



Province of Alberta  
Order in Council

O.C. 033/2024

FEB 28 2024

# ORDER IN COUNCIL

Approved and ordered:

Lieutenant Governor  
or  
Administrator

The Lieutenant Governor in Council makes the Continuing Care Regulation set out in the attached Appendix.

CHAIR

FILED UNDER

THE REGULATIONS ACT

as ALBERTA REGULATION 21/2024

ON February 28 2024

REGISTRAR OF REGULATIONS

For Information only

Recommended by: Minister of Health

Authority: Continuing Care Act  
(section 51(2))

**APPENDIX**  
**Continuing Care Act**  
**CONTINUING CARE REGULATION**

*Table of Contents*

- 1 Definitions
- 2 Incorporation of standards

**Part 1**  
**Exemptions**

- 3 Definitions
- 4 Extent of exemptions
- 5 Exemptions — on application
- 6 Exemptions — on director's own motion
- 7 Restrictions on exemptions
- 8 Notice of decision
- 9 Notification of change in circumstances
- 10 Power to revoke or amend exemption
- 11 Publication

**Part 2**  
**Agreements**

- 12 Prescribed parties to facility-based care agreement
- 13 Prescribed parties to home and community care agreement
- 14 Content of agreement
- 15 Termination of agreement by parties
- 16 Direction to terminate agreement
- 17 Transitional provision — agreements

**Part 3**  
**Provision of Care and Services**

- 18 Health, well-being and safety
- 19 Assessments
- 20 Provision of prescribed goods and services
- 21 Caregiver support assessments

**Part 4**  
**Licensing**

**Division 1**  
**Licensing Process**

- 22 Continuing care home licences
- 23 Multiple licences
- 24 Types of facility-based care
- 25 Determination of licence type
- 26 Supportive living accommodation licence
- 27 Application for new licence
- 28 Application to renew or amend licence
- 29 Licensing decisions

- 30 Transition of licences

**Division 2  
Notice to Director**

- 31 Definition
- 32 Notice to director
- 33 Prescribed events or circumstances
- 34 Timing of notice
- 35 Prescribed information

**Part 5  
Operation of Continuing Care Homes and  
Supportive Living Accommodations**

- 36 Interpretation
- 37 Resident and family councils
- 38 Resident money held in trust account
- 39 Transfer of resident money
- 40 Safeguarding personal property
- 41 Records
- 42 Insurance — trust accounts and property
- 43 General liability insurance
- 44 Supply of medication

**Part 6  
Staffing Requirements for Continuing Care Homes**

- 45 Interpretation
- 46 Staffing plan
- 47 Compliance with staffing requirements
- 48 Clinical staff members
- 49 Charge nurse
- 50 Physician or nurse practitioner
- 51 Medical director
- 52 Director of care
- 53 Administrative leader
- 54 Staff educator
- 55 Staffing guideline

**Part 7  
Compliance and Enforcement**

**Division 1  
Complaints**

- 56 Definition
- 57 Complaint process
- 58 Complainant protection
- 59 Disclosure of identifying information
- 60 Complaint provisions

**Division 2  
Official Administrator**

- 61 Official administrator
- 62 Notice of appointment
- 63 Extension of term

- 64 Notice of termination
- 65 Information and records
- 66 Collection, use and disclosure of information

**Division 3**  
**Administrative Penalties**

- 67 Amount of administrative penalty
- 68 Notice of administrative penalty

**Part 8**  
**Appeals**

- 69 Definition
- 70 Notice of appeal
- 71 Conduct of appeal
- 72 Notice
- 73 Evidence
- 74 Rights in respect of appeals
- 75 Absence of party
- 76 Withdrawal of appeal
- 77 Decision of appeal panel

**Part 9**  
**General**

- 78 Publication of inspection results
- 79 Publication of continuing care home information
- 80 Form and manner of notification
- 81 Duty to notify
- 82 Prescribed information to be reported to Minister
- 83 Provision of information by home and community care providers
- 84 Expiry
- 85 Coming into force

**Definitions**

1 In this Regulation,

- (a) “combined agreement” means an agreement entered into by a person or organization under section 5 of the Act to provide both
  - (i) facility-based care as a continuing care home operator, and
  - (ii) type 2 home and community care as a home and community care provider;
- (b) “*Continuing Care Health Service Standards*” means the *Continuing Care Health Service Standards* approved by the Minister and published by the department, as amended from time to time;

- (c) “facility-based care agreement” means
  - (i) an agreement entered into by a continuing care home operator under section 5 of the Act to provide facility-based care, or
  - (ii) the portion of a combined agreement that relates to the provision of facility-based care;
- (d) “facility-based care assessment” means an assessment or reassessment of an individual conducted to determine one or both of the following:
  - (i) whether the individual requires facility-based care;
  - (ii) the nature of the facility-based care required by the individual;
- (e) “home and community care agreement” means
  - (i) an agreement entered into by a home and community care provider under section 5 of the Act to provide type 2 home and community care, or
  - (ii) the portion of a combined agreement that relates to the provision of type 2 home and community care;
- (f) “home and community care assessment” means an assessment or reassessment of an individual conducted to determine one or both of the following:
  - (i) whether the individual requires home and community care;
  - (ii) the nature of the home and community care required by the individual;
- (g) “legal representative” means legal representative as defined in section 17(b) of the Act;
- (h) “prescribed accommodation goods and services” means the accommodation goods and services prescribed in section 2 of the *Continuing Care (Ministerial) Regulation*;
- (i) “prescribed health goods and services” means,

- (i) in respect of facility-based care, the health goods and services prescribed in section 3 of the *Continuing Care (Ministerial) Regulation*, and
  - (ii) in respect of home and community care, the health goods and services prescribed in section 12 of the *Continuing Care (Ministerial) Regulation*;
- (j) “prescribed other goods and services” means,
- (i) in respect of facility-based care, the other goods and services prescribed in section 4 of the *Continuing Care (Ministerial) Regulation*, and
  - (ii) in respect of home and community care, the other goods and services prescribed in section 13 of the *Continuing Care (Ministerial) Regulation*;
- (k) “regional health authority” means a regional health authority established under the *Regional Health Authorities Act*;
- (l) “regulated health professional” means a regulated member under the *Health Professions Act*;
- (m) “relevant regional health authority” means the regional health authority for the health region in which
- (i) a continuing care home operator provides or intends to provide facility-based care, or
  - (ii) a home and community care provider provides or intends to provide home and community care;
- (n) “type 1 home and community care” means type 1 home and community care as defined in the *Continuing Care (Ministerial) Regulation*;
- (o) “type 2 home and community care” means type 2 home and community care as defined in the *Continuing Care (Ministerial) Regulation*;
- (p) “type 3 home and community care” means type 3 home and community care as defined in the *Continuing Care (Ministerial) Regulation*;

- (q) “type A continuing care home” means a continuing care home operated by a type A operator where the operator provides type A facility-based care;
- (r) “type A facility-based care” means the facility-based care designated by a relevant regional health authority as type A facility-based care;
- (s) “type A licence” means a type A continuing care home licence established under section 22(1)(a);
- (t) “type A operator” means the continuing care home operator of a continuing care home that holds a valid type A licence in respect of that continuing care home;
- (u) “type B continuing care home” means a continuing care home operated by a type B operator where the operator provides type B facility-based care;
- (v) “type B facility-based care” means the facility-based care designated by a relevant regional health authority as type B facility-based care;
- (w) “type B licence” means a type B continuing care home licence established under section 22(1)(b);
- (x) “type B operator” means the continuing care home operator of a continuing care home that holds a valid type B licence in respect of that continuing care home;
- (y) “type C continuing care home” means a continuing care home operated by a type C operator where the operator provides type C facility-based care;
- (z) “type C facility-based care” means the facility-based care designated by a relevant regional health authority as type C facility-based care;
- (aa) “type C licence” means a type C continuing care home licence established under section 22(1)(c);
- (bb) “type C operator” means the continuing care home operator of a continuing care home that holds a valid type C licence in respect of that continuing care home.

