

# *The Mental Health Services Regulations*

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Chapter M-13.1 Reg 1 (effective April 1, 1986), as amended by Saskatchewan Regulations [53/95](#), [103/97](#), [47/2015](#), [4/2017](#), [116/2017](#), [94/2018](#), [119/2020](#) and [58/2023](#).

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER M-13.1 REG 1

### *The Mental Health Services Act*

#### Title

1 These regulations may be cited as *The Mental Health Services Regulations*.

#### Interpretation

2(1) In these regulations:

“**Act**” means *The Mental Health Services Act*;

“**long-term care**” means long-term care as defined in *The Facility Designation Regulations*;

“**physician assistant**” means a physician assistant as defined in *The Medical Profession Act, 1981* who is practising under the supervision of a physician as approved by the College of Physicians and Surgeons of Saskatchewan.

(2) Any reference to a form in these regulations is a reference to that form as it appears in Part I of the Appendix.

4 Apr 86 cM-13.1 Reg 1 s2; 12 Dec 97 SR 103/97 s3; 15 May 2015 SR 47/2015 s3; 17 Feb 2017 SR 4/2017 s3; 24 Nov 2017 SR 116/2017 s3; 14 Jly 2023 SR 58/2023 s3.

**2.1 Repealed.** 24 Nov 2017 SR 116/2017 s4.

**3 Repealed.** 15 May 2015 SR 47/2015 s4.

**4 Repealed.** 15 May 2015 SR 47/2015 s4.

#### Regional Psychiatric Centre

5 No person shall be admitted to the Regional Psychiatric Centre (Prairies), Saskatoon, pursuant to section 24 of the Act unless the person is currently charged with, or currently serving sentence of imprisonment for committing, an offence.

4 Apr 86 cM-13.1 Reg 1 s5; 17 Feb 2017 SR 4/2017 s5.

**6 Repealed.** 15 May 2015 SR 47/2015 s5.

#### Director

7 The director shall:

(a) if he or she orders a person to be brought into Saskatchewan for examination pursuant to section 21 of the Act, provide notice of that order to an official representative for the region in which the person is to be examined;

(b) if he or she orders a person to submit to an examination pursuant to section 23.1 of the Act, provide notice of that order to an official representative for the region in which the person is being detained;

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(c) if he or she orders the transfer of an involuntary patient pursuant to section 28 of the Act, provide notice of that order to an official representative for the region from which the person is to be transferred;

(d) if he or she orders the return to another jurisdiction of a person who has been detained for the purposes of psychiatric treatment in Saskatchewan pursuant to section 28.2 of the Act, provide notice of that order to the official representative for the region in which the person is being detained

15 May 2015 SR 47/2015 s6.

**Regional director**

**7.1(1)** The regional director shall:

(a) ensure that the officer in charge is not a psychiatrist; and

(b) maintain a list of persons who may be identified pursuant to clause 24.3(1)(e) of the Act as persons who will ensure that persons who are the subject of community treatment orders will receive the services that they require in order to be able to reside in the community.

(2) **Repealed.** 15 May 2015 SR 47/2015 s7.

9 Jne 95 SR 53/95 s5; 12 Dec 97 SR 103/97 s7;

15 May 2015 SR 47/2015 s7.

**Officer in charge**

**8(1)** The officer in charge of a mental health centre shall:

(a) on the detention of a person in the mental health centre pursuant to section 23 of the Act, cause notice of that detention to be provided to an official representative for the region as soon as is practicable;

(b) if a warrant or order under which a person is detained pursuant to section 23 of the Act is amended or revoked, cause notice of the amendment or revocation to be provided to an official representative for the region as soon as is practicable;

(c) on the detention of a person in the facility pursuant to section 24 of the Act, promptly cause notice of that detention to be provided to an official representative for the region in the most expeditious manner possible, so that the official representative may meet his or her obligations pursuant to clause 13(1)(c);

(d) if an order has been made by a judge for the detention of a person pursuant to subsection 24.1(3) of the Act, provide a copy of that order to the person and cause notice of that detention to be provided as soon as is practicable to that person's nearest relative, any proxy, any personal guardian and an official representative for the region.

(2) For the purposes of providing a copy of any order or other decision made, or the giving of any notice required, pursuant to the Act or these regulations, the officer in charge of the mental health centre shall use reasonable efforts in determining the identity and mailing address of the nearest relative, any proxy and any personal guardian of a person who is the subject of the order, other decision or notice, as the case may be.

15 May 2015 SR 47/2015 s8.

**9 Repealed.** 24 Nov 2017 SR 116/2017 s5.

**Reasons for apprehension or detention**

**10** Any person who apprehends or detains a person pursuant to a certificate, warrant or order issued pursuant to the Act shall cause that person to be informed promptly of:

- (a) the reasons for his or her apprehension or detention, as the case may be; and
- (b) his or her right to retain and instruct counsel.

4 Apr 86 cM-13.1 Reg 1 s10; 15 May 2015 SR 47/2015 s10.

**Physician**

**11** A physician who completes a certificate pursuant to section 18 of the Act shall transmit a copy of that certificate to an official representative for the region.

4 Apr 86 cM-13.1 Reg 1 s11.

**Prescribed health professionals**

**11.1(1)** For the purposes of section 18 and subsection 24.6(1) of the Act, the following are prescribed health professionals:

- (a) a resident in psychiatry under the supervision of a psychiatrist who has admitting privileges to a mental health centre;
- (b) a registered nurse, including a nurse practitioner, who satisfies the minister that he or she:
  - (i) is employed by the provincial health authority or the Athabasca Health Authority Inc.;
  - (ii) has at least five years' experience in the past 10 years working in the mental health field;
  - (iii) is entitled to practise pursuant to *The Registered Nurses Act, 1988*; and
  - (iv) practises in a rural or remote area of Saskatchewan where access to physician services is limited;

- (c) a registered psychiatric nurse who satisfies the minister that he or she:
    - (i) is employed by the provincial health authority or the Athabasca Health Authority Inc.;
    - (ii) has at least five years' experience in the past 10 years working in the mental health field;
    - (iii) is entitled to practise pursuant to *The Registered Psychiatric Nurses Act*; and
    - (iv) practises in a rural or remote area of Saskatchewan where access to physician services is limited;
  - (d) a physician assistant who satisfies the minister that he or she:
    - (i) is employed by the provincial health authority or the Athabasca Health Authority Inc.;
    - (ii) has at least five years' experience in the past 10 years working in the mental health field;
    - (iii) is entitled to practise as a physician assistant pursuant to *The Medical Profession Act, 1981*; and
    - (iv) practises in a rural or remote area of Saskatchewan where access to physician services is limited.
- (2) A prescribed health professional may issue a certificate mentioned in section 18 of the Act or an order mentioned in section 24.6 of the Act, as the case may be, only if an attending physician is not available and the prescribed health professional has reason to believe that an attending physician will not become available within a reasonable period.

15 May 2015 SR 47/2015 s11; 24 Nov 2017 SR 116/2017 s6; 14 Jly 2023 SR 58/2023 s4.

#### Judge

**12** A judge who issues a warrant pursuant to section 19 of the Act, or an order pursuant to subsection 22(2) or (3) of the Act, shall transmit a copy of that certificate to an official representative for the region.

4 Apr 86 cM-13.1 Reg 1 s12.

#### Telephone application for warrant

**12.1(1)** In this section, “**telecommunication**” means any transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any nature by a wire, radio, visual or electromagnetic system and includes communication by telephone.

(2) If a peace officer considers it impracticable to appear personally before a judge of the Provincial Court of Saskatchewan, the peace officer may apply for a warrant by submitting an information on oath or affirmation by means of telecommunication to a judge designated for the purpose by the Chief Judge of the Provincial Court of Saskatchewan.

- (3) An information submitted by a means of telecommunication that does not produce a written record must be on oath or affirmation in accordance with section 25 of *The Evidence Act* and must be recorded by the judge mentioned in subsection (2) in legible writing in the form of notes, who must, as soon as is practicable, cause the record or a transcription of it, certified by that judge as to time, date and contents, to be filed with the Provincial Court of Saskatchewan.
- (4) A judge who receives an information submitted by a means of telecommunication that produces a written record shall, as soon as is practicable, cause to be filed with the Provincial Court of Saskatchewan the information certified by the judge as to time and date of receipt.
- (5) For the purposes of subsection (3), an oath or affirmation may be administered by means of telecommunication.
- (6) An information submitted by means of telecommunication must include all of the following:
- (a) a statement of the circumstances that make it impracticable for the peace officer making the application to appear personally before a judge of the Provincial Court of Saskatchewan;
  - (b) a statement of the peace officer's grounds for believing that the person who refuses to be examined by a physician:
    - (i) is suffering from a mental disorder; and
    - (ii) is in need of an examination to determine whether he or she should be admitted to a mental health centre pursuant to section 24 of the Act.
- (7) A judge of the Provincial Court of Saskatchewan may issue a warrant by means of telecommunication.
- (8) If a judge of the Provincial Court of Saskatchewan issues a warrant by a means of telecommunication that does not produce a written record:
- (a) the judge shall complete and sign the warrant in Form C, noting on its face the time, date and place of issuance;
  - (b) the peace officer who submitted the information, on the direction of the judge, shall complete, in duplicate, an exact version of the warrant in Form C, noting on its face the name of the issuing judge and the time, date and place of issuance; and
  - (c) the judge shall, as soon as is practicable after the warrant has been issued, cause the warrant to be filed with the court.
- (9) If a judge of the Provincial Court of Saskatchewan issues a warrant by means of telecommunication that produces a written record:
- (a) the judge shall complete and sign the warrant in Form C, noting on its face the time, date and place of issuance;
  - (b) the judge shall transmit the warrant by means of telecommunication to the peace officer who submitted the information and the copy of the warrant received by the peace officer who submitted the information is deemed to be an exact version within the meaning of clause (8)(b);

- (c) the peace officer who submitted the information shall procure another exact version of the warrant; and
  - (d) the judge shall, as soon as is practicable after the warrant has been issued, cause the warrant to be filed with the court.
- (10) An order made by means of telecommunication is not subject to challenge by reason only that the circumstances did not make it reasonable to dispense with personal appearance for the purpose of making an application pursuant to subsection (2).

