il prend en compte les volontés du patient, qu'il convient de désigner la personne en cause.

31. Le médecin n'est pas responsable d'avoir omis de demander à un mandataire spécial éventuel de prendre une décision liée au traitement, selon le cas :

- a) s'il a donné suite à la décision liée au traitement prise par un mandataire spécial désigné en vertu du paragraphe 30(2), après avoir fait des recherches raisonnables afin de trouver un mandataire spécial;
- b) s'il a donné suite à une décision liée au traitement prise par ailleurs conformément à la loi.

32. (1) Sous réserve du paragraphe (2), le mandataire spécial du patient prend, au nom du patient, des décisions liées au traitement conformément aux volontés relatives au traitement qu'a, le cas échéant, exprimées le patient lorsqu'il était apparemment mentalement capable de prendre de telles décisions.

(2) Le mandataire spécial prend les décisions liées au traitement au nom du patient conformément à ce qu'il croit être dans l'intérêt véritable du patient si, selon le cas :

- a) il ne connaît pas les volontés du patient visées au paragraphe (1);
- b) le respect des volontés du patient compromettrait la santé physique ou mentale ou la sécurité du patient ou celle d'autrui.

(3) Afin de déterminer l'intérêt véritable du patient, le mandataire spécial examine les facteurs suivants :

- a) si le traitement améliorera ou est susceptible d'améliorer l'état du patient;
- b) si l'état du patient se détériorera ou risque

Limitation de responsabilité

Volontés du patient

Intérêt véritable du patient

Détermination de l'intérêt véritable

- (b) whether the condition of the patient will deteriorate or is likely to deteriorate without the treatment;
- (c) whether the anticipated benefits from the treatment outweigh the risks of harm to the patient;
- (d) whether the treatment is the least restrictive and least intrusive to meet treatment objectives;
- (e) wishes expressed by the patient when he or she was mentally competent to make treatment decisions.

Other Treatment Matters

Treatment despite refusal of consent by patient

33. (1) A medical practitioner may, in accordance with an order from a review panel, provide treatment for which consent has been refused by an involuntary patient who is mentally competent to make treatment decisions.

Treatment despite refusal of consent by substitute decision maker

(2) A medical practitioner may, in accordance with an order from a review panel, provide treatment for which consent has been refused on behalf of a patient by a substitute decision maker.

Patient consent required for psychosurgery

34. (1) Notwithstanding this Act, no person shall perform any procedure on a patient that, by direct or indirect access to the brain, removes, destroys, or interrupts the continuity of histologically normal brain tissue, or that inserts indwelling electrodes for pulsed electrical stimulation for the purpose of altering behaviour or treating psychiatric illness, unless

- (a) the patient is, in the opinion of his or her attending medical practitioner, mentally competent to make treatment decisions;
- (b) the patient consents to the procedure; and
- (c) if the patient is an involuntary patient, a review panel makes an order directing that the procedure may be performed.

Exception

(2) The prohibition in subsection (1) does not include neurological procedures used to diagnose or treat intractable physical pain or epilepsy where those conditions are clearly demonstrable.

- de se détériorer sans le traitement;
- c) si les avantages prévus du traitement l'emportent sur les risques de préjudice pour le patient;
- d) si le traitement est celui qui est le moins contraignant et le moins perturbateur;
- e) les volontés qu'a exprimées le patient lorsqu'il était mentalement capable de prendre des décisions liées au traitement.

Autres questions liées au traitement

33. (1) Un médecin peut, conformément à une ordonnance d'un comité de révision, fournir un traitement auquel a refusé de consentir un patient en placement non volontaire qui est mentalement capable de prendre des décisions liées au traitement.

Traitement malgré le refus de consentement du patient

(2) Un médecin peut, conformément à une ordonnance d'un comité de révision, fournir un traitement auquel un mandataire spécial a refusé de consentir au nom d'un patient. LTN-O 2018, ch. 18, art. 15(4).

Traitement malgré le refus de consentement du mandataire spécial

34. (1) Malgré la présente loi, il est interdit de faire sur un patient toute opération qui, par un accès direct ou indirect au cerveau, enlève ou détruit des cellules cérébrales ou entraîne un bris de continuité dans le tissu histologiquement normal ou qui consiste à implanter dans le cerveau des électrodes en vue d'obtenir par stimulation électrique une modification du comportement ou le traitement de maladies psychiatriques, sauf aux conditions suivantes :

- a) le patient est, de l'avis de son médecin traitant, mentalement capable de prendre des décisions liées au traitement;
- b) le patient consent à l'opération;
- c) dans le cas d'un patient en placement non volontaire, un comité de révision ordonne que l'opération peut être effectuée.

(2) L'interdiction prévue au paragraphe (1) ne vise pas des procédures neurologiques utilisées pour diagnostiquer ou traiter les douleurs physiques irréductibles ou l'épilepsie lorsque l'une de ces conditions existe réellement. LTN-O 2018, ch. 18, art. 15(4).

Consentement du patient à la psycho-chirurgie

**PART 4
LEAVE AND
TREATMENT IN COMMUNITY**

Short Term Leave

Short term leave certificate

35. (1) Subject to subsection (2), the attending medical practitioner of an involuntary patient admitted to a designated facility may issue a short term leave certificate authorizing the patient to be released from the facility on short term leave, subject to any conditions that the medical practitioner considers appropriate, for a period not exceeding 30 days after the certificate is issued.

Consent required

(2) A short term leave certificate for an involuntary patient may not be issued unless the patient or, if applicable, his or her substitute decision maker consents.

Expiration and conditions

(3) A short term leave certificate for an involuntary patient must include the date and time it expires and any conditions that the patient must comply with, including any conditions in respect of treatment and attendance at appointments, during the short term leave.

No change in status

(4) A person's status as an involuntary patient is not affected by short term leave taken under the authority of a short term leave certificate.

Return to designated facility

(5) An involuntary patient released on short term leave shall, by the date and time of expiration specified in the short term leave certificate, return to the designated facility from which the patient was released, unless he or she ceases to be an involuntary patient before that time.

Leave cancellation

36. (1) The attending medical practitioner of an involuntary patient who is subject to a short term leave certificate may cancel the certificate, if the medical practitioner

- (a) is of the opinion that the patient's mental condition may result in harm to the patient or another person if the patient does not return to the designated facility; or
- (b) determines that the patient has failed to comply with one or more conditions of the certificate.

**PARTIE 4
CONGÉ ET TRAITEMENT
EN MILIEU COMMUNAUTAIRE**

Congé de courte durée

Certificat de congé de courte durée

35. (1) Sous réserve du paragraphe (2), le médecin traitant d'un patient en placement non volontaire admis dans un établissement désigné peut délivrer un certificat de congé de courte durée autorisant le patient à quitter l'établissement pour un congé de courte durée, sous réserve des conditions qu'il estime indiquées, pour une période maximale de 30 jours à compter de la délivrance du certificat.

(2) Aucun certificat de congé de courte durée pour un patient en placement non volontaire ne peut être délivré sans le consentement du patient ou, s'il y a lieu, de son mandataire spécial.

(3) Le certificat de congé de courte durée pour un patient en placement non volontaire doit indiquer la date et l'heure de son expiration et les conditions que doit respecter le patient, notamment quant au traitement et à la présence aux rendez-vous, pendant le congé de courte durée.

Expiration et conditions

(4) Le statut de patient en placement non volontaire d'une personne n'est pas touché par le congé de courte durée pris en vertu d'un certificat de congé de courte durée.

Maintien du statut

(5) Le patient en placement non volontaire libéré pour un congé de courte durée retourne, au plus tard à la date et l'heure d'expiration précisées dans le certificat de congé de courte durée, à l'établissement désigné qu'il a quitté, sauf s'il cesse d'être un patient en placement non volontaire avant ce moment. LTN-O 2018, ch. 18, art. 15(4).

Retour à l'établissement désigné

36. (1) Le médecin traitant d'un patient en placement non volontaire assujetti à un certificat de congé de courte durée peut annuler le certificat, selon le cas :

- a) s'il est d'avis que l'état mental du patient peut entraîner un préjudice au patient ou à autrui si le patient ne retourne pas à l'établissement désigné;
- b) s'il détermine que le patient a fait défaut de respecter une ou plusieurs conditions du certificat de congé de courte durée.

Annulation de congé

Notice of cancellation	(2) On receiving notice of the cancellation of a short term leave certificate, an involuntary patient shall immediately return to the designated facility from which he or she was released on short term leave.	(2) Lorsqu'il reçoit avis de l'annulation du certificat de congé de courte durée, le patient en placement non volontaire retourne sans tarder à l'établissement désigné qu'il avait quitté pour un congé de courte durée. LTN-O 2018, ch. 18, art. 15(4).
Assisted community treatment certificate	Community Treatment	Traitement en milieu communautaire
Notice to director	<p>37. (1) The attending medical practitioner of an involuntary patient may, in accordance with this section and section 38, issue an assisted community treatment certificate authorizing the patient to reside outside a designated facility while receiving supervision and treatment or care.</p> <p>(2) An attending medical practitioner who intends to begin preparations for the issuance of an assisted community treatment certificate for an involuntary patient shall provide notice of that intention to the director of the designated facility where the patient is admitted.</p>	<p>37. (1) Le médecin traitant d'un patient en placement non volontaire peut, conformément au présent article et à l'article 38, délivrer un certificat de traitement en milieu communautaire assisté autorisant le patient à résider ailleurs que dans un établissement désigné tout en bénéficiant d'une surveillance et d'un traitement ou de soins.</p> <p>(2) Le médecin traitant qui a l'intention d'entamer les préparations en vue de la délivrance d'un certificat de traitement en milieu communautaire assisté pour un patient en placement non volontaire donne avis de son intention au directeur de l'établissement désigné où est admis le patient.</p>
Requirement for community treatment plan	<p>(3) Before issuing an assisted community treatment certificate for an involuntary patient, the attending medical practitioner shall, in accordance with the requirements of sections 39 and 40, prepare a community treatment plan.</p>	<p>(3) Avant de délivrer un certificat de traitement en milieu communautaire assisté pour un patient en placement non volontaire, le médecin traitant, conformément aux exigences des articles 39 et 40, élabore un plan de traitement en milieu communautaire.</p>
Consultation with patient	<p>(4) If the attending medical practitioner of an involuntary patient is considering the issuance of an assisted community treatment certificate for the patient, the medical practitioner shall consult with the patient and, if applicable, his or her substitute decision maker, in respect of the certificate process and the development of a community treatment plan for the patient.</p>	<p>(4) Le médecin traitant d'un patient en placement non volontaire qui envisage de délivrer un certificat de traitement en milieu communautaire assisté pour le patient consulte le patient et, s'il y a lieu, son mandataire spécial concernant le processus afférent au certificat et l'élaboration du plan de traitement en milieu communautaire pour le patient.</p>
Wishes of patient	<p>(5) For the purpose of subsection (4), when consulting with an involuntary patient who has a substitute decision maker, an attending medical practitioner shall take into account current wishes of the patient as well as any wishes expressed by the patient when apparently mentally competent.</p>	<p>(5) Aux fins du paragraphe (4), lorsqu'il consulte le patient en placement non volontaire qui a un mandataire spécial, le médecin traitant tient compte des volontés actuelles du patient ainsi que des volontés qu'il a exprimées lorsqu'il était apparemment mentalement capable.</p>
Examination of patient and opinion	<p>(6) A medical practitioner may only issue an assisted community treatment certificate for an involuntary patient if the medical practitioner has examined the patient within 72 hours before issuing the certificate and is of the opinion that</p> <p>(a) the patient is suffering from a mental disorder for which the patient is in need of supervision and treatment or care that</p>	<p>(6) Le médecin ne peut délivrer un certificat de traitement en milieu communautaire assisté pour un patient en placement non volontaire que s'il a examiné le patient dans les 72 heures qui précèdent la délivrance du certificat et s'il est d'avis que le patient est dans la situation suivante :</p> <p>a) il est atteint de troubles mentaux pour lesquels il nécessite une surveillance et</p>

- can be provided while the patient resides outside the designated facility;
- (b) if the patient does not receive supervision and treatment or care while residing outside the designated facility, he or she is likely, because of the mental disorder, to cause serious harm to himself or herself or to another person, or to suffer substantial mental or physical deterioration, or serious physical impairment;
 - (c) the patient is capable of complying with the requirements for supervision and treatment or care included in the community treatment plan;
 - (d) the patient is willing to comply with the requirements for supervision and treatment or care included in the community treatment plan; and
 - (e) adequate treatment, services and support are available and will be provided to the patient.

Definition:
"issuer"

38. (1) In this section, "issuer" means the medical practitioner who issues an assisted community treatment certificate.

Contents of
certificate

(2) An assisted community treatment certificate for an involuntary patient must include the following information:

- (a) the name of the patient who is subject to the certificate;
- (b) the name and address of the issuer;
- (c) the date and time when the issuer personally examined the patient named in the certificate;
- (d) the facts on which the issuer relied to form the opinions referred to in paragraphs 37(6)(a) to (e) distinguishing the facts observed by the issuer from facts communicated to him or her by others;
- (e) the name and address of the designated facility where the patient is deemed to be admitted while he or she resides outside the facility;
- (f) the date and time the certificate is issued;
- (g) a statement that the certificate expires if the patient ceases to be an involuntary patient;
- (h) the date and time of expiration of the certificate.

- un traitement ou des soins qui peuvent lui être offerts pendant qu'il réside ailleurs que dans l'établissement désigné;
- b) s'il ne reçoit pas de surveillance ni de traitement ou de soins pendant qu'il réside ailleurs que dans l'établissement désigné, le patient risque, en raison des troubles mentaux, de s'infliger ou de causer à autrui un préjudice grave, ou de subir une importante détérioration mentale ou physique, ou une déficience physique grave;
 - c) il est capable de respecter les conditions de surveillance et de traitement ou de soins prévus dans le plan de traitement en milieu communautaire;
 - d) il est disposé à respecter les conditions de surveillance et de traitement ou de soins prévues dans le plan de traitement en milieu communautaire;
 - e) un traitement, des services et le soutien appropriés sont disponibles et lui seront offerts. LTN-O 2018, ch. 18, art. 15(4).

38. (1) Au présent article, «délivreur» s'entend du Définition :
«délivreur» médecin qui délivre un certificat de traitement en milieu communautaire assisté.

(2) Le certificat de traitement en milieu communautaire assisté pour un patient en placement non volontaire doit comprendre les renseignements suivants :

- a) le nom de la personne qu'il vise;
- b) les nom et adresse du délivreur;
- c) la date et l'heure auxquelles le délivreur a personnellement examiné la personne nommée dans le certificat;
- d) les faits sur lesquels s'est fondé le délivreur pour arriver aux conclusions visées aux alinéas 37(6)a) à e), tout en distinguant les faits qu'il a lui-même observés d'avec ceux qui lui ont été communiqués par des tiers;
- e) le nom et l'adresse de l'établissement désigné où le patient est réputé admis pendant qu'il réside ailleurs;
- f) la date et l'heure de la délivrance du certificat;
- g) une déclaration portant que le certificat expire si le patient cesse d'être un patient en placement non volontaire;
- h) la date et l'heure d'expiration du certificat.

