

Protection for Persons in Care 2008-09 Annual Report

Government of Alberta ■
Seniors and Community Supports

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Protection for Persons in Care Act

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Note: Protection for Persons in Care posts monthly statistical reports on the website at:
www.seniors.alberta.ca/Protection

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Purpose

Protection for Persons in Care (PPC) addresses abuse of adults who receive care services funded directly or indirectly by the Alberta government. The primary function of PPC is to ensure that all complaints of abuse received are investigated. The aim of the investigation process is to gather the facts surrounding an incident of alleged abuse, and provide recommendations to agencies to improve the safety of clients and prevent abuse from occurring in the future.

The 2008-09 annual report is compiled by the PPC office and summarizes the data that is gathered from the abuse reports received and investigations completed. The annual data assists the PPC office and ministry of Seniors and Community Supports with planning and monitoring trends.

The Protection for Persons in Care Act

The *Protection for Persons in Care Act* (Act) has been in effect since 1998. The Act sets out the obligation to report abuse; identifies the duties of agencies; powers of investigators; authorities of the Minister; and includes other administrative provisions.

The agencies that come under the Act are publicly-funded and include settings such as: seniors' lodges; nursing homes; hospitals; assisted living facilities; shelters; group homes; residential alcohol and drug abuse treatment centres; and other supportive living settings, including many under the Persons with Developmental Disabilities program.

The Act requires complaints of a criminal nature to be referred to a police service. The Act enables complaints involving a health professional to be referred to the appropriate professional college or regulatory body for investigation.

Highlight for 2008-09

In 2008-09, Honourable Mary Anne Jablonski, Minister of Seniors and Community Supports, approved plans to re-write the Act to strengthen the legislation and improve safeguards for vulnerable adults. Much of the work that the PPC office completed in 2008-09 was focused on the proposed changes. By year end, Bill 41, *Protection for Persons in Care Act*, was prepared for introduction in the spring 2009 session of the Legislative Assembly.

Summary of Reports of Abuse

In 2008-09, PPC received 447 reports of abuse, three percent less than reports received in 2007-08. Chart 1 indicates that PPC received an average of 37 complaints per month. August had the highest number of reports (42) and November had the lowest (25).

Since 2000-01, PPC has dealt with a total of 4,733 reports of abuse. Since 2006-07, PPC has received an average of 450 reports per year.

