

Protection for Persons in Care 2009-10 Annual Report

Government of Alberta ■
Seniors and Community Supports

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Protection for Persons in Care Act

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Overview

Protection for Persons in Care (PPC) addresses complaints of abuse involving adults who receive publicly funded care or support services. Under the *Protection for Persons in Care Act*, RSA 2000 cP-29, (PPCA) all complaints of abuse must be investigated. The aim of an investigation is to gather the facts surrounding an incident of alleged abuse, and make recommendations to agencies to improve the safety of clients and prevent abuse from occurring in the future.

The agencies that come under the PPCA receive government funds and include settings such as: seniors' lodges; nursing homes; hospitals; assisted living facilities; women's shelters; homeless shelters; group homes; residential alcohol and drug abuse treatment centres; and other supportive living settings.

This report covers the fiscal year from April 1, 2009 to March 31, 2010. The report is prepared by the PPC office and summarizes the data that is gathered on the abuse reports received and investigations completed. The annual report consolidates the data that is set out in the monthly reports which are available on the ministry website.

Highlights for 2009-10

On behalf of the Government of Alberta (GoA), Dr. Neil Brown, MLA for Calgary-Nose Hill, sponsored new legislation that would replace the 1998 PPCA. Dr. Brown introduced Bill 41, *Protection for Persons in Care Act*, in the Legislative Assembly on April 22, 2009. The Bill received Royal Assent on June 4, 2009, and was proclaimed into force July 1, 2010.

The new Act reflects a commitment to improve the safety, security, and the well-being of adults who receive publicly funded care or support services in Alberta. The new Act also emphasizes the prevention of abuse and sets out additional requirements related to reporting and investigating abuse.

Some of the significant changes made to improve the legislation were:

- Expanding the scope of the Act to apply to mental health facilities designated under the *Mental Health Act*.
- Changing the definition of abuse by focusing on acts or omissions that cause serious bodily harm; serious emotional harm; any sexual abuse; and misappropriating a significant amount of money;
- Allowing for flexibility in how abuse reports will be responded to, such as referring to another agency, making further inquiry, or investigation;
- Requiring service providers and individuals to comply with decisions after an investigation is completed;
- Adding an appeal mechanism; and
- Expanding the powers of the Minister.

In 2009-10, the Protection for Persons in Care office worked on the development of two regulations to accompany the new Act.

Summary of Reports of Abuse

In 2009-10, PPC received 468 reports of abuse, four percent more than were received in 2008-09. Chart 1 shows that PPC received an average of 39 complaints per month. July had the highest number of reports (50) and February had the lowest (28).

From 2000-01 to 2009-10 PPC has dealt with an average of 520 reports per year.