Contenu du
certificat

Duration of certificate	(3) An assisted community treatment certificate may be issued for a period not exceeding six months and may be <ul style="list-style-type: none"> (a) amended in accordance with the regulations; or (b) renewed, in accordance with the regulations, for subsequent periods not exceeding six months each. 	(3) Le certificat de traitement en milieu communautaire assisté peut être délivré pour une période maximale de six mois et peut être : <ul style="list-style-type: none"> a) soit modifié conformément aux règlements; b) soit renouvelé, conformément aux règlements, pour des périodes subséquentes maximales de six mois chacune. 	Durée du certificat
Copy of community treatment plan	(4) A copy of a community treatment plan for an involuntary patient must be appended to an assisted community treatment certificate.	(4) Une copie de tout plan de traitement en milieu communautaire pour un patient en placement non volontaire doit être annexée au certificat de traitement en milieu communautaire assisté.	Copie du plan de traitement en milieu communautaire
No change in status	(5) A person's status as an involuntary patient is not affected by his or her release from a designated facility under the authority of an assisted community treatment certificate.	(5) Le statut de patient en placement non volontaire d'une personne est maintenu même si la personne quitte un établissement désigné en vertu d'un certificat de traitement en milieu communautaire assisté.	Maintien du statut
Admission deemed to continue	(6) While an involuntary patient who is subject to an assisted community treatment certificate resides outside the designated facility named in the certificate, the admission of the patient to that facility is deemed to continue in effect.	(6) Pendant que le patient en placement non volontaire assujetti à un certificat de traitement en milieu communautaire assisté réside ailleurs que dans l'établissement désigné nommé dans le certificat, l'admission du patient dans cet établissement est réputé maintenue.	Maintien réputé de l'admission
Expiration on change of patient's status	(7) An assisted community treatment certificate expires when the person who is subject to the certificate ceases to be an involuntary patient.	(7) Le certificat de traitement en milieu communautaire assisté expire lorsque la personne qu'il vise cesse d'être un patient en placement non volontaire. LTN-O 2018, ch. 18, art. 15(4).	Expiration dès le changement de statut du patient
Consultation	39. (1) If the attending medical practitioner of an involuntary patient is considering the development of a community treatment plan for the patient, the medical practitioner shall consult with health professionals and other persons and bodies proposed to be named in the plan, to ensure that adequate treatment, services and support will be available for the patient.	39. (1) Le médecin traitant d'un patient en placement non volontaire qui envisage d'élaborer un plan de traitement en milieu communautaire pour le patient consulte les professionnels de la santé et les autres personnes et organismes que l'on envisage d'inclure dans le plan afin d'assurer la disponibilité du traitement, des services et du soutien appropriés pour le patient.	Consultation
Agreement required	(2) Before a community treatment plan is finalized, a written agreement must be received by the attending medical practitioner from each person and body named in the plan, in respect of the responsibilities of that person or body under the plan.	(2) Avant la mise au point définitive d'un plan de traitement en milieu communautaire, le médecin traitant doit recevoir de chaque personne et chaque organisme désignés dans le plan une entente écrite concernant les responsabilités de chacun en vertu du plan. LTN-O 2018, ch. 18, art. 15(4).	Entente obligatoire
Community treatment plan	40. (1) A community treatment plan for an involuntary patient must include <ul style="list-style-type: none"> (a) a plan for treatment of the patient; (b) a plan for other support, including income and housing, while the patient 	40. (1) Le plan de traitement en milieu communautaire pour un patient en placement non volontaire doit comprendre les éléments suivants : <ul style="list-style-type: none"> a) le plan de traitement du patient; b) un plan d'autres mesures de soutien, 	Plan de traitement en milieu communautaire

	<p>resides outside the designated facility;</p> <p>(c) conditions relating to the supervision and treatment or care of the patient;</p> <p>(d) the obligations of the patient in respect of supervision, treatment and other matters;</p> <p>(e) identification of the medical practitioner responsible for general supervision and management of the community treatment plan;</p> <p>(f) identification of a substitute decision maker, family member or other person who has agreed to monitor the patient, assist in his or her compliance with the plan and report to the medical practitioner responsible for general supervision and management;</p> <p>(g) the names of health professionals and other persons and bodies who have agreed to provide supervision, treatment, care or other support, and their obligations under the plan; and</p> <p>(h) the agreement of the patient or, if applicable, his or her substitute decision maker to comply with the plan.</p>	<p>notamment le soutien du revenu et du logement, pendant que le patient réside ailleurs que dans l'établissement désigné;</p> <p>c) les conditions relatives à la surveillance et au traitement ou aux soins du patient;</p> <p>d) les obligations du patient quant à la surveillance, au traitement et autres questions;</p> <p>e) l'identification du médecin chargé de la surveillance et de la gestion générales du plan de traitement en milieu communautaire;</p> <p>f) l'identification du mandataire spécial, du membre de la famille ou d'une autre personne qui a accepté de surveiller le patient, d'aider à son respect du plan et de faire rapport au médecin chargé de la surveillance et de la gestion générales;</p> <p>g) les noms des professionnels de la santé et des autres personnes et organismes qui ont accepté de fournir la surveillance, le traitement, les soins ou autre soutien, et leurs obligations en vertu du plan;</p> <p>h) l'engagement du patient ou, s'il y a lieu, de son mandataire spécial de respecter le plan.</p>
Amendment of plan	(2) A community treatment plan may be amended in accordance with the regulations.	(2) Le plan de traitement en milieu communautaire peut être modifié conformément aux règlements. LTN-O 2018, ch. 18, art. 15(4). Modification du plan
Responsibility of medical practitioner	41. (1) Subject to subsection (2), a medical practitioner who issues an assisted community treatment certificate for an involuntary patient is responsible for the general supervision and management of the community treatment plan for the patient.	41. (1) Sous réserve du paragraphe (2), le médecin qui délivre un certificat de traitement en milieu communautaire assisté pour un patient en placement non volontaire est chargé de la surveillance et de la gestion générales du plan de traitement en milieu communautaire pour le patient. Responsabilité du médecin
Designation of medical practitioner	(2) A medical practitioner may be designated, in accordance with the regulations, as the medical practitioner who is responsible for the general supervision and management of a community treatment plan for a patient.	(2) Un médecin peut être désigné, conformément aux règlements, à titre de médecin chargé de la surveillance et de la gestion générales d'un plan de traitement en milieu communautaire pour un patient. LTN-O 2018, ch. 18, art. 15(4). Désignation d'un médecin
Responsibility of others	42. (1) Health professionals and other persons and bodies who have agreed to provide supervision, treatment, care or other support under a community treatment plan are responsible for	42. (1) Les professionnels de la santé et les autres personnes et organismes qui ont accepté d'offrir la surveillance, le traitement, les soins ou tout autre soutien en vertu d'un plan de traitement en milieu communautaire sont responsables : Responsabilité de tiers
	<p>(a) implementing the plan to the extent agreed to; and</p> <p>(b) reporting, in accordance with the plan, to</p>	<p>a) d'une part, de la mise en oeuvre du plan dans la mesure de leur engagement;</p>

	the medical practitioner responsible for the general supervision and management of the plan.	b) d'autre part, de faire rapport, conformément au plan, au médecin chargé de la surveillance et de la gestion générales du plan.
Designation of other responsible persons	(2) A person may be designated, in accordance with the regulations, to act in the place of a health professional or other person referred to in subsection (1).	Désignation d'autres responsables
Assessment	43. (1) In addition to the requirements under this Act to conduct psychiatric assessments of an involuntary patient, a medical practitioner responsible for the general supervision and management of a community treatment plan shall, as required under subsection (2), assess <ul style="list-style-type: none"> (a) whether the conditions of the community treatment plan are being adequately met; and (b) the effectiveness of the community treatment plan for the patient. 	Évaluation
Timing for assessment	(2) An assessment of an involuntary patient under subsection (1) must be conducted <ul style="list-style-type: none"> (a) not later than 30 days after the patient is released from a designated facility under authority of the assisted community treatment certificate; (b) not later than 30 days after the assessment referred to in paragraph (a); (c) on a reasonable ongoing basis after the assessment referred to in paragraph (b); (d) within 72 hours before the expiration of the assisted community treatment certificate for the patient or a renewal of the certificate; and (e) at the reasonable request of the patient, his or her substitute decision maker or a person who, under the assisted community treatment certificate or community treatment plan, provides supervision, treatment, care or other support. 	Moment de l'évaluation
Patient compliance	(3) An assessment under subsection (1) must include a review of whether the involuntary patient <ul style="list-style-type: none"> (a) has been attending appointments with the attending medical practitioner and with other health professionals and persons included in the community treatment plan, at the places and times as scheduled from time to time; and 	Conformité du patient
		(2) Toute personne peut être désignée, conformément aux règlements, pour remplacer le professionnel de la santé ou l'autre personne visé au paragraphe (1).
	43. (1) Outre les obligations en vertu de la présente loi de faire des évaluations psychiatriques d'un patient en placement non volontaire, le médecin chargé de la surveillance et de la gestion générales d'un plan de traitement en milieu communautaire, selon ce qu'exige le paragraphe (2), évalue ce qui suit : <ul style="list-style-type: none"> a) si les conditions du plan de traitement en milieu communautaire sont bien respectées; b) l'efficacité pratique du plan de traitement en milieu communautaire pour le patient. 	
	(2) L'évaluation d'un patient en placement non volontaire en vertu du paragraphe (1) doit se faire : <ul style="list-style-type: none"> a) au plus tard 30 jours après la libération du patient de l'établissement désigné en vertu du certificat de traitement en milieu communautaire assisté; b) au plus tard 30 jours après l'évaluation prévue à l'alinéa a); c) de façon raisonnablement continue après l'évaluation prévue à l'alinéa b); d) dans les 72 heures qui précèdent l'expiration du certificat de traitement en milieu communautaire assisté pour le patient ou tout renouvellement du certificat; e) à la demande raisonnable du patient, de son mandataire spécial ou d'une personne qui, en vertu du certificat de traitement en milieu communautaire assisté ou du plan de traitement en milieu communautaire, offre la surveillance, le traitement, les soins ou tout autre soutien. 	
	(3) L'évaluation prévue au paragraphe (1) doit notamment examiner si le patient en placement non volontaire : <ul style="list-style-type: none"> a) d'une part, s'est présenté à ses rendez-vous avec le médecin traitant et les autres professionnels de la santé et autres personnes prévus dans le plan de traitement en milieu communautaire, aux 	

	(b) has been complying with the plan for treatment referred to in paragraph 40(1)(a).	lieux et aux heures prévues à l'occasion;
		b) d'autre part, a respecté le plan de traitement visé à l'alinéa 40(1)a).
Assessment of involuntary admission criteria		LTN-O 2018, ch. 18, art. 15(4).
Cancellation of certificate	44. (1) A medical practitioner responsible for the general supervision and management of a community treatment plan for an involuntary patient shall, within 72 hours before the expiration of the applicable assisted community treatment certificate, conduct a psychiatric assessment of the patient to determine whether the involuntary admission criteria continue to be met. (2) If the medical practitioner referred to in subsection (1) is of the opinion that the involuntary admission criteria are no longer met, he or she shall cancel the certificate of involuntary admission of the patient and any renewal certificate.	44. (1) Le médecin chargé de la surveillance et de la gestion générales d'un plan de traitement en milieu communautaire pour un patient en placement non volontaire, dans les 72 heures qui précèdent l'expiration du certificat de traitement en milieu communautaire assisté applicable, fait l'évaluation psychiatrique du patient afin de déterminer si les critères d'admission involontaire sont toujours remplis. (2) Le médecin visé au paragraphe (1) qui est d'avis que les critères d'admission involontaire ne sont plus remplis annule le certificat d'admission involontaire du patient et tout certificat de renouvellement. LTN-O 2018, ch. 18, art. 15(4).
Notice required	45. (1) Notice must be provided, in accordance with the regulations, to an involuntary patient who is required to return to a designated facility on the expiration of an assisted community treatment certificate. (2) An involuntary patient shall, by the date and time specified in a notice referred to in subsection (1), return to the designated facility specified in the notice, unless he or she ceases to be an involuntary patient before that time.	45. (1) Un avis doit être remis, conformément aux règlements, au patient en placement non volontaire qui est tenu de retourner à un établissement désigné à l'expiration d'un certificat de traitement en milieu communautaire assisté. (2) Le patient en placement non volontaire retourne, au plus tard à la date et l'heure d'expiration précisées dans l'avis visé au paragraphe (1), à l'établissement désigné précisé dans l'avis, sauf s'il cesse d'être un patient en placement non volontaire avant ce moment. LTN-O 2018, ch. 18, art. 15(4).
Requirement to return to designated facility	46. (1) Within 72 hours after an involuntary patient referred to in subsection 45(2) returns to a designated facility, the attending medical practitioner shall conduct a psychiatric assessment of the patient to determine whether the involuntary admission criteria continue to be met. (2) If the medical practitioner referred to in subsection (1) is of the opinion that the involuntary admission criteria are no longer met, he or she shall cancel the certificate of involuntary admission of the patient and any renewal certificate.	46. (1) Dans les 72 heures qui suivent le retour du patient en placement non volontaire visé au paragraphe 45(2) à l'établissement désigné, le médecin traitant fait l'évaluation psychiatrique du patient afin de déterminer si les critères d'admission involontaire sont toujours remplis. (2) Le médecin visé au paragraphe (1) qui est d'avis que les critères d'admission involontaire ne sont plus remplis annule le certificat d'admission involontaire du patient et tout certificat de renouvellement. LTN-O 2018, ch. 18, art. 15(4).
Cancellation of certificate	Mandatory Assessment and Cancellation	Évaluation obligatoire et annulation
Certificate for assessment	47. (1) A medical practitioner who is responsible for the general supervision and management of a community treatment plan for an involuntary patient, or the director of the designated facility that is named in the applicable assisted community treatment certificate, may issue a certificate requiring the patient	Certificat en vue d'une évaluation

to attend a psychiatric assessment and an assessment under subsection 43(1), if

- (a) the medical practitioner or director has reasonable grounds to believe that the patient has failed to comply with one or more conditions of the community treatment plan and that assessments are required to determine
 - (i) whether the involuntary admission criteria continue to be met, and
 - (ii) the effectiveness of the plan;
- (b) reasonable efforts have been made to
 - (i) assist the patient to comply with the community treatment plan,
 - (ii) inform the patient of his or her failure to comply with a condition or conditions of the community treatment plan, and
 - (iii) inform the patient of the possible consequences of failure to comply with a condition or conditions of the community treatment plan; and
- (c) the patient has failed or refused to attend an appointment for a psychiatric assessment or an assessment referred to in subsection 43(1).

certificat obligeant le patient à se présenter à une évaluation psychiatrique et une évaluation en vertu du paragraphe 43(1), si les conditions suivantes sont réunies :

- a) le médecin ou le directeur a des motifs raisonnables de croire que le patient a fait défaut de respecter une ou plusieurs conditions du plan de traitement en milieu communautaire et que des évaluations sont nécessaires pour déterminer, à la fois :
 - (i) si les critères d'admission involontaire sont toujours remplis,
 - (ii) l'efficacité pratique du plan;
- b) des efforts raisonnables ont été faits pour, à la fois :
 - (i) aider le patient à respecter le plan de traitement en milieu communautaire,
 - (ii) informer le patient de son défaut de respecter une ou plusieurs conditions du plan de traitement en milieu communautaire,
 - (iii) informer le patient des conséquences éventuelles de son défaut de respecter une ou plusieurs conditions du plan de traitement en milieu communautaire;
- c) le patient a omis ou refusé de se présenter à un rendez-vous en vue d'une évaluation psychiatrique ou d'une évaluation visée au paragraphe 43(1).

Authorized acts

(2) A certificate issued under subsection (1), requiring an involuntary patient to attend a psychiatric assessment and an assessment under subsection 43(1), authorizes

- (a) apprehension of the patient by a peace officer and conveyance of the patient by a peace officer or other authorized person to the health facility specified in the certificate; and
- (b) detention and control of the patient for the purposes of paragraph (a) and for the assessments.

Expiration of authority

(3) The authority under paragraph (2)(a) to apprehend an involuntary patient and convey him or her to a health facility expires 30 days after the certificate referred to in subsection (1) is issued.

Actes autorisés

(2) Le certificat délivré en vertu du paragraphe (1), qui oblige le patient patient en placement non volontaire à se présenter à une évaluation psychiatrique et une évaluation en vertu du paragraphe 43(1), autorise :

- a) d'une part, l'appréhension du patient par un agent de la paix, et son transport par un agent de la paix ou une autre personne autorisée à l'établissement de santé précisé dans le certificat;
- b) d'autre part, la détention et la maîtrise du patient aux fins de l'alinéa a) et en vue des évaluations.

(3) Le pouvoir prévu à l'alinéa (2)a) d'apprehender un patient en placement non volontaire et de le transporter à un établissement de santé prend fin 30 jours après la délivrance du certificat visé au paragraphe (1). LTN-O 2018, ch. 18, art. 15(4).
Expiration du pouvoir

Cancellation by medical practitioner	48. (1) A medical practitioner who is responsible for the general supervision and management of a community treatment plan for an involuntary patient may issue a certificate cancelling the applicable assisted community treatment certificate, if the medical practitioner has reasonable grounds to believe that <ul style="list-style-type: none"> (a) the involuntary admission criteria continue to be met; and (b) as a result of a change in the mental condition of the patient or other circumstances, the patient requires supervision and treatment or care in a designated facility. 	48. (1) Le médecin chargé de la surveillance et de la gestion générales d'un plan de traitement en milieu communautaire pour un patient en placement non volontaire peut délivrer un certificat annulant le certificat de traitement en milieu communautaire assisté applicable, s'il a des motifs raisonnables de croire que : <ul style="list-style-type: none"> a) d'une part, les critères d'admission involontaire sont toujours remplis; b) d'autre part, en raison d'un changement de l'état mental du patient ou d'autres circonstances, le patient nécessite une surveillance et un traitement ou des soins dans un établissement désigné. 	Annulation par le médecin
Requirement to return to facility	(2) On receiving notice of a certificate issued under subsection (1) cancelling an assisted community treatment certificate, an involuntary patient shall immediately return to the designated facility specified in the certificate.	(2) Lorsqu'il reçoit avis d'un certificat délivré en vertu du paragraphe (1) annulant le certificat de traitement en milieu communautaire assisté, le patient en placement non volontaire retourne sans tarder à l'établissement désigné précisé dans le certificat. LTN-O 2018, ch. 18, art. 15(4).	Retour à l'établissement
Services unavailable	49. (1) If services under a community treatment plan become unavailable to an involuntary patient, the medical practitioner who is responsible for the general supervision and management of the plan, or the director of the designated facility named in the applicable assisted community treatment certificate, shall attempt to arrange other suitable services.	49. (1) Advenant la non-disponibilité de services prévus dans un plan de traitement en milieu communautaire pour un patient en placement non volontaire, le médecin chargé de la surveillance et de la gestion générales du plan, ou le directeur de l'établissement désigné nommé dans le certificat de traitement en milieu communautaire assisté applicable, tente de prévoir d'autres services convenables.	Services non disponibles
Cancellation by medical practitioner or director	(2) If other suitable services cannot be arranged under subsection (1), the medical practitioner or director may issue a certificate cancelling the applicable assisted community treatment certificate.	(2) S'il est impossible de prévoir d'autres services convenables en vertu du paragraphe (1), le médecin ou le directeur peut délivrer un certificat annulant le certificat de traitement en milieu communautaire assisté applicable.	Annulation par le médecin ou le directeur
Requirement to return to facility	(3) On receiving notice of a certificate issued under subsection (2) cancelling an assisted community treatment certificate, an involuntary patient shall immediately return to the designated facility specified in the certificate.	(3) Lorsqu'il reçoit avis d'un certificat délivré en vertu du paragraphe (2) annulant le certificat de traitement en milieu communautaire assisté, le patient en placement non volontaire retourne sans tarder à l'établissement désigné précisé dans le certificat. LTN-O 2018, ch. 18, art. 15(4).	Retour à l'établissement
Requirement for reassessment on cancellation	50. (1) Within 72 hours after an involuntary patient referred to in subsection 48(2) or 49(3) returns to a designated facility, the attending medical practitioner shall conduct a psychiatric assessment of the patient to determine whether the involuntary admission criteria continue to be met.	50. (1) Dans les 72 heures qui suivent le retour du patient en placement non volontaire visé au paragraphe 48(2) ou 49(3) à un établissement désigné, le médecin traitant fait l'évaluation psychiatrique du patient pour déterminer si les critères d'admission involontaire sont toujours remplis.	Nouvelle évaluation en cas d'annulation
Cancellation of certificate	(2) If the medical practitioner referred to in subsection (1) is of the opinion that the involuntary admission criteria are no longer met, he or she shall	(2) Le médecin visé au paragraphe (1) qui est d'avis que les critères d'admission involontaire ne sont plus remplis annule le certificat d'admission	Annulation du certificat

cancel the certificate of involuntary admission of the patient and any renewal certificate.

involontaire du patient et tout certificat de renouvellement. LTN-O 2018, ch. 18, art. 15(4).