Chart 1

Monthly Abuse Reports 2008-09

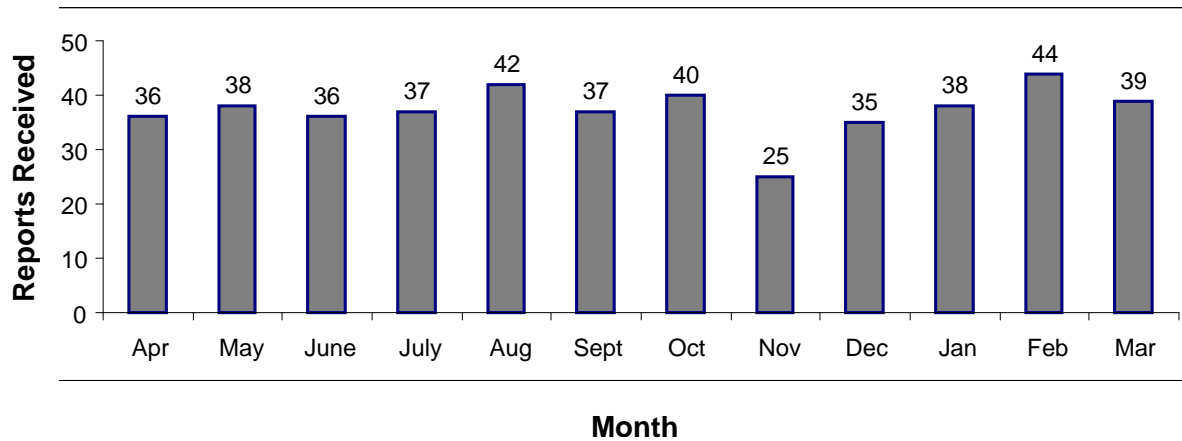
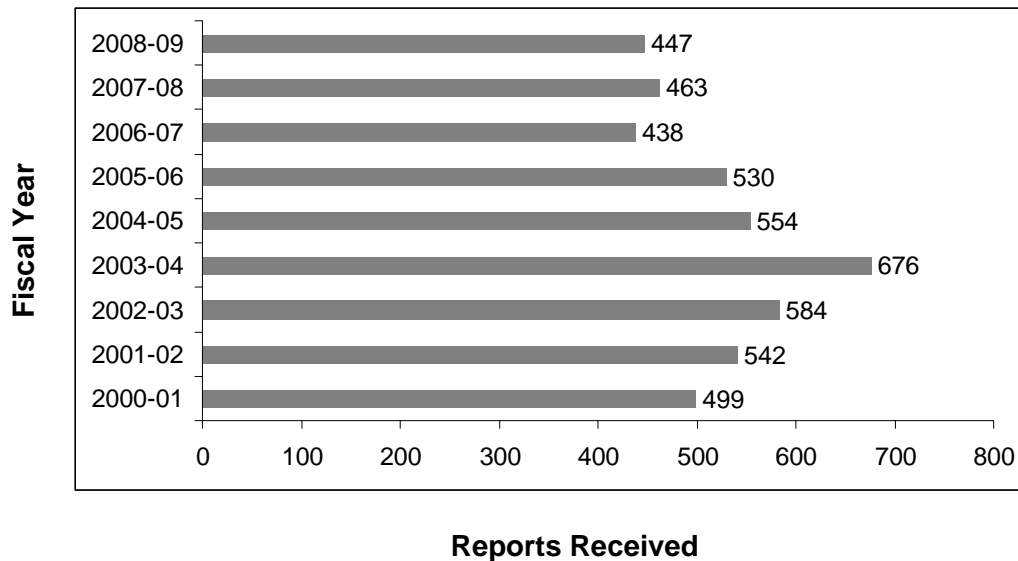


Chart 2

Abuse Reports Received 2000-01 to 2008-09



Reports by Ministry

Agencies and facilities funded by Health and Wellness accounted for 64 percent of all reports received in 2008-09. Thirty-four percent of the reports involved agencies funded by Seniors and Community Supports, and two percent related to facilities funded by Housing and Urban Affairs. No reports were received with respect to facilities under the responsibility of Children and Youth Services.

The most significant change from the previous year is that fewer reports were received involving health care agencies. In 2007-08, a total of 304 reports were received involving health-related facilities, whereas in 2008-09, there were 287 reports received.

Table 1
Total Reports by Ministry

Health and Wellness	Alberta Health Services	2007-08 Reports	2008-09 Reports
	Calgary Zone	79	73
	Central Zone	66	56
	Edmonton Zone	109	105
	North Zone	19	25
	South Zone	31	28
	Ministry Total	304	287
Seniors and Community Supports	Persons with Developmental Disabilities Community Boards		
	Northeast Community Board	5	0
	Northwest Community Board	4	2
	Edmonton Community Board	33	30
	Central Community Board	61	60
	Calgary Community Board	14	24
	South Community Board	10	9
	PDD total	127	125
	Seniors' Lodges	29	31
	Ministry Total	156	156
Housing and Urban Affairs	Homeless Shelters	3	4
	Ministry Total	3	4
Children and Youth Services	Women's Shelters	0	0
	Ministry Total	0	0

Complaints by Type of Abuse

In 2008-09, the 447 abuse reports received by PPC involved 793 complaints of abuse (as identified by types of abuse in Table 2). This is an increase of 90 abuse complaints compared to the number of complaints received in 2007-08.

