

MENTAL HEALTH ACT FORM 1 PROTOCOL

Between the Rainy River District OPP, Riverside Health Care Facilities, Inc and Rainy River District Social Services Administration Board

The purpose of this protocol is to provide a flexible, non-contractual, formal agreement for cooperation and professional liaison between The Rainy River District OPP and the Riverside Health Care Facilities and The Atikokan General Hospital that addresses legislative authorities, responsibilities and the safety of medical staff, patients and police. This protocol will:

- a) Ensure a coordinated approach for the safety and security of police, health care staff and persons who are apprehended under the authority of the Mental Health Act and the subject of a Form 1 issued by a physician.

- b) To establish clear and consistent direction for members of the OPP and staff of the Riverside Health Care Facilities and the Atikokan General Hospital to follow for the security, admittance and transportation of Form 1 patients.

c) To prevent and/or minimize anxiety to the mentally ill while they are subject to the provisions of the Mental Health Act.

Legislation

Section 17 of the Mental Health Act states:

Where a police officer has reasonable and probable grounds to believe that a person is acting or has acted in a disorderly manner and has reasonable cause to believe that the person,

- (a) has threatened or attempted or is threatening or attempting to cause bodily harm to himself or herself;
- (b) has behaved or is behaving violently towards another person or has caused or is causing another person to fear bodily harm from him or her; or
- (c) has shown or is showing a lack of competence to care for himself or herself,

and in addition the police officer is of the opinion that the person is apparently suffering from mental disorder of a nature or quality that likely will result in,

- (d) serious bodily harm to the person;
- (e) serious bodily harm to another person; or
- (f) serious physical impairment of the person,

and that it would be dangerous to proceed under section 16, the police officer may take the person in custody to an appropriate place for examination by a physician. 2000, c. 9, s. 5.

Section 18 of the Mental Health Act states:

An examination under section 16 or section 17 shall be conducted by a physician forthwith after receipt of the person at the place of examination and where practicable the place shall be a psychiatric facility or other health facility. R.S.O. 1990, c. M.7, s. 18.

Procedures for Form 1 apprehensions by police

It is impractical for Police in the Rainy River District to bring a person who is in custody under provisions of the Mental Health Act to a psychiatric facility. In the interests of the person's care and safety, police will attend the nearest health facility as allowed in Section 18 to have the individual assessed by a physician.

If a physician is not present in the health care facility when an individual is brought in for an assessment by police (e.g.: after hours), a physician will be contacted by health care staff and asked to attend within a reasonable time.

If required, the police officer will speak to the physician via telephone prior to the physician's attendance to provide the circumstances of why police took the person into custody under the authority of the Mental Health Act.

An apprehension under section 17 of the Mental Health Act is for medical purposes. Persons taken into custody for this reason will not be held in police cells. Health care staff are not present to monitor the individual in police cells and the legislation does not allow for this practice.

Security and Transportation

After taking a person into custody under Section 17 of the Mental Health Act, the Police are responsible for the initial transportation of the individual to the health care facility. The Police will keep the person in their custody until the Form 1 is issued. If no Form 1 is issued the police will release the person from custody.

Once the person is the subject of a Form 1 it is the responsibility of the health facility to monitor and supervise the patient. The health care facility is also responsible for arranging the transfer of the patient to a psychiatric facility.

The majority of persons experiencing mental health issues are non-violent and do not present a risk to the personal safety of the medical staff treating them.

The physician, if after assessing the person and issuing a Form 1 feels the potential exists for violence either at the hospital or during transportation to the psychiatric facility, may request police officers on a paid duty to undertake security and/or transportation duties on behalf of the Health care Facility. The initial officers will remain at the facility until relieved by the paid duty officers.

Consultation between the physician, ambulance personnel and police should take place to determine the preferred manner of transportation for violent or potentially violent patients. If police are required for safety and security measures, one option is that a police officer will ride in the ambulance and a second officer will follow in a police

vehicle to allow for adequate communications and necessary back up. Another option is that both officers will follow the ambulance in a police vehicle.

For non-violent patients, transportation other than by police will be preferred. (e.g.: ambulance, family or other means of transportation).

Transportation by police alone should be avoided and only considered as a last resort when it is in the best interests of the patient.

A patient transported by police alone will be authorized by a physician to be medically fit for this purpose and not requiring the presence of medical staff during the transportation. Police will not transport a patient who is sedated or in need of further immediate medical care.

If police are required for security in an aircraft (air ambulance), every effort will be made to have the officers returned via the aircraft.

The Health Care Facility will be responsible for paying officers on the paid duty. (See Appendix A)

Two off duty police officers will be required for security and/or transportation on a paid duty.

Person arrested for an offence

A person who has committed or is about to commit an offence and/or breach of the peace may be arrested and held in police cells until released in accordance with the appropriate legislation. A physician will be consulted on the appropriate level of medical care on a case-by-case basis. Police will be responsible for a person who remains in custody for offences contrary to legislation (e.g.: Criminal Code). Normally, judicial officers order psychiatric assessments when a person is in police custody for these matters. Transportation and custody for these matters are a police responsibility.

