



Province of Alberta

CONTINUING CARE ACT

**CONTINUING CARE  
(MINISTERIAL) REGULATION**

**Alberta Regulation 44/2024**

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Extract

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**ALBERTA REGULATION 44/2024**

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- (a) “accommodation charge” means accommodation charge as defined in section 9(1) of the Act;
- (b) “assistive equipment” does not include a health aid or extended health benefit provided under the *Alberta Aids to Daily Living and Extended Health Benefits Regulation* (AR 236/85) or a similar program for the provision of assistive equipment;
- (c) “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;
- (d) “caregiver support services” means services to support and assist caregivers in carrying out caregiving responsibilities;
- (e) “case management services” means assessment, planning, facilitation, care coordination, evaluation and advocacy services relating to the provision of facility-based care or home and community care;
- (f) “day program” means a program of structured or supervised group activities where life enrichment services are provided;
- (g) “end-of-life care” means care provided during the period of time when a resident of a continuing care home or an individual to whom home and community care is provided is approaching death;
- (h) “facility-based care assessment” means a facility-based care assessment as defined in the *Continuing Care Regulation*;
- (i) “home and community care assessment” means a home and community care assessment as defined in the *Continuing Care Regulation*;
- (j) “home support services” means
  - (i) homemaking services, including routine house cleaning, laundry and meal preparation,

- (ii) heavy housework, including yard maintenance and snow removal,
  - (iii) meal delivery services or community-based meal provision,
  - (iv) transportation services, and
  - (v) other services that an eligible individual has been assessed as requiring under a home and community care assessment;
- (k) “legal representative” means legal representative as defined in section 17(b) of the Act;
- (l) “life enrichment services” means services that support the mental, physical, emotional, social, intellectual or spiritual needs and goals of an eligible resident or eligible individual;
- (m) “medication” means any substance or combination of substances intended for internal or external use in
- (i) diagnosing, treating, mitigating or preventing a disease, disorder or abnormal physical state or its symptoms, or
  - (ii) restoring, correcting or modifying organic functions within the meaning of the *Food and Drugs Act* (Canada)
- and, for greater certainty, includes a drug as defined in the *Pharmacy and Drug Act*;
- (n) “palliative care” means care provided to improve the quality of life and to prevent and relieve the suffering of a resident of a continuing care home or an individual to whom home and community care is provided who has an illness that can be reasonably expected to cause the death of the resident or individual within the foreseeable future;
- (o) “personal care services” means services relating to the activities of daily living, but does not include professional health services;
- (p) “personal choice services” means optional personal services, including services such as hairdressing, barbering, manicures, pedicures, massages and facials, but does not include professional health services;

- (q) “pharmacist” means a clinical pharmacist, provisional pharmacist, courtesy pharmacist or student pharmacist within the meaning of the *Health Professions Act*;
- (r) “pharmacist and pharmacy technician services” means any professional service, as defined in the *Health Professions Act*, that
  - (i) comes within the practice of the profession of pharmacists and pharmacy technicians, and
  - (ii) is provided by or under the supervision of a pharmacist or pharmacy technician;
- (s) “pharmacy technician” means a pharmacy technician, provisional pharmacy technician or courtesy pharmacy technician within the meaning of the *Health Professions Act*;
- (t) “physician services” means any health service as defined in the *Health Professions Act* that is provided by a physician;
- (u) “prescribed health goods and services” means,
  - (i) in respect of facility-based care, the health goods and services prescribed in section 3, and
  - (ii) in respect of home and community care, the health goods and services prescribed in section 12;
- (v) “prescribed other goods and services” means,
  - (i) in respect of facility-based care, the other goods and services prescribed in section 4, and
  - (ii) in respect of home and community care, the other goods and services prescribed in section 13;
- (w) “professional health services” means any health service as defined in the *Health Professions Act* that is provided by or under the supervision of a regulated health professional, but does not include personal care services or personal choice services;
- (x) “regulated health professional” means a regulated member under the *Health Professions Act* other than a physician;
- (y) “type 1 home and community care” means the type of home and community care established under section 14(a);

- (z) “type 2 home and community care” means the type of home and community care established under section 14(b);
- (aa) “type 3 home and community care” means the type of home and community care established under section 14(c);
- (bb) “type A continuing care home” means a type A continuing care home as defined in the *Continuing Care Regulation*;
- (cc) “type B continuing care home” means a type B continuing care home as defined in the *Continuing Care Regulation*;
- (dd) “type C continuing care home” means a type C continuing care home as defined in the *Continuing Care Regulation*.