Overall, emotional harm continues to be the most common type of abuse reported (49 percent of all complaints), followed by failure to provide the necessities of life (27 percent), bodily harm (17 percent), sexual contact (3 percent), inappropriate medication administration (2 percent), and financial abuse (2 percent).

The number of complaints of failing to provide the necessities of life had a substantial change with an increase of 60 complaints, from 152 complaints in 2007-08 to 212 complaints in 2008-09. Complaints of emotional harm rose by 31 from 358 in 2007-08, to 389 in 2008-09. The number of complaints of bodily harm decreased from 138 complaints in 2007-08 to 133 in 2008-09. There was a reduction in the number of complaints of sexual abuse, from 28 complaints in 2007-08 to 20 complaints in 2008-09.

Table 2
Types of Abuse Complaints

Types of Abuse	2007-08		2008-09	
	Actual	Percentage	Actual	Percentage
Emotional harm	358	51%	389	49%
Failing to provide the necessities of life	152	22%	212	27%
Bodily harm	138	20%	133	17%
Sexual contact, activity or behaviour	28	4%	20	3%
Inappropriate medication administration	12	1%	20	2%
Misappropriating money or possessions	15	2%	19	2%
	703	100%	793	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
Distribution of Complaints Received by Type of Abuse
2008-09

	Emotional Harm	Bodily Harm	Failing to Provide the Necessities of Life	Sexual	Financial	Inappropriate Medication
Nursing Homes and Auxiliary Hospitals	177	85	104	6	4	8
Persons with Developmental Disabilities Settings	106	25	51	5	12	3
Acute Care Hospitals	36	17	26	1	0	3
Seniors' Lodges and Unique Homes	26	4	9	4	1	0
Personal Care Homes	3	0	2	0	0	0
Assisted/Supportive Living	26	2	13	3	1	2
Homeless Shelters	3	0	0	0	1	0
Other (e.g. Family Care Homes, Approved Homes, Drop-In Centres)	9	0	6	0	0	3
Addictions (formerly AADAC)	3	0	1	1	0	1
Women's Shelters	0	0	0	0	0	0

Investigations

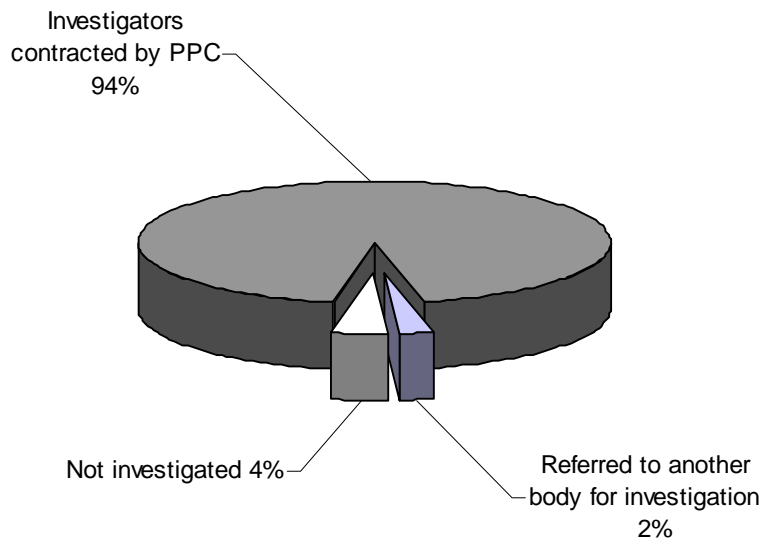
Of the 500¹ files closed in 2008-09, investigators contracted by PPC conducted 472 (94 percent) of all investigations. Three files required the services of two investigators each. The average time taken for a contracted investigator to conclude an investigation was 45 days.

A total of ten files (two percent) were referred to professional regulatory bodies: four to the College of Physicians and Surgeons of Alberta, and six to the College of Licensed Practical Nurses of Alberta.

Eighteen files were not investigated (four percent). Of these, two files were referred to a police service; one file had already been investigated by the police; twelve files involved complaints that were either withdrawn or the complainants did not have reasonable grounds to believe abuse occurred; and in three files the complaint was not within the jurisdiction of PPC.