Chart 1

Monthly Abuse Reports 2009-10

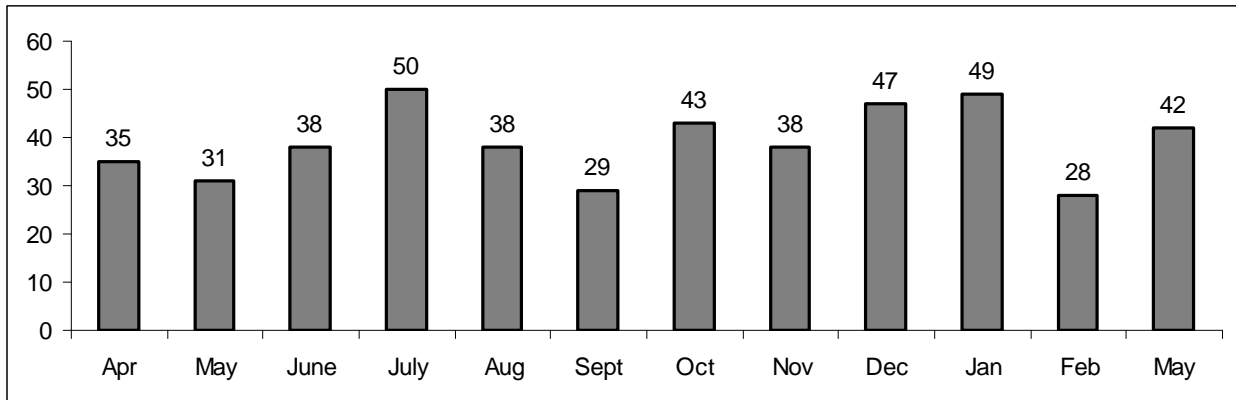
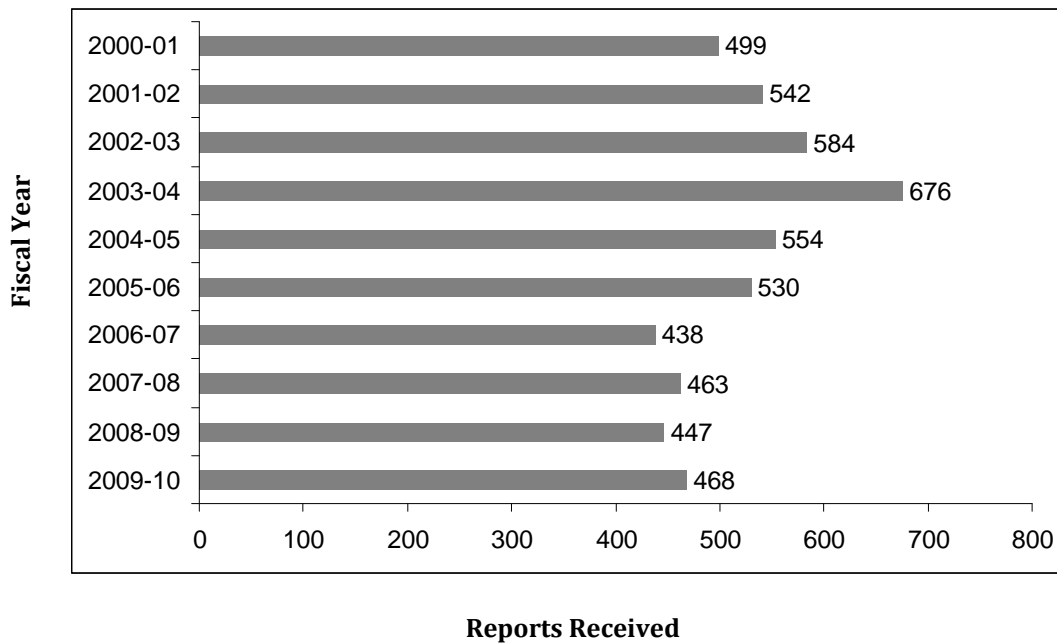


Chart 2

Abuse Reports Received 2000-01 to 2009-10



Reports by Client Group

Table 1 presents the abuse reports received by client grouping. In 2009-10, clients accessing health services such as nursing homes, hospitals, assisted living facilities and personal care homes accounted for 60 percent of all abuse reports received. Thirty-three percent of the reports involved clients with a developmental disability; six percent were clients residing in seniors' lodges; and less than one percent each were clients accessing homeless shelters and women's shelters.

Table 1
2009-10 Reports by Client Group

Client Group	Abuse Reports
Clients accessing health services	282
Alberta Health Services Calgary Zone	87
Alberta Health Services Central Zone	58
Alberta Health Services Edmonton Zone	74
Alberta Health Services North Zone	38
Alberta Health Services South Zone	25
Clients accessing services for persons with developmental disabilities	154
Northeast region	2
Northwest region	5
Edmonton region	34
Central region	69
Calgary region	32
South region	12
Clients accessing seniors' lodges	28
Clients accessing homeless shelters	3
Clients accessing women's shelters	1

Complaints by Type of Abuse

In 2009-10, the 468 abuse reports received by PPC involved 794 complaints of abuse (as identified by types of abuse in Table 2). This is consistent with the previous year which had 447 abuse reports involving 793 complaints.

Overall, emotional harm continues to be the most common type of abuse reported (44 percent of all complaints), followed by failure to provide the necessities of life (25 percent), bodily harm (22 percent), sexual contact (4 percent), financial abuse (3 percent) and inappropriate medication administration (2 percent).

