



Canadian Mental
Health Association
Toronto

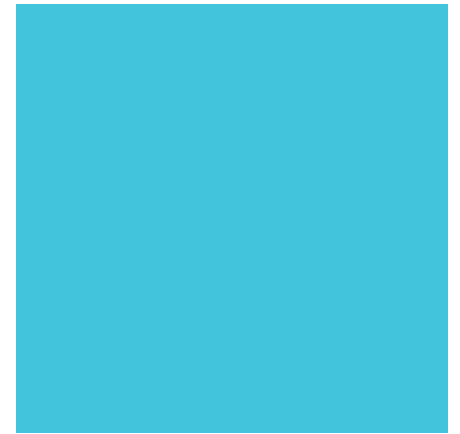
CTO Processes and Legal Perspectives

North York General Hospital
Grand Rounds
January 19, 2018

Roadmap

- Explore background to and criteria for issuing a CTO
- Review process for issuing a CTO
- Discuss the power of the CTO in recovery and risks
- Introduce CMHA CTO Case Management services

Community Supervised Care



CTO: What is it?

- An Order that allows a certifiable patient the opportunity to continue their recovery in the community
- It is the least restrictive option for a certifiable patient
- The intent is to allow for a sustained commitment to relapse prevention

CTOs: Criteria

- Hospitalization for 30 days in past 3 years

Or

- 2 hospitalizations in the past 3 years

Or

- Has previously been on a CTO

And

- Certifiable under MHA



CTOs: Criteria

- If the patient:
 - Is incapable and SDM consent
 - History of improvement with treatment
 - Will likely not comply with treatment
 - Will likely get sick again
 - Has been admitted for 30 days / twice in past 3 years

Then

- Meets criteria for CTO

CTO: Nuts and Bolts

- Contract between treatment team, decision maker
- Contract stipulations:
 - for the next 6 months, client will take medications
 - for the next 6 months, client will follow-up with physician
- If client fails to do one of the above, client can be brought back to hospital
- Lasts 6 months
- Renewable
- Mandatory review every 12 months
- If not renewed, the patient is no longer supervised
- If incapable, a patient does not have to agree

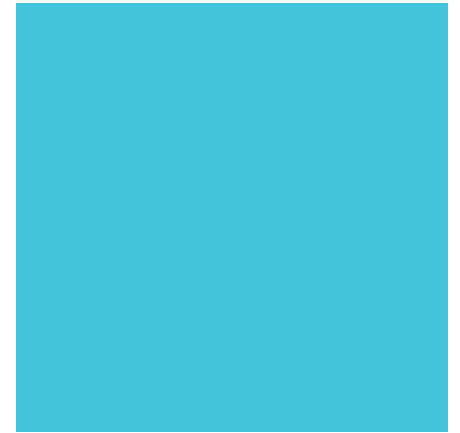
The Coercive Framing

- “if you don’t take your meds you will be hospitalized”

Is a CTO coercive?

- You are telling the client that they are certifiable under the *Mental Health Act*
- You are telling the client that, technically, they can be involuntarily hospitalized
- You are telling them that there is a least restrictive opportunity to enhance the clients freedom, and allow them to move forward in their lives and recovery

Issuing a CTO



Step 1: Initiation

- Step 1: Send CTO referral form to CTO Coordinator

Step 2: Coordinator will ask

- Issuing physician
- Monitoring physician
- Who is consenting?
- Frequency of reporting to physician
- Frequency of reporting to case manager
- Frequency and mechanism of med monitoring: daily, weekly, depot, etc
- Blood level / urine monitoring?

Step 3: Legal Forms

- CTP, Form 49, and Form 45 faxed to you by CTO coordinator

Step 4: Assessment

- Meet with client
- Review CTP with client
- Reassess client's capacity to consent to treatment **and CTP** (assent is different from consent)
- Assess whether client meets Form 1 criteria

Step 5: Documentation

- Form 49: write date you declare patient incapable with respect to CTP (today)
- Sign Form 49
- CTP: sign CTP; offer for client to sign (does not have to if incapable)
 - MUST be signed within 72 hours of assessment
- Fill out pages 1 and 2 of Form 45
 - check off same criteria for certification that was documented when Form 49 was signed (i.e. subst mental det)
 - Document reasoning: “schizophrenia, incapable, SDM consents to treatment, will likely not comply with treatment and suffer substantial mental deterioration, certifiable Form 1, box B, subst mental det.”
- Give a copy of CTP and Form 49 to client
- Fax Form 49, CTP, and Form 45 to CTO coordinator

Step 5: Documentation (cont.)