15 May 2015 SR 47/2015 s12.

**Official representative**

**13(1)** An official representative for a region:

- (a) on receipt of notice that a person has been apprehended or detained in a mental health centre pursuant to section 18, 19, 21, 22, 23.1 or 24.6 of the Act, shall make any contact with the person that he or she considers necessary to advise that person concerning his or her rights and obligations in relation to the apprehension or detention;
- (b) on receipt of notice that a patient has been detained in a mental health centre pursuant to section 23 of the Act, shall visit the patient as soon as is practicable after his or her detention and advise that patient concerning his or her rights and obligations in relation to detention pursuant to the applicable clause of section 23 of the Act;
- (c) on receipt of notice that a patient has been detained in a mental health centre pursuant to section 24 of the Act, shall visit the patient within 24 hours after the commencement of the patient's detention to introduce himself or herself as an official representative for the purposes of the Act, to provide information concerning the rights and obligations of the patient in relation to the detention, and to offer assistance to enable the patient to exercise his or her rights;
- (d) on receipt of an application for a long-term detention order pursuant to section 24.1 of the Act, shall visit the person who is the subject of the application as soon as is practicable, provide the person with information concerning his or her rights and obligations with respect to the application, and as far as is reasonably practicable, provide any assistance that is requested, including the following:
  - (i) assisting the person to obtain legal counsel;
  - (ii) accompanying the person to the court hearing;
  - (iii) representing the person at the court hearing;



- (e) on receipt of a notice that a person is subject to a community treatment order, shall speak with that person as soon as is practicable after the community treatment order comes into effect in order to provide information concerning the rights and obligations of the person in relation to the community treatment order and to offer assistance to enable the person to exercise his or her rights;
- (f) on receipt of notice that a patient has been ordered to be transferred from a mental health centre pursuant to section 28 of the Act, shall visit the patient as soon as is practicable, and in any event before the transfer of the patient, to provide information concerning the rights and obligations of the patient in relation to the order for transfer and to offer assistance to enable the patient to exercise his or her rights;
- (g) on receipt of notice that a person has been ordered to be returned to another jurisdiction pursuant to section 28.2 of the Act, shall:
  - (i) visit the person as soon as is practicable, and in any event before the transfer of the person out of Saskatchewan, to provide information concerning the rights and obligations of the person with respect to the order and to offer assistance to enable the person to exercise his or her rights; and
  - (ii) if requested to do so by the person, assist him or her to submit an appeal to the Court of King's Bench;
- (h) on receipt of notice that a decision has been made to administer to a patient a treatment that is designated as a special treatment pursuant to clause 43(g) of the Act, shall visit the patient as soon as is practicable, and in any event, except in case of emergency, before the commencement of the special treatment, and advise the patient concerning his or her rights and obligations in relation to the special treatment that has been directed;
- (i) may visit any patient in a mental health centre, with the consent of that patient, for the purpose of advising the patient concerning his or her rights and obligations, after:
  - (i) notifying the officer in charge of his or her intention to visit the patient; and
  - (ii) giving consideration to any information provided by the officer in charge relating to the timing of the visit;
- (j) may visit any out-patient, at the request of that patient, to advise the patient concerning his or her rights;
- (k) subject to subsection (3), if a person who is entitled pursuant to subsection 33(2) of the Act to appeal to a review panel decides to appeal and requests the assistance of the official representative to initiate or to pursue an appeal, shall provide as far as is reasonably practicable any assistance that is requested, including:
  - (i) submitting an appeal;
  - (ii) assisting the patient to obtain legal counsel;

- (iii) accompanying the patient to the review panel hearing;
  - (iv) representing the patient at the review panel hearing;
  - (v) if a person is dissatisfied with the decision of the review panel, assisting the patient to submit an appeal to the Court of King's Bench; and
  - (vi) generally assisting the patient to remain informed during the review process;
- (l) if a patient who is entitled to appeal to a review panel concerning detention pursuant to section 24 of the Act or an order for transfer pursuant to section 28 of the Act does not submit an appeal and if the official representative considers it advisable that an appeal should be submitted, shall submit an appeal on behalf of that patient;
- (m) shall create and maintain a file on each patient about whom he or she receives information, including copies of any certificates, warrants or orders, and a description of services provided by the official representative in relation to that patient pursuant to the Act or these regulations;
- (n) unless he or she is required to do so by law, shall not disclose information obtained in the course of serving as an official representative for any purpose other than performing the duties and responsibilities, including providing instructions to a lawyer, of an official representative prescribed in the Act or these regulations.
- (2) Clause (1)(n) does not apply to the provision of information to the director if the name and other means of identifying the patient are removed.
- (3) For the purposes of clause 33(2)(c) of the Act, the official representative shall take into consideration the wishes of the patient in providing any assistance requested by the patient's nearest relative, proxy or personal guardian regarding initiating an appeal of a decision mentioned in subsection 33(1) of the Act, if an appeal is not consistent with the patient's wishes.
- (4) An official representative acting pursuant to subsection (1) shall be given access to any information that he or she requires in order to provide advice or assistance to a patient.

15 May 2015 SR 47/2015 s13; 17 Feb 2017 SR  
4/2017 s6; 24 Nov 2017 SR 116/2017 s7; 14 Jly  
2023 SR 58/2023 s5.

#### ECT

- 14(1) In this section, “**ECT**” means electroconvulsive therapy.
- (2) Pursuant to clause 43(g) of the Act, electroconvulsive therapy is designated as a special treatment and no person shall administer ECT to an involuntary patient except in accordance with procedures described in subsection (4).
- (3) No person other than a psychiatrist shall administer ECT to an involuntary patient except in the presence of and under the direct supervision of a psychiatrist.

- (4) Before ECT is administered to an involuntary patient, a psychiatrist shall:
- (a) examine the patient and inquire into the facts or circumstances of the patient that are necessary to be considered in order to enable the psychiatrist to form a satisfactory opinion that:
    - (i) the patient's mental condition will improve significantly if ECT is administered;
    - (ii) the patient's mental condition will not improve significantly without ECT; and
    - (iii) alternate treatments will be relatively ineffective in treating the patient's mental condition;
  - (a.1) prepare a written record of the diagnosis, the facts on which the psychiatrist has determined that ECT should be administered to the patient and the decision to use ECT;
  - (b) ensure that all measures preliminary to the administration of ECT consistent with good medical practice have been taken;
  - (c) explain the purpose, nature and effects of ECT, possible alternative treatments and necessary preliminary and post-treatment care to the patient and:
    - (i) to the patient's nearest relative; or
    - (ii) if a person other than the nearest relative has been appointed pursuant to section 26 of the Act, to that person;
  - (c.1) give consideration to the views expressed by the patient and person mentioned in subclause (c)(i) or (ii), as the case may be, concerning ECT and any alternative treatments;
  - (d) complete a certificate in the form prescribed in subsection 43(9);
  - (e) obtain the certificate in the form prescribed in subsection 43(9):
    - (i) of a second psychiatrist; or
    - (ii) where it is not reasonably practicable to obtain the opinion of a second psychiatrist and a delay in the commencement of ECT would pose a serious threat to the life or health of the patient, of a second physician with admitting privileges to the facility in which the patient is detained;
  - (f) forthwith on the issuance of two certificates pursuant to clauses (d) and (e):
    - (i) provide the patient with copies of those certificates;
    - (ii) notify an official representative for the region by the most expeditious manner possible of the issuance of those certificates; and
    - (iii) immediately transmit copies of those certificates to that official representative; and
  - (g) immediately advise the patient, his or her nearest relative, any proxy, any personal guardian and an official representative for the region, in the form prescribed in subsection 43(10), of the patient's right of appeal to the review panel against the administration of ECT as set out in section 24.

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(4.1) Except in case of emergency, no ECT is to be administered to an involuntary patient until after the patient is visited by an official representative pursuant to clause 13(1)(e).

(5) Certificates issued pursuant to this section are valid for a maximum of 12 ECT sessions or until the expiration of any authority for the patient to be detained as an involuntary patient, whichever occurs first.

(6) Before further ECT is administered to an involuntary patient beyond the 12 sessions specified in subsection (5), a psychiatrist shall comply with the requirements of clauses (4)(d), (e), (f), and (g).

4 Apr 86 cM-13.1 Reg 1 s14; 9 Jne 95 SR 53/95  
s8; 15 May 2015 SR 47/2015 s14.

**Information**

**15(1)** In this section, “**information concerning a patient**” means information concerning a patient that comes to a person’s knowledge in the course of performing his or her duties pursuant to the Act or these regulations.

(2) A person shall disclose information concerning a patient to a review panel if the review panel requires disclosure in order to perform its function in relation to that patient.

15 May 2015 SR 47/2015 s15.

**16 Repealed.** 15 May 2015 SR 47/2015 s16.

**17 Repealed.** 15 May 2015 SR 47/2015 s16.

**18 Repealed.** 15 May 2015 SR 47/2015 s16.

**Investigations by review panels**

**19(1)** In this section and in sections 20 to 24, “**appellant**” means a person described in clause 33(1)(a), (b) or (c) of the Act who submits an appeal or on whose behalf an appeal is submitted.

(2) On receiving an appeal in writing pursuant to subsection 34(2) or (3) of the Act, the chairperson of a review panel shall, without delay, notify the mental health centre of the appeal.

(3) The chairperson of a review panel shall notify the attending physician immediately on receiving an appeal in writing with respect to a community treatment order.

4 Apr 86 cM-13.1 Reg 1 s19; 9 Jne 95 SR 53/95  
s10; 15 May 2015 SR 47/2015 s17.

**No transfer pending appeal**

**20** Where an appeal of an order for transfer pursuant to section 28 of the Act is submitted to a review panel, the patient who is the subject of the order shall not be transferred before the review panel has made its decision.

4 Apr 86 cM-13.1 Reg 1 s20.

**Persons present at hearing**

**21(1)** For the purposes of an investigation of an appeal pursuant to subsection 34(6) of the Act, the chairperson of the review panel shall:

- (a) provide notification of the time and place of the hearing to the appellant;
  - (a.1) make every reasonable effort to provide notification of the time and place of the hearing to:
    - (i) the person who submitted the appeal, if other than the appellant;
    - (ii) the official representative for the region;
    - (iii) the officer in charge of the mental health centre in which the appellant is a patient;
    - (iv) the chief psychiatrist of the mental health centre mentioned in subclause (iii);
    - (v) the attending physician;
  - (b) admit to the hearing those persons who in his or her opinion have a legitimate interest in the hearing;
  - (c) exclude from the hearing persons who in his or her opinion do not have a legitimate interest in the hearing.
- (2) In determining who is to be admitted to a hearing the chairperson shall give consideration to the wishes of the appellant.

