



College of Physicians and Surgeons of British Columbia

# Legislative Guidance

## Involuntary Admissions under the *Mental Health Act*

### Preamble

Registrants are expected to be aware of and comply with their legal, professional and ethical obligations and are encouraged to seek the guidance of legal counsel or the Canadian Medical Protective Association (CMPA). Registrants may also contact a member of registrar staff at the College to discuss professional and ethical obligations.

### College's Position

Section 22 of the *Mental Health Act* allows for the involuntary admission of a person for up to 48 hours for examination and treatment on receiving one medical certificate completed by a physician. Some physicians and others incorrectly believe that in order to be involuntarily admitted, a mentally disordered person must be *dangerous* to themselves or others. However in British Columbia, the test to be applied by physicians is one of *protection* rather than dangerousness, either protection of the person or protection of others.

The involuntary admission criteria in the [Mental Health Act](#) are described in section 22(3) as follows:

- 22 (3) Each medical certificate under this section must be completed by a physician who has examined the person to be admitted, or the patient admitted, under section (1) and must set out
  - (a) a statement by the physician that the physician
    - (i) has examined the person or patient on the date or dates set out, and
    - (ii) is of the opinion that the person or patient is a person with a mental disorder
  - (b) the reasons in summary form for the opinion, and
  - (c) a statement, separate from that under paragraph (a), by the physician that the physician is of the opinion that the person to be admitted, or the patient admitted, under subsection (1)
    - (i) requires treatment in or through a designated facility,

(ii) requires care, supervision and control in or through a designated facility to prevent the person's or patient's substantial mental or physical deterioration or for the protection of the person or patient or the protection of others, and

(iii) cannot suitably be admitted as a voluntary patient.

On receipt of a second medical certificate completed by another physician in accordance with the Act, the detention and treatment of that patient may be continued beyond that 48-hour period.

**Approved by Executive Committee June 26, 2015**  
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