### **Facility-based Care**

#### **Prescribed accommodation goods and services**

**2** The following accommodation goods and services are prescribed for the purposes of section 1(h)(i) of the Act:

- (a) accommodation;
- (b) meals, nourishment and services related to the preparation and serving of meals and nourishment;
- (c) housekeeping services;
- (d) bedding, towels and other linens;
- (e) laundry services for bedding, towels and other linens provided under clause (d);
- (f) general administrative, clerical, management and business support services relating to the operation of the continuing care home;
- (g) facility and site maintenance services;
- (h) utilities.

#### **Prescribed health goods and services**

**3** The following health goods and services are prescribed for the purposes of section 1(h)(ii) of the Act:

- (a) therapeutic and special diets;
- (b) case management services;

- (c) physician services;
- (d) professional health services;
- (e) life enrichment services;
- (f) palliative care;
- (g) end-of-life care.

**Prescribed other goods and services**

**4** The following other goods and services are prescribed for the purposes of section 1(h)(iii) of the Act:

- (a) medication;
- (b) supplemental nutritional products;
- (c) supplies used to provide medical or surgical treatments;
- (d) assistive equipment;
- (e) personal care services;
- (f) pharmacist and pharmacy technician services.

**Payment by Minister for health goods and services**

**5** A payment under section 6(a) of the Act may be made in respect of the provision of prescribed health goods and services to an eligible resident only if the eligible resident has been assessed as requiring those goods and services under a facility-based care assessment.

**Payment by Minister for other goods and services**

**6(1)** A payment under section 6(b) of the Act may be made in respect of the provision of prescribed other goods and services to an eligible resident only if the eligible resident has been assessed as requiring those goods and services under a facility-based care assessment.

**(2)** The Minister shall determine, with respect to each type of continuing care home, the prescribed other goods and services in respect of which payment may be made under section 6(b) of the Act.



**Payment by eligible resident for other goods and services**

**7** An eligible resident is required to pay the costs of any prescribed other goods and services where no payment is made under section 6(b) of the Act in respect of the provision of those goods and services to the eligible resident.

**Types of accommodation**

**8** The following types of accommodation are established:

- (a) shared room — a single or double occupancy bedroom with a shared washroom;
- (b) private room — a single occupancy bedroom with a private attached washroom;
- (c) one-bedroom suite — a suite containing one bedroom, a separate living area and a private attached washroom;
- (d) multi-bedroom suite — a suite containing at least 2 bedrooms, a separate living area and a private attached washroom.

**Payment of accommodation charge**

**9** The accommodation charge to be paid by a resident of a continuing care home is the accommodation charge set by the continuing care home operator in respect of the type of accommodation in which the resident resides.

**Exemption from payment of accommodation charge**

**10(1)** The following residents may be exempted, under section 9(3) of the Act, from paying the accommodation charge:

- (a) a resident of a type A continuing care home or type B continuing care home who has been admitted to the continuing care home for the sole purpose of receiving end-of-life care;
- (b) a resident of a type C continuing care home.

**(2)** Where a supportive living accommodation under the *Supportive Living Accommodation Licensing Act* becomes a type B continuing care home under section 57(3) of the Act, a resident of the type B continuing care home who was admitted to the supportive living accommodation before September 1, 2013 may be exempted from paying the accommodation charge in part.

**(3)** A resident described in subsection (1)(a) who is assessed as no longer requiring end-of-life care under a facility-based care

assessment is required to pay the applicable accommodation charge if the resident continues to reside in the continuing care home.

#### **Adjustment of accommodation charge**

**11(1)** In this section, “Alberta CPI” means the monthly All-items Consumer Price Index for Alberta, not seasonally adjusted, published by Statistics Canada.

**(2)** The maximum amount of the accommodation charge set by the Minister under section 9(4) of the Act in respect of each type of accommodation must be adjusted annually on August 1 by the lesser of the following:

- (a) the percentage increase in the Alberta CPI for the 12-month period ending on February 28 of that year, rounded to the nearest \$0.05;
- (b) 3.8%.

### **Home and Community Care**

#### **Prescribed health goods and services**

**12** The following health goods and services are prescribed for the purposes of section 1(i) of the Act:

- (a) case management services;
- (b) professional health services;
- (c) palliative care;
- (d) end-of-life care.

#### **Prescribed other goods and services**

**13** The following other goods and services are prescribed for the purposes of section 1(i) of the Act:

- (a) medication;
- (b) supplemental nutritional products;
- (c) temporary or short-term use of supplies to provide medical or surgical treatments;
- (d) temporary or short-term use of assistive equipment;
- (e) personal care services;
- (f) home support services;

- (g) caregiver support services;
- (h) day programs.