Order for Assessment

Definition:
"justice"

51. (1) In this section, "justice" means justice of the peace or territorial judge.

Application

(2) Subject to subsection (3), any person may apply to a justice for an order that an involuntary patient who is subject to an assisted community treatment certificate must undergo an assessment for the purpose of determining whether the certificate should be cancelled under subsection 48(1).

Grounds

(3) The person applying for an order under subsection (2) must have reasonable grounds to believe that because of a mental disorder, the involuntary patient

- (a) is likely to cause serious harm to himself or herself or to another person, or to suffer substantial mental or physical deterioration, or serious physical impairment; or
- (b) has recently caused serious harm to himself or herself or to another person, or has threatened or attempted to cause such harm.

Form of application and reasons

- (4) An application under subsection (2) must
- (a) be made in writing;
 - (b) state the grounds for the request; and
 - (c) be supported by an affidavit made under oath or affirmation.

Procedure

(5) A justice may, if he or she considers it warranted in the circumstances, consider the application and evidence of any witnesses without notice to the involuntary patient who is the subject of the application.

Order

(6) After considering an application made under subsection (2) and the evidence of any witnesses, the justice may issue an order that the involuntary patient who is the subject of the application must undergo an assessment for the purpose of determining whether the assisted community treatment certificate should be cancelled under subsection 48(1), if the justice finds that because of a mental disorder, the patient

- (a) is likely to cause serious harm to himself or herself or to another person, or to suffer substantial mental or physical

Ordonnance d'évaluation

51. (1) Au présent article, «juge» s'entend d'un juge de paix ou d'un juge territorial. Définition : «juge»

(2) Sous réserve du paragraphe (3), toute personne peut demander à un juge d'ordonner l'évaluation d'un patient en placement non volontaire assujetti à un certificat de traitement en milieu communautaire assisté pour déterminer s'il faut annuler le certificat en vertu du paragraphe 48(1). Demande

(3) L'auteur de la demande d'ordonnance en vertu du paragraphe (2) doit avoir des motifs raisonnables de croire que, en raison de troubles mentaux, le patient en placement non volontaire, selon le cas :

- a) risque de s'infliger ou de causer à autrui un préjudice grave, ou de subir une importante détérioration mentale ou physique, ou une déficience physique grave;
- b) s'est récemment infligé ou a récemment causé à autrui un préjudice grave, ou a menacé ou tenté de le faire.

(4) La demande prévue au paragraphe (2) doit être, à la fois :

- a) écrite;
- b) motivée;
- c) appuyée d'un affidavit fait sous serment ou affirmation solennelle.

(5) Le juge peut, s'il l'estime justifié dans les circonstances, étudier la demande et les dépositions des témoins sans aucun avis au patient en placement non volontaire visé dans la demande. Procédure

(6) Après avoir étudié la demande faite en vertu du paragraphe (2) et les dépositions des témoins, le juge peut ordonner que le patient en placement non volontaire visé subisse une évaluation pour déterminer s'il faut annuler le certificat de traitement en milieu communautaire assisté en vertu du paragraphe 48(1), s'il conclut que, en raison de troubles mentaux, le patient, selon le cas :

- a) risque de s'infliger ou de causer à autrui un préjudice grave, ou de subir une importante détérioration mentale ou

	<p>deterioration, or serious physical impairment; or</p> <p>(b) has recently caused serious harm to himself or herself or to another person, or has threatened or attempted to cause such harm.</p>	<p>physique, ou une déficience physique grave;</p> <p>b) s'est récemment infligé ou a récemment causé à autrui un préjudice grave, ou a menacé ou tenté de le faire.</p>
Authorized acts	<p>(7) Subject to this Act, an order issued under subsection (6) authorizes</p> <ul style="list-style-type: none"> (a) apprehension of the involuntary patient by a peace officer and conveyance of the patient by a peace officer or other authorized person to the health facility specified in the order; (b) care for and observation, examination, assessment and treatment of the involuntary patient for 72 hours after conveyance of the patient to the health facility; and (c) detention and control of the involuntary patient for the purposes of paragraphs (a) and (b). 	<p>(7) Sous réserve de la présente loi, l'ordonnance rendue en vertu du paragraphe (6) autorise, à la fois :</p> <ul style="list-style-type: none"> a) l'apprehension du patient en placement non volontaire par un agent de la paix et son transport par un agent de la paix ou une autre personne autorisée à l'établissement de santé précisé dans l'ordonnance; b) l'apport de soins au patient en placement non volontaire, et l'observation, l'examen, l'évaluation et le traitement de celui-ci pendant 72 heures après son arrivée à l'établissement de santé; c) la détention et la maîtrise du patient en placement non volontaire aux fins des alinéas a) et b).
Expiration of authority	<p>(8) The authority under paragraph (7)(a) to apprehend an involuntary patient and convey him or her to a health facility expires at the end of the seventh day after the order referred to in subsection (6) is issued.</p>	<p>(8) Le pouvoir prévu à l'alinéa (7)a) d'appréhender le patient en placement non volontaire et de le transporter à un établissement de santé cesse à la fin du septième jour qui suit la délivrance de l'ordonnance visée au paragraphe (6). LTN-O 2018, ch. 18, art. 15(4).</p>
Apprehension by peace officer	<p>Peace Officer Authority to Apprehend Patient for Assessment</p>	<p>Pouvoir de l'agent de la paix d'appréhender un patient en vue d'une évaluation</p>
	<p>52. (1) A peace officer may, without an order issued under subsection 51(6), apprehend an involuntary patient who is subject to an assisted community treatment certificate and convey him or her to a health facility for the purpose of an assessment, if the peace officer has reasonable grounds to believe that</p> <ul style="list-style-type: none"> (a) because of a mental disorder, the patient <ul style="list-style-type: none"> (i) is likely to cause serious harm to himself or herself or to another person, or to suffer substantial mental or physical deterioration, or serious physical impairment, or (ii) has recently caused serious harm to himself or herself or to another person, or has threatened or attempted to cause such harm; (b) the patient should be examined by a medical practitioner to determine whether the certificate should be cancelled under 	<p>52. (1) Tout agent de la paix peut, sans ordonnance délivrée en vertu du paragraphe 51(6), apprêhender un patient en placement non volontaire assujetti à un certificat de traitement en milieu communautaire assisté et le transporter à un établissement de santé pour subir une évaluation, s'il a des motifs raisonnables de croire que le patient se trouve dans la situation suivante :</p> <ul style="list-style-type: none"> a) en raison de troubles mentaux, selon le cas : <ul style="list-style-type: none"> (i) il risque de s'infliger ou de causer à autrui un préjudice grave, ou de subir une importante détérioration mentale ou physique, ou une déficience physique grave, (ii) il s'est récemment infligé ou a récemment causé à autrui un préjudice grave, ou a menacé ou tenté de le faire;

	<p>subsection 48(1);</p> <p>(c) the patient is unwilling to undergo or appears not to be mentally competent to consent to an assessment; and</p> <p>(d) by reason of exigent circumstances, it would be impracticable to obtain an order under subsection 51(6).</p>	b) il devrait être examiné par un professionnel de la santé pour déterminer s'il faut annuler le certificat en vertu du paragraphe 48(1);
Direct conveyance	<p>(1.1) Subject to subsection (1.2), the authority of a peace officer under subsection (1) is authority to apprehend a person and convey him or her directly to a health facility.</p>	(1.1) Sous réserve du paragraphe (1.2), le pouvoir d'un agent de la paix prévu au paragraphe (1) constitue le pouvoir d'appréhender une personne et de la transporter directement à un établissement de santé.
Exception	<p>(1.2) If it is not possible to convey a person apprehended under subsection (1) directly to a health facility, any temporary detention of the person must be in accordance with the regulations.</p>	(1.2) S'il n'est pas possible de transporter une personne appréhendée en vertu du paragraphe (1) directement à un établissement de santé, toute détention temporaire de la personne doit être conforme aux règlements.
Authorized acts	<p>(2) Where, under subsection (1), a peace officer conveys an involuntary patient to a health facility,</p> <p>(a) the patient may be cared for, observed, examined, assessed and treated for 72 hours after conveyance of the person to the health facility; and</p> <p>(b) the patient may be detained and controlled for the purposes of apprehension and conveyance under subsection (1) and for the purpose of paragraph (a).</p>	(2) Lorsque, en vertu du paragraphe (1), un agent de la paix transporte un patient en placement non volontaire à un établissement de santé :
Expiration of authority	<p>(3) Subject to the regulations, the authority under this section for a peace officer to convey an involuntary patient to a health facility expires 24 hours after the patient is apprehended.</p>	(3) Sous réserve des règlements, le pouvoir, prévu au présent article, de l'agent de la paix de transporter un patient en placement non volontaire à un établissement de santé prend fin 24 heures après l'appréhension du patient. LTN-O 2018, ch. 18, art. 15(4).
Unauthorized absence statement	<p>53. (1) A director of a designated facility where an involuntary patient is admitted or the attending medical practitioner of the patient may issue a written statement that the patient is absent from the designated facility without authorization, if</p> <p>(a) the patient is absent from the designated facility without authority under a short</p>	<p>53. (1) Tout directeur d'un établissement désigné où est admis un patient en placement non volontaire ou le médecin traitant de celui-ci peut délivrer une attestation écrite confirmant que le patient en cause est absent de l'établissement désigné sans autorisation si, selon le cas :</p> <p>a) l'absence n'est pas autorisée en vertu</p>

	<p>term leave certificate or an assisted community treatment certificate;</p> <p>(b) the patient was absent under the authority of a short term leave certificate that has expired or been cancelled and he or she has not returned to the designated facility; or</p> <p>(c) the patient was absent under the authority of an assisted community treatment certificate that has expired or been cancelled and he or she has not returned to the designated facility.</p>	d'un certificat de congé de courte durée ou d'un certificat de traitement en milieu communautaire assisté;
Authorized acts	<p>(2) A statement issued under subsection (1) in respect of the absence without authorization of an involuntary patient authorizes</p> <p>(a) apprehension of the patient by a peace officer and conveyance of the patient by a peace officer or other authorized person to the designated facility specified in the statement; and</p> <p>(b) detention and control of the patient for the purposes of paragraph (a).</p>	b) l'absence était autorisée en vertu d'un certificat de congé de courte durée qui a expiré ou a été annulé et le patient n'est pas retourné à l'établissement désigné;
Expiration of authority	<p>(3) The authority under paragraph (2)(a) to apprehend an involuntary patient and convey him or her to a designated facility expires 30 days after the statement referred to in subsection (1) is issued.</p>	c) l'absence était autorisée en vertu d'un certificat de traitement en milieu communautaire assisté qui a expiré ou a été annulé et le patient n'est pas retourné à l'établissement désigné
Requirement to file certificate	<p>PART 5 NOTICE AND REVIEW</p> <p>Filing of Certificates and Notice Requirements</p> <p>54. (1) Subject to subsection (2), a health professional who issues a certificate or who cancels a certificate under this Act shall file the certificate or cancellation with the director of the designated facility where the person who is or was subject to the certificate is or was admitted as a patient.</p>	(2) L'attestation délivrée en vertu du paragraphe (1) concernant l'absence non autorisée d'un patient en placement non volontaire autorise :
Certificates of involuntary assessment	<p>(2) Certificates of involuntary assessment must be filed in accordance with the regulations.</p>	a) d'une part, l'apprehension du patient par un agent de la paix et son transport par un agent de la paix ou une autre personne autorisée à l'établissement désigné précisé dans l'attestation;
Designation of substitute decision maker	<p>(3) A medical practitioner who designates a substitute decision maker for a patient shall file the designation with the director of the designated facility where the patient is admitted.</p>	b) d'autre part, la détention et la maîtrise du patient aux fins de l'alinéa a).
Duty to examine certificate	<p>55. (1) At the earliest opportunity after a certificate of involuntary admission or a renewal certificate is filed</p>	(3) Le pouvoir prévu à l'alinéa (2)a) d'appréhender un patient en placement non volontaire et de le transporter à un établissement désigné prend fin 30 jours après la délivrance de l'attestation visée au paragraphe (1). LTN-O 2018, ch. 18, art. 15(4).
		PARTIE 5 AVIS ET RÉVISION
		Exigences visant le dépôt de certificats et les avis
		54. (1) Sous réserve du paragraphe (2), le professionnel de la santé qui délivre un certificat ou annule un certificat en vertu de la présente loi dépose le certificat ou l'annulation auprès du directeur de l'établissement désigné où est ou était admise comme patient la personne qui est ou était assujettie au certificat.
		(2) Les certificats d'évaluation non volontaire doivent être déposés conformément aux règlements.
		(3) Le médecin qui désigne un mandataire spécial pour un patient dépose la désignation auprès du directeur de l'établissement désigné où est admis le patient.
		55. (1) Dès que possible après le dépôt d'un certificat d'admission involontaire ou d'un certificat de
		Obligation d'examiner le certificat

	<p>with the director of a designated facility, the director shall examine the certificate to ascertain whether or not the certificate has been completed in accordance with this Act.</p>	<p>renouvellement auprès du directeur d'un établissement désigné, le directeur examine le certificat pour vérifier s'il a été rempli conformément à la présente loi.</p>
<p>Duty to inform</p>	<p>(2) If, in the opinion of the director of a designated facility, a certificate of involuntary admission or renewal certificate has not been completed in accordance with this Act, the director shall, at the earliest opportunity, bring the matter to the attention of the attending medical practitioner of the patient.</p>	<p>(2) S'il est d'avis que le certificat d'admission involontaire ou certificat de renouvellement n'a pas été rempli conformément à la présente loi, le directeur d'un établissement désigné, dès que possible, en fait part au médecin traitant du patient.</p>
<p>Certificates to Minister's designate</p>	<p>56. (1) The director of a designated facility shall, at the earliest opportunity, forward to a designate of the Minister specified in the regulations a copy of each of the following documents that are filed with the director:</p>	<p>56. (1) Le directeur d'un établissement désigné transmet, dès que possible, au remplaçant désigné du ministre précisé par règlement une copie de chacun des documents suivants qui sont déposés auprès du directeur :</p>
	<ul style="list-style-type: none"> (a) certificate of involuntary admission; (b) cancellation of certificate of involuntary admission; (c) renewal certificate; (d) cancellation of renewal certificate. 	<ul style="list-style-type: none"> a) le certificat d'admission involontaire; b) l'annulation d'un certificat d'admission involontaire; c) le certificat de renouvellement; d) l'annulation d'un certificat de renouvellement.
<p>Registry of involuntary patients</p>	<p>(2) A registry of involuntary patients must be maintained, in accordance with the regulations, by the designate of the Minister referred to in subsection (1).</p>	<p>(2) Le remplaçant désigné du ministre visé au paragraphe (1) doit tenir, conformément aux règlements, un registre des patients en placement non volontaire. LTN-O 2018, ch. 18, art. 15(5).</p>
<p>Copy of certificate</p>	<p>57. (1) A health professional who issues a certificate under this Act, or the director of the facility where the certificate is filed, shall, subject to this Act and the regulations, provide a copy of the certificate to</p> <ul style="list-style-type: none"> (a) the patient or other person who is subject to the certificate; and (b) the following persons, if applicable: <ul style="list-style-type: none"> (i) a substitute decision maker for a patient, (ii) a person designated by a patient in accordance with the regulations, (iii) a person who has lawful custody of or lawful authority in respect of a patient who is a minor, (iv) a legal guardian of a patient, (v) an agent of a patient under a personal directive within the meaning of the <i>Personal Directives Act</i>, (vi) with the consent of a patient, a relative of the patient if subparagraphs (i) to (v) do not apply. 	<p>57. (1) Le professionnel de la santé qui délivre un certificat en vertu de la présente loi, ou le directeur de l'établissement où est déposé le certificat, sous réserve de la présente loi et des règlements, remet une copie du certificat aux personnes suivantes :</p> <ul style="list-style-type: none"> a) la personne, y compris le patient, assujettie au certificat; b) les personnes suivantes, s'il y a lieu : <ul style="list-style-type: none"> (i) tout mandataire spécial d'un patient, (ii) toute personne que désigne un patient conformément aux règlements, (iii) à l'égard du patient mineur, toute personne qui a la garde légale ou qui détient l'autorité légitime, (iv) tout tuteur légal d'un patient, (v) tout mandataire d'un patient en vertu d'une directive personnelle au sens de la <i>Loi sur les directives personnelles</i>, (vi) dans les autres cas, tout parent d'un patient avec le consentement du patient.