4 Apr 86 cM-13.1 Reg 1 s21; 9 Jne 95 SR 53/95 s11; 15 May 2015 SR 47/2015 s18; 24 Nov 2017 SR 116/2017 s8.

**Information from mental health centre**

**22(1)** Within 24 hours after receipt of notification pursuant to subsection 19(2):

- (a) the attending physician or, if he or she is not available, another person designated by the officer in charge must provide the chairperson of the review panel with a statement in the form prescribed pursuant to subsection 43(15); and
  - (b) the officer in charge or another person designated by the officer in charge must make available to the review panel any additional information from the appellant's medical record or other documents retained in the mental health centre that the officer in charge or other person designated considers relevant to the appeal.
- (2) Within 24 hours after receiving notification pursuant to subsection 19(3), the attending physician or, if he or she is not available, another physician designated by the attending physician, must provide the chairperson of the review panel with a statement in the form prescribed pursuant to subsection 43(15).

15 May 2015 SR 47/2015 s19.

**Evidence**

**23** The review panel is not bound by the rules of law concerning evidence and may accept any evidence that the review panel considers appropriate.

15 May 2015 SR 47/2015 s20.

**Additional rights of appeal**

**24(1)** Where a decision has been made to administer to an involuntary patient a treatment designated pursuant to clause 43(g) of the Act as a special treatment, that patient may appeal that decision to the review panel.

(2) An appeal pursuant to subsection (1) is to be submitted in the form prescribed in subsection 43(14).

(3) Where an appeal pursuant to subsection (1) has been submitted to the review panel by the patient, the special treatment under appeal shall not be administered before the review panel has made its decision.

(4) The review panel shall conduct any investigation that it considers necessary.

(5) The review panel may confirm, vary or reverse the decision to administer the special treatment.

(6) The chairperson of the review panel shall make a written report of the decision of the review panel and shall, before the end of the third business day following the day that the appeal was received, transmit the report to:

- (a) the patient;
- (b) the physician whose decision is under appeal; and
- (c) the officer in charge of the mental health centre in which the involuntary patient is being detained.

4 Apr 86 cM-13.1 Reg 1 s24; 15 May 2015 SR 47/2015 s21.

**Records of review panel**

**25(1)** During his tenure in office, the chairperson of each review panel shall be the custodian of all records received or created by the review panel.

(2) When the chairperson of a review panel is replaced in office, he or she shall, without delay, transmit to his or her successor all documents, records and files that are in his or her custody in the capacity as chairperson.

4 Apr 86 cM-13.1 Reg 1 s25; 15 May 2015 SR 47/2015 s22.

**Confidentiality**

**26** Unless he or she is required to do so by law, a member of a review panel shall not disclose information obtained in the course of serving as a member of a review panel for any purpose other than performing the duties and responsibilities of a review panel prescribed in the Act or these regulations.

4 Apr 86 cM-13.1 Reg 1 s26; 15 May 2015 SR 47/2015 s23.

**Return of documents**

**27** Original documents that are part of a mental health centre's record, if removed from the mental health centre, must be returned to the officer in charge following examination by the review panel.

15 May 2015 SR 47/2015 s24.

**Non-application of section 28 of the Act**

**27.1** Section 28 of the Act does not apply to the transfer of involuntary patients who are inmates as defined in *The Correctional Services Act, 2012* and who are detained or confined in the portion of the mental health centre at Saskatchewan Hospital North Battleford that is designated as a correctional facility pursuant to that Act.

21 Dec 2018 SR 94/2018 s3.

**Non-application of section 29 of the Act**

**27.2** Section 29 of the Act does not apply to the temporary removal of involuntary patients who are inmates as defined in *The Correctional Services Act, 2012* and who are detained or confined in the portion of the mental health centre at Saskatchewan Hospital North Battleford that is designated as a correctional facility pursuant to that Act.

21 Dec 2018 SR 94/2018 s3.

**Interpretation re section 41 of the Act**

**27.3** In section 41 of the Act, ‘**aid, abet, counsel or wrongfully allow an involuntary patient to depart from a mental health centre**’ does not include a discharge, transfer or other removal of an involuntary patient in accordance with *The Correctional Services Act, 2012* from the portion of the mental health centre at Saskatchewan Hospital North Battleford that is designated as a correctional facility pursuant to that Act.

21 Dec 2018 SR 94/2018 s3.

**28 Repealed.** 15 May 2015 SR 47/2015 s25.

**Interpretation - sections 29 to 30.95**

**29** In this section and in sections 30 to 30.95:

- (a) “**activities of daily living**” includes the following activities:
  - (i) eating;
  - (ii) bathing;
  - (iii) dressing;
  - (iv) grooming;
  - (v) participating in social and recreational activities;
- (b) “**care**” means direct assistance to, or supervision of, a resident in performing activities of daily living, including providing assistance in the taking of medication, but does not include health care services provided exclusively by health care professionals that are required by a resident;
- (c) “**care record**” of a resident includes information related to the care and support the resident requires, health care appointments, any medication prescribed by a physician or physician assistant and a list of physicians and other professionals who are involved in providing care to the resident, as further set out in the manual;
- (d) “**licence**” means a valid licence issued pursuant to section 37.2 of the Act or renewed pursuant to section 37.7 of the Act;

- (e) “**manual**” means the latest edition of the *Mental Health Approved Home Program Operator Manual*, as amended from time to time, published by the ministry;
- (f) “**operator**”, unless otherwise provided, means the holder of a licence;
- (g) “**relative**” means a spouse, son, daughter, sister, brother, parent, aunt, uncle, great aunt, great uncle, grandparent, great-grandparent, cousin, nephew or niece whether that person is related by blood or by marriage or as a result of adoption;
- (h) “**resident**” means an adult, other than a relative of the operator, who has been placed by the regional director in a mental health approved home for the purposes of receiving assistance and supervision in the activities of daily living.

15 May 2015 SR 47/2015 s26; 14 Jly 2023 SR 58/2023 s6.

#### Application to operate mental health approved home

**30(1)** An application pursuant to section 37.1 of the Act must:

- (a) be in writing;
  - (b) pertain to a specified person and building or premises that may be the subject of the licence;
  - (c) include a criminal record check including vulnerable sector check, dated no earlier than three months before the date of the application, with respect to all adults who are not proposed residents but who are occupants of the building or premises that may be the subject of the licence;
  - (d) include evidence that the specified person and building or premises meet the requirements set out in subsection 37(2) of the Act; and
  - (e) include any other information and material set out in the manual.
- (2) In order for a licence to be renewed pursuant to section 37.7 of the Act, the operator must satisfy the provincial health authority that he or she meets the requirements of section 37 of the Act and of these regulations.

15 May 2015 SR 47/2015 s26; 24 Nov 2017 SR 116/2017 s9.

#### Insurance

**30.1(1)** In this section, “**automobile insurance**” does not include the insurance evidenced by a certificate of insurance issued pursuant to *The Automobile Accident Insurance Act*.

- (2) Every operator must hold the following policies of insurance:
- (a) against general liability, including third party liability, with respect to the premises used by the home and to the operation of the mental health approved home, including claims based on negligence associated with the operation of the home and occupier’s liability;



- (b) with respect to a motor vehicle owned or leased by the operator, automobile insurance in an amount not less than \$1 million per occurrence, insuring the operator against liability arising from:
    - (i) bodily injury to or the death of a person, or loss of or damage to property caused by a motor vehicle or the use or operation of a motor vehicle; or
    - (ii) loss or damage to a motor vehicle and the loss of use of a motor vehicle;
  - (c) against any other risk that, in the opinion of the minister, is necessary to be insured against respecting the safe operation of the home and the well-being of the residents.
- (3) The policies of insurance required to be held pursuant to clauses (2)(a) and (c) must be in the amounts set out in the manual.

15 May 2015 SR 47/2015 s26.

**Term incorporated into licence**

**30.2(1)** The following term is to be incorporated into each licence:

‘Subject to the other terms and conditions of this licence, the operator shall operate the mental health approved home governed by this licence in accordance with the most recent edition of the *Mental Health Approved Home Program Operator Manual* published by the Ministry of Health’.

(2) Specific terms and conditions that vary, add to or remove any of the requirements set out in the manual may be incorporated in a licence and, in the event of a conflict between the manual and a term or condition, the terms and conditions in the licence prevail.

15 May 2015 SR 47/2015 s26.

**Discontinuing operation**

**30.3** An operator must provide a minimum of 30 days’ notice in writing to the regional director before discontinuing operations.

15 May 2015 SR 47/2015 s26.

**Relocation of operator’s premises**

**30.31(1)** An operator who intends to relocate to other premises and operate a mental health approved home that houses any or all of the residents who reside in the home that is the subject of an existing licence must provide a minimum of 30 days’ notice in writing to the regional director to that effect.

(2) An operator mentioned in subsection (1) must apply for a licence respecting the premises to which he or she intends to relocate in accordance with section 37.1 of the Act and section 30 of these regulations.

15 May 2015 SR 47/2015 s26.

**Conflict of interest**

**30.4(1)** For the purposes of this section, “operator” includes any person carrying out the responsibilities of the person named in the licence on a temporary basis in order to provide relief to that person.

- (2) Subject to subsection (3), no operator or relative of an operator shall:
- (a) accept appointment as power of attorney for a resident;
  - (b) accept appointment as a personal or property guardian pursuant to *The Adult Guardianship and Co-decision-making Act* for a resident;
  - (c) accept appointment as a proxy for a resident in a directive pursuant to *The Health Care Directives and Substitute Health Care Decision Makers Act*;
  - (d) accept gifts from a resident with an estimated total value greater than \$100 in a year;
  - (e) accept real or personal property from a resident or from anyone on behalf of a resident as payment for care and accommodation in the home;
  - (f) influence or attempt to influence a resident or prospective resident:
    - (i) in the making or alteration of the will of the resident or prospective resident;
    - (ii) subject to the guidelines set out in the manual, in the conduct of the financial affairs of the resident or prospective resident; or
    - (iii) subject to the guidelines set out in the manual, in handling the personal assets of the resident or prospective resident; or
  - (g) accept gifts or bequests provided in a resident’s will unless the will was executed before the resident was admitted to the home.
- (3) Subsection (2) does not apply if the operator or relative of the operator is a relative of the resident in question.
- (4) Nothing in subsection (2) precludes an operator from being appointed as a trustee of a resident for the purposes of *The Saskatchewan Assistance Act*.
- (5) If an operator receives a gift from a resident, the operator must:
- (a) notify the resident’s nearest relative, proxy or personal guardian, if any, and the regional director about the gift; and
  - (b) record the following information:
    - (i) the date of receipt of the gift;
    - (ii) the name of the person who received the gift;
    - (iii) the amount or estimated value of the gift;
    - (iv) the name of the person, if any, contacted pursuant to clause (a).