#### **Types of home and community care**

**14** The following types of home and community care are established:

- (a) type 1 home and community care, which is provided to an eligible individual by a regional health authority;
- (b) type 2 home and community care, which is provided
  - (i) to an eligible individual by a home and community care provider other than a regional health authority, and
  - (ii) under an agreement entered into between the home and community care provider and a regional health authority for the provision of home and community care;
- (c) type 3 home and community care, which is provided
  - (i) to an eligible individual who has been authorized by a regional health authority to enter into an agreement described in subclause (iii),
  - (ii) by a home and community care provider other than a regional health authority, and
  - (iii) under an agreement entered into between the eligible individual or the eligible individual's legal representative and the home and community care provider.

#### **Payment by Minister**

**15** A payment under section 10(1) of the Act may be made in respect of the provision of prescribed health goods and services and prescribed other goods and services to an eligible individual only if the eligible individual has been assessed as requiring those goods and services under a home and community care assessment.

#### **Payment by eligible individuals for home and community care**

**16(1)** An eligible individual is required to pay the costs of any prescribed health goods and services or prescribed other goods and services where no payment is made under section 10(1) of the Act

in respect of the provision of those goods and services to the eligible individual.

(2) Where the amount charged by a home and community care provider for prescribed health goods and services or prescribed other goods and services provided to an eligible individual under an agreement for type 3 home and community care is greater than the payment made under section 10(1) of the Act in respect of the provision of those goods and services to the eligible individual, the eligible individual is required to pay an amount equal to the difference between

- (a) the amount charged by the home and community care provider, and
- (b) the payment made under section 10(1) of the Act.

#### **Schedule of fees and costs**

**17** The Minister shall establish a schedule of fees and costs specifying

- (a) the prescribed other goods and services to which section 18(1) applies,
- (b) the amounts required to be paid by eligible individuals in respect of those goods and services, and
- (c) the maximum monthly amount referred to in section 18(2).

#### **Payment by eligible individuals under schedule of fees and costs**

**18(1)** Notwithstanding section 16(1) and subject to subsection (2), an eligible individual to whom type 1 home and community care or type 2 home and community care is provided is required to pay a fee for or a portion of the costs of any prescribed other goods and services provided to the eligible individual where the Minister has specified an amount in respect of those goods and services in the schedule of fees and costs.

(2) No eligible individual shall be required to pay an aggregate monthly amount under this section in respect of the prescribed other goods and services referred to in subsection (1) that is greater than the maximum monthly amount set out in the schedule of fees and costs.

**Waiver of fees or costs**

**19(1)** An eligible individual or an eligible individual's legal representative may request from the home and community care provider providing prescribed other goods and services a waiver of all or a portion of the fees or costs that the eligible individual is required to pay under section 18(1).

**(2)** On receiving a request under subsection (1), the home and community care provider may grant a waiver of all or a portion of the fees or costs the eligible individual is required to pay if the home and community care provider is of the opinion that requiring the payment of those fees or costs would cause undue financial hardship to the eligible individual.

**(3)** Where a home and community care provider grants a waiver, the Minister may make a payment under section 10(1) of the Act to the home and community care provider in respect of the fees or costs that have been waived.

**Supportive Living Services****Prescribed minimum number of residents**

**20** The prescribed minimum number of adult residents for the purposes of section 1(v)(ii) of the Act is 4.

**Prescribed goods and services — safety, security or personal welfare**

**21(1)** The following goods and services are prescribed for the purposes of section 1(x)(i) of the Act:

- (a) monitoring of the safety, security or personal welfare of residents of a supportive living accommodation through the use of alarms, devices or systems intended for that purpose;
- (b) systems or processes to
  - (i) confirm the physical presence and welfare of residents of a supportive living accommodation, and
  - (ii) track the absence of residents from a supportive living accommodation.

**(2)** Subsection (1)(a) does not include monitoring through the use of alarms, devices or systems whose primary purpose is

- (a) fire detection and monitoring,
- (b) carbon monoxide detection and monitoring, or

- (c) crime prevention.

**Prescribed goods and services — meals or accommodation services**

**22** The following goods and services are prescribed for the purposes of section 1(x)(ii) of the Act:

- (a) meals, nourishment and services related to the preparation and serving of meals and nourishment;
- (b) housekeeping services with respect to the private areas reserved for the exclusive use of each resident of a supportive living accommodation;
- (c) bedding, towels and other linens;
- (d) laundry services or access to laundry facilities;
- (e) personal choice services;
- (f) assisting or reminding residents to take prescribed medication;
- (g) social or leisure activities;
- (h) holding money on behalf of residents;
- (i) holding residents' property for safeguarding.

**Expiry and Coming into Force**

**Expiry**

**23** 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**

**24** This Regulation comes into force on April 1, 2024.





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