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Protection for Persons in Care Regulations
made under Section 18 of the
Protection for Persons in Care Act
S.N.S. 2004, c. 33

O.I.C. 2007-441 (August 17, 2007, effective October 1, 2007), N.S. Reg. 364/2007
as amended up to O.I.C. 2010-457 (December 20, 2010), N.S. Reg. 194/2010

Citation

1 These regulations may be cited as the *Protection for Persons in Care Regulations*.

Definitions

2 (1) In these regulations,

(a) “Act” means the *Protection for Persons in Care Act*;

(b) “adult” means a person 16 years of age or older.

(2) In subsection 8(2) of the Act, “investigation” includes a referral of an allegation of abuse to the appropriate police service and receipt of information concerning the disposition of the allegation from the police service.

3 (1) Subject to subsection (2), in the Act and these regulations, “abuse” means, with respect to adult patients or residents, any of the following:

(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 behaviour 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;
 - (g) failure to provide adequate nutrition, care, medical attention or necessities of life without valid consent.
- (2) “Abuse” does not occur in situations in which
- (a) a service provider carried out their duties in accordance with professional standards and practices and health-facility-based policies and procedures;
or
 - (b) a resident or patient who has a pattern of behaviour or a range of behaviours that include unwanted physical contact uses physical force against another patient or resident which does not result in serious physical harm, and the service provider has established a case plan to correct these behaviours.

Subsection 3(2) replaced: O.I.C. 2009-76, N.S. Reg. 47/2009.

Designation of health facilities

- 4** A home that provides supervisory or personal care to 1 or more persons and is approved and funded either by the Department of Community Services as a small-option home or by the Department of Health and Wellness as a community-based option is designated as a health facility under the Act.

Section 4 added: O.I.C. 2010-457, N.S. Reg. 194/2010.

[Note: The reference to the Department of Health has been updated in accordance with Order in Council 2011-15 under the *Public Service Act*, R.S.N.S. 1989, c. 376, effective January 11, 2011.