15 May 2015 SR 47/2015 s26.

**Confidentiality**

**30.5(1)** The care record of a resident is the property of the operator and is confidential.

- (2) Subject to subsections (3) and (4), an operator shall maintain the confidentiality of the care record of a resident.
- (3) An operator shall disclose all or any part of a care record of a resident:
- (a) to the resident on the resident's request;
  - (b) to any person named in a written request of the resident that is signed by the resident;
  - (c) to the regional director at the direction of the regional director;
  - (d) to the minister at the direction of the minister; and
  - (e) to any person on the order of a court of competent jurisdiction or if otherwise required by law.
- (4) An operator may disclose to a person who provides care to a resident any part of the resident's care record that is required for the purposes of providing care to the resident.

15 May 2015 SR 47/2015 s26.

#### **Retention of records**

**30.51** An operator shall retain the resident care record for the period set out in the manual.

15 May 2015 SR 47/2015 s26.

#### **Residency charges**

**30.6(1)** No operator shall charge a resident for accommodation and care, or for any costs of any necessary special services, activities, equipment or materials at rates greater than the rates authorized for the equivalent level of care set out in the regulations made pursuant to *The Saskatchewan Assistance Act*.

(2) No operator shall charge a resident for meals, the reasonably anticipated costs of personal hygiene items, items set out in the manual or any other item that is considered to be included in payments to the operator set out in the regulations made pursuant to *The Saskatchewan Assistance Act*.

15 May 2015 SR 47/2015 s26.

#### **Resident care, facilities**

**30.7(1)** An operator shall provide the care to residents that is required to meet the individual needs of each resident, in accordance with the standards set out in the manual.

(2) An operator shall ensure that the mental health approved home has the necessary facilities to meet the needs of each resident, including:

- (a) accessible common rooms, including living rooms, dens or other recreational rooms but not including dining rooms, that:
  - (i) are of a sufficient size and separation to accommodate the total number of persons living in the home;
  - (ii) have a combined area that provides not less than 1.85 square metres of usable floor space per person living in the home; and
  - (iii) will facilitate recreation and leisure activities of residents while preventing those activities from interfering with care;

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- (b) an accessible dining room area with not less than 1.2 square metres of usable floor space per person living in the home, that is of a sufficient size and separation to accommodate the total number of persons living in the home;
  - (c) outside yard or lawn space with accessible, safe and appropriate seating and walkways;
  - (d) supportive bars or grips installed in bathrooms wherever necessitated by resident need;
  - (e) sturdy handrails along stairways, inclines, ramps and decks;
  - (f) non-skid treads on stairs, non-skid mats or strips in all bathtubs and showers and non-skid backing on floor mats;
  - (g) toilets and bathrooms conveniently located, well-ventilated and equipped to ensure privacy.
- (3) An operator shall ensure that the toilet and bathing facilities of the home include:
- (a) at least one toilet and washbasin for every five persons residing in the home that are accessible to all residents;
  - (b) at least one bathtub or suitable shower for every five persons residing in the home that is accessible to all residents.

15 May 2015 SR 47/2015 s26.

**Resident bedrooms**

- 30.71(1)** An operator shall ensure that each resident bedroom:
- (a) does not accommodate more than two residents;
  - (b) has a minimum usable floor space, excluding floor space in closets:
    - (i) of 7.2 square metres, in the case of a bedroom accommodating one resident; or
    - (ii) of 5.4 square metres per resident, in the case of a bedroom accommodating two residents;
  - (c) is not used as a passageway to another bedroom or to a common bath, a common toilet or an exit from the home; and
  - (d) meets the requirements set out in the manual.
- (2) No operator shall accommodate a resident who has difficulty negotiating stairs in a bedroom that can only be reached by negotiating stairs.

15 May 2015 SR 47/2015 s26.

**Carbon monoxide detectors**

- 30.72(1)** In this section, “**approved**”, with respect to a carbon monoxide detector, means a carbon monoxide detector purchased in Canada.
- (2) An operator shall ensure that:
- (a) at least one approved carbon monoxide detector is installed and maintained in accordance with the manufacturer’s instructions on each storey where persons are accommodated; and

- (b) each carbon monoxide detector is replaced at the time or in the circumstances indicated in the manufacturer's instructions.

15 May 2015 SR 47/2015 s26.

#### **Residential sprinkler systems**

**30.73** If required under the National Building Code of Canada, as adopted and amended pursuant to *The Construction Codes Act*, an operator shall ensure that the mental health approved home is equipped with an automatic sprinkler system that meets the requirements of that Code.

15 May 2015 SR 47/2015 s26; 14 Jly 2023 SR 58/2023 s7.

#### **Renovations**

**30.74(1)** Subject to subsection (2), no operator shall undertake renovations or construction on the mental health approved home before he or she receives prior written approval from the regional director.

(2) Subsection (1) does not apply to renovations that are cosmetic in nature, as set out in the manual, and that do not negatively affect the residents of the mental health approved home.

15 May 2015 SR 47/2015 s26.

#### **Other people living in the mental health approved home**

**30.8(1)** Subject to subsection (2) and the requirements set out in the manual, an operator may allow an individual who does not require any assistance or supervision with care to reside in the mental health approved home.

(2) The operator may rent a room to an individual who does not require any assistance or supervision with care based on the following criteria:

- (a) prior written approval from the regional director;
- (b) the individual must produce a current satisfactory criminal record check including vulnerable sector check at the date of his or her becoming an occupant of the home and at least every five years after that date;
- (c) the mental health approved home has sufficient space and facilities to accommodate the additional person without negatively affecting the other residents of the home;
- (d) the total number of occupants in the home, including the individual described in this section, does not exceed 10.

15 May 2015 SR 47/2015 s26.

#### **Medication**

**30.9(1)** An operator shall ensure that medications are stored:

- (a) safely in a secure cabinet within the home; and
- (b) in the manner recommended for each medication on the medication label.

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- (2) An operator shall ensure that all expired or unused medications are disposed of in a safe manner.
- (3) The operator shall monitor the taking of medications by a resident in accordance with the guidelines set out in the manual and provide assistance as is reasonably practicable, subject to any directions provided by a physician or physician assistant.
- (4) If it is necessary to take the directions of a physician or physician assistant by telephone, the operator shall ensure that:
  - (a) the directions are documented on the resident's record and signed by the person who receives the directions, including the name of the physician or physician assistant who gives the directions by telephone and the date and time of the directions; and
  - (b) the documentation of the directions given orally by the physician or physician assistant is confirmed in writing by the physician or physician assistant as soon as possible.
- (5) The operator must ensure, as is reasonably practicable, that each instance of a resident taking his or her medication is recorded in the resident's care record by the person assisting the resident taking the medication.

15 May 2015 SR 47/2015 s26; 14 Jly 2023 SR  
58/2023 s8.

**Medication errors**

- 30.91(1)** In this section, “**medication error**” means an event in which:
- (a) a resident has not received the medication as prescribed to the resident by a physician or physician assistant; or
  - (b) a resident has taken medication that was not intended for him or her.
- (2) An operator shall ensure that:
- (a) all medication errors:
    - (i) are reported to:
      - (A) the resident's case manager;
      - (B) the resident's physician;
      - (C) the regional director; and
      - (D) the pharmacist who filled the prescription; and
    - (ii) are documented in the resident's care record; and
  - (b) corrective action is taken to prevent further harm to residents.

15 May 2015 SR 47/2015 s26; 14 Jly 2023 SR  
58/2023 s9.

**Health and safety maintenance**

**30.92(1)** An operator shall operate and maintain the mental health approved home in a manner that provides for the safety and well-being of residents, staff and visitors to the home.

(2) An operator shall:

- (a) maintain the mental health approved home in a clean, safe and sanitary condition at all times;
- (b) maintain the mental health approved home at a comfortable temperature for residents at all times;
- (c) store and dispose of solid and liquid waste in a manner that will not permit the transmission of disease or odours, create a health hazard or provide a breeding place or food source for insects or rodents;
- (d) store and dispose of poisons, toxic substances and corrosives in a safe manner;
- (e) ensure the proper sanitation and operation of all toilets, hand basins, bathtubs and showers in the home; and
- (f) provide safe, unobstructed hallways, stairways, exits and ramps.

(3) An operator shall ensure that appropriate action is taken to remove or destroy pests present in the mental health approved home to the satisfaction of the regional director.

15 May 2015 SR 47/2015 s26.

**Rights and privileges of residents**

**30.93(1)** In addition to any other rights and privileges that the residents of a mental health approved home may have at law, each resident has the following rights and privileges:

- (a) to be treated with respect, dignity, kindness and consideration in all interactions with staff, residents and other persons who reside in the home;
- (b) to voice concerns about or recommend changes in the standards of resident conduct or the services provided in the home;
- (c) to register complaints to the operator and, if desired, to the regional health authority;
- (d) to attend religious services or activities of the resident's choosing;
- (e) to be provided with personal privacy;
- (f) to have sole use of his or her own possessions unless the resident gives permission for others to use those possessions;

- (g) to receive visitors privately at the home at any reasonable hour unless the activities of the visitors negatively affect the other residents;
  - (h) to communicate within the home by telephone, cellular phone, email, website or other electronic means or by mail in private;
  - (i) to leave and return to the home as desired at all reasonable hours on notifying the operator or the operator's designate;
  - (j) to be free from any actions from the operator or staff of a punitive nature, including physical punishment, threats of any kind, intimidation, verbal, mental or emotional abuse or confinement;
  - (k) to choose his or her own medical, optometric, dental, nursing or other health care professional.
- (2) An operator shall ensure that the rights and privileges mentioned in subsection (1) are respected.
- (3) An operator shall provide a copy of the rights and privileges mentioned in subsection (1) to every resident of the mental health approved home before the resident commences his or her residency at the home.

15 May 2015 SR 47/2015 s26.

**Reportable serious incident**

**30.94(1)** In this section, “**serious incident**” means any occurrence at or near the mental health approved home that affects or may seriously affect the health or safety of residents of the home, including:

- (a) any occurrence, accident or injury that is potentially life threatening;
- (b) a death that is required to be reported pursuant to *The Coroners Act*;
- (c) an outbreak of a communicable disease, notification of which is required pursuant to *The Public Health Act, 1994*;
- (d) any harm or suspected harm suffered by a resident as a result of unlawful conduct, improper treatment or care, harassment or neglect on the part of any person;
- (e) any incident involving a resident that has been reported to law enforcement officers;
- (f) a fire;
- (g) a prolonged disruption of:
  - (i) the supply of electrical power, heat or water;
  - (ii) the provision of food; or
  - (iii) the provision of other basic services of the home that interferes with the ability to give adequate care to the residents.