### **Incorporation of standards**

**2** Pursuant to section 51(3) of the Act, the following standards approved by the Minister and published by the department, as amended from time to time, are incorporated into and form part of this Regulation:

- (a) *Accommodation Standards — Continuing Care Home;*
- (b) *Accommodation Standards — Supportive Living Accommodation;*
- (c) *Continuing Care Health Service Standards.*

## **Part 1 Exemptions**

### **Definitions**

**3** In this Part,

- (a) “continuing care home entity” means
  - (i) a continuing care home or a type or class of continuing care home, or
  - (ii) a continuing care home operator or a type or class of continuing care home operator;
- (b) “exemption” means a designation by the director under section 3(1) of the Act that a continuing care home entity or home and community care entity is exempt from the application of the Act;
- (c) “home and community care entity” means a home and community care provider or a type or class of home and community care provider.

### **Extent of exemptions**

**4(1)** The director may grant an exemption to a continuing care home entity or home and community care entity only to the extent permitted by this section.

**(2)** A continuing care home entity may be granted an exemption from the application of section 4 of the Act with respect to the requirement to provide facility-based care and operate a continuing care home in accordance with the following provisions:

- (a) section 5 of the Act;



- (b) sections 12, 14(1), 20(1) and (2), 44, 48 to 52, 60 and 82(1) of this Regulation;
- (c) standard 20.6 of the *Continuing Care Health Service Standards*.

**(3)** A home and community care entity may be granted an exemption from the application of section 4 of the Act with respect to the requirement to provide home and community care in accordance with the following provisions:

- (a) section 5 of the Act;
- (b) sections 13, 14(2), 20(3), 60 and 82(3) of this Regulation;
- (c) standard 20.6 of the *Continuing Care Health Service Standards*.

#### **Exemptions — on application**

**5(1)** The following may apply to the director for an exemption:

- (a) a continuing care home operator, with respect to the continuing care home operator or a continuing care home;
- (b) a home and community care provider, with respect to the home and community care provider.

**(2)** An application must be made in the form and manner determined by the director.

**(3)** Subject to section 7(1), the director may grant an exemption on receiving an application if the director is satisfied that

- (a) requiring the applicant to comply with the provisions for which the exemption is sought is likely to cause undue hardship to the applicant, or
- (b) special circumstances exist relating to
  - (i) the operation of the continuing care home by the applicant, or
  - (ii) the provision by the applicant of facility-based care or home and community care.

**Exemptions — on director's own motion**

**6(1)** The director may grant an exemption on the director's own motion in accordance with subsection (2) with respect to a continuing care home entity or home and community care entity.

**(2)** Subject to section 7(1), the director may grant an exemption on the director's own motion if the director is satisfied that

(a) requiring compliance with the provisions for which the exemption is granted is likely to cause undue hardship to a continuing care home entity or home and community care entity, or

(b) special circumstances exist relating to

(i) the operation of a continuing care home or a type or class of continuing care home, or

(ii) the provision of

(A) facility-based care in a continuing care home or a type or class of continuing care home, or

(B) home and community care.

**Restrictions on exemptions**

**7(1)** The director shall not grant an exemption unless the director is satisfied that the exemption will not adversely affect the ability of the continuing care home operator or home and community care provider to comply with section 18(1), (3) or (4), as applicable.

**(2)** The director may impose conditions on an exemption.

**(3)** A decision of the director to grant an exemption under section 5 or 6, to impose conditions on an exemption or to refuse to grant an exemption is final.

**Notice of decision**

**8(1)** The director shall give notice in writing to the applicant of a decision to grant or to refuse to grant an exemption under section 5.

**(2)** If the director grants an exemption under section 5, the notice must contain any conditions imposed by the director on the exemption under section 7(2).

### **Notification of change in circumstances**

**9** A continuing care home operator or home and community care provider to whom or in respect of which an exemption is granted shall notify the director if the exemption is no longer necessary or appropriate.

### **Power to revoke or amend exemption**

**10** The director may revoke or amend an exemption if the director is satisfied that

- (a) the continuing care home operator or home and community care provider to whom or in respect of which the exemption was granted has failed to meet the conditions imposed on the exemption,
- (b) the exemption is no longer necessary or appropriate, or
- (c) the exemption adversely affects the ability of the operator or provider to comply with section 18.

### **Publication**

**11** The director may publish the following information respecting exemptions on the department's website:

- (a) the name of a continuing care home operator or home and community care provider to whom an exemption is granted;
- (b) where an exemption is granted in respect of a continuing care home,
  - (i) the name of the continuing care home, and
  - (ii) the name of the continuing care home operator;
- (c) any conditions imposed by the director on an exemption.

## **Part 2 Agreements**

### **Prescribed parties to facility-based care agreement**

**12** The prescribed parties to a facility-based care agreement are

- (a) a continuing care home operator, and
- (b) the relevant regional health authority.

**Prescribed parties to home and community care agreement**

**13** The prescribed parties to a home and community care agreement are

- (a) a type 2 home and community care provider, and
- (b) the relevant regional health authority.

**Content of agreement**

**14(1)** A facility-based care agreement must include

- (a) a description of the facility-based care to be provided by the continuing care home operator,
- (b) the amount of or the method for determining the amount of the payments to be made under section 6 of the Act with respect to the facility-based care to be provided by the continuing care home operator,
- (c) the maximum number of eligible residents that may reside in the continuing care home at any one time,
- (d) a description of the staffing requirements that must be reflected in the staffing plan developed under section 46 and any other staffing requirements agreed between the parties to the agreement,
- (e) the termination date of the agreement, and
- (f) a description of the measures referred to in section 18(1)(b).

**(2)** A home and community care agreement must include

- (a) a description of the home and community care to be provided by the type 2 home and community care provider,
- (b) the amount of or the method for determining the amount of the payments to be made under section 10 of the Act with respect to the home and community care to be provided by the type 2 home and community care provider,
- (c) the termination date of the agreement, and
- (d) a description of the measures referred to in section 18(4).

### **Termination of agreement by parties**

**15(1)** Either party to a facility-based care agreement or home and community care agreement may terminate the agreement by giving notice in writing to the other party at least 12 months before the date for termination of the agreement named in the notice.

