

COR/2019/02415

June 6, 2019

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: TW/072/2019]

On May 8, 2019, the Department of Transportation and Works received your request for access to the following records:

BNT/2019/0041 Bed Increase at the New Adult Mental Health and Addictions Facility.

I am pleased to inform you that a decision has been made by the Deputy Minister for Transportation and Works to provide to provide access to some of the requested information. Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the *Access to Information and Protection of Privacy Act* (the *Act*):

*Policy advice or recommendations:
subsection 29.(1)(a) The head of a public body may refuse to disclose to an applicant information that would reveal advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister.*

As required by 8(2) of the *Act*, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the *Act* (a copy of this section of the *Act* has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A

St. John's, NL. A1B 3V8

Telephone: (709) 729-6309

Toll-Free: 1-877-729-6309

Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the *Act* (a copy of this section of the *Act* has been enclosed for your reference).

Please be advised that responsive records will be published following a 72-hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at 709-729-5351 or by email at ATTW@gov.nl.ca.

Sincerely,

A handwritten signature in blue ink that reads "Angela McIntyre".

Angela McIntyre
ATIPP Coordinator

Policy advice or recommendations

29. (1) The head of a public body may refuse to disclose to an applicant information that would reveal

(a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;

(b) the contents of a formal research report or audit report that in the opinion of the head of the public body is incomplete and in respect of which a request or order for completion has been made by the head within 65 business days of delivery of the report; or

(c) draft legislation or regulations.

(2) The head of a public body shall not refuse to disclose under subsection (1)

(a) factual material;

(b) a public opinion poll;

(c) a statistical survey;

(d) an appraisal;

(e) an environmental impact statement or similar information;

(f) a final report or final audit on the performance or efficiency of a public body or on any of its programs or policies;

(g) a consumer test report or a report of a test carried out on a product to test equipment of the public body;

(h) a feasibility or technical study, including a cost estimate, relating to a policy or project of the public body;

(i) a report on the results of field research undertaken before a policy proposal is formulated;

(j) a report of an external task force, committee, council or similar body that has been established to consider a matter and make a report or recommendations to a public body;

(k) a plan or proposal to establish a new program or to change a program, if the plan or proposal has been approved or rejected by the head of the public body;

(l) information that the head of the public body has cited publicly as the basis for making a decision or formulating a policy; or

(m) a decision, including reasons, that is made in the exercise of a discretionary power or an adjudicative function and that affects the rights of the applicant.

(3) Subsection (1) does not apply to information in a record that has been in existence for 15 years or more.

Disclosure harmful to intergovernmental relations or negotiations

34. (1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

(a) harm the conduct by the government of the province of relations between that government and the following or their agencies:

- (i) the government of Canada or a province,
- (ii) the council of a local government body,
- (iii) the government of a foreign state,
- (iv) an international organization of states, or
- (v) the Nunatsiavut Government; or

(b) reveal information received in confidence from a government, council or organization listed in paragraph (a) or their agencies.

(2) The head of a public body shall not disclose information referred to in subsection (1) without the consent of

- (a) the Attorney General, for law enforcement information; or
- (b) the Lieutenant-Governor in Council, for any other type of information.

(3) Subsection (1) does not apply to information that is in a record that has been in existence for 15 years or more unless the information is law enforcement information.

Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21 ;

(b) a decision respecting an extension of time under section 23 ;

(c) a variation of a procedure under section 24 ; or

(d) an estimate of costs or a decision not to waive a cost under section 26 .

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant

Information Note
Health and Community Services/Transportation and Works

Title: Bed Increase at the New Adult Mental Health and Addictions Facility

Issue: To advise that the total number of beds at the new adult mental health and addictions facility is being increased from 94 to 102 beds to accommodate 6 additional forensic beds and 2 additional short stay beds.

Background and Current Status:

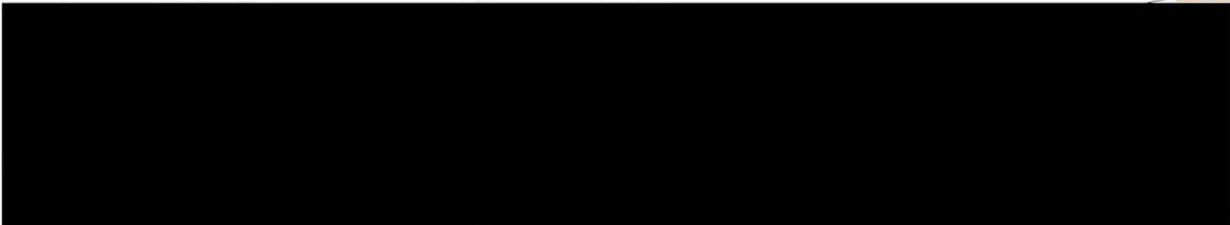
- In 2014, the Provincial Government engaged Stantec Consulting, and their sub-consultant Resource Planning Group Inc. (RPG), to complete a master plan and functional program for a new facility to replace the Waterford Hospital.
- In January 2015, RPG completed the functional program for a new 140-bed mental health and addictions facility to be built on the current Waterford Hospital site at an estimated cost of \$330M. The functional plan included a 24-bed Forensic Unit and a 6-bed Short Stay Unit.
- The Short Stay Unit provides inpatient treatment for patients who require admission on an intensive, short stay basis. The short stay unit, utilizing an interprofessional and an intense model of care, facilitates an expedited discharge from hospital and reduces the demand on other acute care inpatient services.
- The Forensic Unit provides assessment and treatment in a secure environment for individuals who are the subject of a court ordered psychiatric assessment to determine fitness to stand trial; for those who have gone through Court and were found guilty but not criminally responsible due to mental illness; and for those under the *Prison's Act* who require psychiatric treatment in hospital.
- The existing Waterford Hospital has 17 forensic beds and 7 short stay beds.
- In January 2015, an All-Party Committee (APC) was established to review the mental health and addictions system in Newfoundland and Labrador. The APC consulted with provincial, national and international experts, as well as people with lived experience and their families, on alternatives to institution-based care. The APC consistently heard that services need to be more accessible in communities throughout the province and close to home.
- On June 27, 2017, the Provincial Government accepted all 54 APC recommendations and released *Towards Recovery: The Mental Health and Addictions Action Plan for Newfoundland and Labrador*. Recommendation 12 called for the urgent replacement of the Waterford Hospital with both in-patient services and new community-based services closer to home.
- In October 2017, Stantec Consulting was re-engaged to update the 2015 master plan and functional program to reflect new services and community beds being added in St. John's and in communities throughout the province. These services include additional assertive community treatment (ACT) teams, flexible ACT teams, community crisis beds, 24/7 supervised living arrangements, and mobile crisis response teams.

- In February 2018, Stantec Consulting completed a revised functional program for a new 94-bed facility to be built on the Health Sciences Centre Site at an estimated cost of \$202M. The plan includes an 18-bed Forensic Unit and a 4-bed Short Stay Unit, which is a reduction of six forensic beds and two short stay beds compared to the 2015 functional program. There are no designated long-term residential care beds in the new adult mental health facility. These patients will now be able to receive treatment in the community.
- Stantec used the following methodology to calculate bed projections:
 - Population projections;
 - A reallocation of adult acute patients outside of Eastern Health (EH) as they will be accommodated in their originating health authority;
 - An anticipated 25 per cent reduction in discharges for acute adult and 10 per cent for geriatric acute care, based on evidence shown from the implementation and expansion of ACT/FACT teams worldwide; and,
 - An anticipated five per cent reduction in discharges across all acute mental health patients due to system enhancements.
- On March 29, 2018, Premier Ball announced the plan to replace the Waterford Hospital with a new 94-bed mental health and addictions facility in St. John's in addition to expanded community-based services throughout the province.

Analysis:

- The original 2015 functional program pre-dated the APC recommendation on the replacement of the Waterford Hospital and did not consider the continuum of new community-based services being implemented throughout the province.
- There is strong evidence from around the world that admission rates and lengths of stay are reduced significantly (around 25 per cent) with the introduction of ACT teams and Flexible ACT teams, as well as other community system enhancements, such as community crisis beds, housing, and other supportive services.
- The Department of Health and Community Services (HCS) is also reviewing options for one or two, six-to-eight bed treatment centres for special populations. For example, individuals with serious treatment-resistant mental illness; or those with complex fetal alcohol spectrum disorder, intellectual disability or Autism, may require short-term inpatient treatment for a medication adjustment or behavioural intervention.

s.29(1)(a)

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- HCS, EH, and Department of Justice and Public Safety (JPS) co-chair a Provincial Steering Committee on Health in Correctional Settings mandated to oversee the transfer of health services from the justice system to the healthcare system. Following the transfer of responsibility, there may be increased numbers of transfers of mentally ill inmates to the Forensic Unit for assessment and treatment. The anticipated increased demand for forensic

admissions is driving clinical and physician concerns regarding bed reductions on the Forensic Unit.

- EH requested that the bed count for the Forensic Unit and Short Stay Unit be restored to the original 2015 functional program level (24 and six beds respectively). This will result in the addition of eight beds to the functional program.
- The Department of Transportation and Works (TW) advises that the estimated capital cost for two additional short stay beds is in the order of \$1M and \$2.5M for six additional forensic beds. Although a small increase in beds on the short stay unit will likely not increase operational costs, the increase in beds on the forensic unit will require additional staffing. These resource can likely be reprofiled from other units with the move to a smaller facility.
- The increase in cost for these beds is less than 2 per cent of the \$202M capital estimate for the 94 bed facility, which is at +/-30 per cent at this point in planning. Once the final space program is approved, the work plan requires the technical advisor to provide an updated cost estimate for the project.

Action Being Taken:

- The Steering Committee for the project, consisting of the Deputy Ministers of TW and HCS, and the CEO of EH, considered and approved the project scope change to increase the total number of beds from 94 to 102 beds to accommodate 6 additional forensic beds and 2 additional short stay beds.

Prepared/Approved by:
Ministerial Approval:

J. Garrett/A. McKenna/C. Grandy/T. King
Received from Hon. Steve Crocker and Hon. John Haggie

March 19, 2019