



How the *Health Protection Act* Relates to Physicians

What is the *Health Protection Act*?

The *Health Protection Act* is legislation designed to protect the health of the public. It came into effect in November 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 diseases, health hazards, public health emergencies and food safety
- lays out the duties and responsibilities of public health officials and of the ministers responsible

What are the responsibilities of physicians under this Act?

A physician

- *must report notifiable diseases or conditions*

A physician must report to a Medical Officer of Health if he or she has 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 Diseases and Conditions Regulations*]

The list of notifiable diseases and conditions appears in Schedule A of *Reporting of Notifiable Diseases and Conditions Regulations*. That list and the telephone numbers of the Public Health offices can also be found under the Health Protection Act link at www.gov.ns.ca/health/ocmoh.

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

A physician 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. [S3(5)]

How the *Health Protection Act* Relates to Physicians (Continued)

- *must report deaths that involve a notifiable disease or condition*

A physician signing a death certificate must report if he or she believes that the person who died had a notifiable disease or condition at the time of death. [S31(6)]

- *must take steps to decrease the probability of the transmission of communicable diseases to others*

Once a physician has made the diagnosis of a communicable disease, the physician must take steps to decrease the probability of the infection being transmitted to others while he makes a report to the medical officer of Health and he or she has time to follow-up. [Communicable Disease Regulations S10(2)]

- *must report a non-compliant patient*

A physician must report to a Medical Officer of Health if the patient with a communicable disease is not compliant with treatment to the satisfaction of the physician. [Communicable Disease Regulations S10(1)]

- *may be asked to accept a patient with a communicable disease*

A physician may be asked by a Medical Officer of Health to accept a person with a communicable disease for examination, care, and treatment and the preparation of a report for the Medical Officer of Health. [S32(3)(g)]

- *may be designated responsible for a person named in an order*

A physician may be designated by the CEO of a district health authority or a person authorized by hospital bylaws or the administrator of an institution to be responsible for a person named in an order and report on the treatment and condition of the person who is under the order. [S39(6), S40]

How are reports made to the Medical Officer of Health?

The report

- is made to a Medical Officer of Health who has jurisdiction in the area in which the physician works [S6 of *Reporting of Notifiable Disease and Conditions Regulations*]
- should include the following information on the person with the notifiable disease or condition:
 - name, age, address, ethnicity, and gender

How the *Health Protection Act* Relates to Physicians (Continued)

- 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 the 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 Disease and Conditions Regulations*]

What other information should physicians be aware of?

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

More Information

Health Protection Act and Regulations—www.gov.ns.ca/legislature/legc/ (under consolidated public statutes)

User Friendly Guide to the Health Protection Act and Regulations—www.gov.ns.ca/health/ocmoh/

Other Professional Roles and Responsibilities—www.gov.ns.ca/health/ocmoh/

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