

## **Ontario Needs to implement the recommendations of the Select Committee**

September, 2010

The Coalition for Appropriate Care and Treatment (CFACT) commends the Ontario Legislature all party Select Committee on Mental Health and Addictions for their report released at the end of August and encourages the government to implement recommendations 21 and 22 as soon as possible.

Recommendation 21 calls for the Ministry of Health to set up a task force, incorporating adequate representation from, among others, mental health clients and their caregivers as well as mental health law experts, to investigate and propose changes to Ontario's mental health legislation and policy pertaining to involuntary admission and treatment. The changes should ensure that involuntary admission criteria include serious harms that are not merely physical, and that involuntary admission entails treatment. This task force should report back to the Ministry within one year of the adoption of this report by the Legislative Assembly.

It is clear that the committee listened to testimony on the difficulty of acquiring treatment for people who were too ill to even realize that they were ill but who still passed the criteria required to avoid involuntary treatment. The committee pointed out that legislation in Ontario falls well behind that in other jurisdictions such as British Columbia, Norway and The Netherlands.

The committee report rightly stated that it "believes, however, that the right to autonomy must be balanced with the right to be well."

Dr. John Gray of British Columbia who was invited to testify, pointed out that the law in Ontario is such that there have been cases of people hospitalized against their will for up to 25 years but who, while in hospital, refuse the treatment that will help them get better.

Recommendation 22 recommends that The task force created to investigate and propose changes to Ontario's mental health legislation and policy should also investigate and propose changes to the *Personal Health Information Protection Act, 2004*. The changes should ensure that family members and caregivers providing support to, and often living with, an individual with a mental illness or addiction have access to the personal health information necessary to provide that support, to prevent the further deterioration in the health of that individual, and to minimize the risk of serious psychological or physical harm.

Again, the committee members listened to families who complained bitterly of their being excluded from information and decisions for their ill relatives. Many in the health care field hid behind privacy legislation and refused to talk to or include family members. The committee expressed interest with the legislation in BC and stated that believes that "the B.C. legislation may provide a better balance between the autonomy of the client and a caregiver's need for important health care information."

Dr. John Gray discussed these and other issues with the committee. Dr. Gray is an international expert on mental health and the law and a past president of the Schizophrenia Society of Canada. Also presenting evidence at the hearings were Dr. Richard O'Reilly and Marvin Ross. Dr. O'Reilly is a professor of psychiatry at the University of Western Ontario and the past president of the Ontario Psychiatric Association. Marvin Ross is a Hamilton area writer and publisher.

**For interviews or comments on the recommendations, please e-mail chair at [cfact.ca](mailto:cfact.ca)**