Chart 3

Investigators Appointed Based on Closed Files



¹ The 500 files closed in 2008-09 includes files remaining open and carried forward from the previous fiscal year.

Outcomes of Abuse Complaints (Based on Closed Files)

The files closed in 2008-09 involved 730 complaints of abuse. Of these, 77 percent were dismissed as unfounded or because the evidence was insufficient, and 23 percent were upheld. There were two complaints dismissed because the complaint was made without reasonable and probable grounds or because the complaint was made maliciously.

Often when a complaint is dismissed, the investigation reveals that an incident did happen and that some action can be taken to improve safety or prevent abuse. When this occurs, investigators propose recommendations for the agency.

Table 4 provides a breakdown of the complaints dismissed and upheld by the type of abuse investigated.

Table 4
Outcomes of Abuse Complaints by Type of Abuse
Based on Closed Files
2008-09

Types of Abuse	Dismissed		Upheld	
	Actual	Percentage	Actual	Percentage
Emotional harm	272	74%	98	26%
Bodily harm	116	90%	13	10%
Failure to provide the necessities of life	140	78%	39	22%
Misappropriating money or possessions	13	87%	2	13%
Sexual contact/activity	13	59%	9	41%
Inappropriate medications	8	53%	7	47%

Examples of Complaints and Recommendations

The majority of investigations result in recommendations that are aimed at preventing abuse and making improvements to agency processes and practices. Ninety-four percent of the recommendations were approved and six percent were rejected. A recommendation may be rejected when the investigator does not provide enough evidence to support the specific recommendation.

In some cases, after a decision is made, the PPC office requests that the agency provide written follow-up about 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 2008-09, of the 500 files closed, PPC requested the agencies involved in 162 files (32 percent) to 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: Emotional harm and intentionally failing to provide the necessities of life

It was alleged that staff at an assisted supportive living facility failed to provide the resident with adequate nutrition causing the resident emotional stress and noticeable weight loss. In addition, on one occasion, the resident was upset and crying because staff left the resident, who was in isolation, to eat her meals and carry out her daily activities in her room with feces on the floor.

The investigation led to recommendations that the facility management: (a) review the job descriptions of all levels of nursing staff and delineate responsibility for care planning and resident care delivery, and (b) review communication with home care staff as extra care was available for the resident but not utilized due to a breakdown in communication.

Case 2: Intentionally misappropriating money/possessions

It was alleged that the resident told a registered nurse that on two occasions he had lent some money to a health care aide. According to the resident the health care aide did not pay him back the \$40 she borrowed from him.

The recommendations arising from the investigation were that facility management consider periodic reviews with staff members on the Code of Conduct and other policy issues that have been instituted at the facility and to encourage employees to obtain appropriate counselling when they find themselves in personal crisis situations.

Case 3: Bodily harm and intentionally failing to provide adequate care or other necessity of life

It was alleged that staff at a nursing home failed to assess, monitor and treat a wound on the resident's coccyx (tailbone) as per directions from the wound specialist, causing the resident to develop septicaemia (blood poisoning), requiring the resident to be hospitalized and treated.

The investigation led to recommendations that the facility management: (a) review the processes for documenting where and when dressing changes are completed, (b) review the wound care prevention and management processes to ensure compliance with the elements of the regional standards and documentation of the size of wounds (i.e. the use of categories versus actual measurements) to ensure that they are capturing important clinical information that would indicate if the wound was increasing/decreasing in size, and (c) review with staff the expectations regarding documentation of medication administration.