- (2) An operator shall:
- (a) inform the following of any serious incident involving a resident as soon as possible after the incident:
    - (i) the resident's nearest relative;
    - (ii) the resident's proxy or personal guardian, if any;
    - (iii) the resident's personal physician;
    - (iv) the resident's case manager;
    - (v) the regional director; and
  - (b) as soon as is reasonably practicable, provide to the regional director a written report of the serious incident mentioned in clause (a) that indicates:
    - (i) the circumstances leading up to and culminating in the serious incident;
    - (ii) the date and time of the serious incident;
    - (iii) the names of the persons involved in the serious incident;
    - (iv) the names of the persons notified about the serious incident; and
    - (v) any actions taken by the operator:
      - (A) to solve the problems giving rise to the serious incident; and
      - (B) to prevent recurrences of the serious incident.

15 May 2015 SR 47/2015 s26.

#### Other services

**30.95(1)** No operator of a mental health approved home shall offer services to persons other than residents of the home unless those services are first approved in writing by the regional director.

(2) In determining whether to approve the offering of services to persons other than residents of the mental health approved home, the regional director shall consider the guidelines set out in the manual and whether those services may be performed without negatively affecting the residents of the home.

(3) Subsection (1) does not apply to the offering of accommodation by an operator to persons other than residents in accordance with section 30.8.

15 May 2015 SR 47/2015 s26.

#### Payments

**31(1)** If a person is admitted to a mental health approved home as a resident, the regional director may authorize payment to the resident or in trust to the operator, for the level of care provided, of a sum not exceeding the amount of payment authorized for the equivalent level of care pursuant to *The Saskatchewan Assistance Act*.

(2) If a resident in a mental health approved home has special needs beyond those which may be met pursuant to subsection (1), the regional director may authorize a payment to be made to the resident, or in trust to the operator, to cover the costs of special services, activities, equipment or materials that will make it possible for the resident to be accommodated in the mental health approved home.

(3) If a resident is temporarily absent from a mental health approved home, the regional director may authorize payments to the operator at rates that are consistent with rates authorized in similar circumstances to be paid on behalf of beneficiaries pursuant to *The Saskatchewan Assistance Act*.

(4) If a resident vacates a mental health approved home without notice, the regional director may authorize a payment to the operator, in lieu of notice being given, at a rate that is consistent with rates authorized in similar circumstances to be paid on behalf of beneficiaries pursuant to *The Saskatchewan Assistance Act*.

15 May 2015 SR 47/2015 s27.

### **32 Repealed.** 12 Dec 97 SR 103/97 s11.

#### **Patients' trust accounts**

**32.1(1)** In this section and sections 33 and 34, "**patients' trust account**" means the patients' trust account established for the mental health centre in which a patient is admitted.

(2) The provincial health authority shall establish a patients' trust account, to be known as the "Patients" Trust Account (*name of facility*), for each mental health centre that it operates.

(3) If a patient admitted to a mental health centre is in possession of money on admission or comes into possession of money after admission, the provincial health authority shall, subject to sections 33 and 34, hold that money in the patients' trust account.

15 May 2015 SR 47/2015 s28; 24 Nov 2017 SR 116/2017 s10.

#### **Patient lacks capacity**

**33(1)** In this section and in section 34, "**capacity**" means the ability:

- (a) to understand information relevant to making a decision; and
- (b) to appreciate the reasonably foreseeable consequences of making or not making a decision.

(2) In the case of a patient who lacks capacity at or after the time of admission to a mental health centre, all moneys in excess of \$1,000 held on his or her behalf in the patients' trust account are to be transferred to the Public Guardian and Trustee of Saskatchewan or, if another person has been appointed property guardian for that patient, to that other person during the month following the month in which that patient is determined to lack capacity.

(3) If money is received on behalf of a patient after he or she has been determined to lack capacity, all moneys in excess of \$1,000 held on his or her behalf in the patients' trust account are to be transferred to the Public Guardian and Trustee of Saskatchewan or, if another person has been appointed property guardian for that patient, to that other person during the month following the month in which the money is received.

- (4) All money held on behalf of a patient who lacks capacity may be held in the patients' trust account for his or her use while he or she is in the mental health centre and, in the case of a patient who has been assessed as requiring long-term care, may be used to pay for any charges payable by him or her for any long-term care provided for the period that he or she is a patient in the mental health centre.
- (5) When a patient who lacks capacity is discharged from a mental health centre, the moneys held in the patients' trust account on his or her behalf at the time of discharge shall, within 30 days after his or her discharge, be forwarded to the Public Guardian and Trustee of Saskatchewan or, if another person has been appointed property guardian for that patient, to that other person.
- (6) If the moneys held on behalf of a patient who lacks capacity pursuant to this section are \$500 or less, the interest earned on that amount may be used for patients' comforts generally.
- (7) If the moneys held on behalf of a patient who lacks capacity pursuant to this section exceed \$500, the interest earned on that amount is to be credited to him or her.

15 May 2015 SR 47/2015 s29.

#### **Patient has capacity**

- 34(1)** A patient admitted to a mental health centre who has capacity and who is in possession of any amount of money at the time of his or her admission may elect to:
- (a) subject to the policies and procedures of the provincial health authority operating the mental health centre, assume responsibility for handling that money or arrange for another person to handle that money on his or her behalf; or
  - (b) authorize in the form prescribed in subsection 43(16) that the money be held in the patients' trust account.
- (2) If a patient provides the authorization mentioned in clause (1)(b), the moneys held on behalf of that patient pursuant to this section may be used to pay for any charges that are payable by the patient for the provision of mental health services.
- (3) If the moneys held on behalf of a patient pursuant to this section are \$500 or less, the interest earned on that amount may be used for patients' comforts generally.
- (4) If the moneys held on behalf of a patient pursuant to this section exceed \$500, the interest earned on that amount is to be credited to the patient.

15 May 2015 SR 47/2015 s30; 24 Nov 2017 SR 116/2017 s11.

#### **Investments**

- 35** The provincial health authority holding moneys in patients' trust accounts pursuant to section 32.1 may invest those moneys only in those investments in which trustees are permitted to invest pursuant to *The Trustee Act, 2009*.

15 May 2015 SR 47/2015 s31; 24 Nov 2017 SR 116/2017 s12.

**Non-application of sections 32.1, 33, 34 and 35**

**35.1** Sections 32.1, 33, 34 and 35 do not apply to a person who is an inmate as defined in *The Correctional Services Act, 2012* and is detained or confined in the portion of the mental health centre at Saskatchewan Hospital North Battleford that is designated as a correctional facility pursuant to that Act.

21 Dec 2018 SR 94/2018 s4.

**36 to 42 Repealed.** 12 Dec 97 SR 103/97 s16.

**Forms**

- 43(1)** A certificate of a physician pursuant to section 18 of the Act is to be in Form A.
- (2) An information laid before a judge of the Provincial Court of Saskatchewan pursuant to subsection 19(1) of the Act is to be in Form B.
- (3) A warrant issued pursuant to subsection 19(2) of the Act is to be in Form C.
- (4) An order pursuant to subsection 21(1) of the Act regarding a patient to be brought into Saskatchewan is to be in Form D.
- (5) A judge's order pursuant to subsection 22(2) of the Act regarding the voluntary examination of a person in custody is to be in Form E.
- (6) A judge's order pursuant to subsection 22(3) of the Act regarding the involuntary examination of a person in custody is to be in Form F.
- (6.1) An order by the director requiring that a person submit to an examination pursuant to section 23.1 of the Act is to be in Form F.1.
- (7) A certificate of a physician pursuant to section 24 of the Act is to be in Form G.
- (8) An order of a physician pursuant to subsection 24(9) or clause 31(1)(a) of the Act is to be in Form H.
- (8.1) An order by a judge for detention of a person pursuant to subsection 24.1(3) of the Act is to be in Form H.1.
- (8.2) A notification pursuant to subsection 24.1(8) of the Act that a detention order has expired or been rescinded is to be in Form H.2.
- (8.3) A community treatment order pursuant to section 24.3 of the Act is to be in Form H.3.
- (8.4) A certificate in support of a community treatment order pursuant to section 24.4 of the Act is to be in Form H.4.
- (8.5) A notification by an attending physician advising a patient, the patient's nearest relative, or proxy or personal guardian, if any, and the official representative that a community treatment order is no longer in effect pursuant to subsection 24.5(2) of the Act is to be in Form H.5.
- (8.6) An order to revoke a community treatment order pursuant to subsection 24.5(3) of the Act is to be in Form H.6.

- (8.7) An order for the apprehension, conveyance and examination of a person pursuant to section 24.6 of the Act is to be in Form H.7.
- (9) A certificate of a physician pursuant to section 14 is to be in Form I.
- (10) A notice of the right of appeal to a review panel pursuant to section 14 is to be in Form J.
- (11) An order pursuant to section 28 of the Act for the transfer of an involuntary patient is to be in Form K.
- (12) An authorization for the temporary removal of an involuntary in-patient from a mental health centre pursuant to section 29 of the Act is to be made in writing, and is to include reasons and be dated and signed by the attending physician.
- (12.1) An order of an attending physician to transfer a patient from one mental health centre to another mental health centre within the same municipality pursuant to subsection 28(5) of the Act is to be in Form L.1.
- (12.2) An order by the director to return a person to another jurisdiction pursuant to subsection 28.2(1) of the Act is to be in Form L.2.
- (12.3) A notice by an attending physician advising a patient that he or she is no longer subject to detention pursuant to section 24 and that is issued pursuant to section 31.1 of the Act is to be in Form L.3.
- (13) A notice pursuant to section 33 of the Act regarding appeal procedures is to be in Form M.
- (14) An appeal pursuant to section 34 of the Act or subsection 24(2) to a review panel is to be in Form N.
- (14.1) An appeal to a review panel pursuant to section 24.1 of the Act is to be in Form N.1.
- (15) A statement of a physician or other person designated by the officer in charge pursuant to section 22 to a review panel is to be in Form O.
- (16) An authorization pursuant to clause 34(1)(b) for money to be held in a patients' trust account is to be in Form P.

