

**Office of the Auditor General of Prince Edward Island**  
**Press Release**

Charlottetown, PEI – The Office of the Auditor General of Prince Edward Island has tabled two Reports with the Legislative Assembly today, November 29, 2024. The two reports are a report on **Long-Term Future Sustainability** and a Performance Audit Report – **Mental Health Review Board – Rights of Involuntary Patients**.

The main highlights from the 2024 Performance Audit Report include:

## Mental Health Review Board - Rights of Involuntary Patients - Highlights

### Why we did this audit

- We received a complaint from a concerned citizen that involuntary patients in psychiatric facilities were not being treated in accordance with the *Mental Health Act*.
- Involuntary patients are vulnerable because of their mental illness. They are suffering and in need of immediate treatment, but may be unwilling to accept it.
- The *Mental Health Act* and regulations are designed to help protect these patients, making it important that the content of this legislation is followed.

### Objectives

To assess whether:

- Health PEI maintained documentation to demonstrate that involuntary patients were informed of their rights in accordance with Section 32 of the *Mental Health Act*;
- the Mental Health Review Board held hearings and communicated decisions in accordance with the *Mental Health Act*; and
- the Mental Health Review Board monitored and reported on applications received, hearings held, and cancelled hearings.

### Conclusions

- Health PEI did not maintain documentation that demonstrated involuntary patients were informed of their rights in accordance with Section 32 of the *Mental Health Act*.
- The Mental Health Review Board did not always hold hearings and communicate decisions in accordance with the *Mental Health Act*; however, due to a scope limitation described in **Appendix B**, we have issued a qualified conclusion on this objective.
- The Mental Health Review Board did not monitor or report to the Department of Health and Wellness on applications received, hearings held, or cancelled hearings.

**Audit Scope Period: April 1, 2021-March 31, 2023**

### What we found

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| Rights of Involuntary Patients | <ul style="list-style-type: none"> <li>○ Documentation was not maintained to support that Health PEI informed patients, detained for involuntary psychiatric assessments, of their right to be released after 72 hours in accordance with the <i>Mental Health Act</i> <b>RECOMMENDATION (paragraph 28)</b></li> <li>○ Health PEI did not have documented policies or procedures for informing involuntary patients of their rights. <b>RECOMMENDATION (paragraph 32)</b></li> <li>○ The letter used by Health PEI informing involuntary patients of their rights did not inform them of their right to retain legal counsel. <b>RECOMMENDATION (paragraph 36)</b></li> </ul> |
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	<ul style="list-style-type: none"><li>○ Documentation was not maintained to support that Health PEI informed involuntary patients of their rights. <b>RECOMMENDATION (paragraph 42)</b></li><li>○ Health PEI did not display patients' rights in psychiatric facilities, in accordance with the <i>Mental Health Act</i>. <b>RECOMMENDATION (paragraph 43)</b></li></ul>
Mental Health Review Board Hearings and Decisions	<ul style="list-style-type: none"><li>○ When assessing if the Review Board held hearings and communicated decisions in accordance with the <i>Mental Health Act</i>, we noted the following weaknesses:<ul style="list-style-type: none"><li>- The Mental Health Review Board did not always hold hearings and make decisions within legislated timeframes. <b>RECOMMENDATION (paragraph 55)</b></li><li>- The Mental Health Review Board did not always maintain documentation to support when it received applications. <b>RECOMMENDATION (paragraph 56)</b></li><li>- The Mental Health Review Board did not always receive applications in a timely manner from Health PEI. <b>RECOMMENDATION (paragraph 57)</b></li><li>- There was no process to identify all appropriate parties to an application. <b>RECOMMENDATION (paragraph 67)</b></li><li>- Documentation was not always maintained to support that all appropriate parties had been informed of the hearings. Where documentation was maintained, they were not always provided three days' notice. <b>RECOMMENDATION (paragraph 68)</b></li><li>- Documentation was not always maintained to support that all appropriate parties had been advised of decisions made. <b>RECOMMENDATION (paragraph 75)</b></li></ul></li></ul>
Monitoring and Reporting	<ul style="list-style-type: none"><li>○ The Mental Health Review Board did not track or monitor: applications received, hearings held and cancelled hearings. <b>RECOMMENDATION (paragraph 81)</b></li><li>○ The Mental Health Review Board did not report annually to the Minister of Health and Wellness on applications received, hearings held, and cancelled hearings. <b>RECOMMENDATION (paragraph 84)</b></li></ul>

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These reports of the Office of the Auditor General of Prince Edward Island are available on our website at [www.assembly.pe.ca/auditorgeneral](http://www.assembly.pe.ca/auditorgeneral).

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