

Inspection of PJV Nursing Care

On 10 October 2013 advisers to the Chancellor of Justice paid an unannounced visit to the Nursing Care Department of the Keila Hospital of PJV Nursing Care. PJV Nursing Care provides nursing care services among others.

As a result of the inspection the Chancellor of Justice made the following suggestions to PJV Nursing Care to guarantee the fundamental rights and freedoms of persons:

- to stop using the system of doors in the department which may infringe patients' fundamental right to freedom and to guarantee that patients can always open the doors to their rooms from the inside;
- to explain to the staff of the Nursing Care Department that tying up patients in nursing care is not permitted even in cases where the patient's family members or guardian have given their consent for this;
- to consider training the staff of the Nursing Care Department on preventing the need to restrain a patient and implementing alternative measures to tying up;
- 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;
- to guarantee that patients and other unauthorised persons have no unauthorised access to the medicines kept in the medical supplies room;
- to guarantee that the decisions to administer medicines to patients and other decisions concerning nursing care are made by health care professionals within the limits of their specialties after assessing the patient's condition personally and immediately, if necessary;
- to guarantee that in situations where a physician has authorised a health care professional without the competency of a doctor to administer such a medicine to the patients, it is possible to check the activities of the health care professional efficiently and retroactively;
- to guarantee that patients in nursing care are treated with dignity in all situations. For this purpose the Chancellor of Justice recommended the following:
 - to guarantee that the activity and movement of patients with dementia is efficiently monitored;

- to improve the involvement of patients in activities that consider their various needs (limited mobility, mental state etc.), incl. motivate patients to take part in them more than they have so far;
- to change communication with patients in the hospital, incl. to explain to staff the need to talk to patients about things that concern them and that mental abuse of patients (offending, mocking, humiliating etc.) is not permitted;
- to guarantee dignified eating and washing conditions for patients;
- to allow patients whose health permits it to be in the fresh air either by themselves or with a member of staff. Bedridden patients could also be taken out for fresh air if their health permits this and it does not require unreasonable effort on the part of the hospital.