**Appendix****FORM A**

**Certificate of Physician or Prescribed Health Professional  
that Psychiatric Examination is Required**  
[Section 18 of The Mental Health Services Act]

CANADA  
PROVINCE OF SASKATCHEWAN

I, the undersigned \_\_\_\_\_ ,  
(name in full and qualifications)

a physician/prescribed health professional, residing and practising at \_\_\_\_\_ ,  
hereby certify that, on \_\_\_\_\_ , separately from any other medical practitioner,  
(dd/mm/yy)

I personally examined \_\_\_\_\_  
(name in full)  
of \_\_\_\_\_ ,  
(residence)

and, after making due inquiry into all the facts in connection with the case of that person necessary to be inquired into in order to enable me to form a satisfactory opinion, I am of the opinion that the person is suffering from a mental disorder and requires a psychiatric examination to ascertain whether he/she should be admitted to a mental health centre pursuant to section 24 of *The Mental Health Services Act* and that I have formed this opinion on the following grounds:

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Arrangements have been made with \_\_\_\_\_ , a physician with admitting privileges to a mental health centre, for the person to be examined as an out-patient.

\_\_\_\_\_  
Date (dd/mm/yy)

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Signature of physician/prescribed health professional

## FORM B

## Information

[Subsection 19(1) of The Mental Health Services Act]

CANADA

PROVINCE OF SASKATCHEWAN

This is the information of \_\_\_\_\_  
(informant's name)

of \_\_\_\_\_  
(residence)

The informant says that:

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(name)

of \_\_\_\_\_  
(residence)

refuses to submit to a medical examination and the informant has reasonable grounds to believe and does believe that \_\_\_\_\_  
(name)

is suffering from a mental disorder and is in need of examination to determine whether he/she should be admitted to a mental health centre pursuant to section 24 of *The Mental Health Services Act*.

(Signature of informant)

SWORN before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_.

*Judge of the Provincial Court of Saskatchewan*

## FORM C

**Warrant to Apprehend**

[Subsection 19(2) of The Mental Health Services Act]

CANADA

PROVINCE OF SASKATCHEWAN

To all or any of the peace officers in Saskatchewan or to \_\_\_\_\_ :

(name of other person  
directed to execute warrant)WHEREAS information has been laid before me, the undersigned, a Judge of the  
Provincial Court of Saskatchewan, that: \_\_\_\_\_

(name in full of person who is the subject of this warrant)

of \_\_\_\_\_

(residence)

refuses to submit to a medical examination and is believed to be suffering from a mental  
disorder and is in need of examination to determine whether he or she should be admitted  
to a mental health centre pursuant to section 24 of *The Mental Health Services Act*;

AND WHEREAS I have made sufficient inquiry to satisfy myself that \_\_\_\_\_

(name in full of person who

is

the subject of this warrant)

is in need of the examination on the following grounds: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ ;

AND WHEREAS I have made arrangements with \_\_\_\_\_ , a physician

(name of physician)

who has admitting privileges to \_\_\_\_\_ , in

(name of mental health centre)

order that an examination may be made.

THIS IS THEREFORE TO COMMAND you or any of you in the name of the Sovereign  
forthwith to apprehend \_\_\_\_\_

(name of person who is the subject of this warrant)

and convey him/her to \_\_\_\_\_

(place/location)

in order that an examination may be made.

AND FOR WHAT SHALL BE DONE in the premises by the peace officers or \_\_\_\_\_

(name of other person who is directed to execute warrant)

and the physician mentioned above, this shall be sufficient warrant authority.

Given under my hand and seal this \_\_\_\_ day of \_\_\_\_\_, , \_\_\_\_\_ at \_\_\_\_\_  
in Saskatchewan.\_\_\_\_\_  
Judge of the Provincial Court of Saskatchewan



## MENTAL HEALTH SERVICES

## M-13.1 REG 1

## FORM D

**Order for Person from Outside Saskatchewan to be Taken Into Custody,  
Conveyed and Examined as an Out-patient**  
[Section 21 of *The Mental Health Services Act*]

CANADA  
PROVINCE OF SASKATCHEWAN

I, \_\_\_\_\_ ,

(name of director)

being the director of mental health services appointed pursuant to section 6 of *The Mental Health Services Act*, and having reason to believe that \_\_\_\_\_

(name of person being detained)

who is detained in \_\_\_\_\_

(name and address of hospital)

a hospital, by reason of having a mental disorder, should be brought into Saskatchewan, do hereby authorize that person to be taken into custody, conveyed to \_\_\_\_\_

\_\_\_\_\_ ,

(name of mental health centre and city)

a mental health centre, and examined as an out-patient by a physician with admitting privileges to that mental health centre.

\_\_\_\_\_  
Date (dd/mm/yy)

\_\_\_\_\_  
Signature of director

## FORM E

**Order to Convey Person in Custody for Voluntary Examination***[Subsection 22(2) of The Mental Health Services Act]*

CANADA

PROVINCE OF SASKATCHEWAN

To all or any of the peace officers in Saskatchewan and to \_\_\_\_\_

\_\_\_\_\_, a qualified health professional:

*(name in full and qualifications)*

THIS IS to command you or any of you in the name of the Sovereign to take possession of

\_\_\_\_\_  
*(name of person in custody)*

who has been apprehended and charged with \_\_\_\_\_

\_\_\_\_\_  
and who has requested an examination in order to determine whether he/she may be treated for a mental disorder:

AND FURTHERMORE, you or any of you are hereby commanded to convey that person to

\_\_\_\_\_  
and I hereby require you, the health professional named above, to receive him/her for examination;

AND FOR WHAT SHALL BE DONE in the premises by you, the peace officers, and you, the health professional, this shall be sufficient authority.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
*Judge of the Provincial Court of Saskatchewan*

4 Dec 2020 SR 119/2020 s10.

## FORM F

## Order for Psychiatric Examination as an Out-patient

[Subsection 22(3) of The Mental Health Services Act]

CANADA

PROVINCE OF SASKATCHEWAN

To all or any of the peace officers in Saskatchewan and to \_\_\_\_\_ ,  
a physician who has admitting privileges to \_\_\_\_\_ :  
(mental health centre)

THIS IS to command you or any of you in the name of the Sovereign to take possession of \_\_\_\_\_ who has been charged with \_\_\_\_\_ and who is considered by me to be in need of an examination to determine whether he/she should be admitted to a mental health centre pursuant to section 24 of *The Mental Health Services Act*;

AND FURTHERMORE, you or any of you are hereby commanded to convey to \_\_\_\_\_,

and I hereby require you, the physician named above to receive him/her for examination as an out-patient;

AND FOR WHAT SHALL BE DONE in the premises by you, the peace officers, and you, the physician, this shall be sufficient authority.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
at the \_\_\_\_\_ of \_\_\_\_\_  
in the \_\_\_\_\_ of \_\_\_\_\_.

*Judge of the Provincial Court of Saskatchewan*

4 Dec 2020 SR 119/2020 s10.

## FORM F.1

**Order by the Director Requiring that a Person Submit to an Examination**  
[Section 23.1 of *The Mental Health Services Act*]

CANADA  
PROVINCE OF SASKATCHEWAN

I, \_\_\_\_\_  
(name of director)

being the director of mental health services appointed pursuant to section 6 of *The Mental Health Services Act*, and having reason to believe that \_\_\_\_\_  
(name of person being detained)

has been detained under provisions of the *Criminal Code* as unfit to stand trial or not criminally responsible on account of a mental disorder and his or her detention is about to expire;

hereby order that \_\_\_\_\_  
(name of person being detained)

be examined by a physician with admitting privileges to a mental health centre to ascertain whether he or she should be detained in a mental health centre pursuant to section 24 of *The Mental Health Services Act*.

\_\_\_\_\_  
Date (dd/mm/yy)

\_\_\_\_\_  
Signature of director

## FORM G

**Certificate of Medical Practitioner for  
Compulsory Admission of a Person to a Mental Health Centre**  
[Section 24 of The Mental Health Services Act]

CANADA  
PROVINCE OF SASKATCHEWAN

I, the undersigned \_\_\_\_\_,  
(name in full and qualifications)

a duly qualified medical practitioner with admitting privileges to \_\_\_\_\_,  
(mental health centre)

hereby certify that I, on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
separately from any other practitioner, personally examined \_\_\_\_\_  
(name in full)

of \_\_\_\_\_  
(residence)

and, after making due inquiry into all the facts in connection with the case of that person necessary to be inquired into in order to enable me to form a satisfactory opinion, I am of the opinion that:

- (a) the person is suffering from a mental disorder as a result of which the person is in need of treatment or care and supervision that can be provided only in a mental health centre;
- (b) as a result of the mental disorder, the person is unable to fully understand and to make an informed decision regarding his/her need for treatment or care and supervision; and
- (c) as a result of the mental disorder, the person is likely to cause harm to himself/herself or to others or to suffer substantial mental or physical deterioration if he/she is not detained in a mental health centre;

and I have formed this opinion on the following grounds:

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\_\_\_\_\_  
Date (dd/mm/yy)

\_\_\_\_\_  
Signature of examining physician

\_\_\_\_\_  
Date (dd/mm/yy)

\_\_\_\_\_  
Signature of witness

## FORM H

**Revocation of Certificate of Committal***[Subsection 24(10) and clause 31(1)(a) of The Mental Health Services Act]*

CANADA

PROVINCE OF SASKATCHEWAN

I, the undersigned \_\_\_\_\_ ,  
*(name in full and qualifications)*

a duly qualified medical practitioner, being the attending physician responsible for the  
care and treatment of \_\_\_\_\_ ,  
*(name of patient)*

hereby revoke any certificate issued pursuant to section 24 of *The Mental Health Services Act* that is in effect on this date on the following grounds:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Date (dd/mm/yy)*

\_\_\_\_\_  
*Signature of physician*

## FORM H.1

## Order by a Judge for Detention of a Person

[Subsection 24.1(3) of The Mental Health Services Act]

CANADA

PROVINCE OF SASKATCHEWAN

WHEREAS an application has been submitted to this court pursuant to section 24.1 of *The Mental Health Services Act*;

AND WHEREAS evidence has been presented to the effect that \_\_\_\_\_ :  
(name of person being detained)

- (a) is suffering from a mental disorder as a result of which he or she is in need of treatment or care and supervision that can be provided only in a mental health centre;
- (b) as a result of the mental disorder is unable to fully understand and to make an informed decision regarding his or her need for treatment or care and supervision;
- (c) as a result of the mental disorder is likely to cause bodily harm to himself or herself, or to others;
- (d) has been detained pursuant to section 23, 24 or 24.1 of *The Mental Health Services Act* for a total of 60 days or longer immediately before the date of the application for this order; and
- (e) is suffering from a severely disabling continuing mental disorder that is likely to persist for a period longer than 21 days, notwithstanding that treatment is being provided;

