
Protection for Persons in Care

**LONG TERM & CONTINUING CARE ASSOCIATION OF
MANITOBA CONFERENCE - MAY 18, 2010**

Manitoba
spirited energy
vibrant d'énergie

Manitoba 
Health

OVERVIEW OF PRESENTATION

LEARNING OBJECTIVES

- What is the *Protection for Persons in Care Act* (PPCA)
- What constitutes abuse under the PPCA?
- What is the role of the Protection for Persons in Care Office (PPCO)?
- What about the wishes of a competent Alleged Victim?
- Statistics
- Sample Case Studies



FEATURES OF THE PPCA

- Proclaimed on May 1, 2001
- Protects all adults from abuse in “designated health care facilities”
 - ✓ hospital
 - ✓ personal care home
 - ✓ Selkirk Mental Health Centre

FEATURES OF THE PPCA

Does not include persons:

- Who are outpatients in emergency departments, lab or X-ray departments or day hospitals
- who are living in the community
- who are Home Care clients
- covered by *The Vulnerable Persons Living With a Mental Disability Act*
- Who are children (under 18)



FEATURES OF THE PPCA

- Duty of health care facility or any person to report if they have a reasonable basis to believe that a patient is, or is likely to be abused
- The legislation protects all persons who report an alleged abuse in good faith

ABUSE

“**Abuse**” means mistreatment that is reasonably likely to cause serious harm or death or causes serious harm or death to a person or significant loss of the person’s property whether:

- physical
- neglect (physical abuse)
- sexual
- emotional
- financial
- combination of above types of abuse

“**NO INTENT**”



NEGLECT (PHYSICAL ABUSE)

Examples of neglect include but are not limited to:

- failure to follow the patient's individual care plan; and/or
- failure to follow established policies and procedures.



SEXUAL ABUSE

Other things to consider:

- **the level of competency of the patients;**
- **consider personal biases and attitudes towards older person's sexuality and intimacy; and/or**
- **Whether consent has been given.**

FINANCIAL ABUSE

Financial, mental, emotional or other mistreatment that causes or is reasonably likely to cause significant loss to the person's property .



ROLE OF THE PPCO

- The PPCA requires the Protection for Persons in Office (PPCO) to inquire into reported abuse
(85-95% of PPCO cases do not go beyond the inquiry phase)



ROLE OF THE PPCO

- **May designate an investigator to investigate if belief that there is or is the potential for serious harm/significant loss of property.**



