



November 21, 2007

Interpretation Notice(# 2) *Protection for Persons in Care Act*

Subject: Interpretation of “abuse” between residents or patients

Background:

Clause 3(1)(a) of the *Protection of Persons in Care Regulations* provides as follows:

3 (1) Subject to subsection (2), in the Act and these regulations, “abuse” means, with respect to adult patients or residents, any of the following:

(a) the use of physical force resulting in pain, discomfort or injury, including slapping, hitting, beating, burning, rough handling, tying up or binding;

The definition in clause 3(1)(a) of physical actions which could constitute abuse may apply in situations where one resident or patient physically injures another. However, the words in the definition - hitting, beating, burning, etc. indicate that incidents of severe physical abuse rather than unwanted physical contact constitute “abuse”.

Judgment must be exercised when deciding what must be reported under the PPCA, and again the purpose of the Act and the proper reading of the regulations defining abuse is an important element in the exercise of judgment. Many residents or patients have pre-established patterns of behaviour or a range of behaviours which may include minor and routine touching or other unwanted physical contact. Although the definition of “abuse” under the Act is quite broad, the intention was not to capture these types of behaviour, and they should not be reported under the Act.

Direction:

- “Abuse” under the PPCA includes the use of physical force resulting in pain, discomfort or injury, including slapping, hitting, beating, burning, rough handling, tying up or binding.

- ❑ Situations where one resident or patient has slapped, hit, beat, burned or otherwise injured another resident must be assessed according to the following criteria:
 - relationship between the residents or patients;
 - severity of the behavior ;
 - force of the contact;
 - degree of injury, if any;
 - intent;
 - corrective action taken.

- ❑ If the incident being reviewed does not involve “abuse” under the PPCA, no further action needs be taken under that statute. However, consideration should be given to any other operational issues raised by the incident, such as case planning and staff training.

This document is not an exhaustive interpretation of the regulation or legal advice to the reader. This document is prepared for convenience only. For accurate reference, the official copy of the act and regulations should be consulted.

If you have any questions regarding the above noted interpretation of the Act and regulations, please contact JoAnn Martell-MacKay at 424-0435 for facilities falling under Health and Jackie Purcell at 424- 0081 for facilities falling under Community Services.