AND WHEREAS I have made sufficient inquiry to conclude that the above criteria are satisfied;

THIS IS THEREFORE TO ORDER \_\_\_\_\_  
(name of person being detained)

be detained for a period from this date until \_\_\_\_\_  
(period not to exceed one year)

Issued this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Local registrar

## FORM H.2

**Notification that a Detention Order has Expired or Been Rescinded***[Subsection 24.1(7) of The Mental Health Services Act]*

CANADA

PROVINCE OF SASKATCHEWAN

Notice to: \_\_\_\_\_  
*(name of patient)*

\_\_\_\_\_  
*(nearest relative)*

\_\_\_\_\_  
*(proxy)*

\_\_\_\_\_  
*(personal guardian)*

\_\_\_\_\_  
*(official representative)*

An order of the Court of King's Bench issued on \_\_\_\_\_  
*(date - dd/mm/yy)*

pursuant to subsection 24.1(3) of *The Mental Health Services Act* requiring that:

\_\_\_\_\_  
*(name of patient)*

be detained in \_\_\_\_\_  
*(name of mental health centre)*

\_\_\_\_\_ expired on \_\_\_\_\_ ; or  
*(date - dd/mm/yy)*

\_\_\_\_\_ was rescinded by the Court on \_\_\_\_\_ and is no longer in force.  
*(date - dd/mm/yy)*

\_\_\_\_\_  
*Date (dd/mm/yy)*

\_\_\_\_\_  
*Signature of attending physician*





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(e) as a result of the mental disorder, is unable to fully understand and to make an informed decision regarding his or her need for treatment or care and supervision; and

(f) is capable of complying with the requirements for treatment or care and supervision contained in this community treatment order;

and therefore he or she will be provided with the following services and treatment:

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If a certificate in support of this order is issued in Form H.4, the person who is the subject of this order is to attend appointments with the attending psychiatrist/physician and with

\_\_\_\_\_, (     ),  
*(name and phone number of person authorized by regional director under 24.3(1)(e) of the Act)*

and is to submit to medical treatment and services that are prescribed by the attending psychiatrist/physician, who will ensure that the required services will be provided for a period of \_\_\_\_\_

*(maximum 6 months)*

beginning on \_\_\_\_\_ in order for the person who is the subject of this order  
*(date)*

to reside in the community.

*(If considered necessary)* The person who is the subject of this order is required to stay at

\_\_\_\_\_, (     ),  
*(specified residence and phone number of residence)*

while being provided the services mentioned herein.

\_\_\_\_\_  
*Signature of examining psychiatrist*

\_\_\_\_\_  
*Date (dd/mm/yy)*

\_\_\_\_\_  
*Signature of witness*

Distribution:

1. Patient
2. Nearest relative
3. Proxy (if any)
4. Personal guardian (if any)
5. Official representative

## FORM H.4

## Certificate in Support of a Community Treatment Order

[Section 24.4 of The Mental Health Services Act]

CANADA

PROVINCE OF SASKATCHEWAN

I, the undersigned \_\_\_\_\_,   
*(name in full and qualifications)*

a psychiatrist within the meaning of *The Mental Health Services Act*, hereby certify  
that on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_,  
(place of examination)

I examined \_\_\_\_\_,  
(name of person who is the subject of a community treatment order)

of \_\_\_\_\_  
(residence)

and on the basis of this examination and any other pertinent facts that have been communicated to me have the following reasonable grounds:

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to believe that \_\_\_\_\_  
(name of person who is the subject of this order)

- (a) is suffering from a mental disorder for which he or she is in need of treatment or care and supervision that can be provided in the community;

- (b) during the preceding two-year period:

\_\_\_\_\_ (i) has been admitted, voluntarily or involuntarily, to a mental health centre on at least one occasion; or

\_\_\_\_\_ (ii) has previously been the subject of a community treatment order;

- (c) as a result of the mental disorder is likely to cause harm to himself or herself or to others, or to suffer substantial mental or physical deterioration if he or she does not receive treatment or care and supervision while residing in the community;

**M-13.1 REG 1****MENTAL HEALTH SERVICES**

(d) requires services in order to reside in the community so that he or she will not be likely to cause harm to himself or herself or to others, or to suffer substantial mental or physical deterioration, and these services: (i) exist in the community; (ii) are available to the person; and (iii) will be provided to the person;

(e) as a result of the mental disorder is unable to fully understand and to make an informed decision regarding his or her need for treatment or care and supervision; and

(f) is capable of complying with the requirements for treatment or care and supervision contained in this community treatment order;

AND FURTHERMORE, I have probable cause to believe that a community treatment order has been issued with respect to \_\_\_\_\_

*(name of person who is the subject of  
a community treatment order)*

in accordance with the requirements of section 24.3 of *The Mental Health Services Act*;

THIS IS THEREFORE to certify that I support the community treatment order and concur with the treatment that the person is to follow and the services that will be provided to that person.

\_\_\_\_\_  
*Date (dd/mm/yy)*

\_\_\_\_\_  
*Signature of examining psychiatrist*

## FORM H.5

**Notification by an Attending Physician Advising a Patient that a  
Community Treatment Order is No Longer in Effect**  
[Subsection 24.5(2) of *The Mental Health Services Act*]

CANADA  
PROVINCE OF SASKATCHEWAN

Notice to:

\_\_\_\_\_  
(name of patient)

\_\_\_\_\_  
(nearest relative)

\_\_\_\_\_  
(proxy)

\_\_\_\_\_  
(personal guardian)

\_\_\_\_\_  
(official representative)

A community treatment order issued on \_\_\_\_\_  
(date - dd/mm/yy)

pursuant to section 24.3 of *The Mental Health Services Act* with respect to:

\_\_\_\_\_  
(name of patient)

expired on \_\_\_\_\_, has not been renewed, and is no longer in force.  
(date - dd/mm/yy)

\_\_\_\_\_  
Date (dd/mm/yy)

\_\_\_\_\_  
Signature of attending physician

## FORM H.6

## Order to Revoke a Community Treatment Order

[Subsection 24.5(3) of The Mental Health Services Act]

CANADA

PROVINCE OF SASKATCHEWAN

WHEREAS a community treatment order was issued on \_\_\_\_\_  
(date)

pursuant to section 24.3 of *The Mental Health Services Act* with respect to:

(name of person who has been the subject of a community treatment order)

AND WHEREAS that person no longer meets the criteria specified in clause 24.3(1)(a) of *The Mental Health Services Act*,

I, the undersigned \_\_\_\_\_  
(name of attending physician)

being the psychiatrist responsible for the care and treatment of the person in the community, hereby revoke the certificate issued pursuant to section 24.3 of *The Mental Health Services Act* that is in effect on this date;

and you, \_\_\_\_\_,  
(name of person who has been the subject of a community treatment order)

are hereby advised that you are no longer subject to the conditions of that community treatment order.

Date (dd/mm/yy)

*Signature of attending physician*

Distribution:

1. Patient
2. Nearest relative
3. Proxy (if any)
4. Personal guardian (if any)
5. Official representative

## MENTAL HEALTH SERVICES

## M-13.1 REG 1

## FORM H.7

**Order for the Apprehension, Conveyance and Examination of a Person**  
*[Section 24.6 of The Mental Health Services Act]*

CANADA  
 PROVINCE OF SASKATCHEWAN

To any peace officer or to , \_\_\_\_\_ ,  
*(name of other person directed to execute this order)*

WHEREAS a community treatment order was issued on \_\_\_\_\_  
*(date - dd/mm/yy)*

pursuant to section 24.3 and has been validated pursuant to section 24.4 of *The Mental Health Services Act* with respect to: \_\_\_\_\_  
*(name of person who is the subject of a community treatment order)*

AND WHEREAS that person has failed to comply with the requirements of that community treatment order and refuses to submit to a psychiatric examination to ascertain whether he or she should be admitted to a mental health centre pursuant to section 24 of *The Mental Health Services Act*;

I, the undersigned \_\_\_\_\_ ,  
*(name of attending physician or prescribed health professional)*

hereby order that the person be apprehended and immediately conveyed to

\_\_\_\_\_  
*(location)*

where he or she may be examined to ascertain whether he or she should be admitted to a mental health centre pursuant to section 24 of *The Mental Health Services Act*.

\_\_\_\_\_  
*Date (dd/mm/yy)*

\_\_\_\_\_  
*Signature of attending physician or prescribed health professional*

Distribution:

1. Patient
2. Nearest relative
3. Proxy (if any)
4. Personal guardian (if any)
5. Official representative

## FORM I

## Certificate for Electroconvulsive Therapy

[Section 14 of The Mental Health Services Regulations]

CANADA

PROVINCE OF SASKATCHEWAN

I, the undersigned \_\_\_\_\_,  
(name in full and qualifications)

being

\_\_\_\_\_ a psychiatrist

\_\_\_\_\_ a physician

with admitting privileges to \_\_\_\_\_, hereby  
(mental health centre)

certify that I, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
separately from any other physician, personally examined \_\_\_\_\_,  
(name in full)

an involuntary patient in \_\_\_\_\_ .  
(mental health centre)

After making due inquiry into all the facts in connection with the case of that person necessary to be inquired into in order to enable me to form a satisfactory opinion, and having explained the purpose, nature and effects of ECT, possible alternative treatments and necessary preliminary and post-treatment care to the patient and (i) his or her nearest relative; or (ii) in a case where a person other than the nearest relative has been appointed pursuant to section 26 of the Act, to that person;

and given consideration to the views the patient, the nearest relative or other person, as the case may be, expressed concerning ECT and any alternative treatments, I am of the opinion that:

- (a) the person's mental condition will improve significantly if ECT is administered;
- (b) alternative treatments are relatively ineffective for treating the patient's mental disorder; and
- (c) the patient's mental condition will not show significant improvement without ECT;

and I have formed this opinion on the following grounds: \_\_\_\_\_

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*Date (dd/mm/yy)*

Signature of examining psychiatrist or physician



## FORM J

**Notification Regarding Appeal Procedures***[Clause 14(4)(g) of The Mental Health Services Regulations]*

CANADA

PROVINCE OF SASKATCHEWAN

Notice to:

\_\_\_\_\_  
*(name of patient)*\_\_\_\_\_  
*(nearest relative)*\_\_\_\_\_  
*(proxy)*\_\_\_\_\_  
*(personal guardian)*\_\_\_\_\_  
*(official representative)*

A decision to administer ECT (electroconvulsive therapy) to an involuntary patient has been made with respect to \_\_\_\_\_

*(name of patient)*

Section 24 of *The Mental Health Services Regulations* creates the right of a patient, or a person on the patient's behalf, to appeal a decision to administer ECT to an involuntary patient.

