

PROTECTION FOR PERSONS IN CARE ACT

The Government of Alberta *Protection for Persons in Care Act (PPCA)* has been in place since 2000 to prevent abuse of adults who are in the care of certain publicly funded service providers like AHS. 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 an employee or volunteer of, or contractor to, Alberta Health Services.

The Minister of Seniors and Community Supports (SCS) appoints the Complaint Director(s), Officer(s), and Investigator(s) needed to handle reports of abuse made to them. A complainant may be AHS (representing staff, physicians, volunteers or other persons), an AHS contractor and/or employee, or a patient/resident/client.

SCS Complaints Process

- An SCS complaints officer receives reports of abuse. The officer will review reports of abuse and decide whether an investigation of the report of abuse is necessary.
- A complainant may appeal a complaints officer's dismissal of a report of abuse to a Complaint Director.
- If a complaints officer decides that an investigation of the report of abuse is necessary, the report of abuse will be referred to an investigator.

Investigations and Recommendations

The SCS investigator will have the authority to:

- interview any person who can provide any information relevant to the investigation;
- access all records that could be relevant to the investigation that are under the custody or control of AHS, a service provider or any other person, including personal information, health information or financial information without the client's consent;
- require the production for examination of any equipment and temporarily remove the equipment for examination or testing purposes; and
- photograph or otherwise record anything in the premises that the investigator considers would be of assistance.
- The investigator is required to prepare a final report stating whether or not the allegation of abuse was founded and may make recommendations in connection with the matter, with reasons for his or her recommendations.
- After receiving an investigator's report, the SCS Director must:
 - make any decision he or she considers appropriate regarding the report of abuse, including steps or measures the service provider or the individual involved must take to prevent the abuse of clients, and in the decision may approve or reject the recommendations contained in the report;
 - take any other action he or she considers appropriate in the circumstances;
 - provide a copy of the decision, with reasons, to AHS, the complainant, the service provider, the client, the individual involved (i.e. the alleged abuser) and any other person the SCS Director considers appropriate; *and*
 - notify AHS, the complainant, the service provider, the client and the individual involved of the right to appeal the Director's decision.

Appeals

The new Act will offer a right of appeal of the SCS Director's decision to an appeal panel. Some of the highlights of the appeal process include:

- Appeals can be made by a complainant, a service provider, a client, or the alleged abuser;
- Appeals must be made within 15 days after being notified of the Director's decision;

- After receiving notice of the appeal, the Minister will appoint an appeal panel consisting of three individuals;
- The appeal panel may confirm, reverse or vary the Director's decision; and
- A decision of the appeal panel is final.

Investigation Directed by the Minister

Under the new Act, the Minister may designate an investigator to conduct an investigation with regard to allegations of abuse if the Minister observes a significant number of reports of abuse about a service provider or if a report of serious abuse has been made about a service provider. Upon completion of the investigation, the Minister may take any action he or she considers appropriate.

Offences

Under the new Act, various offences now include:

- Making a report under the Act knowing that report to be false;
- Failing to report abuse;
- Failure to take reasonable steps to protect the client from abuse;
- Failure to take reasonable steps to maintain a reasonable level of safety for the client;
- Failure to take all reasonable steps to provide for the immediate safety, security and well being of a client in respect of whom a report of abuse is made and any other clients who may be at risk when the service provider is notified that a report of abuse has been made;
- Failure to require every successful applicant for employment, every new volunteer and every person to be engaged for services by the service provider to provide care or support services to undergo a criminal records check;
- Failing to comply with a Director's decision;
- Failing to comply with a Director's decision varied by an appeal panel; and
- Failing to comply with a Minister's Order.

For the offences created by the new Act, if the offender is an individual, the penalty is a fine of up to \$10,000 and if the offender is a service provider, such as AHS, the penalty is a fine of up to \$100,000.

For more information

- Talk to your manager.
- Clinical Legal Services: 1-888-943-0904
- Privacy: 1-877-476-9874
- Government of Alberta Seniors and Community Supports: 1-888-357-9339