- Document in Chart:
 - “We reviewed the nature of the mental disorder and the foreseeable consequences of taking and not taking X medication
 - We reviewed the CTP
 - Incapable of consenting to Tx X and the CTP
 - Certifiable under MHA, Box B, substantial mental deterioration
 - Form 49 and CTP signed
 - Copy of Form 49 and CTP given to client

Step 6: Rights Advice

- Client +/- SDM get rights advice

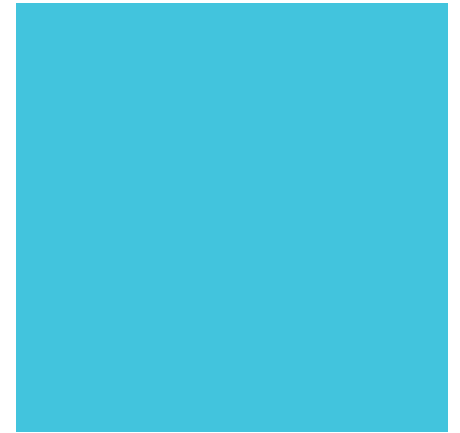
Step 7: Legal Forms

- Form 45 (signed by client and/or SDM) and Form 46 faxed to you

Step 8: Issuing CTO

- Sign last page of Form 45 and Form 46
- Fax Form 45, 46 to CTO coordinator

Pitfalls



Pitfalls

- Capable patient – criteria
- Missing the renewal date of the CTO and CTO expiring
- Potential novel arguments from counsel
- How long can a patient remain on a CTO and still be likely to mentally deteriorate?
- A CTO is an active process as opposed to a passive process

Getting out of a CTO

- Leaving the province
- Getting someone to act as POA – personal care who does not consent to CTO

Options for Supervision

- Client on a depot – requirement to attend clinic q2wks
- Client on oral meds, incl lithium, clozapine – can be creative:
 - Supervised meds at home
 - Clinic visits daily
 - Client agrees to take meds on own, and weekly levels done at the same time – if level fluctuates, we know the client is non-compliant
 - Include pharmacy for supervision

Form 47s



Form 47

- Allows a patients on a CTO to be brought in for an assessment if:
 - does not attend appointment
 - does not comply with medication

BUT

Must first attempt to assist the patient to comply with the CTO

Form 47

- Brings the patient for assessment
- By definition, patient is certifiable, so Form 1 can be issued
- Options for supervision vary
 - Tight control vs less tight
- Form 47 does not nullify CTO



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Community Treatment Order Program (CTO Case Management)

History of the CMHA and CAMH Partnership for CTO Services

- Partnership with CAMH and CMHA since 2001:
 - CAMH to provide CTO Coordinators
 - CMHA to provide CTO CM Services
- East CTO CM Services – 6 Case Managers
 - Addition of 2 RN CM Positions Sept 15 2015
(dedicated to RVHS and TSH)
- West CTO CM Services – 5 Case Managers
- 5 CTO Coordinators (CAMH) – designated to various hospitals across city of Toronto

How To Access CTO Case Management (CTO CM)

- CTO Coordinators assist Doctors with CTO Process and CTP is developed
- If CM is identified in the CTP then the CTO Coordinators make a referral to CMHA for CTO CM services
- No Waitlist for CMHA CTO CM Services
- CMHA CTO CM – intake assessment completed within 10 days

Eligibility for CTO CM Services

- Completed Form 45
- The person subject to the CTO has signed the CTP and agreed to our service OR
- SDM has signed the CTP and agreed to our service
- AND...
- The person subject to the CTO agrees to meet with us on a regular basis for the duration of the CTO