A review panel has been appointed to investigate those appeals. A person who intends to submit an appeal is advised to write to the chairperson of the review panel. The name and address of the chairperson of the applicable review panel are as follows:

\_\_\_\_\_  
*(name)*\_\_\_\_\_  
*(address)*\_\_\_\_\_  
*Date (dd/mm/yy)*\_\_\_\_\_  
*Signature of attending physician*

24 Nov 2017 SR 116/2017 s13.

## FORM K

**Order for Transfer***[Section 28 of The Mental Health Services Act]*

CANADA  
 PROVINCE OF SASKATCHEWAN

To \_\_\_\_\_, officer in charge of \_\_\_\_\_,  
 \_\_\_\_\_,  
*(mental health centre)*

and to \_\_\_\_\_ officer in charge of \_\_\_\_\_ :  
 \_\_\_\_\_  
*(mental health centre)*

Whereas it appears advisable to transfer \_\_\_\_\_,  
 a patient now detained in \_\_\_\_\_,  
 \_\_\_\_\_  
*(mental health centre)*  
 to \_\_\_\_\_  
 \_\_\_\_\_  
*(mental health centre)*

for the following reasons: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_;  
 \_\_\_\_\_

Now by this order you, \_\_\_\_\_,  
 the officer in charge of \_\_\_\_\_,  
 are hereby authorized and required to deliver that patient into the custody of the officer  
 in charge of \_\_\_\_\_;

And you, \_\_\_\_\_, officer in charge of \_\_\_\_\_,  
 \_\_\_\_\_  
*(mental health centre)*

are hereby authorized and directed to receive and detain \_\_\_\_\_,  
 \_\_\_\_\_  
*(name of patient)*

in custody in that mental health centre.

\_\_\_\_\_  
*Date (dd/mm/yy)*

\_\_\_\_\_  
*Signature of director*

## FORM L.1

**Order of a Physician to Transfer a Patient from One Mental Health Centre  
to Another Mental Health Centre within the Same Municipality**  
[Subsection 28(5) of *The Mental Health Services Act*]

CANADA  
PROVINCE OF SASKATCHEWAN

To \_\_\_\_\_  
(name of officer in charge)

officer in charge of \_\_\_\_\_  
(name of mental health centre)

and to \_\_\_\_\_  
(name of officer in charge)

officer in charge of \_\_\_\_\_  
(name of mental health centre)

It is advisable to transfer \_\_\_\_\_  
(name of patient)

a patient now being detained in \_\_\_\_\_,  
(name of mental health centre)

pursuant to section 24 of *The Mental Health Services Act* to another mental health centre  
in the same municipality; now by this order you are authorized to deliver that patient  
and detain him or her in \_\_\_\_\_  
(name of mental health centre)

\_\_\_\_\_  
*Date (dd/mm/yy)*

\_\_\_\_\_  
*Signature of attending physician*

Distribution:

1. Patient
2. Nearest relative
3. Proxy (if any)
4. Personal guardian (if any)
5. Official representative

## FORM L.2

**Order by the Director to Return a Person to Another Jurisdiction***[Subsection 28.2(3) of The Mental Health Services Act]*

CANADA

PROVINCE OF SASKATCHEWAN

WHEREAS \_\_\_\_\_  
*(name of person being detained)*

is being detained in \_\_\_\_\_  
*(name of mental health centre)*

AND WHEREAS I have reason to believe that an order has been issued by a person  
 with the lawful authority in \_\_\_\_\_  
*(name of jurisdiction)*

to order that \_\_\_\_\_  
*(name of person being detained)*

should be returned to that jurisdiction in order to be given a compulsory psychiatric  
 examination;

I hereby order that person be returned to that jurisdiction for the purpose of a compulsory  
 psychiatric examination under the following terms and conditions:

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\_\_\_\_\_  
*Date (dd/mm/yy)*

\_\_\_\_\_  
*Signature of director*

Distribution:

1. Patient
2. Official representative

## FORM L.3

**Notice by an Attending Physician Advising a Patient that  
He or She is No Longer Subject to Detention**  
[Section 31.1 of *The Mental Health Services Act*]

CANADA  
PROVINCE OF SASKATCHEWAN

Notice to \_\_\_\_\_

*(name of patient)*

A certificate or certificates issued on \_\_\_\_\_

*(date or dates)*

pursuant to section 24 of *The Mental Health Services Act* with respect to:

\_\_\_\_\_

*(name of patient)*

expired on \_\_\_\_\_, has/have not been renewed, and you are no longer

*(date - dd/mm/yy)*

subject to detention or treatment pursuant to section 24 of *The Mental Health Services Act*.

\_\_\_\_\_  
*Date (dd/mm/yy)*

\_\_\_\_\_  
*Signature of attending physician*

Distribution:

1. Patient
2. Nearest relative
3. Proxy (if any)
4. Personal guardian (if any)
5. Official representative

## FORM M

**Notification Regarding Appeal Procedures***[Section 33 of The Mental Health Services Act]*

CANADA

PROVINCE OF SASKATCHEWAN

Notice to:

\_\_\_\_\_  
*(name of patient)*\_\_\_\_\_  
*(nearest relative)*\_\_\_\_\_  
*(proxy)*\_\_\_\_\_  
*(personal guardian)*\_\_\_\_\_  
*(official representative)*

\* \* \* \* \*

\_\_\_\_\_  
*(name of patient)*\_\_\_\_\_ is being detained in \_\_\_\_\_  
*(name of mental health centre)*\_\_\_\_\_ on the authority of medical certificates, dated \_\_\_\_\_ ;  
*(date - dd/yy/mm)*\_\_\_\_\_ has been ordered to be transferred to \_\_\_\_\_ ; or  
*(name of mental health centre)*\_\_\_\_\_ has become the subject of a community treatment  
order, dated \_\_\_\_\_ .  
*(date - dd/yy/mm)*

Section 34 of *The Mental Health Services Act* creates rights of appeal by a patient, the patient's nearest relative, any proxy or personal guardian, an official representative or any other person who has a sufficient interest.

A review panel has been appointed to investigate those appeals. A person who intends to submit an appeal is advised to write to the chairperson of the review panel. The name and address of the chairperson of the applicable review panel are as follows:

\_\_\_\_\_  
*(name)*\_\_\_\_\_  
*(address)*\_\_\_\_\_  
*Date (dd/mm/yy)*\_\_\_\_\_  
*Signature of attending physician*

## MENTAL HEALTH SERVICES

## M-13.1 REG 1

## FORM N

**Appeal to Review Panel**

[Section 34 of The Mental Health Services Act;  
subsection 24(2) of The Mental Health Services Regulations]

CANADA

PROVINCE OF SASKATCHEWAN

To \_\_\_\_\_, chairperson  
(name of chairperson)

of the applicable review panel:

I, \_\_\_\_\_  
(name of patient who is appealing, or on whose behalf this appeal is submitted)  
of \_\_\_\_\_  
(address)

hereby appeal:

\_\_\_\_\_ my detention in \_\_\_\_\_  
(name of mental health centre)  
on \_\_\_\_\_;  
(date(s) - dd/mm/yy)  
\_\_\_\_\_ the order for my transfer to \_\_\_\_\_;  
(name of another mental health centre)  
\_\_\_\_\_ my community treatment order dated \_\_\_\_\_;  
(provide date(s) order issued and validated)  
\_\_\_\_\_ the decision to administer ECT to me without my consent.

\_\_\_\_\_  
Date (dd/mm/yy)

\_\_\_\_\_  
Signature of patient, nearest relative, proxy,  
personal guardian, official representative or other  
interested person

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
Relationship of signatory to patient if signatory  
other than the patient

24 Nov 2017 SR 116/2017 s13.

## FORM N.1

**Appeal to Review Panel***[Subsection 24.1 of The Mental Health Services Act]*

CANADA

PROVINCE OF SASKATCHEWAN

To \_\_\_\_\_, chairperson  
*(name of chairperson)*

of the applicable review panel:

I, \_\_\_\_\_  
*(name of patient who is appealing, or on whose behalf this appeal is submitted)*

of \_\_\_\_\_  
*(address)*

hereby appeal my admission to: \_\_\_\_\_  
*(name of mental health centre)*

on \_\_\_\_\_.  
*(date - dd/mm/yy)*

\_\_\_\_\_  
*Date (dd/mm/yy)*

\_\_\_\_\_  
*Signature of patient, nearest relative, proxy,  
 personal guardian, official representative or other  
 interested person*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Phone number*

\_\_\_\_\_  
*Relationship of signatory to patient if signatory  
 other than the patient*

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## FORM O

**Statement by Attending Physician or Designated Person to Review Panel**  
*[Section 22 of The Mental Health Services Regulations]*

CANADA  
 PROVINCE OF SASKATCHEWAN

To the applicable review panel

concerning the appeal by \_\_\_\_\_  
*(name of patient)*

dated \_\_\_\_\_ concerning:  
*(date - dd/mm/yy)*

\_\_\_\_\_ his/her detention in \_\_\_\_\_  
*(name of mental health centre)*

on \_\_\_\_\_  
*(date(s) - dd/mm/yy)*

\_\_\_\_\_ the order for his/her transfer to \_\_\_\_\_  
*(name of another mental health centre)*

\_\_\_\_\_ his/her community treatment order.

Information concerning the patient:

1. Full name \_\_\_\_\_

2. Date of birth \_\_\_\_\_

3. Usual place of residence \_\_\_\_\_

4. Name and address of nearest relative, proxy or personal guardian, if any \_\_\_\_\_

Attached is a copy/copies of:

\_\_\_\_\_ the certificate/certificates under which the patient is currently being detained.

\_\_\_\_\_ the order for transfer (if an order for transfer is under appeal and if a copy of the order is not available, give the reasons for the transfer stated in the order).

\_\_\_\_\_

\_\_\_\_\_ the community treatment order.

\_\_\_\_\_ the certificate in support of the community treatment order.

\_\_\_\_\_ portions of the clinical record of the patient that are pertinent to the appeal.

\_\_\_\_\_  
*Date (dd/mm/yy)*

\_\_\_\_\_  
*Signature of attending physician/  
 designated person*

[*Clause 34(1)(b) of The Mental Health Services Regulations*]