Bodily harm had a significant increase in complaints from 133 complaints in 2008-09 to 175 complaints in 2009-10. There was a reduction in the number of complaints of emotional harm from 389 in 2008-09 to 348 in 2009-10. There was an increase in the number of complaints of sexual abuse, from 20 complaints in 2008-09 to 34 complaints in 2009-10. There was also a reduction in the number of complaints of failing to provide basic necessities of life from 212 complaints in 2008-09 to 199 in 2009-10.

Table 2
Types of Abuse Complaints

Types of Abuse	2008-09		2009-10	
	Actual	Percentage	Actual	Percentage
Emotional harm	389	49%	348	44%
Failing to provide the necessities of life	212	27%	199	25%
Bodily harm	133	17%	175	22%
Sexual contact, activity or behaviour	20	3%	34	4%
Misappropriating money or possessions	19	2%	27	3%
Inappropriate medication administration	20	2%	11	2%
	793	100%	794	100%

Note: Complaints by type of abuse are greater than total reports because one report may involve multiple allegations and/or more than one type of abuse.

Table 3 shows the distribution of complaints of abuse across various types of settings.

Table 3
Distribution of Complaints Received by Type of Abuse
2009-10

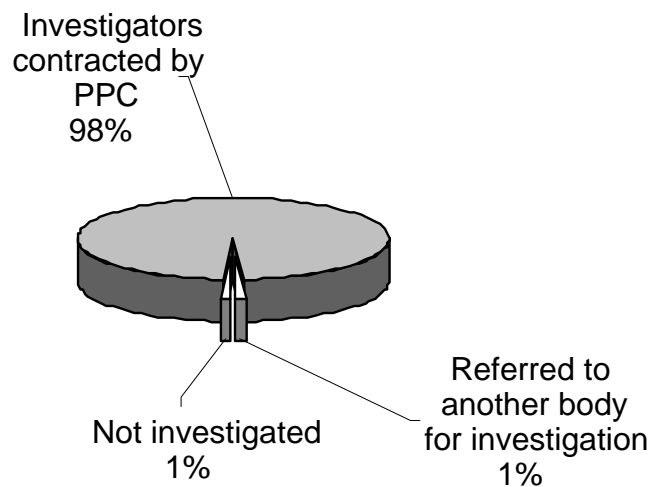
	Emotional Harm	Bodily Harm	Failing to Provide Necessities of Life	Sexual	Financial	Inappropriate Medications	Total
Nursing Homes and Auxiliary Hospitals	157	88	93	16	10	6	370
Persons with Developmental Disabilities Settings	111	52	48	5	10	2	228
Acute Care Hospitals	24	12	18	6	1	1	62
Seniors' Lodges and Unique Homes	23	7	3	2	3	0	38
Personal Care Homes	7	1	11	0	0	0	19
Assisted/Supportive Living	20	15	24	2	3	2	66
Homeless Shelters	3	0	0	3	0	0	6
Other (e.g. Family Care Homes, Approved Homes, Drop-In Centres)	0	0	0	0	0	0	0
Addictions (formerly AADAC)	2	0	2	0	0	0	4
Women's Shelters	1	0	0	0	0	0	1

Investigations

Of the 552¹ files closed in 2009-10, investigators contracted by PPC conducted 542 (98 percent) of all investigations. Six files required the services of two investigators each. The average time taken for a contracted investigator to conclude an investigation was 38 days.

A total of three files (slightly less than one percent) were referred to the College of Physicians and Surgeons of Alberta. Seven files were not investigated (slightly greater than one percent). Of these seven files, two files were referred to a police service; four files involved complaints that were either withdrawn or the complainants did not have reasonable grounds to believe abuse occurred; and one file had already been investigated by the College and Association of Registered Nurses of Alberta.

Chart 3
Investigators Appointed
Based on Closed Files



¹ The 552 files closed in 2009-10 includes files remaining open and carried forward from the previous fiscal year.

