

Protection for Persons in Care Act - Fact Sheet

Background

The *Protection for Persons in Care Act* comes 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*, or group homes or residential centres under the *Children and Family Services Act*. It requires health facility administrators and service providers to promptly report all allegations or instances of abuse. Anyone else may report abuse under this Act.

The *Protection for Persons in Care Act* takes effect on October 1, 2007

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

A 'health facility' means...

hospital, residential care facility, nursing home, home for the aged or disabled persons under the *Homes for Special Care Act*, or a group home or residential centre under the *Children and Family Services Act*.

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 Person 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 behaviour between patients or residents;
- f. the 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.

'Abuse' does not occur in situations in which a service provider carried out their duties in accordance with professional standards and practices and health facility based policies and procedures.

To report abuse call 1-800-225-7225

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

The Protection for Persons in Care Act takes effect on October 1, 2007

Highlights of the Act for service providers...

- Under this Act, health facility administrators have a legal responsibility to protect patients or residents from abuse.
- This Act requires the administrator or service provider to promptly report all allegations or instances of 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 and a report prepared.
- If a formal investigation is required, the Minister may give binding directions 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.
- Under this Act, it is an offense to knowingly make a false report of abuse.

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

If you believe someone is in immediate danger, first take steps to ensure the person's safety. Then call **1-800-225-7225** to report abuse.

Health facility administrators and service providers have a legal responsibility to promptly report all allegations or instances of abuse. Anyone else may report abuse under this Act.

For more information, or to report abuse call 1-800-225-7225

The Protection for Persons in Care Act and further information is available at www.gov.ns.ca/health

October 2007