

Healthcare

Know Your Rights – Legal Information Handbook

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Disclaimer

This content is provided as general information and is not legal advice. If you need advice about a specific legal problem, contact a lawyer or a community legal service.

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To learn more about the Know Your Rights – Prince Edward Island Project, please visit our [Know Your Rights – Prince Edward Island webpage](#).

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My Legal Rights

Q: What legal rights do I have when it comes to healthcare services in Prince Edward Island?

A: Under Prince Edward Island laws, people with disabilities have important legal rights when it comes to healthcare, including:

- You have the right to receive an equal level of service from healthcare providers as anyone else without discrimination because of your disability.
- You have the right to receive accommodations from healthcare providers up to the point of undue hardship.
- You have the right to be treated with dignity and respect.
- You have the right to ask questions and receive information about your healthcare in a way you can understand.
- You have the right to have your health information kept confidential.
- You have the right to receive safe, quality health care.
- If you are a resident of a Community Care Facility or Nursing Home, you have additional rights under the [Community Care Facilities and Nursing Homes Act Regulations](#), including:
 - The right to be involved with decisions made regarding the operation of the facility
 - The right to a well-kept, comfortable and safe facility.
 - The right to receive consistent, nutritious and culturally or dietary appropriate foods and meals
 - The right to be provided with opportunities for social, leisure and recreational activity

To learn more about the rights and responsibilities of patients on PEI, visit Health PEI's [Patient Rights and Responsibilities webpage](#).

Duty to Accommodate & Undue Hardship

A healthcare provider's "duty to accommodate" means that they are legally required to provide you with the supports/accommodations you need to receive the same level of service as anyone else.

The duty to accommodate, however, has a limit and this limit is called "**undue hardship**."

"**Undue hardship**" is a legal term. It means that if a healthcare provider can show that it is very difficult to provide a certain type of accommodation, then they don't need to provide it.

It's important to note that it's **not enough** for a healthcare provider to **simply claim** undue hardship. A healthcare provider **must show clear evidence** of undue hardship. Their evidence can relate to factors such as:

1. Whether the cost of the accommodation is so high that it would significantly interfere with their ability to operate. When calculating cost, they must also consider outside sources of funding, such as grants or subsidies from government programs.
2. Whether the accommodation would create serious health and safety risks for their operations.
3. Whether the accommodation would interfere with the rights of others.

Even if a healthcare provider can show that a certain type of accommodation would create undue hardship, they may still have a legal duty to provide you with accommodations.

Q: Where do my legal rights come from?

A: Your legal rights come from a variety of different laws, including:

- Prince Edward Island's [Human Rights Act](#), which prohibits discrimination based on disability in most areas of public life, including healthcare.
- Prince Edward Island's [Health Information Act](#), which establishes requirements for the protection, correction, disclosure and confidentiality of personal health information.
- The [Community Care Facilities and Nursing Homes Act](#) and [Regulations](#) which govern the licensing, facility standards and ongoing government inspections of Community Care

and Nursing Homes, and give specific rights to residents of Community Care Facilities and Nursing homes.

- Common Law – Laws that are made by the decisions of Courts, Panels or Tribunals.
- Codes of ethics and professional standards for [regulated professions](#).

Q: Who must comply with Prince Edward Island's healthcare laws?

A: The people, companies, organizations, and governing bodies who are involved in delivering healthcare services in PEI are required to comply with the above laws, including:

- Healthcare providers, such as physicians, nurses, optometrists, etc.
- Regulatory bodies, such as the College of Physicians and Surgeons, etc.
- Patients
 - If you request an accommodation because of your disability, you have a duty to collaborate with the healthcare provider to develop and implement a suitable accommodation for your needs. This is called participating in **good faith**.
- The government of PEI and its agencies.

Q: What can I do to enforce my legal rights?

A: If you feel you have been unfairly discriminated against by a healthcare provider, there are things you can do to challenge the discrimination.

In general, you should first try to resolve your concerns by speaking with the people who are directly involved in an informal and collaborative way.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's [Know Your Rights – Prince Edward Island](#) webpage.

If your concerns can't be addressed through collaborative discussions, you should consider consulting with a lawyer who specializes in human rights or healthcare issues to see if any of the following options are appropriate:

- A [complaint](#) to the [PEI Human Rights Commission](#)

- A [complaint](#) with Health PEI through its [online form](#) or contacting the [Department of Health and Wellness](#) to express your concerns.
- A report or complaint to the applicable professional [regulatory body](#).
- A complaint to the [PEI Ombudsperson](#). The Ombudsperson investigates complaints from people who feel that they have been treated unfairly by a ministry, an agency of the government, a publicly-funded health entity, a municipal entity, a council member, a board member or an officer or employee of the Government.

