



How the *Health Protection Act* Relates to Nurses

What is the *Health Protection Act*?

The Health Protection Act is legislation designed to protect the health of the public. It comes into force on Nov. 1, 2005.

The Act,

- Provides the legal framework enabling public health officials to protect the public and to prevent, detect, manage, and contain health threats without unduly interfering with civil rights and liberties
- Deals with notifiable diseases or conditions, communicable disease, health hazards, public health emergencies and food safety
- Lays out the duties and responsibilities of public health officials and of the Ministers responsible
- Accords sufficient weight to ethical values especially individual liberty, protection of the public from harm, reciprocity, and privacy and confidentiality of health information.

What are the responsibilities of nurses under this Act?

A nurse

- *must report notifiable diseases or conditions*

a nurse must report to a Medical Officer of Health if they have reasonable and probable grounds to believe that a person has or may have a notifiable disease or condition or has recently had a notifiable disease or condition. [S31(1)] This includes when the diagnosis is made as the result of an autopsy or biopsy. [S3 of Reporting of Notifiable Disease and Conditions Regulations]

The list of notifiable diseases and conditions appears in Schedule A of the Reporting of Notifiable Diseases and Conditions Regulations and this document

- *must report unexpectedly high rates of diseases and rare or unusual forms of disease*

A nurse must report to a Medical Officer of Health if an illness is serious and occurring at a higher rate than normal, i.e., a disease that is occurring more frequently than would normally be expected or in a rare or unusual form. [S31(5)]

The report is made to the MOH who has jurisdiction in the area in which the reporting person works. Reporting of Notifiable Diseases and Conditions Regulations [S6(1)]

How are reports made to the Medical Officer of Health?

The report

- is made to the Medical Officer of Health who has jurisdiction in the area in which the nurse works. *[S6 of Reporting of Notifiable Diseases and Conditions Regulations]*
- should include the following information on the person with the notifiable disease or condition
 - name, age, address, ethnicity, and gender
 - the name of the notifiable disease or condition that is being reported
 - clinical and epidemiological details that are pertinent to the diagnosis and follow-up
 - name, profession, and contact information for the reporting person, and other information required by a Medical Officer of Health for case management and prevention of transmission of the notifiable disease or condition or the illness *[S8 of Reporting of Notifiable Diseases and Conditions Regulations]*

What other information should nurses know?

- When a nurse assists in carrying out an order of the medical officer of health or of the court, the nurse cannot be charged with assault and battery if the person does not consent. *[S32(5), 38(2)]*
- When a nurse is carrying out an order of the court, he/she may obtain assistance from a peace officer or other person as he or she believes is necessary. *[S38(3)]*