

1997 BILL 15

First Session, 24th Legislature, 46 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 15

PROTECTION FOR PERSONS IN
CARE AMENDMENT ACT, 1997

MR. TANNAS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 15
Mr. Tannas

BILL 15

1997

PROTECTION FOR PERSONS IN CARE AMENDMENT ACT, 1997

(Assented to , 1997)

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

Amends SA
1995 cP-19.5

**1 The *Protection for Persons in Care Act* is amended by
this Act.**

2 Section 1 is amended

**(a) by renumbering clause (a) as clause (a.1) and by
adding the following before clause (a.1):**

- (a) “abuse” means
- (i) intentionally causing bodily harm,
 - (ii) intentionally causing emotional harm, including, but not limited to, threatening, intimidating, humiliating, harassing, coercing or restricting from appropriate social contact,
 - (iii) intentionally administering or prescribing medication for an inappropriate purpose,
 - (iv) subjecting to non-consensual sexual contact, activity or behaviour,
 - (v) intentionally misappropriating or improperly or illegally converting money or other valuable possessions, or
 - (vi) intentionally failing to provide adequate nutrition, adequate medical attention or other necessity of life without a valid consent;

Explanatory Notes

1 Amends chapter P-19.5 of the Statutes of Alberta, 1995.

2 Section 1 presently reads in part:

1 In this Act,

(a) “agency” means

(i) *an approved hospital as defined in the Hospitals Act,*

(ii) *a lodge accommodation as defined in the Alberta Housing Act,*

(iii) *a nursing home as defined in the Nursing Homes Act,*

(iv) *a facility as defined in the Social Care Facilities Review Committee Act, or*

(v) *any institution or organization designated by regulation as an agency;*

(b) “appropriate Minister” means

(i) *if the complaint involves an agency referred to in clause (a)(i) or (iii), or a service provider at or an employee of the agency, the Minister of Health,*

(ii) *if the complaint involves an agency referred to in clause (a)(ii), or a service provider at or an*

(b) in clause (b)(i), (ii), (iii) and (iv) by striking out “clause (a)” and substituting “clause (a.1)”.

3 Section 2 is amended

(a) in subsection (1)

(i) by striking out “must” and substituting “shall”;

(ii) by striking out “Department” and substituting “Minister”;

(iii) by striking out “law enforcement agency” and substituting “police service”;

(b) by adding the following after subsection (5):

(6) This section applies to abuse that occurs after this Act comes into force.

4 Section 5(3) is repealed and the following is substituted:

(3) Every agency must require that every successful applicant for employment and every new volunteer provide a criminal records check.

5 Section 8(2) is amended by striking out “law enforcement agency” and substituting “police service”.

6 The following is added after section 11:

Offence

11.1 A person who makes a complaint under this Act knowing it to be false is guilty of an offence and liable to a fine of not more than \$2000 and, in default of payment, to imprisonment for a term of not more than 6 months.

employee of the agency, the Minister of Municipal Affairs,

(iii) if the complaint involves an agency referred to in clause (a)(iv), or a service provider at or an employee of the agency, the Minister of Family and Social Services, and

(iv) if the complaint involves an agency referred to in clause (a)(v), or a service provider at or an employee of the agency, the Minister designated by the regulations;

3 Section 2 presently reads in part:

2(1) Every individual or service provider who has reasonable and probable grounds to believe and believes that there is or has been abuse against a client must report such abuse to the Department of Community Development or a law enforcement agency or a committee, body or person authorized under another enactment to investigate such an abuse.

4 Section 5(3) presently reads:

(3) Every agency must require that every applicant for employment provide a criminal records check.

5 Section 8(2) presently reads:

(2) Notwithstanding this section, if the appropriate Minister or the investigator is of the opinion that the subject-matter of the complaint could constitute an offence under the Criminal Code (Canada), the Minister or the investigator must as soon as possible refer the complaint to a law enforcement agency.

6 Offence for false complaint.