Before making a complaint to the PEI Ombudsperson, you should first try to resolve your issue through any complaint process that is offered by the government organization.

- A claim before a PEI Court

You can also contact the [PEI Human Rights Commission](#) by phone at 902-368-4180.

Commission staff cannot offer opinions on the outcome of your complaint, nor can they advise as to whether it will be successful, however, they can provide information as to what the law states and how it may apply to a given situation.

Common Scenarios

Even though there are laws to protect you from discrimination, people with disabilities still face barriers to receiving equal access to healthcare services.

This section describes barriers that are commonly experienced and suggests practical next steps. Keep in mind that, in most situations, you should first try to resolve your concerns by speaking with the people who are directly involved in an informal and collaborative way.

Inaccessible Information & Procedures

Q: I've been asked to fill out medical forms that are not in an accessible format. What can I do?

A: If you find a healthcare-related form that's not in an accessible format, you have the right to request that the form be provided to you in an accessible format. By disclosing your disability and making a request for accommodation, you trigger the healthcare provider's legal duty to accommodate you up to the point of undue hardship.

When scheduling a medical appointment, consider planning ahead. For example, call the office ahead of time and request that all forms be sent to you in advance of the appointment in an accessible format.

If the service provider is unable to send forms in advance (or doesn't have the forms available in an accessible format), tell them that you have sight loss and will require an alternative accommodation – for example, you can request that a staff member assist you in reading and completing the forms in a private setting at the time of your appointment.

If a service provider says that you are responsible for having a sighted companion accompany you to the appointment, remind them politely that you have the right to receive an equal level of service as anyone else and they have a legal duty to accommodate your needs at no cost to you. You can also explain that since you have the right to keep your personal health information confidential and private, they cannot expect you to bring a sighted companion (for example, a family member or friend) to your medical appointments, where important personal health information will be disclosed.

If your request for assistance is refused, consider escalating your complaint – for example to management or an internal complaint process.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's [Know Your Rights – Prince Edward Island](#) webpage.

If your concerns remain unresolved, consider speaking with a lawyer who practices human rights or health law about the [options](#) that may be available to you.

Q: I need to see a doctor, but the medical clinic's waiting room has an inaccessible queue (e.g. take a number system). What can I do?

A: If you encounter an inaccessible queue, inform the staff at the clinic or hospital, as soon as possible, that you are unable to participate in the queue process because of your disability and that you will require an accommodation. For example: you can request that when your number is called, a staff person come to notify you and guide you to the next room. Make sure to fully inform the staff about your needs so they can find the best way to accommodate you.

If your request for assistance is refused, consider escalating your complaint – for example to management or an internal complaint process.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's [Know Your Rights – Prince Edward Island](#) webpage.

If your concerns remain unresolved, consider speaking with a lawyer who practices human rights or health law about the [options](#) that may be available to you.

Q: When prescribed medication, I've been given instructions and information in an inaccessible format. What can I do?

A: When you are being prescribed medication, you can request that the physician or pharmacist spend additional time with you to provide you with key information. For example, request that they spend time to fully detail the instructions, warnings, and side effects, etc. If you have questions or want clarification, be assertive and make sure to ask.

If the service provider does not want to do this or is unable to make equivalent accommodations for your needs (for example, providing you with information in an accessible format), remind them politely that you have the right to receive an equal level of service as anyone else and that they have a legal duty to reasonably accommodate you.

If this does not help, you can gradually escalate your complaint – for example, to a supervisor or an official complaint process.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's [Know Your Rights – Prince Edward Island](#) webpage.

If your concerns remain unresolved, consider speaking with a lawyer who practices human rights or health law about the [options](#) that may be available to you

Poor Etiquette

Q: I feel that I'm being treated poorly by medical staff who do not understand my needs or lack basic etiquette when dealing with people who have sight loss. What can I do?

A: Unfortunately, there are times that people who have sight loss are treated poorly in a healthcare setting. For example, when medical staff:

- Enter a room without introducing themselves or leave a room without notifying you
- Touch you without notifying you in advance
- Speak to your sighted companion or intervenor instead of addressing you
- Provide confusing or unhelpful directions

To reduce the chance of poor treatment, it's helpful to proactively inform staff about your needs or about basic etiquette when working with people who have sight loss. For example, you can call ahead to inform a service provider about your needs or take time to speak with staff when you arrive.