Outcomes of Abuse Complaints (Based on Closed Files)

The 552 files closed in 2009-10 involved 975 complaints of abuse. Of these, 72 percent were dismissed as unfounded or because the evidence was insufficient, and 28 percent were upheld. This is a considerable change from 2008-09 that had 730 abuse complaints with 77 percent dismissed and 23 percent upheld.

Table 4 provides a breakdown of the complaints dismissed and upheld by the type of abuse investigated comparing 2009-10 with 2008-09. The most significant changes occurred in three types of abuse: bodily harm and misappropriating money or possessions had a higher number of abuse complaints upheld compared to the previous year and inappropriate medication administration had a significant increase in cases dismissed.

Table 4
Outcomes of Abuse Complaints by Type of Abuse
Based on Closed Files

Types of Abuse	2008-09		2009-10	
	Dismissed Actual/%	Upheld Actual/%	Dismissed Actual/%	Upheld Actual/%
Emotional harm	272 (74%)	98 (26%)	318 (70%)	138 (30%)
Bodily harm	116 (90%)	13 (10%)	134 (75%)	45 (25%)
Failure to provide the necessities of life	140 (78%)	39 (22%)	204 (76%)	66 (24%)
Misappropriating money or possessions	13 (87%)	2 (13%)	15 (54%)	13 (46%)
Sexual contact, activity or behaviour	13 (59%)	9 (41%)	11 (46%)	13 (54%)
Inappropriate medication administration	8 (53%)	7 (47%)	16 (89%)	2 (11%)

Examples of Complaints and Recommendations

The majority of investigations result in recommendations made to agencies that are aimed at preventing abuse or improving safety for clients. Consistently, 99 percent of the recommendations are approved. If a recommendation is rejected it is typically because the investigator does not provide enough evidence to support the specific recommendation.

In many cases, after a decision is made, the PPC office requests that the agency provide a written response indicating the action the agency has taken in response to the recommendations; however, when an agency has already provided this information, PPC does not request a written response.

In 2009-10, of the 552 files closed, PPC requested the agencies involved in 232 files (58 percent) provide a written follow-up response. Each response is reviewed by PPC and the information indicates that most agencies do implement the recommendations or plan to do so.

The following are samples of actual abuse complaints received by PPC and the recommendations that were approved following the investigation.

Case 1: Intentionally failing to provide the necessities of life

It was alleged that the resident was ill for three days and staff did not provide the resident with adequate medical attention, contact the physician or alert anyone about the changes in the resident's condition.

The investigation led to recommendations that the facility management:

(a) develop a role description for the Registered Nurse (RN) who was involved and review and revise the role descriptions for the Community Service Worker, team coordinator, and program manager to include their scope of authority related to client health and injury; the need to specify when and to whom changes in client health status should be reported; and the nature of expected documentation;

(b) develop a telephone assessment protocol to be utilized by the RN when a client is presenting with symptoms and determine when an in-person assessment or further action is required; and

(c) clarify when and who should notify guardians when a client's health deteriorates and a decision is being made as to whether a client should be seen by a physician.

Case 2: Intentionally misappropriating money

It was alleged that a care worker and the care worker's friend misappropriated funds from the client on three occasions by: (1) having the client pay for lunch for the care worker and a friend; (2) having the client pay for gas and for lunch for the care worker and a friend; and (3) borrowing \$335.00 from the client.

While the care worker resigned from her position, the investigation led to recommendations that the facility management:

- (a) collaborate with the client in regards to assisting the client to make financial decisions by having staff monitor the client's expenses on a regular basis ; and
- (b) remind staff of the agency policy prohibiting staff from using clients' money for their personal use.

Case 3: Intentionally causing emotional and bodily harm

It was alleged that the alleged abuser (AA):

Incident #1: Picked the resident up and roughly transferred the resident from bed to a wheelchair. The resident is to be transferred with a standing transfer.

Incident #2: When wheeling the resident into the lounge the AA pushed the wheelchair ahead of her which caused the resident to be wheeled into a chair, bruising her knees.

Incident #3: The AA responded roughly to the resident's request for assistance. The AA pushed the resident into another resident's room, bumping the resident into the wall and bruised the resident's knees. At the time, the other resident was being transferred by a lift and was naked from below the waist, which was upsetting to this resident.