**(2)** A notice referred to in subsection (1) must set out the reasons for the termination.

### **Direction to terminate agreement**

**16(1)** In this section, “required licence” means a continuing care home licence of the type that a continuing care home operator is required to hold in order to provide the facility-based care described in a facility-based care agreement.

**(2)** The Minister may direct a regional health authority to terminate a facility-based care agreement if the director

- (a) refuses to issue a required licence to the continuing care home operator,
- (b) cancels a required licence held by the continuing care home operator, or
- (c) refuses to renew a required licence held by the continuing care home operator.

### **Transitional provision — agreements**

**17(1)** In this section, “prior agreement” means an agreement entered into before the coming into force of this section between

- (a) a regional health authority and the operator of a nursing home to which section 57(1) of the Act applies,
- (b) a regional health authority and the operator of an auxiliary hospital to which section 57(2) of the Act applies,
- (c) a regional health authority and the operator of a supportive living accommodation to which section 57(3) of the Act applies, or
- (d) a regional health authority and a person under the *Co-ordinated Home Care Program Regulation* (AR 296/2003) with respect to the provision of services that fall within the definition of type 2 home and community care.

(2) Where a prior agreement referred to in subsection (1)(a), (b) or (c) is in effect on the coming into force of this section,

- (a) the prior agreement is deemed to be a facility-based care agreement, and
- (b) sections 12, 14, 15 and 16 do not apply in respect of that agreement until the earlier of
  - (i) the date on which the agreement is renewed, or
  - (ii) 5 years after the date on which this section comes into force.

(3) Where a prior agreement referred to in subsection (1)(d) is in effect on the coming into force of this section,

- (a) the prior agreement is deemed to be a home and community care agreement, and
- (b) sections 13, 14, 15 and 16 do not apply in respect of that agreement until the earlier of
  - (i) the date on which the agreement is renewed, or
  - (ii) 5 years after the date on which this section comes into force.

### **Part 3 Provision of Care and Services**

#### **Health, well-being and safety**

**18(1)** A continuing care home operator shall

- (a) provide facility-based care and operate the continuing care home in a manner that ensures the health, well-being and safety of the residents of the continuing care home, and
- (b) take measures to ensure the health, well-being and safety of residents in the event the facility-based care agreement is terminated.

(2) A supportive living accommodation operator shall provide supportive living services and operate the supportive living accommodation in a manner that ensures the health, well-being and safety of the residents of the supportive living accommodation.

(3) A home and community care provider shall provide home and community care in a manner that ensures the health, well-being and safety of the individuals to whom home and community care is provided.

(4) A type 2 home and community care provider shall take measures to ensure the health, well-being and safety of the individuals to whom home and community care is provided in the event a home and community care agreement is terminated.

#### **Assessments**

**19(1)** A facility-based care assessment or home and community care assessment must be carried out by a regulated health professional using a standardized assessment tool.

(2) The standardized assessment tool is to be determined as follows:

- (a) with respect to a facility-based care assessment of a resident of a type A continuing care home or type B continuing care home, in accordance with the *Continuing Care Health Service Standards*;
- (b) with respect to a facility-based care assessment of a resident of a type C continuing care home, by the regional health authority conducting the assessment;
- (c) with respect to a home and community care assessment, in accordance with the *Continuing Care Health Service Standards*.

#### **Provision of prescribed goods and services**

**20(1)** A continuing care home operator shall provide each resident of the continuing care home with

- (a) the prescribed accommodation goods and services, and
- (b) the prescribed other goods and services that the resident has been assessed as requiring under a facility-based care assessment.

(2) A continuing care home operator shall provide each eligible resident with the prescribed health goods and services that the eligible resident has been assessed as requiring under a facility-based care assessment.

(3) A home and community care provider shall provide each eligible individual to whom it provides home and community care with

- (a) the prescribed health goods and services that the eligible individual has been assessed as requiring under a home and community care assessment, and
- (b) the prescribed other goods and services that the eligible individual has been assessed as requiring under a home and community care assessment.

#### **Caregiver support assessments**

**21(1)** In this section,

- (a) “caregiver” means a family member or friend who provides support or assistance to an eligible individual with respect to the eligible individual’s needs relating to home and community care, but does not include a home and community care provider;
- (b) “caregiver support assessment” means an assessment or reassessment of a caregiver to determine whether the caregiver may benefit from caregiver support services;
- (c) “caregiver support services” means services to support and assist caregivers in carrying out caregiving responsibilities.

(2) A relevant regional health authority shall offer caregiver support assessments to each caregiver of an eligible individual to whom home and community care is provided.

(3) A caregiver who has been assessed as requiring caregiver support services under a caregiver support assessment is eligible to receive caregiver support services.

## **Part 4 Licensing**

### **Division 1 Licensing Process**

#### **Continuing care home licences**

**22(1)** The following types of continuing care home licence are established:

- (a) type A continuing care home licence;





(b) type B continuing care home licence;

(c) type C continuing care home licence.

(2) A type A licence authorizes the licensee to operate a continuing care home and provide type A facility-based care in the continuing care home.

(3) A type B licence authorizes the licensee to operate a continuing care home and provide type B facility-based care in the continuing care home.

(4) A type C licence authorizes the licensee to operate a continuing care home and provide type C facility-based care in the continuing care home.

#### **Multiple licences**

**23** Where a continuing care home operator provides different types of facility-based care in different parts of a facility, the operator must hold the required type of continuing care home licence in respect of each part of the facility.

#### **Types of facility-based care**

**24** Each regional health authority shall designate the facility-based care authorized by each type of continuing care home licence with respect to licences issued to continuing care home operators that enter into agreements with the regional health authority.

#### **Determination of licence type**

**25** The director shall determine the type of continuing care home licence to issue in respect of a continuing care home based on

- (a) the facility-based care designated by the regional health authority for each type of continuing care home licence under section 24, and
- (b) the type of facility-based care to be provided in the continuing care home under the facility-based care agreement.

#### **Supportive living accommodation licence**

**26** A supportive living accommodation licence authorizes the licensee to

- (a) operate a supportive living accommodation, and

- (b) provide supportive living services to residents of the supportive living accommodation.

**Application for new licence**

**27(1)** An application for a new continuing care home licence or supportive living accommodation licence must be made in the form and manner determined by the director.