Referrals – CTO CM

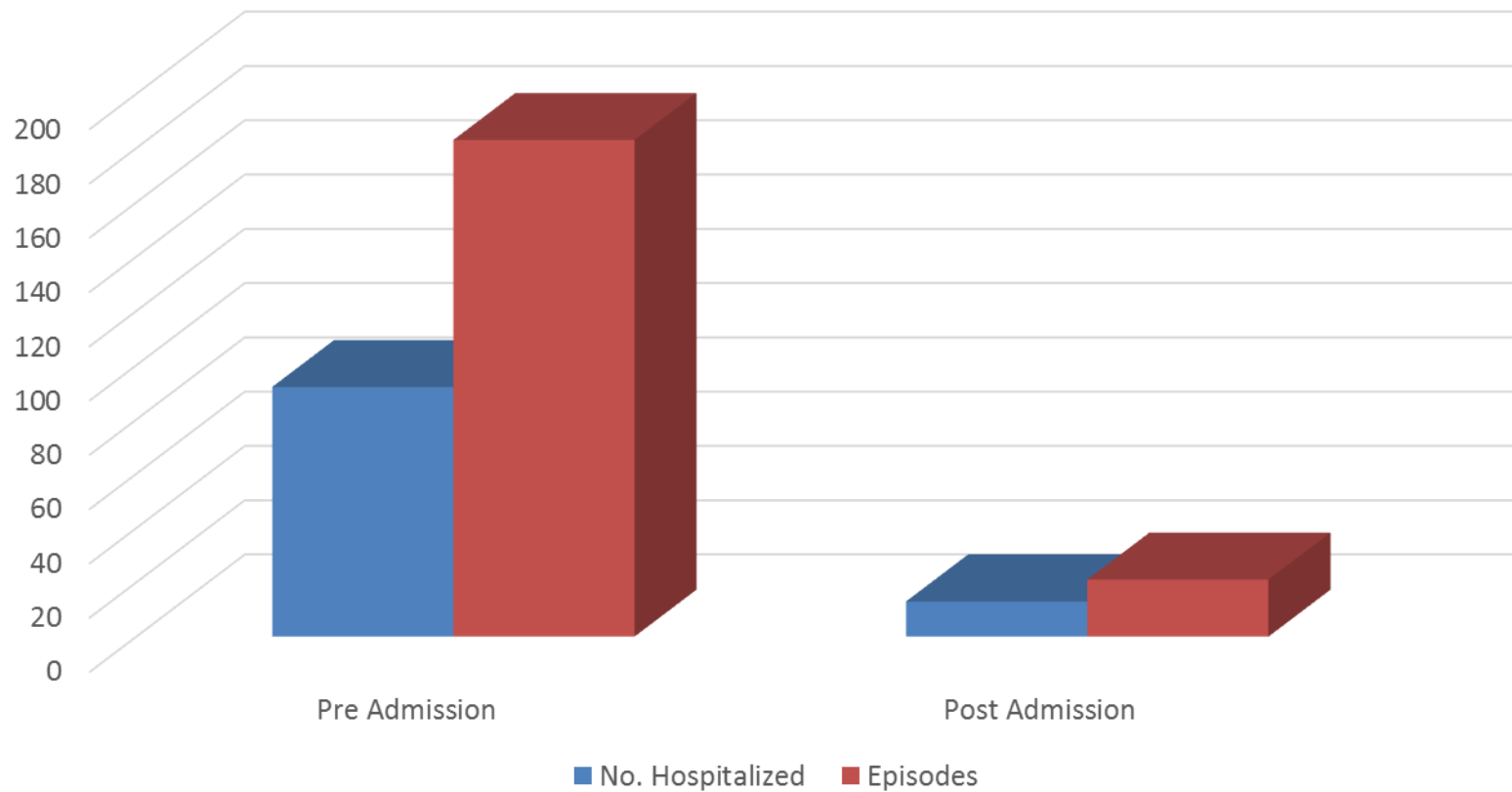
- Mental Health Stable (at Baseline)
- Require Intensive Case Management
 - Weekly meetings sufficient to meet client needs
- Identify Safety Risk so we can safely support individuals in the community
- Work in collaboration with the treatment team (all parties identified in the plan)

