

## TITLE

**DUTIES AND REPORTING UNDER THE  
*PROTECTION FOR PERSONS IN CARE ACT***

## DOCUMENT #

PS-10

## INITIAL EFFECTIVE DATE

July 1, 2010

## APPROVAL LEVEL

Alberta Health Services Executive

## REVISION EFFECTIVE DATE

October 19, 2012

Clinical Directives reflect Alberta Health Services organizational goals and objectives by providing direction for a standardized approach to clinical practices. Directives:

- support Alberta Health Services values and strategic directions;
- assist day-to-day operations by offering instruction and guidance for decisions and actions of managers and staff;
- encourage timely decision making in the interests of quality service and cost-effective operations; and
- may be time limited to fulfill short or long term operational and business goals and objectives.

**DIRECTIVE**

This Directive has been created as a reminder of the legislative obligations under the *Protection for Persons in Care Act* which was recently revised effective July 1, 2010.

Those to whom this Directive applies (see Applicability section above) shall use the information in this Directive to ensure that they meet the duties and reporting requirements as identified in the new *Protection for Persons in Care Act* (PPCA).

The information in this Directive supersedes all existing policy requirements that are based upon the *Protection for Persons in Care Act*. This Directive addresses:

- duties owed by anyone who provides care or support services to a client;
- the definition of “abuse” and the exclusions thereof;
- deadlines and direction for reporting abuse; and
- facilities to which the PPCA applies.

Those to whom this Directive applies shall continue to report abuse **internally** within Alberta Health Services as identified in existing policies in the former regions and entities.

**SUPPORTING INFORMATION****1. Duties under the PPCA owed by anyone who provides care or support services**

“Care or support services” means any services that relate to a client’s health or physical or psychological well-being.

A “client” means an adult who receives care or support services from a “service provider” as defined in the PPCA and set out in section 7 herein.

In summary, statutory obligations include:

- 1.1. taking reasonable steps to protect clients from abuse while providing care or support services;
- 1.2. maintaining a reasonable level of safety for clients;
- 1.3. reporting abuse involving a client if a person has reasonable grounds to believe there is, or has been, abuse involving a client during their stay at an Alberta Health Services facility which falls within the definition of a “service provider” under the PPCA;
- 1.4. taking all reasonable steps to provide for the immediate safety, security and well-being of a client about whom a report of abuse is made and any other clients who may be at risk of abuse when the service provider is notified that a report of abuse has been made under the PPCA; and
- 1.5. obtaining criminal records checks for every person Alberta Health Services engages to provide care or support services. The details of this additional requirement are to be developed in conjunction with the Alberta Health Services policy development and implementation process.

## 2. Definition of abuse

- 2.1. There is no longer an element of “intent” in the definition of abuse.
- 2.2. The focus has shifted to abuse which results in *serious harm* to the client.
- 2.3. Abuse means an act or omission with respect to a client receiving care or support services that:
  - a) causes serious bodily harm;
  - b) causes serious emotional harm;
  - c) results in the administration, withholding or prescribing of medication for an inappropriate purpose, resulting in serious bodily harm;
  - d) subjects and individual to non-consensual sexual contact, activity or behaviour;
  - e) involves misappropriating or improperly or illegally converting a significant amount of money or other valuable possessions; or
  - f) results in failing to provide adequate nutrition, adequate medical attention or another necessity of life without a valid consent, resulting in serious bodily harm.

## 3. Exclusions from the definition of abuse under the PPCA

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The following situations are not considered to be abuse:

- 3.1. when service providers carry out their duties in accordance with professional standards or practices or any standards established under other legislation;
- 3.2. when the care or support services provided are reasonably necessary in the circumstances;
- 3.3. when the act or omission is the result of or attributable to a client refusing care or support services;
- 3.4. when the act or omission is based on a decision made on behalf of a client by:
  - a) a co-decision maker or a specific decision maker under the *Adult Guardianship and Trusteeship Act*,
  - b) an agent under the *Personal Directives Act*,
  - c) an attorney under the *Powers of Attorney Act*;
  - d) a guardian or trustee under the *Adult Guardianship and Trusteeship Act*;
  - e) a review panel under the *Mental Health Act*;
  - f) a person described in section 28(1) of the *Mental Health Act*, or
  - g) a person whose actions fall under the *Emergency Medical Aid Act*; and
- 3.5. In any other circumstances specified in the regulation.

#### 4. Deadlines for reporting abuse

- 4.1. Abuse shall be reported “as soon as reasonably practicable” once the safety of the client and others has been addressed.
- 4.2. The client or their families have up to two years from the date of the alleged Abuse within which to report.