Notice of cancellation	(2) A medical practitioner who cancels a certificate of involuntary admission, a renewal certificate, a treatment decision certificate or a certificate of mental incompetence, or the director of the facility where the certificate is filed, shall, subject to the regulations, provide written notice of the cancellation to the persons who were provided under subsection (1) with copies of the certificate.	(2) Le médecin qui annule tout certificat d'admission involontaire, certificat de renouvellement, certificat relatif aux décisions liées au traitement ou certificat d'incapacité mentale, ou le directeur de l'établissement où est déposé le certificat, sous réserve des règlements, donne avis écrit de l'annulation aux personnes qui ont reçu en vertu du paragraphe (1) des copies du certificat.	Avis de l'annulation
Notice of expiration	(3) On the expiration of a certificate of involuntary admission and any renewal certificate for a patient, the attending medical practitioner of the patient or the director of the facility where the certificate was filed, shall, subject to the regulations, provide written notice of the expiration to the persons who were provided under subsection (1) with copies of the certificate of involuntary admission or renewal certificate.	(3) Dès l'expiration du certificat d'admission involontaire et de tout certificat de renouvellement pour un patient, le médecin traitant du patient ou le directeur de l'établissement où le certificat a été déposé, sous réserve des règlements, donne avis écrit de l'expiration aux personnes qui ont reçu, en application du paragraphe (1), des copies du certificat d'admission involontaire ou du certificat de renouvellement.	Avis de l'expiration
Notice to health professional	(4) On the expiration or cancellation of a certificate of involuntary admission and any renewal certificate for a patient, the attending medical practitioner of the patient or the director of the facility where the certificate was filed shall, subject to the regulations, provide written notice of the expiration or cancellation to a health professional at a health facility where the former patient will receive follow-up treatment.	(4) Dès l'expiration ou l'annulation du certificat d'admission involontaire et de tout certificat de renouvellement pour un patient, le médecin traitant du patient ou le directeur de l'établissement où le certificat a été déposé, sous réserve des règlements, donne avis écrit de l'expiration ou de l'annulation à tout professionnel de la santé d'un établissement de santé où l'ancien patient recevra un traitement de rappel.	Avis aux professionnels de la santé
Notice of designation	58. A medical practitioner or director who designates a substitute decision maker for a patient shall, subject to the regulations, provide a copy of the designation to <ul style="list-style-type: none"> (a) the patient; (b) the substitute decision maker for the patient; and (c) the following persons, if applicable: <ul style="list-style-type: none"> (i) a person designated by the patient in accordance with the regulations, (ii) a person who has lawful custody of or lawful authority in respect of a patient who is a minor, (iii) a legal guardian of the patient, (iv) an agent of the patient under a personal directive within the meaning of the <i>Personal Directives Act</i>. 	58. Le médecin ou le directeur qui désigne un mandataire spécial pour un patient, sous réserve des règlements, remet une copie de la désignation aux personnes suivantes : <ul style="list-style-type: none"> a) le patient; b) le mandataire spécial du patient; c) les personnes suivantes, s'il y a lieu : <ul style="list-style-type: none"> i) toute personne que désigne le patient conformément aux règlements, ii) à l'égard du patient mineur, toute personne qui a la garde légale ou qui détient l'autorité légitime, iii) le tuteur légal du patient, iv) tout mandataire du patient en vertu d'une directive personnelle au sens de la <i>Loi sur les directives personnelles</i>. 	Copie de la désignation
Information on applications to Review Board	59. A health professional or director of a designated facility shall, in accordance with the regulations, provide patients, substitute decision makers and other specified persons with information in respect of <ul style="list-style-type: none"> (a) the function of the Review Board; 	59. Tout professionnel de la santé ou directeur d'un établissement désigné, conformément aux règlements, informe les patients, mandataires spéciaux et autres personnes données concernant ce qui suit : <ul style="list-style-type: none"> a) le rôle du conseil de révision; 	Information relative aux demandes au conseil de révision

	(b) the right to apply to the Review Board under section 66; (c) the address of the Review Board; (d) the process for making an application to the Review Board; and (e) the right to retain and instruct legal counsel.	b) le droit de présenter une demande au conseil de révision en vertu de l'article 66; c) l'adresse du conseil de révision; d) le processus de demande auprès du conseil de révision; e) le droit de se faire représenter par un avocat.
	Review Board	Conseil de révision
Establishment of Review Board	60. (1) The Review Board must be established in accordance with the regulations.	60. (1) Le conseil de révision doit être constitué Constitution du conseil de révision conformément aux règlements.
Composition of Review Board	(2) The Review Board must be composed of a chairperson and other members appointed in accordance with the regulations.	(2) Le conseil de révision doit se composer de membres, dont le président, nommés conformément Composition du conseil de révision aux règlements.
Population and gender balance	(3) The importance of reflecting the diversity of the population and gender balance of the people of the Northwest Territories in the composition of the Review Board must be recognized in the applicable regulations.	(3) L'importance de refléter la diversité Population et équilibre de genre spécifique et l'équilibre de genre de la population des Territoires du Nord-Ouest dans la composition du conseil de révision doit être reconnue dans les règlements applicables.
Chairperson	61. (1) The chairperson is responsible for the management of applications to the Review Board.	61. (1) Le président est responsable de la gestion des demandes présentées au conseil de révision. Président
Delegation	(2) The chairperson may delegate any of his or her powers, duties or functions to another member of the Review Board.	(2) Le président peut déléguer n'importe laquelle Délégation de ses attributions à un autre membre du conseil de révision.
Review panel	62. (1) Subject to subsection 67(1), an application to the Review Board must be considered by a review panel composed of members of the Review Board appointed by the chairperson under subsection 67(2) or section 68.	62. (1) Sous réserve du paragraphe 67(1), toute Comité de révision demande présentée au conseil de révision doit être examinée par un comité de révision composé des membres du conseil de révision que nomme le président en application du paragraphe 67(2) ou de l'article 68.
Members of review panel	(2) A review panel must be composed of three members, including (a) one person who is entitled to practise psychiatry or medicine under the law of a province or territory; (b) one person who is entitled to practise law in the Northwest Territories; and (c) one person other than a person referred to in paragraphs (a) and (b).	(2) Tout comité de révision doit se composer de Membres des trois membres, dont : comités de révision a) une personne autorisée à exercer la psychiatrie ou la médecine en vertu du droit d'une province ou d'un territoire; b) une personne autorisée à exercer le droit aux Territoires du Nord-Ouest; c) une personne non visée aux alinéas a) et b).
Quorum	(3) A quorum for a review panel is the three members referred to in subsection (2).	(3) Les trois membres visés au paragraphe (2) Quorum constituent le quorum d'un comité de révision.
Majority	(4) A decision of a majority of members of a review panel is the decision of the panel. SNWT 2023,c.7,s.25(2).	(4) La décision prise à la majorité des membres Majorité d'un comité de révision constitue la décision du comité.

Ineligible members	63. A member of the Review Board may not sit on a review panel that is considering an application in respect of a person who is the subject of the application, if the member <ul style="list-style-type: none"> (a) is a spouse of or cohabits with the person; (b) is a relative of the person or related to the person through a spouse; (c) has provided psychiatric, medical or other treatment or services to the person; (d) is a staff member of the designated facility where the person is admitted as a patient; or (e) is a lawyer who is acting for or against or has acted for or against the person. 	63. Ne peut siéger au comité de révision saisi d'une demande le membre du conseil de révision qui, relativement à la personne visée dans la demande à l'étude : <ul style="list-style-type: none"> a) est le conjoint ou cohabite avec elle; b) est un parent, ou a un lien avec elle par l'intermédiaire d'un conjoint; c) lui a fourni un traitement psychiatrique, médical ou autre, ou des services; d) est un membre du personnel de l'établissement désigné où elle est admise comme patient; e) est un avocat qui la représente ou l'a représentée.
Annual report	64. The Review Board shall, in accordance with the regulations, report annually to the Minister.	64. Le conseil de révision, conformément aux règlements, fait rapport annuellement au ministre.
	Confidentiality of Information	Confidentialité des renseignements
Duty of Review Board members	64.1. (1) A member of the Review Board shall not use or disclose, for a purpose other than the purpose for which information is received, any information that comes to his or her knowledge in the exercise of his or her powers or the performance of his or her duties or functions under this Act.	64.1. (1) Les membres du conseil de révision ne peuvent utiliser ou communiquer, à une autre fin que celle à laquelle ils sont reçus, les renseignements dont ils prennent connaissance dans l'exercice des attributions que leur confère la présente loi.
Duty of others	(2) Subsection (1) applies, with such modifications as the circumstances may require, to persons engaged by or employed to assist the Review Board.	(2) Le paragraphe (1) s'applique, avec les adaptations nécessaires, aux personnes à l'emploi du conseil de révision ou engagées pour l'assister.
Rules of procedure	65. Subject to this Act and the regulations, the Review Board may establish rules of procedure respecting the conduct of hearings.	65. Sous réserve de la présente loi et des règlements, le conseil de révision peut établir des règles de procédure concernant le déroulement des audiences.
Application	66. (1) An application may be made to the Review Board, in accordance with this section and the regulations, for an order <ul style="list-style-type: none"> (a) cancelling a certificate issued under this Act; (b) in respect of whether a patient is mentally competent to make treatment decisions; (c) in respect of a designation under subsection 30(2) of a substitute decision maker; (d) authorizing a medical practitioner to provide treatment for which consent has been refused by an involuntary patient; (e) authorizing a medical practitioner to provide treatment for which consent has 	66. (1) Une demande peut être présentée au conseil de révision, conformément au présent article et aux règlements, en vue d'obtenir une ordonnance : <ul style="list-style-type: none"> a) annulant tout certificat délivré en vertu de la présente loi; b) quant à savoir si le patient est mentalement capable de prendre des décisions liées au traitement; c) concernant une désignation en vertu du paragraphe 30(2); d) autorisant un médecin à fournir un traitement auquel a refusé de consentir un patient en placement non volontaire; e) autorisant un médecin à fournir un traitement auquel un mandataire spécial

	<p>been refused on behalf of a patient by a substitute decision maker;</p> <p>(f) directing that a procedure referred to in subsection 34(1) may be performed on an involuntary patient who meets the requirements of paragraphs 34(1)(a) and (b);</p> <p>(g) in respect of an assisted community treatment certificate or the terms and conditions of a community treatment plan; or</p> <p>(h) in respect of a prescribed matter.</p>	<p>a refusé de consentir au nom d'un patient;</p> <p>f) indiquant qu'une opération visée au paragraphe 34(1) peut être faite sur un patient en placement non volontaire qui répond aux conditions des alinéas 34(1)a) et b);</p> <p>g) concernant un certificat de traitement en milieu communautaire assisté ou les conditions d'un plan de traitement en milieu communautaire;</p> <p>h) concernant toute autre question réglementaire.</p>
Applicant	<p>(2) An application may be made under subsection (1) by</p> <ul style="list-style-type: none"> (a) a patient or other person who is subject to a certificate issued under this Act; (b) a substitute decision maker; (c) a person referred to in subsection 30(4); (d) an attending medical practitioner of a patient or a medical practitioner who is responsible for the general supervision and management of a community treatment plan for a patient; (e) the director of a designated facility where a certificate in respect of a patient is filed or where a patient is admitted; (f) the Public Trustee in respect of a certificate of mental incompetence; or (g) any other person with leave of the chairperson or a review panel. 	<p>(2) Peuvent faire une demande en vertu du paragraphe (1) les personnes suivantes :</p> <ul style="list-style-type: none"> a) la personne, y compris le patient, assujettie à tout certificat délivré en vertu de la présente loi; b) tout mandataire spécial; c) toute personne visée au paragraphe 30(4); d) tout médecin traitant d'un patient ou tout médecin chargé de la surveillance et de la gestion générales d'un plan de traitement en milieu communautaire pour un patient; e) le directeur d'un établissement désigné où est déposé un certificat à l'égard d'un patient, ou où est admis un patient; f) le curateur public quant à un certificat d'incapacité mentale; g) toute autre personne avec l'autorisation du président ou d'un comité de révision. <p>LTN-O 2018, ch. 18, art. 15(4).</p>
Review and dismissal	<p>67. (1) The chairperson shall review each application made to the Review Board and may dismiss an application, if he or she reasonably believes that</p> <ul style="list-style-type: none"> (a) the application is frivolous, vexatious or not made in good faith; or (b) the panel has, within 30 days before the application is made, considered the same matter under a previous application and there has been no significant change in circumstances. 	<p>67. (1) Le président étudie chaque demande présentée au conseil de révision et peut rejeter toute demande s'il a des motifs raisonnables de croire :</p> <ul style="list-style-type: none"> a) soit qu'elle est frivole, vexatoire ou non faite de bonne foi; b) soit que le comité a, dans les 30 jours précédant la présentation de la demande, étudié la même question en vertu d'une demande antérieure et qu'aucun changement important des circonstances n'est survenu.
Matter to review panel	<p>(2) Subject to subsection (1), the chairperson shall, within two days after receipt of an application,</p> <ul style="list-style-type: none"> (a) appoint members of the Review Board as a review panel to hear the application; (b) designate a member of the review panel 	<p>(2) Sous réserve du paragraphe (1), le président, dans les deux jours qui suivent la réception d'une demande, procède comme suit :</p> <ul style="list-style-type: none"> a) il nomme les membres du conseil de révision qui forment le comité de

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No review or appeal	<p>as chair; and</p> <p>(c) refer the application to the chair of the review panel.</p> <p>(3) No review or appeal lies under this Act from a dismissal under section (1) or a referral of a matter to a review panel under subsection (2).</p>	<p>révision qui sera saisi de la demande;</p> <p>b) il désigne un membre du comité de révision à la présidence;</p> <p>c) il renvoie la demande au président du comité de révision.</p> <p>(3) Le rejet en vertu du paragraphe (1) ou le renvoi au comité de révision en vertu du paragraphe (2) n'est pas susceptible d'appel ou de révision en vertu de la présente loi.</p>
Deemed application regarding involuntary patient	<p>68. If an involuntary patient has been subject to a certificate of involuntary admission and renewal certificates for a continuous period of six months and a review panel has not considered an application for cancellation of the certificates within the six-month period, or is not in the process of considering the matter, the chairperson shall</p> <ul style="list-style-type: none"> (a) deem that an application for review of the certificates has been made; (b) appoint members of the Review Board as a review panel to hear the application; (c) designate a member of the review panel as chair; and (d) refer the application to the chair of the review panel. 	<p>(3) Si un patient en placement non volontaire a été assujetti à un certificat d'admission involontaire et à des certificats de renouvellement pour une période continue de six mois et si un comité de révision n'a étudié aucune demande d'annulation des certificats à l'intérieur de la période de six mois, ou n'est pas à le faire, le président procède comme suit :</p> <ul style="list-style-type: none"> a) il considère qu'une demande de révision des certificats a été présentée; b) il nomme les membres du conseil de révision qui forment le comité de révision qui sera saisi de la demande; c) il désigne un membre du comité de révision à la présidence; d) il renvoie la demande au président du comité de révision.
SNWT 2023,c.7,s.25(4).		LTN-O 2018, ch. 18, art. 15(4).
Notice to patient or substitute decision maker	<p>68.1. The chairperson shall, as soon as possible, provide notice to a patient or substitute decision maker who is a party to an application referred to a review panel under paragraph 67(2)(c) or 68(d), of the right under subsection 71(5) to request that the Review Board engage an Elder or other person as a cultural advisor to the review panel.</p>	<p>68.1. Le président, dès que possible, donne à tout patient ou mandataire spécial qui est partie à une demande renvoyée à un comité de révision en application de l'alinéa 67(2)c ou 68d) avis du droit prévu au paragraphe 71(5) de demander que le conseil de révision engage un aîné ou une autre personne à titre de conseiller culturel auprès du comité de révision.</p>
Parties	<p>69. (1) The parties to an application to the Review Board are</p> <ul style="list-style-type: none"> (a) the applicant; (b) the patient or other person who is subject to a certificate issued under this Act; (c) the substitute decision maker for a patient, if applicable; (d) the attending medical practitioner of a patient or the medical practitioner who is responsible for the general supervision and management of a community treatment plan for a patient; and (e) the director of the applicable designated facility. 	<p>69. (1) Sont parties à une demande au conseil de révision les personnes suivantes :</p> <ul style="list-style-type: none"> a) l'auteur de la demande; b) la personne, y compris le patient, assujettie à tout certificat délivré en vertu de la présente loi; c) le mandataire spécial d'un patient, s'il y a lieu; d) le médecin traitant d'un patient ou le médecin chargé de la surveillance et de la gestion générales du plan de traitement en milieu communautaire pour un patient; e) le directeur de l'établissement désigné applicable.