If you have been treated poorly, consider following up with a staff person's supervisor or submitting a complaint through an internal complaint process.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's [Know Your Rights – Prince Edward Island](#) webpage.

If your concerns remain unresolved, consider speaking with a lawyer who practices human rights or health law about the [options](#) that may be available to you.

Q: I've been told that I have to pay for my healthcare-related accommodations – is this true?

A: Your healthcare provider cannot make you pay for accommodations for your disability. It is your healthcare provider's legal duty to accommodate you up to the point of undue hardship and your healthcare provider is responsible for paying the costs of accommodations.

Community Care Facilities and Nursing Homes

Q: I am a resident of a Community Care Facility or Nursing Home and I feel that my rights have been violated. What can I do?

A: If you are a resident of a [Community Care Facility or a Nursing Home](#) and you believe that your rights have been violated, you can register a complaint with Health PEI through its [online form](#) or contact the [Department of Health and Wellness](#).

You may also find it helpful to reach out to a [Patient Navigator](#), who can assist you with accessing needed services and supports.

If you feel that your rights have been violated by a specific health-care professional, another option is to register a complaint with the [regulatory body](#) that regulates the healthcare provider's profession.

You may also wish to consult with a lawyer who practices human rights or health law about other [options](#) that may be available to you.

Getting Help

Legal Resources

[PEI Human Rights Commission](#)

The **PEI Human Rights Commission** is an independent office of the government of PEI that is responsible for receiving and investigating complaints of discrimination to determine if PEI's [Human Rights Act](#) has been contravened.

Before [filing a complaint](#) with the Commission, the Commission's website suggests you first read their [guide for making complaints](#)

The Commission also educates the public about human rights through seminars and workshops; and, prepares and distributes [Fact Sheets](#) to assist the public in understanding PEI's Human Rights Act.

You can contact the PEI Human Rights Commission by phone at 902-368-4180. Commission staff cannot offer opinions on the outcome of your complaint, nor can they advise as to whether it will be successful, however, they can provide information as to what the law states and how it may apply to a given situation.

[The Law Society of PEI](#)

The **Law Society of PEI** oversees the legal profession in PEI. The Law Society is the only body that is authorized to determine who may become a lawyer in the province, and is responsible for [responding to complaints about lawyers](#). The Law Society also has a [find a lawyer tool](#) that enables the public to search for lawyers.

[Community Legal Information \(CLI\)](#)

The **Community Legal Information (CLI)** is a not-for-profit organization that provides legal information and education to residents of PEI. CLI develops programs and resources to help individuals better understand PEI's legal system, and how to resolve their legal issues.

CLI can help members of the public by providing general legal information, suggesting resources, and telling people about different options for obtaining legal advice.

CLI also operates the [Law Inquiry Line](#) in addition to offering [lawyer referrals](#). Individuals who contact CLI can receive:

- legal information,
- referrals to law-related agencies, and
- referrals to lawyers, when appropriate. Individuals who contact the Lawyer Referral Service will receive a referral to a lawyer, who will provide a 45-minute consult at a cost of \$25.00.

CLI can be contacted [through its website](#) or by telephone at 902-892-0853 or 1-800-240-9798.

Legal Aid PEI

Legal Aid PEI provides legal services to low-income PEI residents in the areas of criminal law, family law, and some civil law matters, including child protection law, involuntary hospitalization under mental health laws, guardianship, and adult protection. Depending on the availability of resources, some assistance may be offered in other civil law areas as well.

When determining whether individuals are eligible for Legal Aid services, Legal Aid PEI considers several factors, including:

- Financial eligibility (which varies, depending on income and family size),
- Urgency and seriousness of the legal needs,
- Coverage and resources of the Legal Aid Program, and
- The individual's ability to obtain legal assistance if Legal Aid is refused.

PEI Supreme Courts

The **PEI Supreme Courts** website provides general information about how Courts in PEI operate, and what to expect if you are attending Court.

It also provides information about the [Pro Bono Legal Advice Clinic \(for Self-Represented Litigants\) Prince Edward Island](#). The Pro Bono Legal Advice Clinic is a free-of-charge legal clinic for self-represented individuals whose family or civil law matter is before the Supreme Court of Prince Edward Island or the Prince Edward Island Court of Appeal. The clinic is held every Wednesday from 9:00AM – 12:00PM at the Sir Louis Henry Davies Law Courts, 42 Water Street, Charlottetown. People who access this service can meet with a lawyer for a 45-minute consultation. Appointments can be scheduled by phone at 902-368-6005, 902-892-0853 or 1-800-240-9798.

