

Inspection of Järve Unit of Long-Term Nursing Clinic of East Tallinn Central Hospital

On 4 November 2013 advisers to the Chancellor of Justice paid an unannounced visit to the Järve Unit of the Long-Term Nursing Clinic of East Tallinn Central Hospital, which provides nursing care services.

A GP took part in the inspection visit to assess the quality of the nursing care service and help the advisers to the Chancellor of Justice carry out interviews.

As a result of the inspection the Chancellor of Justice made the following suggestions to East Tallinn Central Hospital to guarantee the fundamental rights and freedoms of persons:

- to contact the Ministry of Social Affairs for guidelines, indicating cases where and why involuntary emergency psychiatric care was implemented, incl. restraining measures, and giving reasons why effective legislation must be amended in this regard;
- to explain to the employees of the Long-Term Nursing Clinic of East Tallinn Central Hospital that the patient may be secured with mechanical means in the interests of the patient's safety for the duration of medical procedures, incl. to prevent the patient from falling out of a wheelchair or bed, but tying nursing care patients up without medical indication is not permitted. This also applies to cases where the patient's family members or guardian have given their consent for this;
- to consider training the staff of the Long-Term Nursing Clinic of East Tallinn Central Hospital on preventing the need to restrain a patient and implementing alternative measures;
- to guarantee that the appropriate consent for the provision of nursing care services is always requested from patients arriving for nursing care or their legal representatives and that such consent is recorded in writing;
- in the case of patients who are unable to consider the pros and cons in a responsible manner and whose active legal capacity is limited, explain to them (if the patient's condition permits it), their close family members or the local authority that if there is no need to provide the service immediately, it is necessary to ask a court to appoint a legal representative for the patient who could give the appropriate consent for the provision of the service on behalf of the patient, before the provision of the nursing care service starts;
- to ascertain in each case whether the court has granted the patient's legal representative the right to decide on the provision of a health service on behalf of the patient;
- to guarantee that the explanation of why the nursing care provider found the patient to be incapable of making decisions or that a patient with limited active legal capacity is unable to responsibly consider the pros and cons of the provision of the nursing care service is recorded in the patient's medical records.