Adding party	(2) A review panel may add as a party any person who in its opinion has a substantial interest in the application.	(2) Le comité de révision peut joindre comme partie toute personne qui, à son avis, a un intérêt substantiel dans la demande.	Autre partie
Representation	(3) A party may be represented by legal counsel or an agent.	(3) Toute partie peut être représentée par un avocat ou un mandataire.	Représentation
Notice of hearing	70. (1) On receiving an application for consideration, a review panel shall <ul style="list-style-type: none"> (a) schedule a hearing at the earliest opportunity, and no later than the prescribed time period; and (b) give seven days written notice of the date, time, place and purpose of the hearing to the parties. 	70. (1) Lorsqu'il reçoit une demande aux fins d'examen, le comité de révision : <ul style="list-style-type: none"> a) d'une part, prévoit une audience dès que possible, sans dépasser le délai prescrit; b) d'autre part, donne aux parties un avis écrit de sept jours de la date, de l'heure, du lieu et du but de l'audience. 	Avis de l'audience
Hearing private	(2) Subject to subsection (3), a hearing must be held in private.	(2) Sous réserve du paragraphe (3), l'audience doit se tenir à huis clos.	Huis clos
Exception	(3) A review panel may permit the public to be present during all or part of a hearing if the patient or other person who is subject to a certificate issued under this Act consents and the panel is of the opinion that there is no risk of serious harm or injustice to any person.	(3) Le comité de révision peut permettre la présence du public durant la totalité ou une partie de l'audience si la personne, y compris le patient, assujettie à tout certificat délivré en vertu de la présente loi y consent et si le comité de révision est d'avis que personne ne risque de subir un préjudice grave ou une injustice.	Exception
Powers of review panel	71. (1) A review panel may <ul style="list-style-type: none"> (a) summon any person as a witness; (b) require any person to give evidence on oath or affirmation; and (c) require any person to produce the documents and things the review panel considers necessary. 	71. (1) Les comités de révision peuvent : <ul style="list-style-type: none"> a) assigner des témoins; b) enjoindre à toute personne de témoigner sous serment ou sous affirmation solennelle; c) enjoindre à toute personne de produire les documents et pièces qu'ils estiment nécessaires. 	Pouvoirs des comités de révision
Additional powers	(2) A review panel has the same power as is vested in a court of record in civil cases <ul style="list-style-type: none"> (a) to administer oaths and affirmations; (b) to enforce the attendance of any person as a witness; (c) to compel any person to give evidence; and (d) to compel any person to produce any document or thing. 	(2) Les comités de révision ont les mêmes pouvoirs qu'une cour d'archives en matière civile pour : <ul style="list-style-type: none"> a) faire prêter serment et recevoir des affirmations solennelles; b) contraindre les témoins à comparaître; c) contraindre une personne à déposer; d) contraindre une personne à produire des documents ou pièces. 	Autres pouvoirs
Independent examination	(3) The Review Board may arrange for a patient or another person who is subject to a certificate issued under this Act to be examined by a medical practitioner.	(3) Le conseil de révision peut prendre des dispositions pour qu'une personne, y compris un patient, assujettie à tout certificat délivré en vertu de la présente loi soit examinée par un médecin.	Examen indépendant
Experts	(4) The Review Board may engage, to give evidence or make submissions at a hearing, <ul style="list-style-type: none"> (a) an Elder or other person as a cultural 	(4) Le conseil de révision peut engager, pour témoigner ou présenter des observations lors d'une audience :	Experts

	<p>advisor; or</p> <p>(b) independent medical, psychiatric or other professional persons.</p>	<p>a) un aîné ou une autre personne à titre de conseiller culturel;</p> <p>b) des professionnels indépendants, notamment de la santé ou en psychiatrie.</p>	
Cultural advisor	(5) On request by a patient, his or her substitute decision maker or the patient's attending medical practitioner, the Review Board shall engage an Elder or other person as a cultural advisor to a review panel.	(5) À la demande d'un patient, de son mandataire spécial ou de son médecin traitant, le conseil de révision engage un aîné ou une autre personne à titre de conseiller culturel auprès de tout comité de révision.	Conseiller culturel
Authority to continue hearing	(6) Notwithstanding subclause (5), a review panel may hear an application without an Elder or other person as a cultural advisor if, after making reasonable efforts, the Review Board does not locate a person to engage in that capacity.	(6) Malgré le paragraphe (5), tout comité de révision peut entendre une demande sans la présence d'un aîné ou d'une autre personne à titre de conseiller culturel si, après avoir fait des efforts raisonnables, le conseil de révision ne trouve personne à engager à ce titre.	Autorisation de poursuivre l'audience
Rules of evidence	72. (1) A hearing under this Act is not subject to the rules of evidence applicable to judicial proceedings and evidence may be given in any manner that the Review Board or a review panel considers appropriate, including by teleconference, video conference or other means of communication.	72. (1) Les audiences prévues dans la présente loi ne sont pas assujetties aux règles de preuve applicables aux instances judiciaires; les éléments de preuve peuvent être présentés de toute façon que le conseil de révision ou tout comité de révision estime indiquée, notamment par téléconférence, vidéoconférence ou un autre moyen de communication.	Règles de preuve
Order respecting evidence	(2) A review panel may make any order in respect of the taking, hearing or reproduction of evidence that the panel considers necessary, including an order to protect the interests of a patient, another person who is subject to a certificate issued under this Act or a witness.	(2) Les comités de révision peuvent rendre toute ordonnance concernant l'administration, l'audition ou la reproduction de la preuve qu'ils estiment nécessaire à la protection des intérêts du patient ou d'un témoin.	Ordonnance concernant la preuve
Evidence from party	(3) Each party may present any evidence that the review panel considers relevant and may question witnesses.	(3) Chaque partie peut présenter la preuve que le comité de révision estime pertinente et peut interroger les témoins.	Preuve des parties
Order authorizing treatment	73. Before making an order authorizing treatment on an application made under paragraph 66(1)(d) or (e), a review panel must be satisfied, after hearing the evidence of the attending medical practitioner of the patient who is the subject of the application, and any other witnesses, that	73. Avant de rendre une ordonnance autorisant un traitement à la suite d'une demande faite en vertu de l'alinéa 66(1)d) ou e), le comité de révision doit être convaincu de ce qui suit, après avoir entendu le témoignage du médecin traitant du patient visé dans la demande, et des autres témoins :	Ordonnance autorisant un traitement
	<ul style="list-style-type: none"> (a) the attending medical practitioner has examined the patient; and (b) the proposed treatment is in the best interests of the patient, having regard to whether <ul style="list-style-type: none"> (i) the condition of the patient will be or is likely to be improved by the treatment, (ii) the condition of the patient will deteriorate or is likely to deteriorate without the treatment, (iii) the anticipated benefits from the 	<ul style="list-style-type: none"> a) le médecin traitant a examiné le patient; b) le traitement proposé est dans l'intérêt véritable du patient, en tenant compte de ce qui suit : <ul style="list-style-type: none"> (i) le traitement améliorera ou est susceptible d'améliorer l'état du patient, (ii) l'état du patient se détériorera ou risque de se détériorer sans le traitement, (iii) les avantages prévus du traitement l'emportent sur les risques de 	

Order respecting certificate	<p>treatment outweigh the risks of harm to the patient, and</p> <p>(iv) the treatment is the least restrictive and least intrusive to meet treatment objectives.</p>	<p>préjudice pour le patient,</p> <p>(iv) le traitement est celui qui est le moins contraignant et le moins perturbateur afin d'atteindre les objectifs de traitement.</p>
Other order	<p>74. (1) On an application made under paragraph 66(1)(a) for an order to cancel a certificate issued under this Act, the review panel may</p>	<p>74. (1) À la suite d'une demande d'ordonnance en vertu de l'alinéa 66(1)a afin d'annuler un certificat délivré en vertu de la présente loi, le comité de révision peut :</p>
Costs	<p>(2) On an application made under paragraphs 66(1)(b) to (h) or section 68, the review panel may make the order that it considers appropriate.</p>	<p>a) soit ordonner l'annulation du certificat et rendre toute ordonnance accessoire qu'il estime nécessaire;</p> <p>b) soit confirmer le certificat et rendre toute ordonnance accessoire qu'il estime nécessaire.</p>
Service of order and notice of appeal right	<p>(3) A review panel may make any order as to costs that is considered appropriate.</p> <p>(4) A review panel shall, in accordance with the regulations, serve a copy of an order made under this section on each party to the application and shall include with the order information on the right of appeal to the Supreme Court.</p>	<p>(2) À la suite d'une demande en vertu des alinéas 66(1)b à h) ou de l'article 68, le comité de révision peut rendre l'ordonnance qu'il estime indiquée.</p> <p>(3) Le comité de révision peut rendre toute ordonnance pour les dépens qu'il estime indiquée.</p> <p>(4) Le comité de révision, conformément aux règlements, signifie à chaque partie à la demande une copie de l'ordonnance rendue en vertu du présent article, accompagnée des renseignements concernant le droit d'appel à la Cour suprême.</p>
Appeal to Supreme Court	Appeal	Appel
Appeal private	<p>75. (1) A party to an application to the Review Board made under subsection 66(1) or section 68 may, within 30 days after receiving an order of a review panel made under section 74, appeal the order to the Supreme Court in accordance Part 44 of the <i>Rules of the Supreme Court</i>.</p>	<p>75. (1) Toute partie à une demande faite en vertu du paragraphe 66(1) ou de l'article 68 peut, dans les 30 jours qui suivent la réception d'une ordonnance d'un comité de révision prise en vertu de l'article 74, en appeler de l'ordonnance à la Cour suprême conformément à la partie 44 des <i>Règles de la Cour suprême</i>.</p>
Costs	<p>(2) An appeal under this section must be held in private unless the Supreme Court orders otherwise.</p> <p>(3) The Supreme Court may make any order as to costs that it considers appropriate.</p>	<p>(2) L'appel prévu au présent article doit se tenir à huis clos, sauf ordonnance contraire de la Cour suprême.</p> <p>(3) La Cour suprême peut rendre toute ordonnance pour les dépens qu'elle estime indiquée.</p>
No further appeal	<p>(4) No appeal lies from an order of the Supreme Court made under this section.</p>	<p>(4) Les ordonnances de la Cour suprême en vertu du présent article ne sont pas susceptibles d'appel.</p>

Ordonnance concernant un certificat

Autre ordonnance

Dépens

Signification de l'ordonnance et avis de droit d'appel

	Publication	Publication
Prohibition	<p>76. No person shall publish by any means any report of a hearing, decision, review or appeal held or made under this Act concerning a person who is alleged to be suffering from a mental disorder, in which the name of that person or any information serving to identify that person is disclosed.</p>	<p>76. Il est interdit de publier, par quelque moyen que ce soit, le compte rendu d'une audition, d'une décision, d'une révision ou d'un appel en application de la présente loi concernant une personne que l'on prétend atteinte de troubles mentaux, dans lequel figure le nom de cette personne ou tout autre renseignement permettant de l'identifier.</p>
	PART 6 PATIENT RIGHTS AND INTERESTS	PARTIE 6 DROITS ET INTÉRÊTS DU PATIENT
Rights on apprehension	Rights of Person Apprehended	Droits des personnes appréhendées
Definition: "specified person"	<p>76.1. A person who is apprehended under this Act has the right, on apprehension,</p> <ul style="list-style-type: none"> (a) to be informed promptly of the reasons for the apprehension; (b) to retain and instruct counsel without delay; and (c) to communicate with a family member, health professional or other person in the event of any delay in conveying the person to a designated facility. 	<p>76.1. Toute personne appréhendée en vertu de la présente loi a le droit, lors de l'appréhension :</p> <ul style="list-style-type: none"> a) d'être informée sans tarder des motifs de l'appréhension; b) d'avoir recours sans délai à l'assistance d'un avocat; c) de communiquer avec un membre de la famille, un professionnel de la santé ou une autre personne advenant tout délai dans son transport à un établissement désigné.
Rights and privileges	Patient Rights	Droits du patient
Posting of rights	<p>77. (1) In this section, "specified person" means a person who</p> <ul style="list-style-type: none"> (a) has been detained under a certificate of involuntary assessment; (b) has been admitted as an involuntary patient; or (c) is subject to an assisted community treatment certificate. <p>(2) Subject to any prescribed exceptions, a specified person must not, by reason of receiving or having received mental health services, be deprived of any right or privilege enjoyed by others.</p>	<p>77. (1) Au présent article, «personne donnée» vise la personne qui, selon le cas :</p> <ul style="list-style-type: none"> a) a été détenue en vertu d'un certificat d'évaluation non volontaire; b) a été admise comme patient en placement non volontaire; c) est assujettie à un certificat de traitement en milieu communautaire assisté. <p>(2) Sous réserve de toute exception prévue par règlement, une personne donnée ne doit pas, du fait qu'elle reçoit ou a reçu des services de santé mentale, être privée de tout droit ou tout privilège dont jouissent les autres. LTN-O 2018, ch. 18, art. 15(4).</p>
		Affichage des droits

	Patient's Estate	Biens du patient
Examination as to competency	<p>79. (1) A medical practitioner who issues a certificate of involuntary admission of a person shall examine the person to determine whether he or she is mentally competent to manage his or her estate.</p>	<p>79. (1) Le médecin qui délivre un certificat d'admission involontaire d'une personne examine la personne afin de déterminer si elle est mentalement capable de gérer ses biens.</p>
Certificate of mental incompetence	<p>(2) If a medical practitioner who examines a person under subsection (1) is of the opinion that the person is not mentally competent to manage his or her estate, the medical practitioner shall</p> <ul style="list-style-type: none">(a) issue a certificate of mental incompetence in respect of the estate of the person; and(b) provide a copy of the certificate to the Public Trustee.	<p>(2) Le médecin qui examine une personne en vertu du paragraphe (1), s'il estime qu'elle n'est pas mentalement capable de gérer ses biens :</p> <ul style="list-style-type: none">a) d'une part, délivre un certificat d'incapacité mentale à l'égard des biens de la personne;b) d'autre part, remet une copie du certificat au curateur public.
Exceptional circumstances	<p>(3) If circumstances are such that the Public Trustee should immediately assume management of an estate, the medical practitioner shall notify the Public Trustee as soon as possible that a certificate of mental incompetence has been issued.</p>	<p>(3) Si les circonstances sont telles que le curateur public devrait immédiatement se charger de la gestion des biens, le médecin notifie dès que possible à ce dernier la délivrance du certificat d'incapacité mentale.</p>
Exception	<p>(4) Subsections (1) to (3) do not apply</p> <ul style="list-style-type: none">(a) to a person whose estate is governed by a trusteeship order made under the <i>Guardianship and Trusteeship Act</i>; or(b) to restrict an application for a trusteeship order under that Act.	<p>(4) Les paragraphes (1) à (3) ne visent pas :</p> <ul style="list-style-type: none">a) la personne dont les biens sont régis par une ordonnance portant nomination d'un fiduciaire rendue en vertu de la <i>Loi sur la tutelle</i>;b) à restreindre toute demande d'ordonnance portant nomination d'un fiduciaire en vertu de cette loi.
Commencement of trusteeship	<p>80. (1) If there is no other trustee of the estate of a person who is named in a certificate of mental incompetence, the Public Trustee is the trustee and shall assume management of the estate on receipt of the certificate of mental incompetence.</p>	<p>80. (1) S'il n'existe aucun autre fiduciaire des biens de la personne nommée dans un certificat d'incapacité mentale, le curateur public est le fiduciaire et assume la gestion des biens dès la réception du certificat d'incapacité mentale.</p>
Powers of the Public Trustee	<p>(2) If the Public Trustee is a trustee under subsection (1), he or she has the same powers and duties as if the Public Trustee had been appointed trustee under the <i>Guardianship and Trusteeship Act</i>, including all the powers specified in section 36 of that Act.</p>	<p>(2) Le curateur public qui est fiduciaire en vertu du paragraphe (1) est investi des mêmes pouvoirs et fonctions que le fiduciaire nommé en vertu de la <i>Loi sur la tutelle</i>, notamment les pouvoirs prévus à l'article 36 de cette loi.</p>
Cancellation of certificate	<p>81. (1) The attending medical practitioner of an involuntary patient shall cancel a certificate of mental incompetence if, after examining the patient, the medical practitioner determines that the patient is mentally competent to manage his or her estate.</p>	<p>81. (1) Le médecin traitant d'un patient en placement non volontaire annule le certificat d'incapacité mentale s'il détermine, après examen du patient, que le patient est mentalement capable de gérer ses biens.</p>

