

Protection for Persons in Care Act – Fact Sheet

Background:

The *Protection for Persons in Care Act* came into force on October 1, 2007. This Act is an extra safe guard for patients and residents 16 years of age and older who are receiving care from Nova Scotia’s hospitals, residential care facilities, nursing homes, homes for the aged or disabled persons under the Homes for Special Care Act, approved and funded small option homes under the Department of Community Services, and community based options under the Department of Health and Wellness.

For the purposes of the *Protection for Persons in Care Act*:

A ‘health facility’ means:

Hospital under the Hospitals Act, residential care facility, nursing home, home for the aged or disabled persons under the Homes for Special Care Act, approved and funded small option homes under the Department of Community Services, and community based options under the Department of Health and Wellness.

A ‘service provider’ means:

Anyone who provides services to a patient or resident and is employed by, or provides services on behalf of a health facility. This includes all staff and volunteers.

Under the *Protection for Persons in Care Act* ‘abuse’ means:

- a. The use of physical force resulting in pain, discomfort or injury, including slapping, hitting, beating, burning, rough handling, tying up or binding;
- b. Mistreatment causing emotional harm, including threatening, intimidating, humiliating, harassing, coercing or restricting from appropriate social contact;
- c. The administration, withholding or prescribing of medication for inappropriate purposes;
- d. Sexual contact, activity or behavior between a service provider and a patient or resident;
- e. Non-consensual sexual contact, activity or behavior between patients or residents;
- f. Misappropriation or improper or illegal conversion of money or other valuable possessions; or
- g. Failure to provide adequate nutrition, care, medical attention, or necessities of life without valid consent.

To report abuse call 1-800-225-7225

'Abuse' does not occur in situations in which:

- a. A service provider carried out their duties in accordance with professional standards and practices and health facility based policies and procedures; or
- b. A resident or patient who has a pattern of behaviour or a range of behaviours that include unwanted physical contact uses physical force against another patient or resident which does not result in serious physical harm, and the service provider has established a case plan to correct these behaviours.

The Protection for Persons in Care Act requires health facility administrators and service providers to promptly report all allegations or instances of abuse.

Highlights of the Act:

- Under this Act, health facility administrators have a legal responsibility to protect patients or residents from abuse.
- Following a report of abuse, an inquiry will be conducted. If there are reasonable grounds to believe that a patient or resident has been, or is likely to be abused, an investigator will be appointed.
- If a formal investigation is required, the Minister may give binding directives to the administrator to protect the patient or resident and/or refer the matter to a professional regulatory body for investigation.
- The Act provides protection for service providers so they can make a report of abuse in good faith without fear of adverse employment action.

Facilities under the jurisdiction of the Act are encouraged to have appropriate policies and procedures in place to help ensure patient or resident safety and provide staff with a supportive work environment.

If you believe a patient or resident is in immediate danger, first take steps to ensure their safety. Then call 1-800-225-7225 to report abuse.

Further information on the *Protection for Persons in Care Act* can be obtained by emailing dcs_ppc@gov.ns.ca or online at <http://novascotia.ca/coms/licensing/PersonsInCare.html>.

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