

Service Standard Policy



Consent and Capacity Board

LEGISLATION

Section 5 of the ATAGAA requires that every adjudicative tribunal shall develop a service standard policy. The service standard policy must contain a statement of the standards of service that the tribunal intends to provide, a process for making, reviewing and responding to complaints about the service provided by the tribunal; and any other matter specified in the regulations or in a directive of the Management Board of Cabinet.

SERVICE STANDARDS FRAMEWORK

The Consent and Capacity Board is an independent Board with a mandate to adjudicate on matters of capacity, consent, civil committal, substitute decision-making, disclosure of personal health information and mandatory blood testing.

The Board has aligned this service standard policy with its Memorandum of Understanding (MOU) with the Ministry of Health and Long-Term Care, Business Plan, Rules of Practice and Legislation.

The MOU establishes financial, staffing and administrative arrangements; accountability relationships and principles; and planning and reporting requirements. The business plan contains a detailed description of the Board's mandate, establishes performance measures and targets and builds a strategic plan. The Board's Rules of Practice promote respectful hearings and consistency of process, ensure efficiency and timeliness of proceedings and assist the Board in fulfilling its mandate.

The Board is created under the *Health Care Consent Act* and receives its jurisdiction from that Act. It adjudicates under the *Health Care Consent Act*, the *Mental Health Act*, the *Substitute Decisions Act*, the *Personal Health Information Protection Act* and the *Mandatory Blood Testing Act*.

The Board is responsible for holding hearings and for making decisions on matters in which the least restrictive, least onerous and least intrusive decisions are made relating to:

- > Reviewing involuntary status (i.e., civil committal)
- > Reviewing a Community Treatment Order
- > Reviewing a finding of incapacity to:
 - > manage property
 - > consent to treatment, admission to a care facility, a personal assistance service, the collection, use or disclosure of personal health information
- > Considering the appointment of a representative to make decisions for an incapable person with respect to treatment, admission to a care facility, a personal assistance service or the collection, use or disclosure of personal health information

- > Considering a request to amend or terminate the appointment of a representative
- > Reviewing a substitute decision-maker's compliance with the rules for substitute decision-making
- > Giving directions on issues of treatment, admission to care facilities and personal assistance services
- > Considering a request for authority to depart from prior capable wishes of an incapable person
- > Reviewing a decision to consent to an admission to a hospital, psychiatric facility or other health facility for the purposes of receiving treatment
- > Determining whether an involuntary patient should be transferred to another psychiatric facility
- > Reviewing whether a young person (aged 12 - 15) requires observation, care and treatment in a psychiatric facility; and
- > Deciding whether an individual should be ordered to provide a blood sample

The *Health Care Consent Act* sets out three legislated service standards for the CCB:

1. A hearing is to commence within seven (7) days from the receipt of an application.
2. The CCB must issue its Decision within one day of the conclusion of the hearing.
3. Upon the request of a party, the CCB must issue written Reasons for its Decision, within four business days of receiving such a request.

COMPLAINTS PROCEDURE

The Board has adopted the following Complaints Procedure which establishes the process for making a complaint to the Board about the quality of the services it provides or about the conduct of a CCB staff or board member, Vice Chair or Chair and explains how the complaint will be dealt with.

Nothing in this Service Standard Policy shall be interpreted as affecting a process of remedy available under the *Ombudsman Act*; a right of appeal from decisions of the Board available under any Act; or a right to bring an application for judicial review.