



# **BILL NO. 62**

*Government Bill*

---

*5th Session, 61st General Assembly  
Nova Scotia  
62 Elizabeth II, 2013*

---

## **An Act to Amend Chapter 33 of the Acts of 2004, the Protection for Persons in Care Act**

CHAPTER 26  
ACTS OF 2013

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE  
MAY 10, 2013**

The Honourable Denise Peterson-Rafuse  
*Minister of Community Services*

---

*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*

This page is intentionally blank.

**An Act to Amend Chapter 33  
of the Acts of 2004,  
the Protection for Persons in Care Act**

Be it enacted by the Governor and Assembly as follows:

**1 Section 5 of Chapter 33 of the Acts of 2004, the *Protection for Persons in Care Act*, is amended by adding immediately after subsection (2) the following subsection:**

(3) A service provider shall take all reasonable steps to provide for the safety and well-being of patients and residents.

**2 Subsection 8(4) of Chapter 33 is repealed and the following subsection substituted:**

(4) Notwithstanding subsection (3), where a patient or resident has

(a) a person to whom the patient or resident has given authorization under the *Medical Consent Act*;

(b) a guardian under the *Incompetent Persons Act*;

(c) a delegate or a statutory decision-maker under the *Personal Directives Act*; or

(d) an attorney under the *Powers of Attorney Act*,

to make decisions on the patient's or resident's behalf, the notice referred to in subsection (3) is to be given instead to the guardian, delegate, statutory decision-maker or attorney, as the case may be, unless the Minister determines it is inappropriate to do so based on the nature of the allegations.

**3 Clause 9(2)(b) of Chapter 33 is repealed and the following clause substituted:**

(b) produce for examination or copying any record or other thing, including information that is personal health information under the *Personal Health Information Act* or personal information under the *Freedom of Information and Protection of Privacy Act* or any other enactment that, in the investigator's opinion, relates to the matter being investigated and that may be in that person's possession or control.

**4 (1) Subsection 11(1) of Chapter 33 is repealed and the following subsection substituted:**

(1) On receiving an investigator's report under Section 9, the Minister may issue any directives to the administrator of the health facility involved requiring operational and other measures that the Minister considers necessary to protect all patients or residents from abuse, regardless of whether the investigation has determined that abuse occurred.

**(2) Subsection 11(2) of Chapter 33 is amended by**

**(a) striking out “directions” in the first line and substituting “directives”;**  
**and**

**(b) striking out “person” in the second and third lines of clause (a) and substituting “delegate, statutory decision-maker”.**

**(3) Subsection 11 (3) of Chapter 33 is amended by striking out “directions” in the second line and substituting “directives”.**

**5 (1) Section 12 of Chapter 33 is amended by adding immediately after subsection (1) the following subsection:**

(1A) The Minister’s referral under subsection (1) shall include a written summary of the matter being investigated.

**(2) Subsection 12(2) is amended by striking out a “report” in the first line and substituting “referral”.**

**6** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

---