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 (370) followed by other clients/residents (58), 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	2007-08		2008-09	
	Actual	Percentage	Actual	Percentage
Service Provider	351	75.8%	370	82.8%
Client/Resident	82	17.7%	58	13.0%
Family	18	3.9%	11	2.5%
Other	12	2.6%	8	1.7%
	463	100%	447	100%

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

Table 6
Types of Alleged Abusers by Facility Type
2008-09

Facility Type	Service Provider	Client/Resident	Family	Other
Alberta Health Services	252 (88%)	24 (8%)	10 (4%)	1 (0%)
Persons with Developmental Disabilities Settings	95 (76%)	23 (18%)	1 (1%)	6 (5%)
Seniors' Lodges and Unique Homes	19 (61%)	11 (36%)	0 (0%)	1 (3%)
Homeless Shelters	4 (100%)	0 (0%)	0 (0%)	0 (0%)

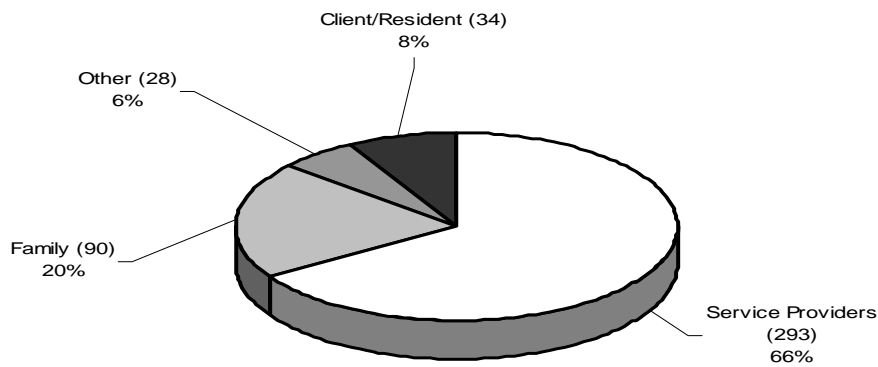
Note: No abuse reports were received involving women's shelters.

Types of Complainants

The majority (66 percent) of all complainants who reported abuse to PPC were service providers, such as agency employees. Of the service providers, 53 percent were management and 47 percent were non-management.

Family members represented 20 percent of all complainants, while eight percent were clients/residents. The remaining six percent of complainants were people such as volunteers, visitors, and other third parties.

Chart 4
Types of Complainants



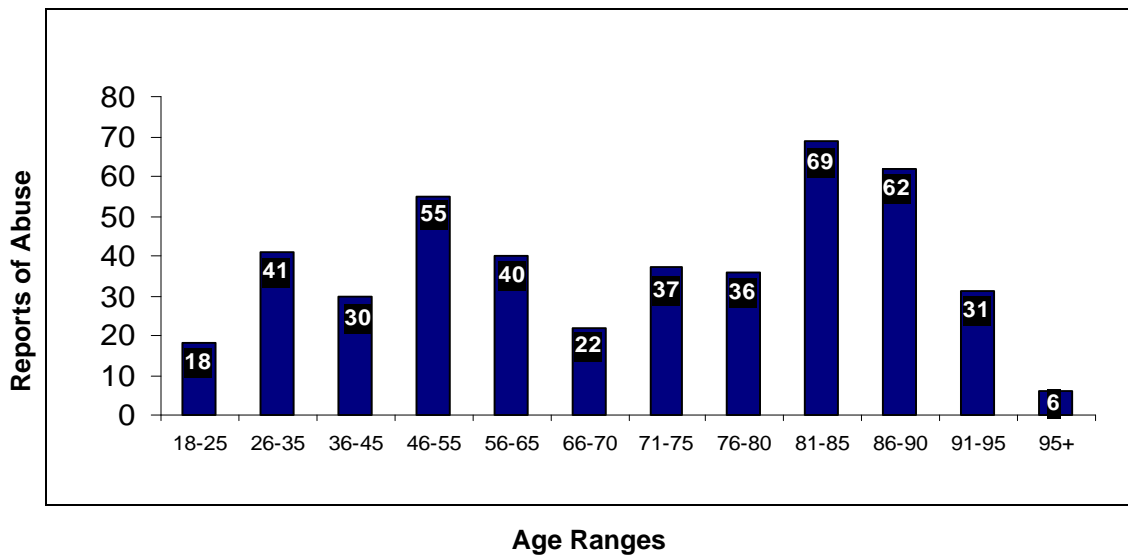
Characteristics of Alleged Victims: Age and Gender

Fifty-nine percent of alleged victims were over 65 years old and 41 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 youngest category (18 to 25 years) and the eldest category (96 to 100 years). Chart 5 shows the distribution of age ranges.