#### 5. Reporting abuse Externally to Alberta Health Services

- 5.1. Abuse must be reported to the Government of Alberta Protection for Persons in Care reporting line at 1-888-357-9339 (“PPCA Reporting Line”) unless it is reported pursuant to paragraphs 5.2, 5.3 or 5.4 below.
- 5.2. If a person’s life or well-being is in immediate danger, the police should be notified. If abuse is reported to police, it is unnecessary to report the abuse to the PPCA Reporting Line.
- 5.3. If the abuse involves a person who is under one or two mental health certificates under the mental health legislation, or is subject to a community treatment order under the mental health legislation, the Mental Health Patient Advocate should be

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notified. If the abuse is reported to the Mental Health Patient Advocate, it is unnecessary to report the abuse to the PPCA Reporting Line.

- 5.4. If the abuse involves a regulated health professional, such as a registered nurse or a physician, a report may be made directly to the applicable governing professional college or association. If abuse is reported to the appropriate governing professional college or association, it is unnecessary to report the abuse to the PPCA Reporting Line.
- 5.5. If the abuse may be criminal in nature, contact Clinical Legal Services regarding reporting to police.

## 6. Reporting abuse Internally within Alberta Health Services

- 6.1. In addition to external reporting, the existing policy in the facility's former region or entity should be followed regarding reporting abuse **internally** within Alberta Health Services.

## 7. Alberta Health Services Facilities which fall under the PPCA

- 7.1. The following Alberta Health Services facilities are considered "service providers" under the PPCA and are thus subject to the PPCA:
  - a) approved hospitals as defined in the *Hospitals Act*;
  - b) facilities designated under the *Mental Health Act* including but not limited to Alberta Hospital Edmonton; Centennial Centre for Mental Health and Brain Injury; and Claresholm Centre for Mental Health and Addictions;
  - c) nursing homes as defined in the *Nursing Homes Act*;
  - d) social care facilities as defined in the *Social Care Facilities Licensing Act*;
  - e) facilities defined in the *Social Care Facilities Review Committee Act*;
  - f) lodge accommodations as defined in the *Alberta Housing Act*;
  - g) supportive living accommodations licensed under the *Supportive Living Accommodation Licensing Act* that receives part or all of its operating funds, directly or indirectly, from the Government of Alberta (i.e., includes such accommodations contracted or funded by Alberta Health Services);
  - h) providers of day programs, residential and care or support services funded by Alberta Health Services, including, without limitation, addictions and mental health treatment and rehabilitation centres; and
  - i) providers of care or support services, other than family-managed supports, to individuals with developmental disabilities where the provider receives funding under the *Persons with Developmental Disabilities Community Governance Act* for the provision of those services.

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- 7.2. Home Care services do not yet fall under the PPCA.
- 7.3. Emergency Medical Services (“EMS”) is not a “service provider” under the PPCA. Unless an adult is receiving services from a “service provider” when EMS is involved, the PPCA does not apply.
- a) when EMS is at a person’s home, the PPCA does not apply.
  - b) when a person is ‘in transit’ via EMS, the PPCA does not apply.
  - c) once EMS reaches a “service provider”, such as a hospital’s emergency bay, the PPCA applies.
  - d) once a person arrives at a hospital by EMS and is waiting to be seen by an emergency room physician, the PPCA applies.
  - e) in the case of inter-hospital transfers, when a person has been admitted to hospital and is being transported between hospitals, the PPCA applies since the client is considered to be a patient under the *Hospitals Act*.

## APPLICABILITY

This Directive applies to all Alberta Health Services employees, members of the medical, dental, podiatry, and midwifery staff, students, volunteers, and other persons acting on behalf of or in conjunction with Alberta Health Services.

## RESOURCES

A wide range of additional resources, including Fact Sheets on specific aspects of the PPCA and what you need to know relating to clinical practice, are available via the Information for Health Professionals section of the AHS website: <http://www.albertahealthservices.ca/1828.asp>

## REFERENCES

- *Adult Guardianship and Trusteeship Act*
- *Alberta Housing Act*
- *Emergency Medical Aid Act*
- *Hospitals Act*
- *Mental Health Act*
- *Nursing Homes Act*
- *Personal Directives Act*
- *Persons with Developmental Disabilities Community Governance Act*
- *Powers of Attorney Act*
- *Protection for Persons in Care Act*
- *Social Care Facilities Licensing Act;*
- *Social Care Facilities Review Committee Act*
- *Supportive Living Accommodation Licensing Act*

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## CONTACT

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If you have a legal issue or question please contact the Clinical Legal Services by our:

**Provincial Intake Line 1-800-943-0904**

**E-mail: [legal.clinical@albertahealthservices.ca](mailto:legal.clinical@albertahealthservices.ca)**

**Or visit our website for FAQ's, presentations and checklists at:**

**<http://insite.albertahealthservices.ca/1192.asp>**