Notice to Public Trustee	(2) On cancelling a certificate under subsection (1), the medical practitioner shall forward a notice of cancellation to the Public Trustee.	(2) Lorsqu'il annule un certificat en vertu du paragraphe(1), le médecin transmet au curateur public un avis de l'annulation. LTN-O 2018, ch. 18, art. 15(4).	Avis au curateur public
Notice of change of status	82. If a certificate of mental incompetence is in force in respect of a person who ceases to be an involuntary patient, the director of the designated facility where the person was admitted shall provide notice to the Public Trustee that the person is no longer an involuntary patient.	82. Si un certificat d'incapacité mentale est en vigueur à l'égard d'une personne qui cesse d'être un patient en placement non volontaire, le directeur de l'établissement désigné où était admise la personne donne avis au curateur public que la personne n'est plus un patient en placement non volontaire. LTN-O 2018, ch. 18, art. 15(4).	Avis de congé
Leave to bring action	83. (1) A person other than the Public Trustee may not, without the leave of a judge of a court in which an action is intended to be brought, bring an action as next friend of a person of whose estate the Public Trustee is trustee under this Act.	83. (1) À l'exception du curateur public, nul ne peut intenter une action à titre de plus proche ami d'une personne pour qui le curateur public est le fiduciaire des biens sous le régime de la présente loi, sans l'autorisation d'un juge du tribunal devant être saisi de cette action. LTN-O 2018, ch. 18, art. 15(4).	Autorisation d'intenter une action
Notice of application	(2) The Public Trustee must be served with notice of an application for leave referred to in subsection (1).	(2) L'avis de demande d'autorisation visée au paragraphe (1) doit être signifié au curateur public. LTN-O 2018, ch. 18, art. 15(4).	Avis de demande
Service of documents	84. (1) If an action or proceeding is commenced against a person who is subject to a certificate of mental incompetence, who is a patient in a designated facility, and for whose estate a trustee has not been appointed, and the action or proceeding is in connection with the estate of that person, the document by which the action or proceeding is commenced, and any other document requiring personal service, must be <ul style="list-style-type: none"> (a) endorsed with the name of the designated facility in or of which that person is a patient; (b) served on the Public Trustee; and (c) served on that person. 	84. (1) Si une action ou une instance est intentée contre une personne assujettie à un certificat d'incapacité mentale, qui est un patient d'un établissement désigné, et pour qui aucun fiduciaire des biens n'a été nommé, et si l'action ou l'instance porte sur les biens de cette personne, l'acte introductif d'instance ainsi que tout autre document dont la signification à personne est requise doivent, à la fois : <ul style="list-style-type: none"> a) porter le nom de l'établissement désigné dont cette personne est un patient; b) être signifiés au curateur public; c) être signifiés à la personne. 	Signification de documents
Exception	(2) Notwithstanding paragraph (1)(c), all documentation referred to in subsection (1) must be served on the director of the designated facility where the person referred to in that paragraph is a patient, instead of on the person, if the attending medical practitioner is of the opinion that personal service on that person would or would likely cause serious harm to him or her by reason of his or her mental condition.	(2) Malgré l'alinéa (1)c), toute la documentation visée au paragraphe (1) doit être signifiée au directeur de l'établissement désigné où la personne visée à cet alinéa est un patient, plutôt qu'à la personne même, si le médecin traitant est d'avis que la signification à personne causerait ou risque de causer à la personne un préjudice grave en raison de son état mental. LTN-O 2018, ch. 18, art. 15(4).	Exception
Commencement of action or proceeding	85. An involuntary patient who is mentally competent to manage his or her estate and legally entitled to do so may commence an action or proceeding in respect of the estate in his or her own name, or may name a representative to commence an action or proceeding in respect of the estate on the patient's behalf.	85. Le patient en placement non volontaire qui est mentalement capable de gérer ses biens et qui est légalement autorisé à le faire peut intenter en son nom une action ou une instance portant sur ses biens, ou peut nommer un représentant pour le faire en son nom. LTN-O 2018, ch. 18, art. 15(4).	Introduction d'une action ou d'une instance

	Transportation Arrangements	Arrangements de transport	
Transportation arrangements if no certificate of involuntary assessment	<p>86. (1) Transportation arrangements must be made, in accordance with the regulations and Government policies, to return a person apprehended under the authority of an order issued under subsection 11(6), or the authority of a peace officer under subsection 12(1), to the place where he or she was apprehended, or to another appropriate place, if the person is released because a certificate of involuntary assessment of the person is not issued.</p> <p>(2) Transportation arrangements must be made, in accordance with the regulations and Government policies, to return a person apprehended under a certificate of involuntary assessment to the place where he or she was apprehended, or to another appropriate place, if the person is released because</p> <ul style="list-style-type: none"> (a) an involuntary psychiatric assessment of the person was not conducted within 72 hours after the person was apprehended; or (b) an involuntary psychiatric assessment of the person was conducted, but the person was not admitted as a patient. 	<p>86. (1) Des arrangements de transport doivent être faits, conformément aux règlements et aux politiques gouvernementales, pour ramener toute personne appréhendée soit en vertu d'une ordonnance prévue au paragraphe 11(6), soit par un agent de la paix en vertu du paragraphe 12(1), au lieu de son appréhension, ou à un autre lieu convenable, si la personne est libérée parce qu'aucun certificat d'évaluation non volontaire n'est délivré à son égard.</p> <p>(2) Des arrangements au transport doivent être faits, conformément aux règlements et aux politiques gouvernementales, pour ramener toute personne appréhendée en vertu d'un certificat d'évaluation non volontaire au lieu de son appréhension, ou à un autre lieu convenable, si la personne est libérée pour l'un des motifs suivants :</p> <ul style="list-style-type: none"> a) aucune évaluation psychiatrique non volontaire de la personne n'a été faite dans les 72 heures qui ont suivi l'appréhension; b) une évaluation psychiatrique non volontaire de la personne a eu lieu, mais la personne n'a pas été admise comme patient. 	Arrangements de transport en l'absence de certificat d'évaluation non volontaire
Transportation arrangements if no certificate of involuntary admission	PART 7 GENERAL	PARTIE 7 DISPOSITIONS GÉNÉRALES	
	Observation Orders and <i>Criminal Code</i> Orders	Ordonnances d'observation et ordonnances en vertu du <i>Code criminel</i>	
Definition: "judge"	<p>87. (1) In this section, "judge" means justice of the peace, territorial judge or judge of the Supreme Court.</p>	<p>87. (1) Au présent article, «juge» s'entend d'un juge de paix, d'un juge territorial ou d'un juge de la Cour suprême.</p>	Définition : «juge»
Application	<p>(2) Subsection (3)</p> <ul style="list-style-type: none"> (a) only applies to a person who is charged with or convicted of an offence under an Act of Canada or an Act of the Northwest Territories or a regulation made under an Act of Canada or an Act of the Northwest Territories; and (b) does not apply to a young person as defined in the <i>Youth Justice Act</i> or the <i>Youth Criminal Justice Act</i> (Canada). <p>(3) If a judge is of the opinion that there is reason to believe that a person who appears before the judge, charged with or convicted of an offence, suffers from</p>	<p>(2) Le paragraphe (3) :</p> <ul style="list-style-type: none"> a) ne vise que les personnes inculpées ou déclarées coupables d'une infraction à une loi fédérale ou à une loi des Territoires du Nord-Ouest, ou à leurs règlements d'application; b) ne vise pas les adolescents au sens de la <i>Loi sur le système de justice pour les adolescents</i> ou de la <i>Loi sur le système de justice pénale pour les adolescents</i> (Canada). <p>(3) S'il est d'avis qu'il y a lieu de croire que la personne qui comparaît devant lui, et qui est inculpée ou déclarée coupable d'une infraction, est atteinte de</p>	Application
Order for observation			Ordonnance d'observation

	a mental disorder, the judge may	troubles mentaux, le juge peut :
	<ul style="list-style-type: none"> (a) order the person to attend a designated facility or other health facility specified in the order for observation for a period not exceeding 30 days; and (b) specify in the order the time within which the person must be conveyed to the designated facility or other health facility and any other terms and conditions that the judge considers appropriate. 	<ul style="list-style-type: none"> a) d'une part, ordonner que la personne se présente à un établissement désigné ou un autre établissement de santé précisé dans l'ordonnance pour observation pendant une période maximale de 30 jours; b) d'autre part, préciser dans l'ordonnance le délai dans lequel la personne doit être transportée à l'établissement désigné ou l'autre établissement de santé et toute autre condition qu'il estime indiquée.
Evidence for order	(4) The opinion of a judge under subsection (3) must	(4) L'avis du juge prévu au paragraphe (3) doit s'appuyer, selon le cas :
	<ul style="list-style-type: none"> (a) be supported by the evidence; or (b) where the prosecutor and the accused consent, be supported by a written report of at least one medical practitioner. 	<ul style="list-style-type: none"> a) sur les témoignages et la preuve présentée; b) avec le consentement du poursuivant et de l'accusé, sur le rapport écrit d'au moins un médecin.
Admission as patient	(5) A person who is ordered under subsection (3) to attend a designated facility or other health facility for observation must be admitted to the facility as a patient and provided with care and treatment appropriate to the condition of the person as authorized by this Act and the order.	(5) La personne qui doit, en vertu d'une ordonnance prévue au paragraphe (3), se présenter à un établissement désigné ou un autre établissement de santé pour observation doit y être admise comme patient et recevoir les soins et le traitement appropriés à son état qu'autorisent la présente loi et l'ordonnance.
Written report	(6) Before the expiration of the time stated in an order made under subsection (3), the medical practitioner who examines the person under the order shall provide a written report to the judge on the mental condition of that person.	(6) Avant l'expiration du délai fixé dans l'ordonnance rendue en vertu du paragraphe (3), le médecin qui examine la personne en exécution de l'ordonnance remet au juge un rapport écrit de l'état mental de cette personne.
No review or appeal	(7) No review or appeal lies under this Act from an order made under section (3).	(7) Les ordonnances rendues en vertu du paragraphe (3) ne sont pas susceptibles d'appel ou de révision en vertu de la présente loi.
Criminal Code patients	<p>88. A person who, under Part XX.1 of the <i>Criminal Code</i>, is ordered to be detained in a designated facility, must be admitted to the facility as a patient and provided with care and treatment appropriate to the condition of the person as authorized by this Act and the order.</p>	<p>88. La personne qui, en vertu de la partie XX.1 du <i>Code criminel</i>, doit être détenue dans un établissement désigné doit y être admise comme patient et recevoir les soins et le traitement appropriés à son état qu'autorisent la présente loi et l'ordonnance.</p>
Definition: "detained person"	<p>89. (1) In this section, "detained person" means a person detained in a designated facility under the authority of an order made under the <i>Criminal Code</i>, on a finding that the person is unfit on account of mental disorder to stand trial or not criminally responsible on account of mental disorder.</p>	<p>89. (1) Au présent article, «personne détenue» s'entend de la personne détenue dans un établissement désigné en vertu d'une décision prise sous le régime du <i>Code criminel</i>, fondée sur la conclusion que la personne est inapte à subir un procès pour cause de troubles mentaux ou qu'elle n'est pas tenue criminellement responsable pour cause de troubles mentaux.</p>

Requirement for examination	(2) Within 72 hours before the expiration of detention of a detained person, the person must be examined by a medical practitioner to determine whether a certificate of involuntary assessment of the person should be issued.	(2) Dans les 72 heures qui précèdent la fin de la détention d'une personne détenue, un médecin doit examiner la personne pour déterminer s'il faut délivrer un certificat d'évaluation non volontaire à son égard.	Examen obligatoire
Change of status	(3) If a certificate of involuntary assessment of a detained person is issued under subsection (2), a medical practitioner may, in accordance with sections 13, 14 and 15, change the status of the person to that of an involuntary patient.	(3) Si un certificat d'évaluation non volontaire d'une personne détenue est délivré en vertu du paragraphe (2), le médecin peut, conformément aux articles 13, 14 et 15, changer le statut de la personne à celui de patient en placement non volontaire. LTN-O 2018, ch. 18, art. 15(4).	Changement de statut
Peace Officer Powers and Duties			Pouvoirs et fonctions des agents de la paix
Duties on apprehension	<p>90. (1) A peace officer who apprehends a person under this Act</p> <ul style="list-style-type: none"> (a) may, subject to subsection (2), take reasonable measures, including the entering of premises and use of physical restraint, for the apprehension and conveyance of the person; (a.1) shall promptly inform the person of the reasons for the apprehension; (a.2) shall inform the person of his or her right to retain and instruct counsel without delay and shall endeavour, to the extent that is practicable, to facilitate that person's access to counsel; (b) shall, as soon as practicable, convey the person to the designated facility or other location to which the peace officer is authorized to convey the person; (b.1) shall, in the event of any delay in conveying the person to a designated facility, provide the person with the opportunity to contact a family member, health professional or other person; (c) shall convey the person by the least intrusive means possible without compromising the safety of the person or the public; and (d) shall remain with the person or arrange for another peace officer to do so until a designated facility or other location, or an authorized person, accepts custody of the person being conveyed. 		
	<p>90. (1) L'agent de la paix qui appréhende une personne en vertu de la présente loi procède comme suit :</p> <ul style="list-style-type: none"> a) sous réserve du paragraphe (2), il peut prendre les mesures raisonnables, notamment pénétrer dans les lieux et recourir à la contrainte physique, aux fins de l'apprehension et du transport; a.1) il informe sans tarder la personne des motifs de son appréhension et de son droit d'avoir recours sans délai à l'assistance d'un avocat; a.2) il informe la personne de son droit d'avoir recours sans délai à l'assistance d'un avocat et s'efforce de lui faciliter l'accès à un avocat; b) dès que possible, il transporte la personne à l'établissement désigné ou l'autre emplacement auquel il est autorisé de transporter la personne; b.1) advenant tout délai dans le transport de la personne à un établissement désigné, il donne à la personne l'occasion de communiquer avec un membre de la famille, un professionnel de la santé ou une autre personne; c) il a recours au mode de transport le moins dérangeant sans toutefois compromettre la sécurité de la personne ou du public; d) il demeure avec la personne ou prévoit la présence d'un autre agent de la paix à cette fin jusqu'à ce que l'établissement désigné ou l'autre emplacement, ou une personne autorisée, accepte la garde de la personne. 		

Contact with medical professional	(1.1) A peace officer who apprehends a person under this Act shall contact a health professional to discuss the condition and circumstances of the person if there is any delay between the apprehension of the person and the conveyance of the person to a designated facility or other location to which the peace officer is authorized to convey the person.	(1.1) L'agent de la paix qui appréhende une personne en vertu de la présente loi communique avec un professionnel de la santé pour discuter de l'état et de la situation de la personne advenant tout délai entre l'appréhension de la personne et son transport à un établissement désigné ou un autre emplacement auquel il est autorisé à transporter la personne.	Communication avec un professionnel de la santé
Requirement for warrant	(2) A peace officer shall not, without a warrant, enter a dwelling place to apprehend a person unless (a) a resident of the dwelling place consents; or (b) section 92 applies. SNWT 2017,c.20,s.7(3).	(2) Il est interdit à tout agent de la paix, sans mandat, de pénétrer dans un lieu d'habitation afin d'appréhender une personne sauf, selon le cas : a) si un résident du lieu d'habitation y consent; b) si l'article 92 s'applique. LTN-O 2017, ch. 20, art. 7(3).	Mandat obligatoire
Definition: "justice"	Entry in Dwelling Place	Entrée dans un lieu d'habitation	
Warrant to enter dwelling place	91. (1) In this section, "justice" means justice of the peace or territorial judge.	91. (1) Au présent article, «juge» s'entend d'un juge de paix ou d'un juge territorial.	Définition : «juge»
Terms and conditions	(2) A justice may issue a warrant authorizing a peace officer to enter a dwelling place described in the warrant for the purposes of apprehending a person identified or identifiable by the warrant if the justice is satisfied by information on oath or affirmation that there are reasonable grounds to believe that (a) the peace officer is authorized pursuant to this Act to apprehend the person; and (b) the person to be apprehended is or will be present in the dwelling place.	(2) Le juge peut délivrer un mandat autorisant un agent de la paix à pénétrer dans un lieu d'habitation désigné pour procéder à l'appréhension d'une personne que le mandat nomme ou permet d'identifier s'il est convaincu, sur la foi d'une dénonciation sous serment, qu'il existe des motifs raisonnables de croire ce qui suit : a) l'agent de la paix est autorisé en vertu de la présente loi à apprécier la personne; b) la personne visée s'y trouve ou s'y trouvera.	Mandat d'entrée dans un lieu d'habitation
Information submitted by telephone	(3) A justice who issues a warrant under subsection (2) may include in the warrant any terms and conditions that he or she considers advisable to ensure that the entry into the dwelling place is reasonable in the circumstances.	(3) Le juge qui délivre le mandat visé au paragraphe (2) peut y énoncer les modalités qu'il estime utiles pour que l'entrée dans le lieu d'habitation soit raisonnable dans les circonstances.	Modalités raisonnables
Expiration of authority	(4) If a peace officer believes that it would be impracticable in the circumstances to appear personally before a justice to make an application for a warrant under subsection (2), the warrant may be issued on information submitted by telephone or other means of telecommunication.	(4) Si l'agent de la paix croit qu'il serait difficilement réalisable dans les circonstances de se présenter en personne devant un juge pour lui demander le mandat visé au paragraphe (2), le mandat peut être délivré sur une dénonciation faite par téléphone ou à l'aide d'un autre moyen de télécommunication.	Dénonciation faite par téléphone
	(5) The authority under a warrant issued under subsection (2) expires at the end of the seventh day after the warrant is issued.	(5) Le pouvoir prévu dans le mandat visé au paragraphe (2) cesse à la fin du septième jour qui suit la délivrance du mandat.	Expiration du pouvoir

Authority to enter dwelling place without warrant	<p>92. (1) A peace officer may, without a warrant, enter a dwelling place for the purpose of apprehending a person if</p> <ul style="list-style-type: none"> (a) the peace officer is authorized pursuant to this Act to apprehend the person; (b) the peace officer has reasonable grounds to believe that the person to be apprehended is or will be present in the dwelling place; and (c) by reason of exigent circumstances it would be impracticable to obtain a warrant. 	<p>92. (1) L'agent de la paix peut, sans mandat, pénétrer dans un lieu d'habitation pour apprêhender une personne si les conditions suivantes sont réunies :</p> <ul style="list-style-type: none"> a) il est autorisé par la présente loi à apprêhender la personne; b) il a des motifs raisonnables de croire que la personne s'y trouve ou s'y trouvera; c) l'urgence de la situation rend difficilement réalisable l'obtention d'un mandat.
Exigent circumstances	<p>(2) For the purposes of section (1), exigent circumstances include circumstances in which the peace officer has reasonable grounds to suspect that entry into the dwelling place is necessary to prevent imminent bodily harm or death to any person.</p>	<p>(2) Pour l'application du paragraphe (1), il y a notamment urgence dans les cas où l'agent de la paix a des motifs raisonnables de soupçonner qu'il est nécessaire de pénétrer dans le lieu d'habitation pour éviter des lésions corporelles imminentes ou le décès d'une personne.</p>
Prior announcement	<p>93. A peace officer who enters a dwelling place under the authority of a warrant issued under subsection 91(2), or under the authority of subsection 92(1), may not enter the dwelling place without prior announcement unless he or she has, immediately before entering the dwelling place, reasonable grounds to suspect that prior announcement of the entry would expose the peace officer or any person to imminent bodily harm or death.</p>	<p>93. L'agent de la paix qui pénètre dans un lieu d'habitation en vertu d'un mandat délivré en application du paragraphe 91(2), ou en vertu du paragraphe 92(1), ne peut y pénétrer sans prévenir que si, au moment où il entre, il a des motifs raisonnables de croire que le fait de prévenir exposerait l'agent de la paix ou une autre personne à des lésions corporelles imminentes ou à la mort.</p>
Powers and duties	<p>Other Authorized Persons</p>	<p>Autres personnes autorisées</p>
	<p>94. A person, other than a peace officer, who is authorized under this Act to convey a person to a designated facility or other location</p> <ul style="list-style-type: none"> (a) may take reasonable measures, including the use of physical restraint, for the conveyance of the person; (b) shall, as soon as practicable, convey the person to the facility or other location; (c) shall convey the person by the least intrusive means possible without compromising the safety of the person or the public; and (d) shall remain with the person or arrange for a peace officer to do so until a designated facility or other location, or an authorized person, accepts custody of the person being conveyed. 	<p>94. Toute personne, à l'exception d'un agent de la paix, qui est autorisée en vertu de la présente loi à transporter une personne à un établissement désigné ou un autre emplacement procède comme suit :</p> <ul style="list-style-type: none"> a) elle peut prendre des mesures raisonnables, notamment recourir à la contrainte physique, aux fins du transport de la personne; b) dès que possible, elle transporte la personne à l'établissement désigné ou l'autre emplacement; c) elle a recours au mode de transport le moins dérangeant sans toutefois compromettre la sécurité de la personne ou du public; d) elle demeure avec la personne ou prévoit la présence d'un agent de la paix à cette fin jusqu'à ce que l'établissement désigné ou l'autre emplacement, ou une personne autorisée, accepte la garde de la personne.