**(2)** The application must contain the following:

- (a) the applicant's name and contact information;
- (b) a description of
  - (i) the facility-based care, as described in the facility-based care agreement, or supportive living services that the applicant intends to provide in the continuing care home or supportive living accommodation,
  - (ii) the demographic characteristics of the resident population of the continuing care home or supportive living accommodation, and
  - (iii) the physical design of the continuing care home or supportive living accommodation;
- (c) where the applicant has entered into or intends to enter into an agreement with a provider to provide facility-based care in the continuing care home on the applicant's behalf,
  - (i) the provider's name and contact information, and
  - (ii) the prescribed accommodation goods and services, prescribed health goods and services or prescribed other goods and services to be provided by the provider;
- (d) where the applicant has entered into or intends to enter into an agreement with a provider to provide supportive living services in the supportive living accommodation on the applicant's behalf,
  - (i) the provider's name and contact information, and
  - (ii) the supportive living services to be provided by the provider;

- (e) a statutory declaration by the applicant as to whether the applicant
    - (i) has any outstanding charges or has at any time been convicted of an offence under
      - (A) the Act,
      - (B) the *Nursing Homes Act*,
      - (C) the *Protection for Persons in Care Act*,
      - (D) the *Public Health Act*,
      - (E) the *Supportive Living Accommodation Licensing Act*,
      - (F) a regulation made under an Act referred to in paragraphs (A) to (E), or
      - (G) the *Criminal Code* (Canada),

and

  - (ii) is or has been a party to any civil proceedings that may be relevant to the applicant's ability to provide facility-based care or supportive living services in a manner that ensures the health, well-being and safety of residents;
- (f) evidence of the following that is satisfactory to the director:
  - (i) that the continuing care home or supportive living accommodation
    - (A) has been inspected by an executive officer under the *Public Health Act* and the director is satisfied by the period of time that has elapsed since the inspection was conducted, and
    - (B) is in compliance with the *Public Health Act* and the regulations made under it;
  - (ii) that the continuing care home or supportive living accommodation is in compliance with the *Safety Codes Act* if the facility or the part of the facility in which the continuing care home or supportive living accommodation will be located

- (A) is new,
  - (B) has been renovated specifically for the purposes of operating the continuing care home or supportive living accommodation, or
  - (C) was, immediately before the application is made, used for a purpose other than as a continuing care home or supportive living accommodation;
- (iii) where the continuing care home or supportive living accommodation will be located in a facility or a part of a facility other than those described in subclause (ii),
- (A) that a fire inspection of the facility or the part of the facility has been conducted by an appropriate authority and
    - (I) the appropriate authority is satisfied with the results of the inspection, and
    - (II) the director is satisfied by the period of time that has elapsed since the inspection was conducted,

or

- (B) if the applicant is unable to provide the results of a fire inspection referred to in paragraph (A),
  - (I) that a safety inspection of the facility or the part of the facility has been conducted by a safety codes officer designated as Fire Group B1 or Fire Group B2 in accordance with the *Scope of Practice and Entrance Qualifications*, published by the Safety Codes Council, as amended from time to time,
  - (II) that the safety officer is satisfied with the results of the inspection, and
  - (III) that the director is satisfied by the period of time that has elapsed since the inspection was conducted;

- (iv) that any required municipal permits or zoning approvals have been issued;
- (v) that the applicant maintains the insurance policies required under sections 42 and 43.

**(3)** The director may require an applicant to provide any additional information or documents that the director considers necessary to make a decision to issue a licence.

**(4)** An applicant shall provide the additional information and documents referred to in subsection (3) within the period of time specified by the director.

#### **Application to renew or amend licence**

**28(1)** An application to renew or amend a continuing care home licence or a supportive living accommodation licence must be made in the form and manner determined by the director.

**(2)** An application must contain the following:

- (a) updated information or documents, where there has been a change in any of the information or documents described in section 27;
- (b) any additional information or documents that the director considers necessary to make a decision to renew or amend the licence;
- (c) a description of any amendments to the licence requested by the applicant and the reasons for the amendments.

#### **Licensing decisions**

**29(1)** The director may

- (a) impose conditions on a licence when issuing, amending or renewing the licence if the director is satisfied that
  - (i) the applicant meets any of the criteria set out in subsection (2), and
  - (ii) the conditions are sufficient to mitigate any adverse effects on the health, well-being or safety of the residents of the continuing care home or supportive living accommodation that are or may be caused by the circumstances referred to in subclause (i),

or

(b) refuse to issue, amend or renew a licence if the director is satisfied that

(i) the applicant meets any of the criteria set out in subsection (2), and

(ii) the circumstances referred to in subclause (i) are serious enough to warrant a refusal.

(2) The following criteria apply for the purposes of subsection (1):

(a) an applicant has a history of contraventions of or failures to comply with

(i) the Act,

(ii) the *Nursing Homes Act*,

(iii) the *Protection for Persons in Care Act*,

(iv) the *Public Health Act*,

(v) the *Supportive Living Accommodation Licensing Act*,

(vi) a regulation made under an Act referred to in subclauses (i) to (v), or

(vii) the *Criminal Code* (Canada);

(b) an applicant for a new licence is or will be unable to operate the continuing care home or supportive living accommodation or provide facility-based care or supportive living services in accordance with

(i) the Act,

(ii) this Regulation, or

(iii) any other regulation made under the Act;

(c) an applicant for the amendment or renewal of a licence is or will be unable to operate the continuing care home or supportive living accommodation or provide facility-based care or supportive living services in accordance with

(i) the Act,

- (ii) this Regulation,
  - (iii) any other regulation made under the Act,
  - (iv) any conditions imposed on the licence,
  - (v) a specified measures order, or
  - (vi) a stop order;
- (d) an applicant makes a false or misleading statement in the application or provides false or misleading information or falsified documents to the director in support of the application;
- (e) an applicant fails to provide the information required under section 27(3) or 30(2) within the period of time specified by the director.

#### **Transition of licences**

**30(1)** Where the director is required to issue a licence under

- (a) section 57(1)(b) or (2) of the Act, the director shall issue a type A licence, or
- (b) section 57(3)(b) of the Act, the director shall issue a type B licence.

**(2)** A continuing care home operator issued a type A licence under section 57(1)(b) or (2) of the Act shall provide the information and documents referred to in section 27 to the director within the period of time specified by the director.

## **Division 2 Notice to Director**

#### **Definition**

**31** In this Division, “notice to director” means a notice under section 16 of the Act.

#### **Notice to director**

**32(1)** A notice to director must be given in the form and manner determined by the Minister.

**(2)** A notice to director must include the following:

- (a) the licensee’s name and contact information;



- (b) a description of the relevant event or circumstance referred to in section 16(a), (b) or (c) of the Act or section 33;
- (c) the date on which
  - (i) the event or circumstance is to occur or is intended to occur, with respect to events or circumstances described in section 16(a), (b) or (c) of the Act or section 33(a) to (e), or
  - (ii) the licensee first had reason to believe the event or circumstance occurred, with respect to events or circumstances described in section 33(f) to (m);
- (d) a description of how the licensee intends to mitigate the effects of the event or circumstance on residents of the continuing care home or supportive living accommodation.

**Prescribed events or circumstances**

**33** The following events or circumstances are prescribed for the purposes of section 16(d) of the Act:

- (a) a licensee intends to change the licensee's name or contact information;
- (b) a licensee intends to terminate a facility-based care agreement;
- (c) a licensee that is a continuing care home operator intends to change the facility-based care provided to residents of the continuing care home operated by the licensee;
- (d) a licensee that is a supportive living accommodation operator intends to change the supportive living services provided to residents of the supportive living accommodation operated by the licensee;
- (e) a licensee intends to change the demographic characteristics of the resident population of the continuing care home or supportive living accommodation;
- (f) following an inspection under the *Public Health Act*, an executive officer finds that a continuing care home or supportive living accommodation is not in compliance with that Act or the regulations made under it;



- (g) a continuing care home or supportive living accommodation is found to be not in compliance with the *Safety Codes Act*;
- (h) an authority conducting a fire inspection of a continuing care home or supportive living accommodation is not satisfied with the results of the inspection;
- (i) a safety inspector conducting a safety inspection of a continuing care home or supportive living accommodation as described in section 27(2)(f)(iii)(B)(I) is not satisfied with the results of the inspection;
- (j) a licensee no longer holds the required municipal permits or zoning approvals for the continuing care home or supportive living accommodation;
- (k) a licensee no longer maintains an insurance policy required under sections 42 and 43;
- (l) an event or circumstance of which the director was previously notified under section 16 of the Act has not occurred by the date set out in the previous notice to director;
- (m) the licensee has reason to believe that an event or circumstance of which the director was previously notified under section 16 of the Act will not occur by the date set out in the previous notice to director.