While the agency terminated the employee who was the alleged abuser, the investigation led to recommendations that the facility management:

- (a) consider providing all staff with education on managing difficult behaviours in residents. In this case staff reported a lack of knowledge in this area; there was no behavioural management plan for the resident; and, the resident's behaviours were not decreasing; and
- (b) consider providing the staff with an in-service on their responsibilities for reporting incidents such as this. In this case the facility policy for reporting abuse was not followed and the staff were unaware of what their responsibilities were in reporting incidents.

Types of Persons Named or Identified as Alleged Abusers

In all settings, and consistent with previous years, the majority of persons identified as alleged abusers are service providers (368) followed by other clients/residents (81), family members (11) and others (8).

Tables 5 and 6 provide more information on the types of alleged abusers.

Table 5
Types of Alleged Abusers

Types of Alleged Abusers	2008-09		2009-10	
	Actual	Percentage	Actual	Percentage
Service Provider	370	82.8%	368	78.6%
Client/Resident	58	13.0%	81	17.3%
Family	11	2.5%	11	2.3%
Other	8	1.7%	8	1.8%
	447	100%	468	100%

Note: "Other" refers to volunteers, visitors, non-family members, and other third parties.

Table 6
Types of Alleged Abusers by Facility Type
2009-10

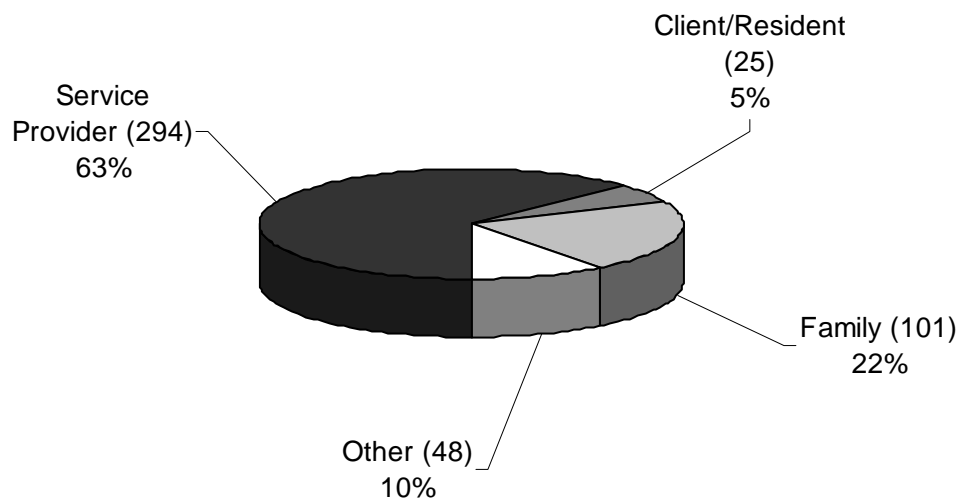
Facility Type	Service Provider Actual/%	Client/Resident Actual/%	Family Actual/%	Other Actual/%
Health Care Settings	225 (80%)	45 (16%)	8 (3%)	4 (1%)
Persons with Developmental Disabilities Settings	123 (80%)	28 (18%)	0 (0%)	3 (2%)
Seniors' Lodges and Unique Homes	17 (61%)	7 (25%)	3 (11%)	1 (3%)
Homeless Shelters	3 (100%)	0 (0%)	0 (0%)	0 (0%)
Women's Shelters	0 (0%)	1 (100%)	0 (0%)	0 (0%)

Types of Complainants

The majority (63 percent) of all complainants who reported abuse to PPC were service providers, such as agency employees. Of the service providers, 56 percent were management and 44 percent were non-management.

Family members represented 22 percent of all complainants, while five percent were clients/residents. The remaining ten percent of complainants were other people such as volunteers, visitors, and other third parties.