	Control of Patient	Maîtrise du patient
Scope of authority	<p>95. (1) The authority under this Act to control a person is authority to control the person, without his or her consent, to the extent necessary to prevent bodily harm to the person or to another person by the minimal use of force, mechanical means or medication as is reasonable, having regard to the physical and mental condition of the person.</p>	<p>95. (1) Le pouvoir en vertu de la présente loi de maîtriser une personne emporte le pouvoir de la maîtriser, sans son consentement, dans la mesure nécessaire afin de prévenir toute lésion corporelle à elle-même ou à autrui, en ayant un recours minimal à la force ou à tout dispositif ou médicament, selon ce qui est raisonnable en tenant compte de l'état physique et mental de la personne.</p>
Restriction	<p>(2) The reference in subsection (1) to authority to control a person by medication must not be construed as authorizing a person to administer medication unless he or she is otherwise authorized to do so.</p>	<p>(2) La mention au paragraphe (1) du pouvoir de maîtriser une personne en ayant recours à un médicament n'a pas pour effet d'autoriser quiconque à administrer un médicament sans y être par ailleurs autorisé.</p>
Patient Information	Patient Information	Renseignements concernant le patient
Responsibility for record	<p>96. (1) The director of a designated facility is responsible for maintaining a record of the diagnostic and treatment services provided to each person detained in the facility.</p>	<p>96. (1) Le directeur d'un établissement désigné est chargé de tenir un document des services de diagnostic et de traitement fournis à chaque personne détenue dans l'établissement.</p>
Transfer of record	<p>(2) Notwithstanding subsections 43(3) and 44(3) of the <i>Health Information Act</i>, where a patient is transferred under subsection 23(1) or 24(1) of this Act to another facility, the director of the designated facility from which the patient is transferred shall, as soon as possible, forward to the receiving facility a copy of the record of the diagnostic and treatment services provided to the patient.</p>	<p>(2) Malgré les paragraphes 43(3) et 44(3) de la <i>Loi sur les renseignements sur la santé</i>, lorsqu'un patient est transféré en vertu du paragraphe 23(1) ou 24(1) de la présente loi à un autre établissement, le directeur de l'établissement désigné de départ transmet, dès que possible, à l'établissement d'accueil une copie du document des services de diagnostic et de traitement fournis au patient.</p>
Definition: "personal health information"	<p>97. (1) For the purposes of this section, "personal health information" has the meaning assigned by subsection 1(1) of the <i>Health Information Act</i>.</p>	<p>97. (1) Pour l'application du présent article, «renseignements personnels sur la santé» s'entend au sens du paragraphe 1(1) de la <i>Loi sur les renseignements sur la santé</i>.</p>
Disclosure of personal health information	<p>(2) The director of a designated facility where a patient is admitted, or the attending medical practitioner of the patient, may disclose personal health information relating to the patient to</p> <ul style="list-style-type: none">(a) the Public Trustee, if the personal health information is, in the opinion of the person making the disclosure, relevant to<ul style="list-style-type: none">(i) the making of a trusteeship order in respect of the patient under the <i>Guardianship and Trusteeship Act</i>, or(ii) the role of the Public Trustee when a certificate of mental incompetence in respect of the patient is issued under this Act; or	<p>(2) Le directeur de l'établissement désigné où est admis un patient, ou le médecin traitant du patient, peut divulguer des renseignements personnels sur la santé concernant le patient, selon le cas :</p> <ul style="list-style-type: none">a) au curateur public, si les renseignements personnels sur la santé sont, de l'avis de la personne qui divulgue, pertinents :<ul style="list-style-type: none">(i) soit à la prise d'une ordonnance portant nomination d'un fiduciaire à l'égard du patient en vertu de la <i>Loi sur la tutelle</i>,(ii) soit au rôle du curateur public en présence d'un certificat d'incapacité mentale à l'égard du patient délivré en vertu de la présente loi;

Opinion regarding harm	(b) the Public Guardian under the <i>Guardianship and Trusteeship Act</i> , if the personal health information is, in the opinion of the person making the disclosure, relevant to the making of a guardianship order in respect of the patient under that Act.	b) au tuteur public en vertu de la <i>Loi sur la tutelle</i> , si les renseignements personnels sur la santé sont, de l'avis de la personne qui divulgue, pertinents à la prise d'une ordonnance de tutelle à l'égard du patient en vertu de cette loi.
Exception to authorized disclosure	98. (1) If two medical practitioners are of the opinion that disclosure of information in a health record, or in a specified part of a health record, of a person who is or has been a voluntary patient or an involuntary patient, is likely to result in a risk of serious harm to the health or safety of the person or another person, the medical practitioners may add a written notice of that opinion to the health record.	98. (1) Si deux médecins sont d'avis que la divulgation du dossier médical ou d'une partie donnée du dossier médical d'une personne qui est ou a été un patient en placement volontaire ou un patient en placement non volontaire risque d'entraîner un préjudice grave pour la santé ou la sécurité de la personne ou d'autrui, les médecins peuvent en faire mention par écrit dans le dossier médical.
Exception to required disclosure	(2) Notwithstanding this Act and the <i>Health Information Act</i> , a person who is authorized under an enactment to disclose information in a record referred to in subsection (1) shall take into consideration a notice referred to in that subsection when deciding whether or not to disclose the record or part.	(2) Malgré la présente loi et la <i>Loi sur les renseignements sur la santé</i> , la personne autorisée en vertu d'un texte à divulguer certains renseignements du dossier prévu au paragraphe (1) prend en considération la mention visée dans ce paragraphe dans sa décision de divulguer ou non le dossier ou la partie en cause du dossier.
Court order	(3) Notwithstanding this Act and the <i>Health Information Act</i> , a person who is required under an enactment or under a subpoena, order, direction, notice or similar requirement to disclose information in a record referred to in subsection (1) shall, subject to subsection (4), refuse to disclose information that is subject to a notice referred to in subsection (1).	(3) Malgré la présente loi et la <i>Loi sur les renseignements sur la santé</i> , la personne qui est tenue en vertu d'un texte, ou d'une assignation, d'une ordonnance, d'une instruction, d'un avis ou d'une autre obligation similaire de divulguer certains renseignements du dossier prévu au paragraphe (1), sous réserve du paragraphe (4), refuse de divulguer les renseignements visés dans la mention visée au paragraphe (1).
Services in NWT, province or territory	(4) On application, a court before which a matter may be at issue, or the Supreme Court, may order disclosure of information that is withheld under subsection (3).	(4) Sur demande, tout tribunal saisi d'un point possiblement en litige, ou la Cour suprême, peut ordonner la divulgation de renseignements dont on refuse la divulgation en vertu du paragraphe (3). LTN-O 2018, ch. 18, art. 15(3) et (4).
Agreements	Ententes	Ordonnance judiciaire
	99. The Minister may, on behalf of the Government of the Northwest Territories, enter into agreements with the Government of Canada or the government of a province or territory for the reception, care, observation, examination, assessment, treatment or detention	99. Le ministre peut, au nom du gouvernement des Territoires du Nord-Ouest, conclure avec le gouvernement du Canada ou le gouvernement d'une province ou d'un territoire des ententes prévoyant la réception, les soins, l'observation, l'examen, l'évaluation, le traitement ou la détention :
	(a) in a designated facility of persons suffering from a mental disorder; or	a) dans un établissement désigné, de personnes atteintes de troubles mentaux;

	(b) in a hospital or other facility in a province or another territory of persons suffering from a mental disorder.	b) dans un hôpital ou un autre établissement d'une province ou d'un autre territoire, de personnes atteintes de troubles mentaux.
	Designated Facilities	Établissements désignés
Standards	100. A designated facility must conform with standards established or adopted under this Act.	100. (1) Les établissements désignés doivent respecter Normes les normes établies ou adoptées en vertu de la présente loi.
	Limitation of Liability	Limitation de responsabilité
Immunity	101. No action or proceeding lies or may be commenced against the Minister, the director of a designated facility or other health facility, a health professional, a member of the Review Board or any other person or body for anything done or not done in good faith in the exercise of powers or the performance of duties or functions under this Act, the regulations or a community treatment plan.	101. Aucune action ou instance ne peut être intentée contre le ministre, le directeur d'un établissement désigné ou d'un autre établissement de santé, un médecin, un professionnel de la santé, un membre du conseil de révision ou toute autre personne ou tout autre organisme pour tout acte ou omission fait de bonne foi dans l'exercice des attributions prévues dans la présente loi, les règlements ou un plan de traitement en milieu communautaire. Immunité
	Validity of Certificate	Validité des certificats
Irregularity, informality, insufficiency	102. A certificate issued under this Act must not be held invalid by reason only of an irregularity, informality or insufficiency in it.	102. L'irrégularité, le vice de forme ou l'insuffisance ne suffit pas pour entraîner l'invalidité de tout certificat délivré en vertu de la présente loi. Irrégularité, vice de forme, insuffisance
	Offences and Punishment	Infractions et peines
Abuse prohibited	103. Subject to this Act and to other exceptions under the law, no person involved in the care, observation, examination, assessment or treatment of a person under this Act, and no person involved in the detention or control of a person for those purposes, shall subject the person to any act that physically, mentally or emotionally injures, damages, causes undue discomfort or fear or takes unfair advantage of the person.	103. Sous réserve de la présente loi et d'autres dérogations prévues par la loi, il est interdit à quiconque participe aux soins, à l'observation, à l'examen, à l'évaluation ou au traitement d'une personne en vertu de la présente loi, et à quiconque participe à la détention ou la maîtrise de la personne à ces fins, de faire subir à la personne tout acte lui causant un traumatisme ou un préjudice physique, mental ou affectif ou un inconfort ou une frayeur indu ou constituant de l'exploitation à son égard. Mauvais traitements interdits
Offences and punishment	104. (1) A person who contravenes or fails to comply with this Act or the regulations is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding \$2,000.	104. (1) Quiconque contrevient ou ne se conforme pas à la présente loi ou aux règlements commet une infraction punissable sur déclaration de culpabilité par procédure sommaire et encourt une amende maximale de 2 000 \$. Infractions et peines
Limitation period	(2) A prosecution for an offence under this Act or the regulations may not be commenced more than two years after the day the alleged offence was committed.	(2) Les poursuites intentées relativement à une infraction à la présente loi ou aux règlements se prescrivent par deux ans à compter de la date de l'infraction présumée. Prescription

	Review of Act	Révision de la loi	
Mandatory review	105. (1) Within five years after this section comes into force, and every five years after that, the Legislative Assembly or one of its committees shall commence a comprehensive review of the provisions and operation of this Act, and any other related legislation, policies, guidelines, or directives as the Legislative Assembly or the committee considers appropriate.	105. (1) Au plus tard cinq ans à compter de l'entrée en vigueur du présent article, et tous les cinq ans par la suite, l'Assemblée législative ou l'un de ses comités entreprend une révision approfondie des dispositions et de l'application de la présente loi, ainsi que des autres dispositions législatives, politiques, lignes directrices ou directives connexes que l'Assemblée législative ou le comité estime indiquées.	Révision obligatoire
Scope of review	(2) The review must include an examination of the administration and implementation of this Act and the effectiveness of its provisions, and may include recommendations for changes to this Act.	(2) La révision doit notamment prévoir l'examen de l'application et de la mise en oeuvre de la présente loi, et de l'efficacité pratique de ses dispositions; elle peut inclure des recommandations de modifications à la présente loi.	Étendue de la révision
	Regulations	Règlements	
Regulations	106. (1) The Commissioner, on the recommendation of the Minister, may make regulations <ul style="list-style-type: none"> (a) designating facilities for the purpose of the definition "designated facility" in subsection 1(1); (b) prescribing persons or classes of persons as health professionals for the purpose of the definition "health professional" in subsection 1(1) and persons or classes of persons as peace officers for the purpose of the definition "peace officer" in subsection 1(1); (c) defining any word or expression used but not defined in this Act; (d) defining "attending medical practitioner" and respecting the designation of other medical practitioners to act on behalf of an attending medical practitioner; (e) authorizing and respecting the delegation to a person by a director of a facility of any of the director's powers, duties or functions under this Act or the regulations, or the designation of a person by the director of a facility to exercise any of the powers or perform any of the duties or functions of the director under this Act or the regulations; (f) respecting patient rights; (g) prescribing information for the purposes of paragraph 8(1)(f); (h) prescribing reasonable limits for the purposes of subsection 8(3) and respecting notice of prescribed limits; (i) respecting examinations of persons for 	106. (1) Le commissaire, sur la recommandation du ministre, peut, par règlement : <ul style="list-style-type: none"> a) désigner des établissements pour l'application de la définition d'«établissement désigné» au paragraphe 1(1); b) prévoir des personnes ou catégories de personnes à titre de professionnels de la santé pour l'application de la définition de «professionnel de la santé» au paragraphe 1(1), et des personnes ou catégories de personnes à titre d'agents de la paix pour l'application de la définition d'«agent de la paix» au paragraphe 1(1); c) définir les mots ou expressions utilisés mais non définis dans la présente loi; d) définir l'expression «médecin traitant» et régir la désignation d'autres médecins pour agir pour le compte d'un médecin traitant; e) autoriser et régir la délégation à un tiers par le directeur d'un établissement de n'importe laquelle des attributions du directeur en vertu de la présente loi ou des règlements, ou la désignation par le directeur d'un établissement d'une personne pour exercer n'importe laquelle des attributions du directeur en vertu de la présente loi ou des règlements; f) régir les droits du patient; g) prévoir des renseignements pour l'application de l'alinéa 8(1)f); h) prévoir les limites raisonnables pour 	Règlements

- the purpose of issuing certificates of involuntary assessment;
- (j) respecting the apprehension, conveyance, detention and control of persons under this Act;
 - (k) respecting the authorization of persons, other than peace officers, who may, under this Act, convey persons to health facilities or other locations;
 - (l) authorizing and respecting the temporary detention of a person, pending or during conveyance of the person pursuant to authority under this Act, at a location other than the facility to which conveyance is otherwise authorized;
 - (m) respecting the assessment of persons for the purposes of this Act;
 - (n) respecting care for and observation, examination and treatment of persons for the purposes of this Act;
 - (o) authorizing and respecting the extension, in specified circumstances, of the time period specified in subsection 12(3);
 - (p) authorizing locations, for the purpose of subsection 15(2), where persons may be detained pending admission to a designated facility and respecting those locations;
 - (q) respecting agreements relating to the transfer of patients;
 - (r) respecting agreements with other jurisdictions in respect of the admission of patients to designated facilities;
 - (s) requiring and respecting notification to the Minister or his or her designate in respect of the transfer of patients to psychiatric facilities or hospitals outside the Northwest Territories;
 - (t) respecting assisted community treatment certificates, including the process for issuing them, and respecting the amendment and renewal of assisted community treatment certificates;
 - (u) respecting community treatment plans and the amendment and renewal of community treatment plans;
 - (v) respecting designations under subsection 41(2) of medical practitioners who are responsible for the general supervision and management of community treatment plans;
 - (w) respecting designations under subsection 42(2) of persons to act in the l'application du paragraphe 8(3) et régir l'avis relatif aux limites réglementaires;
 - i) régir les examens de personnes aux fins de la délivrance de certificats d'évaluation non volontaire;
 - j) régir l'apprehension, le transport, la détention et la maîtrise de personnes en vertu de la présente loi;
 - k) régir l'autorisation de personnes, à l'exception des agents de la paix, qui peuvent, en vertu de la présente loi, transporter des personnes aux établissements désignés ou aux autres emplacements;
 - l) autoriser et régir la détention temporaire d'une personne, jusqu'au transport ou en cours de transport de la personne conformément au pouvoir prévu dans la présente loi, ailleurs qu'à l'établissement d'accueil prévu;
 - m) régir l'évaluation des personnes pour l'application de la présente loi;
 - n) régir les soins aux personnes, et l'observation, l'examen et le traitement des personnes pour l'application de la présente loi;
 - o) autoriser et régir la prolongation, dans des cas précis, du délai fixé au paragraphe 12(3);
 - p) autoriser des emplacements, pour l'application du paragraphe 15(2), où les personnes peuvent être détenues en attendant d'être admises dans un établissement désigné, et régir ces emplacements;
 - q) régir les ententes relatives au transfert de patients;
 - r) régir les ententes conclues avec d'autres ressorts quant à l'admission de patients dans les établissements désignés;
 - s) exiger et régir la notification au ministre ou son remplaçant désigné concernant le transfert de patients vers des établissements psychiatriques ou des hôpitaux à l'extérieur des Territoires du Nord-Ouest;
 - t) régir les certificats de traitement en milieu communautaire assisté, y compris le processus de délivrance, et régir la modification et le renouvellement des certificats de traitement en milieu communautaire assisté;
 - u) régir les plans de traitement en milieu