#### **Timing of notice**

**34(1)** A notice to director must be given at least 45 days before the date on which any events or circumstances referred to in section 16(a), (b) or (c) of the Act or sections 33(a), (b), (c), (d) or (e) occur or are intended to occur.

**(2)** A notice to director must be given on the date on which the licensee first has reason to believe that any events or circumstances referred to in section 33(f), (g), (h), (i), (j) or (k) have occurred.

**(3)** A notice to director must be given as soon as possible after the date

- (a) set out in the previous notice to director in the case of an event or circumstance referred to in section 33(l), or

- (b) on which the licensee first has reason to believe that the event or circumstance will not occur in the case of an event or circumstance referred to in section 33(m).

**Prescribed information**

**35(1)** A notice to director under section 16(a)(i) of the Act relating to an intention to change a provider of facility-based care must include

- (a) the name and contact information of the new provider, and
- (b) the prescribed accommodation goods and services, prescribed health goods and services or prescribed other goods and services to be provided by the new provider.

**(2)** A notice to director under section 16(b)(i) of the Act relating to an intention to change a provider of supportive living services must include

- (a) the name and contact information of the new provider, and
- (b) the supportive living services to be provided by the new provider.

**Part 5  
Operation of Continuing Care Homes  
and Supportive Living  
Accommodations**

**Interpretation**

**36(1)** In sections 37 to 42,

- (a) “operator” means a type A continuing care home operator, type B continuing care home operator or supportive living accommodation operator;
- (b) “resident and family council” means the resident and family council of a continuing care home or supportive living accommodation established or continued under section 37 of the Act.

**(2)** This Part, other than section 43, does not apply to type C operators or in respect of type C continuing care homes.

### **Resident and family councils**

**37(1)** In this section, “family member” includes a resident’s legal representative.

**(2)** The purposes of a resident and family council are

(a) to provide a supportive environment in which residents and residents’ family members can freely participate in discussions and decision-making relating to

(i) the continuing care home or the supportive living accommodation,

(ii) the facility-based care provided in the continuing care home or the supportive living services provided in the supportive living accommodation, and

(iii) the residents’ quality of life,

and

(b) to facilitate information sharing and communication between the operator, residents and residents’ family members.

**(3)** Where no resident and family council exists or where a resident and family council exists but has not been convened in more than 6 months, the operator shall ensure that residents and residents’ family members have access to a mechanism that fulfils the purposes of a resident and family council as set out in subsection (2).

### **Resident money held in trust account**

**38(1)** Where an operator holds money on behalf of a resident for a period of more than 31 days, the operator shall deposit the money into a trust account opened and maintained for that purpose.

**(2)** An operator that deposits money into or withdraws money from a trust account on behalf of a resident shall provide a receipt to the resident and the resident’s legal representative as soon as practicable after the operator deposits or withdraws the money.

**(3)** An operator shall not withdraw or use money held in a trust account on behalf of a resident for any purpose unless that withdrawal or use is authorized in writing by the resident or the resident’s legal representative.

(4) An operator shall account for and return to a resident or the resident's legal representative all of the money held in a trust account on behalf of the resident within 31 days after either of the following occur:

- (a) the resident ceases to be a resident of the continuing care home or supportive living accommodation;
- (b) the resident or the resident's legal representative requests that the operator return the money.

#### **Transfer of resident money**

**39(1)** In this section,

- (a) "new operator" means the operator to whom responsibility for the operation of the continuing care home or supportive living accommodation is being transferred;
- (b) "original operator" means the operator from whom responsibility for the operation of the continuing care home or supportive living accommodation is being transferred.

(2) Where the responsibility for the operation of a continuing care home or supportive living accommodation is transferred from the original operator to a new operator, the original operator, with respect to any money held in a trust account on behalf of a resident under section 38(1), shall transfer the money to the trust account of the new operator.

(3) Notwithstanding subsection (2), the original operator shall return any money held in a trust account on behalf of a resident to the resident or the resident's legal representative

- (a) on the request of the resident or the resident's legal representative, or
- (b) if the new operator has not opened a trust account for the purpose of holding money on behalf of residents.

#### **Safeguarding personal property**

**40(1)** On the request of a resident or a resident's legal representative, an operator may hold the resident's personal property for safeguarding.

(2) Where an operator holds a resident's personal property for safeguarding, the operator shall not use the property for any purpose unless that use is authorized in writing by the resident or the resident's legal representative.

(3) An operator shall account for and return to the resident or the resident's legal representative all of the resident's personal property held for safeguarding within 31 days after either of the following occur:

- (a) the resident ceases to be a resident of the continuing care home or supportive living accommodation;
- (b) the resident or the resident's legal representative requests that the operator return the property.

### **Records**

**41(1)** An operator shall create and maintain records with respect to the following:

- (a) a deposit into a trust account under section 38(1);
- (b) an authorization to withdraw money held in a trust account on behalf of a resident under section 38(3);
- (c) an authorization to use money held in a trust account on behalf of a resident under section 38(3);
- (d) the transfer of money held in a trust account on behalf of a resident under section 39(2);
- (e) the return of money held in a trust account on behalf of a resident under section 39(3);
- (f) a request to safeguard a resident's personal property under section 40(1);
- (g) the specific items of a resident's personal property held for safeguarding under section 40(1);
- (h) an authorization to use a resident's personal property held for safeguarding under section 40(2).

(2) On the request of a resident or a resident's legal representative, an operator shall make available to the resident or the resident's legal representative at no charge any records referred to in subsection (1) that relate to the resident's money or personal property.

### **Insurance — trust accounts and property**

**42** An operator that holds money in a trust account on behalf of residents or safeguards residents' personal property shall maintain, at all times, an insurance policy in an amount covering the operator's potential liability for loss resulting from theft, fraud and other similar offences, whether committed by its employees or other persons.

### **General liability insurance**

**43(1)** In this section, "operator" includes a type C operator.

**(2)** An operator shall maintain, at all times, a general liability insurance policy in an amount not less than \$2 000 000 for each occurrence of loss or damage resulting from bodily injury to or the death or disability of a person and for loss of or damage to property.

### **Supply of medication**

**44(1)** In this section, "medication" means medication as defined in the *Continuing Care (Ministerial) Regulation*.

**(2)** A type A operator shall maintain, at all times, a sufficient supply of medication in the continuing care home to meet the needs of the eligible residents of the continuing care home.