Some Stats: EAST CTO Program

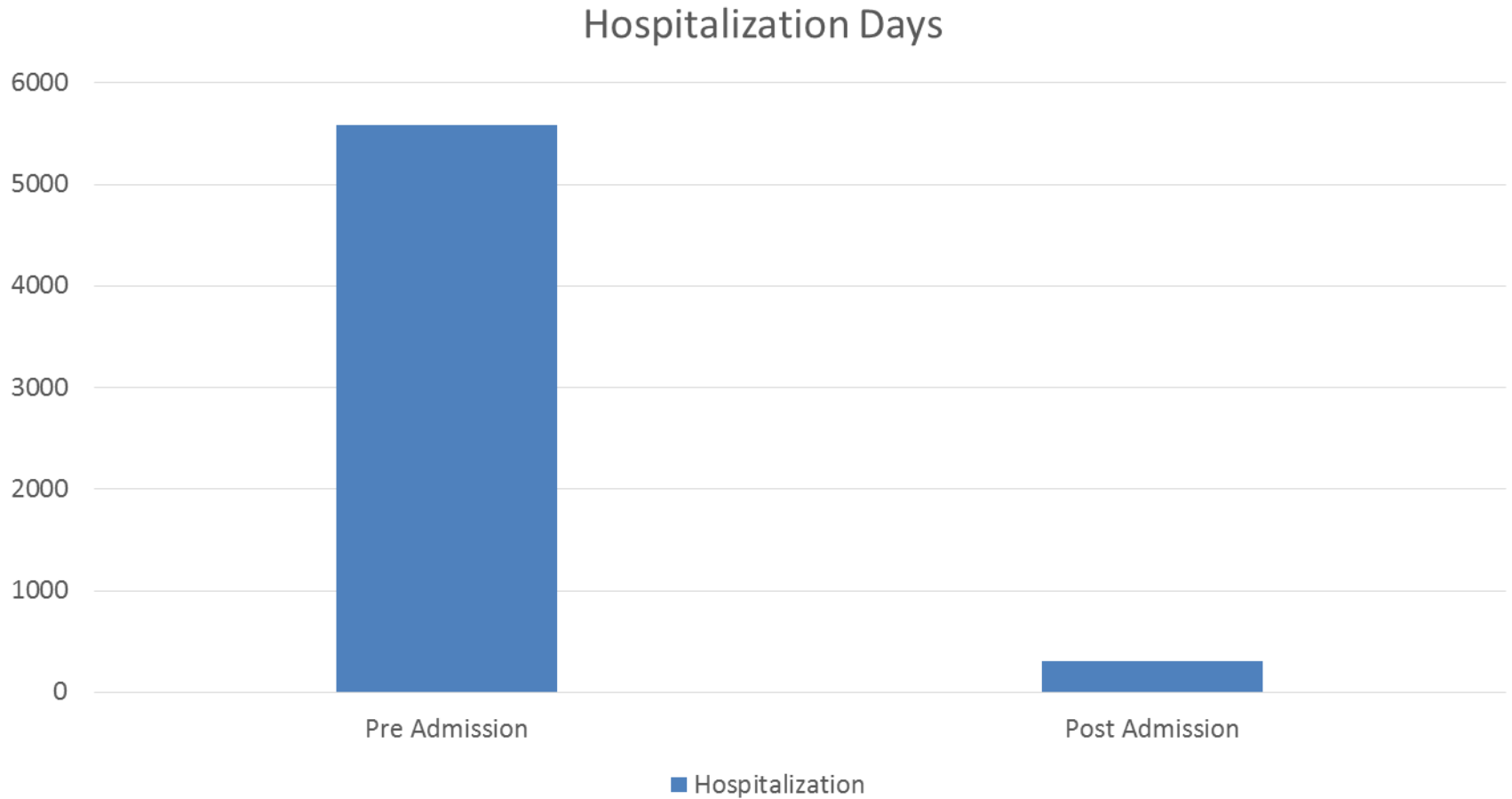
- Total Clients 124
- Pre Admission: 92 had hospitalization history
- Pre Admission: 5,588 hospital days
- Pre Admission: 183
- Post: 13 had hospitalization after involvement in our program
- Post hospitalization: 310
- Post Episodes: 21

Data: April 1, 2016 to March 31, 2017

Total number of clients: 124



Data: April 1, 2016 to March 31, 2017





camh

Centre for Addiction and Mental Health
Centre de toxicomanie et de santé mentale



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QUESTIONS?

Vivien Luk, contact info?
Maria Boada, contact info?