After release of person arrested for an offence

If the person has been released from police custody and subsequently the subject of a Form 1, the Health care facility is responsible to monitor and supervise the individual and for the arrangement of transfer to a psychiatric facility.

Review of Protocol

The OPP, Riverside Health Care or the Atikokan General Hospital can initiate a review of this protocol at any time. All parties will be present and/or consulted during the review and agree prior to making any amendments.

Approved between all parties and circulated on November 30, 2012

This protocol remains in place until such time as it is superseded.

IN WITNESS THEREOF the parties hereto have signed this Protocol.

Inspector Steve Shouldice
Detachment Commander
Rainy River District OPP Detachment

Dated

President and CEO
Riverside Health Care Facilities, inc.

Dated

Dated

Director
North West EMS

Dated

Appendix "A"

PAID DUTY PROCEDURES

RAINY RIVER DISTRICT OPP PAID DUTY PROCEDURES:

The Rainy River District OPP shall be responsible for contacting off-duty officers who will work in a paid duty capacity when requested by the Riverside Health Care Facilities, Inc. for a Mental Health Act Form 1 escort or security procedures, as established in this protocol. The Rainy River District OPP will be responsible for billing the Riverside Health Care Facilities, Inc. for the subsequent monies owing.

- 4 hr minimum per officer
- Cancellation of the duty in less than 24 hrs will not require the minimum 4 hrs paid to each officer
- A written agreement is required (Appendix "B"). If this is not practical or there are time constraints, a verbal arrangement will suffice to be followed up with a written agreement as soon as practicable
- Remuneration for each paid duty assignment is in the form of a cheque payable to the Minister of Finance (new OPP policy as of January 1st 2012).
- Assignment of a Paid Duty begins when the officer(s) arrive at the Riverside Health Care facility and where an escort is involved to another location, ends upon their return to the Fort Frances Detachment.

Officer: \$60.00/hr (OPP 2011-2013 rate)

Vehicle: \$28.75/hr

Administrative fee: \$63.75- waived by the authority of the Rainy River District Detachment Commander.

APPENDIX "B"

OPP PAID DUTY AGREEMENT

Rainy River District Detachment

320 Portage Avenue
Fort Frances ON P9A 3P9
Tel: (807) 274-3322
Fax: (807) 274-7541

File: 614-50

Date:

Requesting Company Name: Riverside Health Care Facilities, Inc.
Address: 110 Victoria Ave
Fort Frances, Ontario, P9A 2B7
Phone: 807-223-8200

Re: Traffic Control Security Detail Escort

PAID DUTY AGREEMENT

It is requested that officers of the Ontario Provincial Police provide a paid duty detail for the above noted company, as arranged by Rainy River District Detachment on _____, 2012, beginning at a.m. / p.m.

It is understood that the hourly rate per officer is \$60.00, with a *minimum* charge of four hours per officer. The duty requires _____ (number) officer(s).

It is understood that in the event of cancellation less than 24 hours prior to the scheduled commencement of the assignment, the requesting organization will be responsible to pay all members assigned the minimum hourly call back, at time and one-half the rate of pay (\$60.00 X 4 hours).

It is understood that the hourly rate per police vehicle is \$28.25. There is no minimum charge for the use of the police vehicles.

The \$63.75 Administrative Fee will be waived.

The vehicle and administrative fees are billed separately out of our office in Sudbury.

It is understood that the requesting company will pay the individual officers upon receipt of the invoice from Rainy River District Detachment, and that the requesting company will be responsible for recouping any monies that may ultimately become the responsibility of their insurance companies.

Prepayment for this detail is required, and hours per officer / unit is estimated at _____ hours (minimum being four hours per officer).

Name of Company Representative
(Please print)

Signature of Company Representative

Title/Position: _____

Phone: _____

Fax: _____

Form 1 Transportation Decision Process

Does one or more of the following apply?

- | | |
|--|--|
| <input type="checkbox"/> Paranoia | <input type="checkbox"/> Mania |
| <input type="checkbox"/> Intoxication | <input type="checkbox"/> Impulsiveness |
| <input type="checkbox"/> Uncooperativeness | <input type="checkbox"/> Homicidal ideation |
| <input type="checkbox"/> Combative, aggressive or unpredictable behaviour | <input type="checkbox"/> Restraints required |
| <input type="checkbox"/> High safety risk to self/others and not open to help | |
| <input type="checkbox"/> Command hallucinations and resistant to help | |
| <input type="checkbox"/> Police involvement due to risky/acting-out behaviour | |
| <input type="checkbox"/> Unable to recognize need for help or no interest in getting help | |
| <input type="checkbox"/> History of absconding/violence/non-compliance | |
| <input type="checkbox"/> No reliable history or history unknown with police involvement | |
| <input type="checkbox"/> Incongruent collateral history re: absconding/violence/non-compliance | |
| <input type="checkbox"/> No reliable family member/friend | |