## **Part 6 Staffing Requirements for Continuing Care Homes**

### **Interpretation**

**45(1)** In this Part,

- (a) "certified graduate nurse" means a certified graduate nurse within the meaning of the *Health Professions Act*;
- (b) "clinical staff member" means a regulated health professional or other individual employed or engaged for services by a continuing care home operator for the purposes of giving or administering prescribed health goods and services and prescribed other goods and services to the residents of the continuing care home;
- (c) "licensed practical nurse" means a licensed practical nurse within the meaning of the *Health Professions Act*;

- (d) “nurse practitioner” means a nurse practitioner within the meaning of the *Health Professions Act*, but does not include a graduate nurse practitioner;
- (e) “registered nurse” means a registered nurse within the meaning of the *Health Professions Act*;
- (f) “registered psychiatric nurse” means a registered psychiatric nurse within the meaning of the *Health Professions Act*;
- (g) “regulated nurse” means a licensed practical nurse, registered nurse, certified graduate nurse, nurse practitioner, graduate nurse practitioner or registered psychiatric nurse.

(2) This Part does not apply to type C operators or in respect of type C continuing care homes.

#### **Staffing plan**

**46(1)** A continuing care home operator shall develop and implement a staffing plan in respect of the continuing care home.

(2) A staffing plan must

- (a) specify the number and type of clinical staff members required to meet the assessed needs of the residents of the continuing care home at all times, and
- (b) comply with the requirements set out in sections 48 to 54.

(3) On request, a continuing care home operator shall provide the staffing plan and any related documents to

- (a) a resident of the continuing care home,
- (b) a resident’s legal representative,
- (c) a resident’s family member,
- (d) an employee of or individual engaged for services by the continuing care home operator, or
- (e) the resident and family council of the continuing care home.

#### **Compliance with staffing requirements**

**47** A continuing care home operator shall employ or engage the services of a sufficient number and type of individuals to ensure the

requirements in the staffing plan and sections 48 to 54 are met at all times.

**Clinical staff members**

**48(1)** A continuing care home operator shall ensure that at least 2 clinical staff members are on site and available at all times to give or administer prescribed health goods and services and prescribed other goods and services to residents.

**(2)** At least one of the clinical staff members referred to in subsection (1) must be,

- (a) with respect to a type A continuing care home, a regulated nurse other than a licensed practical nurse, and
- (b) with respect to a type B continuing care home, a regulated nurse.

**Charge nurse**

**49(1)** A continuing care home operator shall ensure that a regulated nurse is on duty as charge nurse at all times.

**(2)** A continuing care home operator shall ensure that a charge nurse is on site and available at all times to give or administer prescribed health goods and services and prescribed other goods and services to residents.

**(3)** The charge nurse on duty may be one of the clinical staff members referred to in section 48(2).

**Physician or nurse practitioner**

**50(1)** A type A operator shall ensure that each resident is under the care of a nurse practitioner or physician.

**(2)** A type A operator shall ensure that a nurse practitioner or physician is available at all times to support clinical staff members in giving or administering prescribed health goods and services and prescribed other goods and services to residents.

**Medical director**

**51(1)** A type A operator shall employ or engage the services of an individual as the medical director of the continuing care home.

**(2)** A type B operator may employ or engage the services of an individual as the medical director of the continuing care home.



- (3) A medical director must be a physician.

#### **Director of care**

- 52(1)** A continuing care home operator shall employ an individual as the director of care of the continuing care home.
- (2) The director of care must be a regulated health professional.
- (3) The continuing care home operator shall ensure that the director of care or a delegate of the director is on site at all times.

#### **Administrative leader**

- 53(1)** A continuing care home operator shall employ an individual as the administrative leader of the continuing care home.
- (2) The continuing care home operator shall ensure that the administrative leader or a delegate of the administrative leader is available at all times.

#### **Staff educator**

- 54(1)** A continuing care home operator shall employ or engage the services of an individual as the staff educator of the continuing care home.
- (2) The staff educator must be a regulated health professional.

#### **Staffing guideline**

- 55** The *Staffing Guideline* approved by the Minister and published by the department, as amended from time to time, is incorporated into and forms part of this Regulation.

## **Part 7 Compliance and Enforcement**

### **Division 1 Complaints**

#### **Definition**

- 56** In this Part, “complaint” means a complaint made under section 30(1) of the Act.

#### **Complaint process**

- 57(1)** A complaint must be made in the form and manner determined by the director.

(2) The director may request any additional information, records, food, material or equipment that the director considers necessary to make a decision under section 30(2) of the Act from

- (a) the complainant, or
- (b) the continuing care home operator, supportive living accommodation operator or home and community care provider that is the subject of the complaint.

(3) A continuing care home operator, supportive living accommodation operator or home and community care provider to whom the director makes a request under subsection (2) shall provide the requested information, records, food, material or equipment as soon as practicable.

#### **Complainant protection**

**58** No continuing care home operator, supportive living accommodation operator or home and community care provider or individual employed by or engaged for services by a continuing care home care operator, supportive living accommodation operator or home and community care provider shall discourage or prevent or attempt to discourage or prevent a person from making a complaint.

#### **Disclosure of identifying information**

**59(1)** In this section, “identifying information” means

- (a) the name of the complainant,
- (b) any information from which the identity of the complainant can be readily ascertained, and
- (c) the following information where the complainant makes the complaint on behalf of a resident of a continuing care home or supportive living accommodation or an individual to whom home and community care is provided:
  - (i) the name of the resident or individual on whose behalf the complaint is made;
  - (ii) any information from which the identity of the resident or individual can be readily ascertained.

(2) A complainant may make a request to the director that the complainant’s identifying information not be disclosed.

**(3)** No person shall disclose the identifying information of a complainant who makes a request under subsection (2) to

- (a) the continuing care home operator, supportive living accommodation operator or home and community care provider that is the subject of the complaint, or
- (b) any individual employed by or engaged for services by that continuing care home operator, supportive living accommodation operator or home and community care provider.

**(4)** Notwithstanding subsection (3), the inspector to whom a complaint has been referred under section 30(2)(c) of the Act may disclose a complainant's identifying information to the operator, provider or individuals referred to in subsection (3)(a) or (b) if authorized to do so by the director.

**(5)** The director may authorize disclosure under subsection (4) only if the director is of the opinion that disclosure is required to ensure the health, well-being or safety of

- (a) the residents of the continuing care home or supportive living accommodation in respect of which the complaint is made, or
- (b) the individuals to whom home and community care is provided by the home and community care provider that is the subject of the complaint.

#### **Complaint provisions**

**60(1)** In this section, "complaint provisions" means

- (a) the provisions respecting complainant protection in section 30(5) of the Act and section 58, and
- (b) the provisions respecting disclosure of identifying information in section 59.