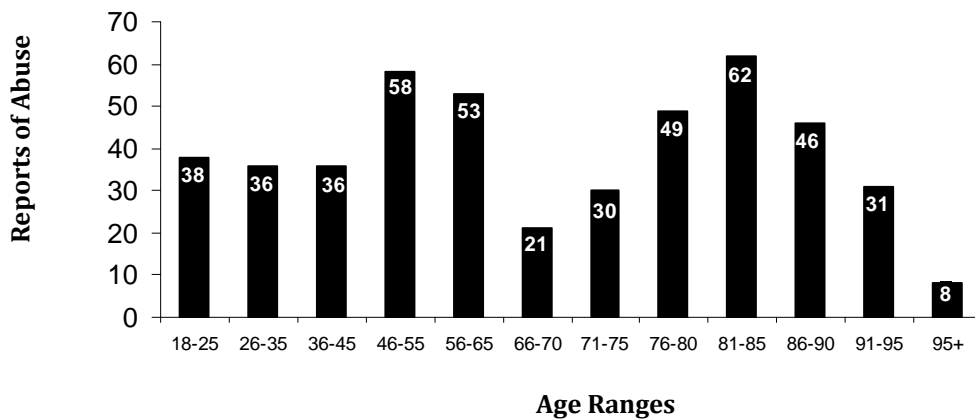
Chart 4
Types of Complainants



Characteristics of Alleged Victims

Fifty-three percent of alleged victims were over 65 years old and 47 percent were under 65 years old. The majority of alleged victims over 65 years old were those between the ages of 81 and 85 years. The fewest complaints related to alleged victims in the 66 to 70 years and 96 to 100 years categories. Chart 5 shows the distribution of age ranges.

Chart 5
Age of Alleged Victims



Overall, a higher percentage of females (63 percent) are alleged victims compared to males (37 percent). Of the females, 42 percent were between the ages of 18 and 65 years, and 58 percent were 66 years and older. Of the males, 56 percent were between the ages of 18 and 65 years, and 44 percent were 66 years and older.

Information, Awareness, and Education

PPC manages a provincial, toll-free telephone information and reporting line (1-888-357-9339) that operates during business hours. In 2009-10, PPC received 3,757 telephone calls. In addition to receiving complaints of abuse, PPC often receives calls for many issues affecting vulnerable adults. PPC staff assist callers by providing information about other programs and resources available within government and in the community.

In 2009-10, PPC distributed approximately 19,000 brochures in the English language and approximately 430 of the translated brochures. Also as part of its activities to increase awareness, approximately 1,000 posters and 8,500 bookmarks were also distributed to facilities, service providers, and the public. These items are free of charge, and can be ordered by calling the PPC information and reporting line.

Educational information sessions about abuse and the requirements of the Act are provided to various audiences throughout the year. Twelve information sessions were given to student groups and service providers. These sessions were attended by 460 participants.

The sessions, some of which occur at regular intervals throughout the year, were provided to the following groups:

- 211 Network – staff, community agencies
- Alberta Senior Citizens' Housing Association - managers
- Calgary Foothills Hospital – nursing staff
- Good Samaritan Society Millwoods Centre - staff
- Grant MacEwan Community College - nursing students
- Lacombe Senior Citizens' Lodge – staff
- Michener – various participants
- Persons with Developmental Disabilities (South) – video conferencing - staff
- Salvation Army - staff

Satisfaction Survey

In 2009-10, the PPC office engaged Pivotal Research Inc. to conduct a satisfaction survey on its complaint management and investigation process. This research company was used to ensure the confidentiality of survey participants and to receive independent and objective feedback. A total of 1,665 surveys were distributed to potential respondents and Pivotal Research Inc. received 337 responses, a response rate of about 20 percent.

The respondents were most satisfied with the telephone reporting line - that is, the time taken to respond to the initial call and the manner in which PPC reception and staff handled the initial call and gathered details of the complaint.

Respondents were least satisfied with the amount of time the entire process took, from notification of the complaint to receipt of the decision. These results are consistent with the results from 2008-09 as displayed in Table 7.

Below is a breakdown of the percentage of people who were very satisfied or satisfied, for each category within the survey:

- Telephone line: 91%
- Investigation process: 78%
- Investigation services: 87%
- Investigation summary report: 75%
- Report of decision: 65%
- Timeframe: 48%
- Overall investigation process: 66%

Table 7 displays a summary of the satisfaction survey results from 2006-07 to 2009-10.

