

The Public Health Act

Reporting Requirements and Powers

The collaboration of clinical practitioners and public health officials is a critical component of communicable disease control. The regional Medical Officer of Health may invoke the powers of *The Public Health Act* to address a threat to public health posed by a person who has or may have a reportable communicable disease (ex: a sexually transmitted infection or tuberculosis) and has refused or neglected diagnosis or treatment, or is behaving in a way that may expose others to infection. (Call 204-788-8666 for regional Medical Officer of Health contact information.)

Reporting Requirements

The Public Health Act requires reporting if a patient refuses treatment **for a reportable communicable disease** or fails to comply with an order **from the Medical Officer of Health**.

Reporting when Treatment Refused

A health professional who has been treating a person infected with a communicable disease must promptly make a report to the Medical Officer of Health if:

- (a) the infected person refuses or neglects to continue the treatment; and
- (b) the health professional reasonably believes the person presents a threat to public health.

Reporting Non-compliance with an Order (see “Communicable Disease Order” below)

A health professional who is treating a person to whom an order has been directed must promptly notify the Medical Officer of Health if the health professional is aware the person is not complying with the order.

Communicable Disease Order

In addition to the routine public health interventions used to address a communicable disease threat to the health of the public, a Medical Officer of Health may issue an order requiring a person to do or refrain from doing anything specified in the order. Such orders may include a requirement to undergo diagnostic testing and/or treatment, or to behave in a manner that will not expose others to infection. (This order issued by the Medical Officer of Health requires voluntary compliance and is not enforceable by law.)

Apprehension, Detention, Examination and Treatment

If a person fails to comply with a communicable disease order, the Medical Officer of Health may apply to a justice of the peace for an order to apprehend that person. The apprehension itself is carried out by a peace officer (i.e., police). Upon apprehension and due process ensuring the protections afforded an individual by *The Public Health Act*, the justice of the peace may then issue an order requiring compliance with the order previously issued by the Medical Officer of Health. This order is then enforceable by law (i.e., the justice system).