**(2)** A continuing care home operator or supportive living accommodation operator must provide the complaint provisions in writing to the following individuals at the following times:

- (a) each resident and the resident's legal representative

- (i) when the resident is admitted to the continuing care home or supportive living accommodation, and
  - (ii) on the request of the resident or the resident's legal representative;
- (b) each individual employed or engaged for services by the continuing care home operator or supportive living accommodation operator
- (i) when the individual begins employment or providing services to the operator, and
  - (ii) on the request of the individual.
- (3)** A home and community care provider must provide the complaint provisions in writing to the following individuals at the following times:
- (a) each individual to whom the home and community care provider provides home and community care and the individual's legal representative
    - (i) on the first occasion on which the home and community care provider provides home and community care to the individual, and
    - (ii) on the request of the individual or the individual's legal representative;
  - (b) each individual employed or engaged for services by the home and community care provider
    - (i) when the individual begins employment or providing services to the provider, and
    - (ii) on the request of the individual.
- (4)** A continuing care home operator or supportive living accommodation operator shall post a notice with the complaint provisions in a prominent place in the continuing care home or supportive living accommodation.
- (5)** When there is a change to the complaint provisions,
- (a) a continuing care home operator or supportive living accommodation operator, as soon as practicable, shall

- (i) provide the updated complaint provisions to the individuals referred to in subsection (2)(a) and (b), and
- (ii) post a notice with the updated complaint provisions in accordance with subsection (4),

and

- (b) a home and community care provider, as soon as practicable, shall provide the updated complaint provisions to the individuals referred to in subsection (3)(a) and (b).

## **Division 2 Official Administrator**

### **Official administrator**

**61** An official administrator may be a regional health authority or a continuing care home operator other than a regional health authority.

### **Notice of appointment**

**62(1)** The Minister shall give written notice of an appointment under section 31(1) of the Act to the official administrator and the continuing care home operator.

**(2)** A notice under subsection (1) must contain the following information:

- (a) the name and contact information of the official administrator;
- (b) the date on which the appointment takes effect;
- (c) the date on which the appointment expires;
- (d) a description of any powers or authority conferred by the Minister on the official administrator under section 31(3) of the Act;
- (e) a list of the information and records that the continuing care home operator is required to provide under section 65;
- (f) the date by which the continuing care home operator is required to provide the information and records described in clause (e).

**(3)** Where, after giving notice under subsection (2), the Minister confers additional powers or authority on the official administrator

under section 31(3) of the Act, the Minister shall give written notice of the powers or authority to the official administrator and the continuing care home operator.

#### **Extension of term**

**63(1)** The Minister may extend the term of the appointment of an official administrator if, in the Minister’s opinion, the health, well-being or safety of the residents of the continuing care home are likely to be or will continue to be prejudicially affected after the term expires.

**(2)** The Minister shall give written notice of the extension, including the date on which the extended term expires, to the official administrator and the continuing care home operator.

#### **Notice of termination**

**64** Where the Minister terminates an appointment, the Minister shall give written notice of the termination, including the date on which the termination takes effect, to the official administrator and the continuing care home operator.

#### **Information and records**

**65(1)** A continuing care operator shall provide the information and records to the official administrator appointed in respect of the continuing care home that the official administrator determines are required to operate and administer the continuing care home.

**(2)** The information and records referred to in subsection (1) must be provided in the form and manner determined by the official administrator.

#### **Collection, use and disclosure of information**

**66** For the purposes of section 31 of the Act and section 65,

- (a) a continuing care home operator may disclose the following information to the official administrator without an individual’s consent:
  - (i) individually identifying health information within the meaning of the *Health Information Act*;
  - (ii) personal information as defined in the *Freedom of Information and Protection of Privacy Act* if the

continuing care home operator is a public body as defined in that Act;

- (iii) personal information as defined in the *Personal Information Protection Act* if the continuing care home operator is an organization as defined in that Act;
- (b) an official administrator may collect and use the following information without an individual's consent:
  - (i) individually identifying health information within the meaning of the *Health Information Act*;
  - (ii) personal information as defined in the *Freedom of Information and Protection of Privacy Act* if the official administrator is a public body as defined in that Act;
  - (iii) personal information as defined in the *Personal Information Protection Act* if the official administrator is an organization as defined in that Act.

### **Division 3 Administrative Penalties**

#### **Amount of administrative penalty**

**67** In determining the amount of an administrative penalty, the director may consider the following factors:

- (a) the severity of the contravention or failure to comply;
- (b) the degree of wilfulness or negligence in the contravention or failure to comply;
- (c) whether mitigating circumstances exist with respect to the contravention or failure to comply;
- (d) whether actions have been taken to prevent reoccurrence of the contravention or failure to comply;
- (e) whether the continuing care home operator, supportive living accommodation operator, home and community care provider or other person required to pay the administrative penalty has a history of contraventions of or failures to comply with the Act or the regulations made under the Act;

- (f) whether the continuing care home operator, supportive living accommodation operator, home and community care provider or other person required to pay the administrative penalty has derived any economic benefit from the contravention or failure to comply;
- (g) any other factors that, in the opinion of the director, are relevant.

#### **Notice of administrative penalty**

**68** The following information is prescribed for the purposes of section 47(2) of the Act:

- (a) the name of the continuing care home operator, supportive living accommodation operator, home and community care provider or other person required to pay the administrative penalty;
- (b) the particulars of the contravention or failure to comply;
- (c) the amount of the administrative penalty;
- (d) the date by which the administrative penalty is required to be paid;
- (e) a statement of the right to appeal under section 33(2) of the Act.

## **Part 8 Appeals**

#### **Definition**

**69** In this Part, “electronic means” means, in respect of attending or conducting a hearing of an appeal, a method of electronic or telephonic communication that enables all persons who are required or entitled to participate in the hearing to hear and communicate with each other instantaneously, including teleconferencing and computer network-based or internet-based communication platforms.

#### **Notice of appeal**

**70** A notice of appeal must contain the following information:

- (a) the name and contact information of the appellant;
- (b) the name and contact information of the appellant’s lawyer or other representative;



- (c) the reasons for the appeal;
- (d) with respect to an appeal under section 33(1) of the Act,
  - (i) a copy of the director's decision to refuse to issue, amend or renew the licence, including the reasons for the refusal, and
  - (ii) the date the appellant was provided with the written reasons for the refusal under section 14(3) of the Act;
- (e) with respect to an appeal under section 33(2) of the Act,
  - (i) a copy of the director's decision to issue the notice of administrative penalty, and
  - (ii) the date on which the notice of administrative penalty was issued.

#### **Conduct of appeal**

**71(1)** The chair of an appeal panel may decide to conduct an appeal by

- (a) written submissions only, or
- (b) an oral hearing held
  - (i) in person,
  - (ii) by electronic means, or
  - (iii) by a combination of the methods referred to in subclauses (i) and (ii).

**(2)** Where an appeal is to be conducted by oral hearing, the chair may allow the parties to file written submissions with the appeal panel before the hearing.

**(3)** The chair shall set the date by which written submissions must be filed with the appeal panel in the case of appeals referred to in subsection (1)(a) or (2).

**(4)** The chair shall set the date, time and location of the hearing where the appeal is to be conducted by oral hearing.

