

Protection for Persons in Care Act

Questions & Answers

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.

Q: When does the legislation take effect?

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

Q: What is the intent of the Act?

The legislation is designed to protect patients or residents 16 years of age and older receiving treatment in hospitals or living in residential care facilities, nursing homes or 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*.

The Act makes it mandatory for service providers or administrators of health facilities under the Act to promptly report all allegations or instances of abuse.

Q: What is the definition of 'abuse' under the Act?

- 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

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Q: What is a service provider?

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

Q: What happens after a report is made?

After a report is received an initial inquiry is done to determine if a more extensive investigation is required. If so, an investigator is assigned to conduct a formal investigation. The investigator must develop a report with conclusions and there may be recommendations that require follow up.

Q: When is a facility operator notified?

Depending on the nature of the report, a facility operator is notified as soon as possible.

Q: How do you report suspected cases of abuse?

Reports can be made by calling 1-800-225-7225.

Q: What protection is in place for people making a report?

No legal action may be taken against someone who has made a report in good faith. The Act also prohibits a facility operator from taking adverse employment action against a service provider who reports in good faith.

Q: What if someone makes a false report?

Under this Act, it is an offense to knowingly make a false report of abuse.

Q: How will facility staff, residents and families be informed about the Act?

The Departments of Health and Community Services have created an information video, brochures, posters and fact sheets that will be mailed to all facilities under the Act. Information about the Act is also available on-line at www.gov.ns.ca/health

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

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