Overall, a higher percentage of females (63 percent) are alleged victims compared to males (37 percent). Of the females, 34 percent were between the ages of 18 and 65 years, and 66 percent were 66 years and older. Of the males, 53 percent were between the ages of 18 and 65 years, and 47 percent were 66 years and older.

Chart 5

Age of Alleged Victims



Information, Awareness, and Education

PPC manages a provincial toll-free, telephone information and reporting line (1-888-357-9339), which operates during business hours. In 2008-09, PPC received 3,435 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 2008-09, PPC arranged to have its English language brochure translated to five other languages: French; Hindi; Tagalog; Ukrainian; Polish; and Simplified Chinese. Approximately 45,000 brochures were distributed in the English language and approximately 3,500 of the translated brochures. Also as part of its activities to increase awareness, approximately 1,240 posters and 30,900 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. Twenty-five information sessions were given to student groups and service providers. These sessions were attended by 896 participants.

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

- Alberta Public Housing Administrators Association Conference
- Aspen Lodge - staff
- Calgary Health Region, Protection Services – security personnel
- Calgary Health Region - mental health/addictions services personnel
- Capital Health Region - patient relations coordinators
- Centra Cam Vocational Training Association - service providers
- Country Cottage Seniors Residence – residents
- Federated Press Workplace Investigations Conference – conference participants
- Foothills Hospital - staff
- Grant MacEwan Community College - nursing students
- Independent Counselling Enterprises Inc. - provincial managers
- Leduc LINX (Learning, Inclusion, Networking, X- cellence) Connect Centre – families and board members
- Nightingale Academy - nursing attendant/health care aide students
- Salvation Army - staff
- Seniors and Community Supports – ministry staff
- United Steel Workers Union - staff
- University of Calgary - nursing students
- York Creek Lodge – staff and board members

Satisfaction Survey

In 2008-09, 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 1,455 surveys were distributed to potential respondents and Pivotal Research Inc. received 301 responses, a response rate of about 21 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 2007-08 as displayed in Table 7.

In 2008-09, 70 percent of respondents were satisfied or very satisfied with the report of decision. Sixty-four percent were satisfied or very satisfied with the overall investigation process. This was consistent with the results from the previous year.

Table 7
Summary of Satisfaction Survey Results
2006-07 to 2008-09

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%
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%
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%
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%
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%
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%
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%

Note: Percentages may not total 100 due to rounding.

Some of the comments made by survey respondents...

Source: Pivotal Research Inc.

This was a valuable learning experience for myself in the role of manager during the investigation. I feel that this process is important to identify potential problems with the delivery of care in our health system.

The process is quite long in terms of reporting - investigation - final report. The more quickly the process is completed the easier and more effective the results are.

I would suggest that there is (if not already in existence) a process to follow up and ensure that agencies involved in the allegations actually take steps to implement the recommendations expediently.

The time it took for the final report was lengthy even though the content and recommendations were simple and realistic.

I appreciate the speed in which investigations are being done now. It has improved drastically over the past couple of years. Many of the individuals in our service remember the facts differently, and the speed in which this has been done is beneficial. Investigation reports are very clean and professional.

Entire process was exceptional. We are very grateful for assistance given toward our resident. Thank you.

Concluding Comments

PPC has had an active year managing the complaints received and coordinating the investigations of alleged abuse. Efforts were also made to address reducing the time it takes to complete the entire complaint management process.

This year the PPC office was involved in plans to re-write the legislation and its introduction in the spring 2009 session of the legislature.