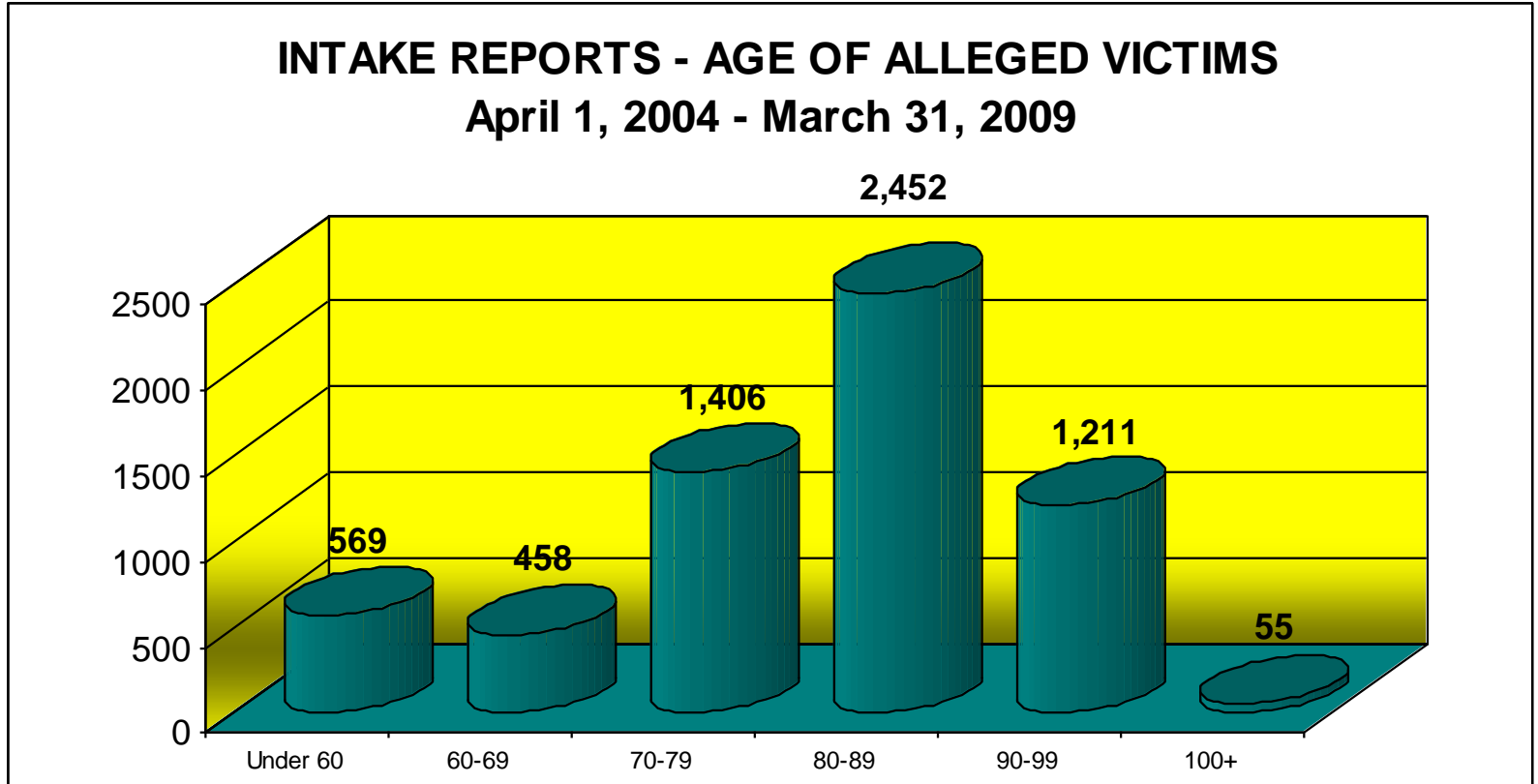
ROLE OF THE PPCO

- The investigator prepares a report with his/her findings and conclusions related to the alleged abuse incident.
- On receiving Investigator's report, the PPCO may give the facility operator any directions necessary to protect patient from abuse. The operator required to comply with any directions and to provide report on action taken to comply

COMPETENCY OF PATIENTS

- PPCO will withdraw if the patient is competent and does not want PPCO involvement
- PPCO will overlook these wishes if there is immediate risk to patient safety or public safety
- Facility may still have obligation to manage the situation

STATISTICS



Age	Under 60	60-69	70-79	80-89	90-99	100+
# of Intake Calls	569	458	1,405	2,452	1,211	55

CASE EXAMPLES

Note: AV refers to the Alleged Victim
AA refers to the Alleged Abuser



CASE 1

- **A female patient wanders into a male patient's room**
- **The male patient pushes the female patient in an attempt to get her out of his room**
- **She loses her balance, falls to the floor, suffers a fractured ankle and is taken to the hospital for treatment**
- **Both patients are not competent**

CASE 2

- **A nurse enters a female patient's room and observes a male patient fondling her breasts**
- **The nurse intervenes and sends the male patient back to his room and tells him that he was inappropriate and that his behavior will not be tolerated**
- **The female patient informs the nurse that she had invited him into her room**
- **The male patient is married - His wife lives in the community**
- **The nurse feels compelled to disclose the incident to his wife**
- **Both patients are competent**

CASE 3

- **A priest conducts services at a facility every other Sunday**
- **He often visits patients in their room after the service**
- **A resident reports to a family member that the priest asked him to donate \$1500 to repair the roof at his own church**
- **He implies to the resident that he will no longer be able to attend services if he doesn't donate**
- **He also tells the resident that there is no need to tell family members about this**
- **The resident is very upset and tells a family member about the request**
- **The family member reports this to the PPCO**

CASE # 4

- **The care plan indicates that the patient is a 2 person transfer**
- **The staff person is new, and feels pressure to complete the transfer alone because there is no one else to help and the other staff have told the new staff person not to worry about it**
- **During the transfer, the patient leans over to one side, falls to the floor and suffers a hip fracture**
- **He is sent to the hospital and is not a candidate for surgery**
- **He return to the PCH and passes away 9 days later**

CONTACTING THE PROTECTION FOR PERSONS IN CARE OFFICE

Telephone Number: (204) 788-6366
Toll Free: 1-866-440-6366
Deaf Access Line TTY/TDD: (204) 774-8618
Toll Free: 1-800-855-0511
Fax: (204) 775-8055
Email: protection@gov.mb.ca
Website: www.gov.mb.ca/health/protection/