- place of health professionals or other persons;
- (x) respecting the requirement for notice under subsection 45(1);
 - (y) authorizing and respecting the extension, in specified circumstances, of the time period specified in subsection 52(3);
 - (z) respecting the filing of certificates of involuntary assessment for the purpose of subsection 54(2);
 - (z.1) specifying the Minister's designate for the purpose of section 56;
 - (z.2) respecting the registry referred to in subsection 56(2);
 - (z.3) respecting the requirement under subsection 57(1) to provide copies of certificates to specified persons and respecting exceptions to the requirement, including exceptions for the purpose of protecting privacy interests of a patient;
 - (z.4) respecting designations by patients of persons for the purposes of subparagraphs 57(1)(b)(ii) and 58(c)(i), and conditions for making designations, including consent by a person who is designated;
 - (z.5) respecting exceptions to subsections 57(2), (3) and (4), including exceptions for the purpose of protecting privacy interests of a patient;
 - (z.6) respecting the requirement under section 58 to provide a copy of a designation of a substitute decision maker to specified persons and respecting exceptions to the requirement, including exceptions for the purpose of protecting privacy interests of a patient;
 - (z.7) respecting the requirement under section 59 to provide information to patients, substitute decision makers and other specified persons;
 - (z.8) establishing or respecting the establishment of the Review Board for the purpose of subsection 60(1);
 - (z.9) respecting the Review Board, including
 - (i) the composition of the Review Board and the appointment of members to the Review Board,
 - (ii) duties of and reporting requirements by the Review Board and its members, and
 - (iii) remuneration for and expenses of Review Board members;
- communautaire et la modification et le renouvellement des plans de traitement en milieu communautaire;
- v) régir les désignations en vertu du paragraphe 41(2) de médecins chargés de la surveillance et de la gestion générales de plans de traitement en milieu communautaire;
 - w) régir les désignations en vertu du paragraphe 42(2) de personnes en remplacement de professionnels de la santé ou d'autres personnes;
 - x) régir l'exigence relative aux avis prévue au paragraphe 45(1);
 - y) autoriser et régir la prolongation, dans certains cas, de la durée prévue au paragraphe 52(3);
 - z) régir le dépôt des certificats d'évaluation non volontaire pour l'application du paragraphe 54(2);
 - z.1) préciser le remplaçant désigné du ministre pour l'application de l'article 56;
 - z.2) régir le registre visé au paragraphe 56(2);
 - z.3) régir l'obligation en vertu du paragraphe 57(1) de fournir des copies des certificats aux personnes données et régir les exceptions applicables, y compris celles visant la protection de la vie privée du patient;
 - z.4) régir les désignations par les patients de personnes pour l'application des sous-alinéas 57(1)b(ii) et 58c(i) et les conditions préalables aux désignations, y compris le consentement de la personne désignée;
 - z.5) régir les exceptions aux paragraphes 57(2), (3) et (4), y compris celles visant à protéger la vie privée du patient;
 - z.6) régir l'obligation en vertu de l'article 58 de fournir une copie de la désignation d'un mandataire spécial aux personnes données et régir les exceptions applicables, y compris celles visant à protéger la vie privée du patient;
 - z.7) régir l'obligation en vertu de l'article 59 de fournir des renseignements aux patients, mandataires spéciaux et autres personnes données;
 - z.8) établir et régir la constitution du conseil de révision pour l'application du paragraphe 60(1);

- (z.10) respecting applications to the Review Board, including their form and content;
- (z.11) respecting hearings by review panels, including rules of procedure for the conduct of hearings;
- (z.12) respecting conflict of interest guidelines for members of review panels;
- (z.13) requiring reviews by a review panel, without application by a party, in respect of specified matters in specified circumstances;
- (z.14) prescribing, for the purposes of paragraph 66(1)(h), matters in respect of which applications for orders may be made to the Review Board;
- (z.15) prescribing a time period for the purpose of paragraph 70(1)(a);
- (z.16) prescribing exceptions for the purposes of subsection 77(2);
- (z.17) respecting the issue, on information submitted by telephone or other means of telecommunication, of warrants to enter dwelling places;
- (z.18) respecting transportation arrangements for persons and payment for transportation for the purposes of section 86, including the development of Government policies in respect of these matters;
- (z.19) respecting authorized persons referred to in paragraphs 90(1)(d) and 94(d);
- (z.20) respecting applications under subsection 98(4);
- (z.21) establishing requirements, guidelines or standards in respect of designated facilities or respecting the establishment by the Minister of guidelines or a code of rules or standards in respect of designated facilities;
- (z.22) respecting the enforcement of, compliance with and monitoring of compliance with requirements, guidelines, rules or standards established or adopted under this Act;
- (z.23) establishing and respecting notice requirements for the purposes of this Act;
- (z.24) respecting the service of documents for the purposes of this Act;
- (z.25) respecting the charging of fees;
- (z.26) respecting forms for the purposes of this Act;
- (z.27) respecting information that must be included in certificates issued under this
- z.9) régir le conseil de révision, notamment :
 - (i) sa composition et la nomination de ses membres,
 - (ii) ses fonctions et obligations de faire rapport, et celles de ses membres,
 - (iii) la rémunération et les frais de ses membres;
- z.10) régir les demandes faites au conseil de révision, notamment les modalités de forme et de contenu;
- z.11) régir les audiences des comités de révision, notamment les règles de procédure applicables au déroulement des audiences;
- z.12) régir les lignes directrices relatives aux conflits d'intérêts à l'intention des membres des comités de révision;
- z.13) exiger la tenue de révisions par un comité de révision, en l'absence de toute demande d'une partie, relativement aux questions données dans des cas donnés;
- z.14) prévoir, pour l'application de l'alinéa 66(1)h, les questions pouvant faire l'objet de demandes d'ordonnance auprès du conseil de révision;
- z.15) prévoir le délai pour l'application de l'alinéa 70(1)a);
- z.16) prévoir les exceptions pour l'application du paragraphe 77(2);
- z.17) régir la délivrance, sur une dénonciation faite par téléphone ou à l'aide d'un autre moyen de télécommunication, de mandats d'entrer dans un lieu d'habitation;
- z.18) régir les arrangements de transport des personnes et le paiement relatif au transport pour l'application de l'article 86, y compris l'élaboration de politiques gouvernementales portant sur ces questions;
- z.19) régir les personnes autorisées visées aux alinéas 90(1)d) et 94d);
- z.20) régir les demandes en vertu du paragraphe 98(4)
- z.21) établir les exigences, lignes directrices ou normes relatives aux établissements désignés ou régir l'établissement par le ministre de lignes directrices ou de règles ou normes relatives aux établissements désignés;
- z.22) régir l'application, le respect et la vérification du respect des exigences, lignes directrices, règles ou normes

- Act;
- (z.28) prescribing any other matter or thing that by this Act may or is to be prescribed; and
 - (z.29) respecting any other matter the Commissioner considers necessary or advisable for carrying out the purposes and provisions of this Act.
- établies ou adoptées en vertu de la présente loi;
 - z.23) établir et régir les exigences relatives aux avis pour l'application de la présente loi;
 - z.24) régir la signification des documents pour l'application de la présente loi;
 - z.25) régir l'imposition de droits;
 - z.26) régir les formules pour l'application de la présente loi;
 - z.27) régir les renseignements qui doivent être inclus dans les certificats délivrés en vertu de la présente loi;
 - z.28) prendre toute autre mesure d'ordre réglementaire prévue par la présente loi;
 - z.29) régir toute autre question qu'il estime nécessaire ou utile pour l'application de la présente loi.

Adoption of
code of rules
or standards

(2) Where a code of rules or standards in respect of mental health facilities has been established by an association, person or body of persons and is available in written form, the Commissioner, on the recommendation of the Minister, may, by regulation, adopt the code as established, or as amended from time to time, and upon adoption the code is in force, either in whole or in part, or with such variations as may be specified in the regulations.

Adoption de
règles ou de
normes

(2) Le commissaire, sur la recommandation du ministre, peut adopter, par règlement, toutes règles ou normes écrites existantes relatives aux établissements de santé mentale, et leurs mises à jour, établies par une association, une personne ou un corps de personnes. Ces règles ou normes prennent effet dès leur adoption, en totalité ou en partie, ou telles que modifiées par les règlements.

Definition:
"former Act"

107. (1) In this section, "former Act" means the *Mental Health Act*, R.S.N.W.T. 1988, c.M-10.

Définition :
«loi
antérieure»

Transition
from former
Act

- (2) On the coming into force of this section,
- (a) subsections 8(1) and (2) of the former Act continue in effect to authorize, in respect of a person who is subject to an order made under subsection 8(1) of that Act, the detention and examination of the person under this Act for the purpose of determining whether a certificate of involuntary assessment of the person should be issued;
 - (b) if an order authorizing a psychiatric assessment of a person, issued under subsection 9(6) of the former Act, is in effect, the order is deemed to be a certificate of involuntary assessment and subsections 10(3) and (4) of this Act apply in respect of the order;
 - (c) subsections 12(2) and (3) of this Act

Transition
de la loi
antérieure

DISPOSITION TRANSITOIRE

107. (1) Au présent article, «loi antérieure» s'entend de la *Loi sur la santé mentale*, L.R.T.N.-O. 1988, ch.M-10.

- (2) Dès l'entrée en vigueur du présent article :
- a) les paragraphes 8(1) et (2) de la loi antérieure restent en vigueur pour autoriser, à l'égard d'une personne visée dans un ordre rendu en vertu du paragraphe 8(1) de cette loi, sa détention et son examen en vertu de la présente loi pour déterminer s'il faut délivrer un certificat d'évaluation non volontaire de la personne;
 - b) toute ordonnance autorisant l'évaluation psychiatrique d'une personne, rendue en vertu du paragraphe 9(6) de la loi antérieure qui est en vigueur est réputée être un certificat d'évaluation non volontaire; les paragraphes 10(3) et (4) de la présente loi s'appliquent quant à l'ordonnance;

- apply in respect of a person taken into custody by a peace officer under subsection 11(1) of the former Act;
- (d) an application to admit a person as an involuntary patient, made under paragraph 13(h) or 14(c) of the former Act, is deemed to be a certificate of involuntary assessment under this Act;
 - (e) an examination of an application referred to in subsection 16(1) of the former Act is suspended, and subsection 10(3) of this Act applies pending an involuntary psychiatric assessment under this Act of each person detained in a designated facility who was the subject of an application suspended under this paragraph;
 - (f) a certificate of involuntary admission issued under paragraph 16(2)(c) of the former Act is deemed to be a certificate of involuntary admission under this Act;
 - (g) a certificate of transfer issued under subsection 19(1) of the former Act is deemed to be a certificate issued under subsection 24(1) of this Act;
 - (h) a finding of mental incompetence made in the prescribed form under paragraph 19.1(3)(a) of the former Act is deemed to be a treatment decision certificate issued under this Act;
 - (i) a prescribed form in respect of a substitute consent giver, that was completed under paragraph 19.2(7)(a) of the former Act, is deemed to be a written designation of a substitute decision maker under subsection 30(2) of this Act;
 - (j) a certificate of renewal completed under subsection 23(1) of the former Act is deemed to be a renewal certificate issued under this Act;
 - (k) a person detained in a designated facility under the authority of section 23.3 of the former Act is deemed under this Act to be detained under a renewal certificate for a further period not exceeding 72 hours, pending an involuntary psychiatric assessment under subsection 17(1) of this Act;
 - (l) an order made under paragraph 23.4(6)(a) of the former Act
 - c) les paragraphes 12(2) et (3) de la présente loi s'appliquent à l'égard d'une personne amenée sous garde par un agent de la paix en vertu du paragraphe 11(1) de la loi antérieure;
 - d) toute demande d'admission d'une personne à titre de malade en cure obligatoire, faite en vertu de l'alinéa 13h) ou 14c) de la loi antérieure, est réputée être un certificat d'évaluation non volontaire en vertu de la présente loi;
 - e) l'étude de toute demande visée au paragraphe 16(1) de la loi antérieure est suspendue; le paragraphe 10(3) de la présente loi s'applique jusqu'à l'évaluation psychiatrique non volontaire prévue dans la présente loi à l'égard de chaque personne détenue dans un établissement désigné qui faisait l'objet d'une demande suspendue en vertu du présent alinéa;
 - f) tout certificat de cure obligatoire délivré en vertu de l'alinéa 16(2)c) de la loi antérieure est réputé être un certificat d'admission involontaire prévu dans la présente loi;
 - g) tout certificat de transfert délivré en vertu du paragraphe 19(1) de la loi antérieure est réputé être un certificat délivré en vertu du paragraphe 24(1) de la présente loi;
 - h) tout prononcé d'incapacité mentale fait selon la formule réglementaire en vertu de l'alinéa 19.1(3)a) de la loi antérieure est réputé être un certificat relatif aux décisions liées au traitement délivré en vertu de la présente loi;
 - i) toute formule réglementaire concernant le subrogé remplie en vertu de l'alinéa 19.2(7)a) de la loi antérieure est réputée être une désignation écrite d'un mandataire spécial prévue au paragraphe 30(2) de la présente loi;
 - j) tout certificat de renouvellement rempli en vertu du paragraphe 23(1) de la loi antérieure est réputé être un certificat de renouvellement délivré en vertu de la présente loi;
 - k) toute personne détenue dans un établissement désigné en vertu de l'article 23.3 de la loi antérieure est réputée être détenue en vertu d'un

- is deemed to be a renewal certificate issued under this Act;
- (m) if a hearing has commenced on an application to the Supreme Court for a review under subsection 26(1), 26.1(1) or 26.1(2) of the former Act, the hearing may continue if the Court determines that the matter under consideration relates to a determination that could be made by a review panel under this Act, or by a court on a review of a matter relating to this Act; and
 - (n) a certificate of mental incompetence issued under paragraph 51(2)(a) of the former Act is deemed to be a certificate of mental incompetence issued under this Act.

- certificat de renouvellement pour une période supplémentaire maximale de 72 heures, jusqu'à l'évaluation psychiatrique non volontaire prévue au paragraphe 17(1) de la présente loi;
- l) toute ordonnance rendue en vertu de l'alinéa 23.4(6)a) de la loi antérieure est réputée être un certificat de renouvellement délivré en vertu de la présente loi;
 - m) toute audience entamée à la suite d'une requête en contrôle judiciaire présentée à la Cour suprême en vertu du paragraphe 26(1), 26.1(1) ou 26.1(2) de la loi antérieure peut se poursuivre si le tribunal conclut que la question à l'étude est liée à une détermination que pourrait faire soit un comité de révision en vertu de la présente loi, soit un tribunal sur une question liée à la présente loi;
 - n) tout certificat d'incapacité mentale délivré en vertu de l'alinéa 51(2)a) de la loi antérieure est réputé être un certificat d'incapacité mentale délivré en vertu de la présente loi.

CONSEQUENTIAL AMENDMENTS

Property Assessment and Taxation Act

- 108. Subsection 74(2) of the *Property Assessment and Taxation Act* is amended by repealing paragraph (c) and substituting the following:**

- (c) used by a designated facility as defined in subsection 1(1) of the *Mental Health Act*;

REPEAL

Mental Health Act **109. The *Mental Health Act*, R.S.N.W.T. 1988, c.M-10 is repealed.**

COMMENCEMENT

Coming into force

- 110. This Act or any provision of this Act comes into force on a day or days to be fixed by order of the Commissioner.**

MODIFICATION CORRÉLATIVE

- 108. Le paragraphe 74(2) de la *Loi sur l'évaluation et l'impôt fonciers* est modifié par abrogation de l'alinéa c) et par substitution de ce qui suit :** *Loi sur l'évaluation et l'impôt fonciers*

- c) utilisés par un établissement désigné au sens du paragraphe 1(1) de la *Loi sur la santé mentale*;

ABROGATION

109. La *Loi sur la santé mentale*, L.R.T.N.-O. 1988, ch. M-10, est abrogée. *Loi sur la santé mentale*

ENTRÉE EN VIGUEUR

- 110. La présente loi ou telle de ses dispositions entre en vigueur à la date ou aux dates fixées par décret du commissaire.** Entrée en vigueur