Essential Non-Legal Resources

[Patient Navigator](#)

The **Patient Navigator** is a service that is provided by the Government of PEI. The Patient Navigator assists individuals and caregivers by providing the following services:

- Working with health care providers and programs to support individuals and caregivers
- Assisting with finding and accessing community resources
- Assisting with the coordination of health care services that people require
- Answering questions about the health care system

The Patient Navigator can be contacted by phone at 1-844-882-3141 or by email at patientnavigator@gov.pe.ca

[PEI Ombudsperson](#)

The **PEI Ombudsperson** is an independent office of the Legislative Assembly of PEI. The Ombudsperson conducts independent, impartial and non-partisan investigations of [complaints](#) against:

- Boards, commissions, associations and other bodies,
- Health PEI
- Municipalities,

- Council members,
- Board members, and
- Officers and employees of the Government

The PEI Ombudsperson aims to promote fairness and transparency in the public sector, find fair resolutions, and make recommendations to improve the practices of public agencies.

PEI 211

PEI 211 is a free, confidential service that operates 24 hours a day, seven days a week. It exists to connect individuals to government, health and social services that are available across PEI. The service helps residents of PEI who are looking to find the right community or social resource, but do not know where to start. Individuals can also contact 2-1-1 to report some by-law infractions.

In addition to searching on the [211 PEI website](#), there are [various ways for people to contact PEI 211](#), including calling 2-1-1 to talk with trained professionals to help identify the services that they need.

Services are grouped together into various categories, including (among others) [legal](#), [education](#) and [disabilities](#)

CNIB Programs

We're here to help – contact CNIB for more programs, support, and resources. Some ways we can assist include:

- [CNIB Virtual Programs](#)
 - CNIB offers a range of free virtual programs for children, youth, adults and families.
 - You can access a list of CNIB's virtual program offerings on [CNIB's website](#). You can also find a list and schedule of PEI's virtual program offerings on [CNIB's PEI website](#).

- [Technology Training](#)
 - Join CNIB tech leads from across the country for programming that highlights the suite of programs, apps, products and services that will help empower you to achieve your personal and professional goals.
- [Virtual Vision Mate](#)
 - The Virtual Vision Mate program exists to address the feelings of isolation that many people with sight loss experience. Through the Virtual Vision Mate program, people who are blind or partially sighted are connected with sighted volunteers to engage in virtual, weekly conversation.
- [CNIB SmartLife](#)
 - CNIB SmartLife is an interactive retail experience that gives people with disabilities hands-on access to the latest breakthroughs in assistive technologies, as well as tried-and-true favourites.
 - SmartLife's goal is not necessarily to sell products but is to give customers the skills and confidence they need to make the most out of assistive tools that can help them lead better lives.
- [CNIB Guide Dogs](#)
 - CNIB Guide Dogs can assist guide dog handlers with advocating for themselves and understanding their rights. This program also provides public education to organizations to provide knowledge about the rights of guide dog users.

[Vision Loss Rehabilitation Canada](#)

Vision Loss Rehabilitation Canada (“VLRC”) is a not-for-profit national healthcare organization and the leading provider of rehabilitation therapy and healthcare services for individuals with vision loss. VLRC's services are tailored to the unique needs and goals of each person they assist. Specifically, VLRC certified specialists provide a range of services that help individuals with vision loss lead more independent, active lives.

You can contact VLRC's PEI office by phone at 902-566-2580.

Wayfinding

Wayfinding refers to technological tools that assist people who are blind, partially sighted or Deafblind with navigation and orientation. Such tools include:

- [BlindSquare](#): a GPS-app developed for people with sight loss that describes the environment and announces points of interest and street intersections.
- [Key 2 Access](#): a pedestrian mobility app that allows users to wirelessly request crossing at intersections without having to locate the button on the pole. It also allows users to wirelessly open doors and obtain information about indoor spaces.
- [Access Now](#): a map application that shares accessibility information for locations based on users' feedback.
- [Be My Eyes](#): a volunteer-based app that connects people with sight loss to sighted volunteers, who can assist with tasks such as checking expiry dates, distinguishing colors, reading instructions or navigating new surroundings.
- The [American Foundation for the Blind](#), which provides an overview of some of the apps that are available to assist consumers with reading items such as product labels and menus.

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