### **Notice**

**72** The chair of an appeal panel shall send a notice to the appellant, the appellant's lawyer or other representative and the director that contains the following:

- (a) the method by which the appeal is to be conducted;
- (b) where the appeal is to be conducted by written submissions only, the date by which the written submissions must be filed with the appeal panel;
- (c) where the appeal is to be conducted by oral hearing,
  - (i) the date, time and location of the hearing,
  - (ii) the information required to enable each party or the party's lawyer or other representative to attend the hearing, and
  - (iii) the date by which written submissions must be filed with the appeal panel, if the chair allows the parties to file written submissions.

### **Evidence**

**73(1)** Evidence may be given before an appeal panel in any manner that the appeal panel considers appropriate.

**(2)** An appeal panel is not bound by the rules of evidence that apply to judicial proceedings.

### **Rights in respect of appeals**

**74(1)** A party to an appeal has a right to

- (a) be represented by a lawyer or other representative, and
- (b) make representations to the appeal panel.

**(2)** Where an appeal is conducted by oral hearing, a party and the party's lawyer or other representative has the right to attend any hearing held in respect of the appeal

### **Absence of party**

**75(1)** If a party to an appeal conducted by oral hearing fails to appear in person, by electronic means, or by lawyer or other representative for the hearing at the date and time set out in the

notice referred to in section 72, the appeal panel may, as it considers proper in the circumstances,

- (a) dismiss the appeal,
- (b) adjourn the appeal, or
- (c) conduct the hearing and determine the appeal in the party's absence.

**(2)** If a party to an appeal conducted by written submissions fails to file a written submission by the date set out in the notice referred to in section 72, the appeal panel may, as it considers proper in the circumstances,

- (a) dismiss the appeal,
- (b) set a new date by which the party must file a written submission with the appeal panel, or
- (c) determine the appeal based on the information already filed with the appeal panel.

#### **Withdrawal of appeal**

**76** An appellant may withdraw an appeal in writing at any time before the appeal panel renders its decision.

#### **Decision of appeal panel**

**77(1)** An appeal panel shall not make a decision that the director would not have authority to make under the Act or this Regulation.

**(2)** An appeal panel's decision must be in writing and must include the reasons for the decision.

**(3)** The chair of the appeal panel shall provide a copy of the decision, including the reasons for the decision, to

- (a) the appellant,
- (b) the appellant's lawyer or representative, and
- (c) the director.

## Part 9 General

### Publication of inspection results

**78(1)** The Minister may publish the following information relating to the results of an inspection carried out under section 19 of the Act:

- (a) the date and time of the inspection;
- (b) the inspector's determination as to whether the continuing care home operator, supportive living accommodation operator or home and community care provider under inspection has contravened or failed to comply with the Act, this Regulation, the *Continuing Care (Ministerial) Regulation*, a specified measures order, a stop order or a condition of a licence;
- (c) the details of any contraventions or failures to comply identified by the inspector while carrying out the inspection;
- (d) the details of any rectification by the continuing care home operator, supportive living accommodation operator or home and community care provider of the contraventions or failures to comply referred to in clause (c).

**(2)** A continuing care home operator, supportive living accommodation operator or home and community care provider shall, as soon as reasonably practicable after being informed of the results of an inspection,

- (a) on request, provide the summary of the inspection prepared by the department to each resident or eligible individual and the resident's or eligible individual's legal representative, and
- (b) post the summary of the inspection in a prominent place in the continuing care home, supportive living accommodation or home and community care office under inspection.

### Publication of continuing care home information

**79(1)** Subject to subsection (4), the Minister shall publish or make available the following information relating to each continuing care home:

- (a) the name of the continuing care home;

- (b) the name and contact information of the continuing care home operator;
- (c) whether the continuing care home is operated by
  - (i) a regional health authority,
  - (ii) a person or organization on a not-for-profit basis, or
  - (iii) a person or organization on a for-profit basis;
- (d) the type or types of licences held by the continuing care home operator in respect of the continuing care home;
- (e) the maximum number of eligible residents that may reside in the continuing care home at any one time, as set out in the facility-based care agreement;
- (f) the number of units of each type of accommodation, as described in the *Continuing Care (Ministerial) Regulation*, in the continuing care home;
- (g) any other information required by the Minister.

(2) Where there is a change to the information referred to in subsection (1), a continuing care home operator shall provide the Minister with the updated information during the year in which the changes took place.

(3) The information referred to in subsection (1) must be published on the Government of Alberta website or on any other website that the Minister considers likely to be easily accessible to the public.

(4) The Minister shall not publish the information referred to in subsection (1) in respect of a continuing care home if the Minister is satisfied that publication could reasonably be expected to adversely affect the health, well-being or safety of the residents of the continuing care home.

#### **Form and manner of notification**

**80** A notification under section 44 of the Act must be made in the form and manner determined by the director.

#### **Duty to notify**

**81** The following events and circumstances apply for the purposes of section 44(b) of the Act:

- (a) the continuing care home operator, supportive living accommodation operator or home and community care provider is convicted, after the coming into force of this section, of an offence under any of the following enactments, regardless of whether the conduct that was the basis for the conviction occurred before or after the coming into force of this section:
  - (i) the Act;
  - (ii) the *Nursing Homes Act*;
  - (iii) the *Protection for Persons in Care Act*;
  - (iv) the *Public Health Act*;
  - (v) the *Supportive Living Accommodation Licensing Act*;
  - (vi) a regulation made under an Act referred to in subclauses (i) to (v);
  - (vii) the *Criminal Code* (Canada);
- (b) a type 2 home and community care provider terminates a home and community care agreement.

**Prescribed information to be reported to Minister**

**82(1)** Subject to subsection (2), the following information is prescribed for the purposes of section 45(1) of the Act with respect to each continuing care home operated by a continuing care home operator:

- (a) information collected from the facility-based care assessments carried out by the continuing care home operator;
- (b) the amounts and sources of the continuing care home operator's revenues that relate to the provision of facility-based care in the continuing care home;
- (c) the amounts and types of expenditures incurred by the continuing care home operator that relate to the provision of facility-based care in the continuing care home.

**(2)** Subsection (1)(a) does not apply in respect of a type C continuing care home.

(3) The following information is prescribed for the purposes of section 45(1) of the Act with respect to a home and community care provider:

- (a) information collected from the home and community care assessments carried out by the home and community care provider;
- (b) the amounts and sources of the home and community care provider's revenues that relate to the provision of home and community care;
- (c) the amounts and types of expenditures incurred by the home and community care provider that relate to the provision of home and community care.

**Provision of information by home and community care providers**

**83** On the request of the director, a home and community care provider shall provide the following information in the form and manner determined by the director:

- (a) the name and contact information of the home and community care provider;
- (b) a description of the home and community care provided by the home and community care provider;
- (c) the following information with respect to any provider with whom the home and community care provider has entered into an agreement to provide home and community care on the home and community care provider's behalf:
  - (i) the provider's name and contact information;
  - (ii) the prescribed health goods and services or prescribed other goods and services to be provided by the provider;
- (d) an indication as to whether the home and community care provider provides type 2 home and community care, type 3 home and community care or both.

**Expiry**

**84** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be



repassed in its present or an amended form following a review, this Regulation expires on April 30, 2034.

**Coming into force**

**85(1)** This Regulation, except sections 67 and 68, comes into force on April 1, 2024.

**(2)** Sections 67 and 68 come into force on April 1, 2025.