

## PROTECTION FOR PERSONS IN CARE ACT

### Amendment in effect July 1, 2010

The Government of Alberta *Protection for Persons in Care Act (PPCA)* has been in place since 2000 to prevent abuse of adults. A revised Act will go into effect on July 1, 2010. Alberta Health Services is responsible for complying with the new Act and protecting Albertans in its care. This sheet highlights expected changes to the Act and outlines implications for you as a care provider.

#### ***New definition of “Abuse”***

Under the new Act, the definition of “abuse” no longer requires the element of *intent*. “Abuse” now means an act or omission to a patient/client/resident receiving care or support service that:

- causes **serious** bodily or emotional harm,
- results in the administration, withholding or prescribing of medication for an inappropriate purpose, resulting in **serious** bodily harm,
- subjects an individual to non-consensual sexual contact, activity or behavior,
- involves misappropriating money or other valuable possessions,
- results in failing to provide adequate nutrition, medical attention or other necessities of life without valid consent, resulting in **serious** bodily harm.

Abuse may be caused by:

- the patient/client/resident’s spouse, family member, or friend,
- a service provider’s employee,
- a volunteer, contractor, or other patient/client/resident or person.

#### ***New additional “Service Providers”***

In addition to the existing defined “service providers”, the PPCA now also applies to all **AHS designated mental health facilities** including:

- Alberta Hospital Edmonton
- Centennial Centre for Mental Health and Brain Injury
- Claresholm Centre for Mental Health and Addictions

#### ***Reporting Abuse***

- Reporting abuse is mandatory under the PPCA. Failure to report abuse is an offence under PPCA. Individuals can be fined up to \$10,000; AHS and service providers up to \$100,000.
- Abuse must be reported “as soon as reasonably practicable”. The test is, considering the practical opportunity for reporting and the circumstances of the situation, could we reasonably have been expected to report earlier than

#### ***What care providers are expected to do?***

Every individual who has reasonable grounds to believe that there is or has been abuse involving a patient/client/resident shall **report that abuse**.

Every service provider or individual employed by or engaged for services by a service provider who provides care or support services to a patient/client/resident has a duty to:

- **take reasonable steps to protect people from abuse while providing care or support services,**
- **maintain a reasonable level of safety for people.**

AHS cannot alter, interrupt, discontinue care or support services (or threaten to) to a patient/client/resident or to a patient/client/resident’s legal representative or to a patient/client/resident’s family members who also receive services from the service provider.

The PPCA does not apply if the abuse happened before the patient/client/resident received care from the service provider or while the patient/client/resident was not in AHS’ care and custody.

#### ***New additional duties for care providers***

The amended PPCA now requires AHS to **take all reasonable steps to provide for the immediate safety, security and well-being** of a patient/client/resident for whom a report of abuse is made, and for any other person who may be at risk of abuse when AHS is notified that a report of abuse has been made.

we did? If patients/clients/residents wish to report abuse (against themselves) they must do so within two years from the date of the alleged abuse.

- Standard of proof for reporting has changed from previous requirements; all that is required is “reasonable grounds to believe” that there is or has been abuse.
- How to report abuse:

External Reporting	Reporting Internally within AHS
To the Government of Alberta Protection for Persons in Care reporting line:  <b>1-888-357-9339</b> (toll free)	Continue to follow the existing policy in your former region or entity regarding reporting abuse <b>internally</b> within the organization.
To the police if a person’s life or well-being is in immediate danger.	
To the Mental Health Patient Advocate if the abuse involves a client admitted within a mental health facility or subject to a community treatment order.	
If the incident involves a professional, such as a registered nurse or a physician, a report may be made directly to the applicable professional college or association.	

### **AHS Policy**

An interim Directive is under development to provide policy direction in the short term.

Dr. Chris Eagle is the Executive Sponsor for the development and implementation of an AHS-wide policy that incorporates the requirements under the *Protection for Persons in Care Act* as well as the internal reporting and investigation requirements.

Co-Sponsors of the policy are:

- Mareika Purdon, Patient Concerns Officer
- Dr. Ty Josdal Associate Senior Physician Executive

A Provincial Working Group will develop the AHS-wide policy (and procedure if needed) to replace existing policies regarding the PPCA. A Working Group to support the policy work shall include the following key AHS stakeholders: Legal Services, Human Resources, Protective Services, Seniors Health, Mental Health, Patient Concerns, Contracting Procurement and Supply Management, Information and Privacy, and Safety Reporting.

Policy support is jointly provided by Clinical Policy and Corporate Policy.

### **For more information**

AHS website, for ongoing information and updates: <http://www.albertahealthservices.ca/1828.asp>

Government of Alberta Seniors and Community Supports website:

[http://www.seniors.alberta.ca/css/persons\\_in\\_care](http://www.seniors.alberta.ca/css/persons_in_care) (see overview of the new Act, brochure, poster, guide, FAQ)

If you have any questions, please contact:

E-mail: [clinicalpolicy@albertahealthservices.ca](mailto:clinicalpolicy@albertahealthservices.ca) Phone: 403-943-0271