Table 7
Summary of Satisfaction Survey Results
2006-07 to 2009-10

Category	Very Satisfied	Satisfied	Slightly Satisfied	Slightly Dissatisfied	Dissatisfied	Very Dissatisfied
TELEPHONE LINE						
2006-07	45%	48%	2%	2%	0%	3%
2007-08	53%	38%	6%	1%	0%	2%
2008-09	47%	44%	4%	2%	1%	3%
2009-10	43%	48%	4%	2%	2%	2%
INVESTIGATION PROCESS						
2006-07	26%	53%	7%	3%	3%	8%
2007-08	31%	51%	7%	3%	3%	6%
2008-09	31%	49%	8%	3%	3%	6%
2009-10	31%	47%	10%	3%	3%	5%
INVESTIGATION SERVICES						
2006-07	31%	54%	7%	3%	2%	3%
2007-08	41%	44%	6%	2%	3%	4%
2008-09	39%	45%	6%	3%	2%	5%
2009-10	44%	43%	6%	2%	2%	4%
INVESTIGATION SUMMARY REPORT						
2006-07	23%	53%	12%	4%	3%	5%
2007-08	30%	48%	9%	4%	4%	6%
2008-09	32%	43%	6%	5%	4%	9%
2009-10	32%	43%	8%	5%	5%	6%
REPORT OF DECISION						
2006-07	23%	42%	14%	6%	6%	9%
2007-08	27%	43%	12%	4%	7%	7%
2008-09	33%	37%	9%	4%	5%	13%
2009-10	30%	35%	9%	5%	8%	12%
TIMEFRAME						
2006-07	8%	30%	20%	10%	9%	23%
2007-08	9%	26%	18%	12%	12%	23%
2008-09	14%	27%	13%	13%	11%	22%
2009-10	15%	33%	14%	12%	12%	14%
OVERALL INVESTIGATION PROCESS						
2006-07	16%	41%	15%	10%	9%	9%
2007-08	21%	43%	11%	9%	7%	9%
2008-09	24%	40%	9%	7%	5%	15%
2009-10	27%	39%	11%	7%	6%	10%

Note: Percentages may not total 100 due to rounding.

Survey Respondent Comments

Pivotol Research Inc. presented verbatim comments made by respondents into six themes. Some of the comments are reflected in Table 8.

Table 8
Respondent's Comments
2009-10

Theme	Comments
Investigation Process	<ul style="list-style-type: none"> • Family was not aware PPIC would be speaking to the patient. As English was the patient's second language, an interpreter may have been beneficial! • Final report was unclear when more than one person (alleged abuser) is involved.
Timeliness	<ul style="list-style-type: none"> • I would like the timelines to be a bit tighter. • Timelines often present a challenge as an agency trying to ensure due diligence and best practices. We must take action in absence of the final (or preliminary) report.
Compliments and Appreciation	<ul style="list-style-type: none"> • I am completely satisfied with the way in which the complaint was investigated. The investigator was thorough and helpful. • I am very confident that there was a thorough, accurate and speedy response (to the allegation of abuse) by Protection for Persons in Care; we all have to be advocates for our seniors. Thank you.
Recommendations and Follow-up	<ul style="list-style-type: none"> • Recommendations need to be made in collaboration with organizations. • Better follow up i.e. quicker, ongoing.
Communication	<ul style="list-style-type: none"> • The process could be improved by informing the facility about all documentation the investigator will need beforehand. • Make the report in plain language.
Unrelated to Investigation	<ul style="list-style-type: none"> • Criteria for reporting aren't always clear and concise. Can be confusing. • I would like to see staff receive extra training with incidents like this and ensure PPCA is called immediately.

Concluding Comments

PPC has had a very busy and productive year managing the abuse complaints received; coordinating investigations; reviewing investigation reports; and preparing decisions with recommendations to the agencies that provide services to clients.

Significant time and effort was also devoted to drafting supporting regulations for the new legislation and preparing for proclamation.