

## The Protection for Persons in Care Act

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Regulations

(Assented to August 18, 2000)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

### DEFINITIONS

#### Definitions

1 In this Act,

"**abuse**" means mistreatment, whether physical, sexual, mental, emotional, financial or a combination of any of them, that is reasonably likely to cause death or that causes or is reasonably likely to cause serious physical or psychological harm to a person, or significant loss to the person's property; (« mauvais traitements »)

"**health facility**" means

- (a) a hospital designated by regulation under *The Health Services Insurance Act*,
- (b) a personal care home designated by regulation under *The Health Services Insurance Act*, or
- (c) an institution or organization designated as a health facility by regulation under section 13; (« établissement de santé »)

"**investigator**" means a person designated under section 5 as an investigator or appointed under that section to investigate a report of abuse; (« enquêteur »)

"**minister**" means the minister appointed by the Lieutenant Governor in Council to administer this Act; (« ministre »)

"**patient**" means an adult resident, in-patient or person receiving respite care in a health facility, but does not include a vulnerable person within the meaning of *The Vulnerable Persons Living with a Mental Disability Act*; (« patient »)

"**service provider**" means a person who provides services to a patient and is employed by, or provides the services on behalf of, a health facility. (« fournisseur de services »)

S.M. 2008, c. 11, s. 2.

### DUTY TO PROTECT PATIENTS FROM ABUSE

#### Duty of health facility to protect patients from abuse

2 The operator of a health facility has a duty to protect the patients of the facility from abuse and to maintain a reasonable level of safety for them.

## REPORTING ABUSE

### Duty to report abuse

3(1) A service provider or other person who has a reasonable basis to believe that a patient is, or is likely to be, abused shall promptly report the belief, and the information on which it is based, to the minister or the minister's delegate.

### If information confidential

3(2) The duty to report applies even if the information on which the person's belief is based is confidential and its disclosure is restricted by legislation or otherwise. But it does not apply to information that is privileged because of a solicitor-client relationship.

### Patient may report abuse

4 A patient may report abuse against himself or herself to the minister or the minister's delegate.

## INVESTIGATING REPORTS OF ABUSE

### Minister to inquire into report of abuse

5(1) On receiving a report of abuse under this Act, the minister shall inquire into the matter and shall consider whether a more extensive investigation is warranted.

### Minister to refer matter to investigator

5(2) If, after inquiry, the minister finds there are reasonable grounds to believe that a patient is or is likely to be abused, he or she shall refer the matter to an investigator to carry out a more extensive investigation.

### Notice to the patient

5(3) As soon as practicable after referring the matter to an investigator, the minister shall notify the patient that a report of abuse has been made and that an investigation is to be conducted. If the patient has a committee appointed under *The Mental Health Act* to make decisions on his or her behalf, the notice is to be given to the committee instead.

## REGULATIONS

### Regulations

13 The Lieutenant Governor in Council may make regulations

(a) designating institutions or organizations as health facilities for the purposes of this Act;

(b) respecting any matter the Lieutenant Governor in Council considers necessary or advisable to carry out the purposes of this Act.

### Protection from liability

15 No action for damages or other proceeding may be brought against the minister, an investigator or any other person acting under the authority of this Act or engaged in administering it,

(a) for anything done in good faith in performing or intending to perform a duty or in exercising or intending to exercise a power, under this Act; or

(b) for any neglect or default in performing a duty or exercising a power in good faith under this Act.