

2022 Bill 11

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Third Session, 30th Legislature, 71 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 11**

## **CONTINUING CARE ACT**

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THE MINISTER OF HEALTH

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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# **BILL 11**

2022

## **CONTINUING CARE ACT**

*(Assented to , 2022)*

### *Table of Contents*

#### **Part 1 Interpretation**

- 1 Definitions
- 2 Application to supportive living accommodations
- 3 Non-application

#### **Part 2 Provision of Continuing Care**

- 4 Application of standards, codes, etc.
- 5 Requirement for agreement

##### **Division 1 Facility-based Care**

- 6 Payment for health and other goods and services
- 7 Eligibility for health goods and services payment
- 8 Other goods and services
- 9 Continuing care home accommodation charge

##### **Division 2 Home and Community Care**

- 10 Payment for home and community care
- 11 Eligibility for home and community care payment
- 12 Fees or costs

### **Part 3 Licensing**

- 13 Licence required
- 14 Application for licence
- 15 Ineligible operator
- 16 Notice to director

### **Part 4 Compliance and Enforcement**

- 17 Definitions
- 18 Inspectors
- 19 Inspections of continuing care homes, etc.
- 20 Inspections of unlicensed facilities, etc.
- 21 Court order to enable inspection of continuing care homes, etc.
- 22 Court order to enable inspection of unlicensed facilities, etc.
- 23 Actions after inspection
- 24 Specified measures order
- 25 Stop order
- 26 Failure to comply with stop order
- 27 Cancellation of licence
- 28 Notification of residents
- 29 Notification of individuals
- 30 Complaints
- 31 Official administrator
- 32 Reporting

### **Part 5 Appeals**

- 33 Appeals to appeal panels
- 34 Appeal panels
- 35 Appeals of stop orders
- 36 Appeals of licence cancellations

### **Part 6 General**

- 37 Resident and family councils
- 38 Designation of director
- 39 Ministerial direction

- 40 Protected words
- 41 Service of documents
- 42 Publication of information
- 43 Collection, use and disclosure of information
- 44 Duty to notify
- 45 Reporting
- 46 Protection from liability
- 47 Administrative penalties
- 48 Offences and penalties
- 49 Vicarious liability
- 50 Limitation period for prosecution
- 51 Regulations
- 52 Deficiency regulations
- 53 Transitional regulations

## **Part 7**

### **Transitional Provisions, Consequential and Coordinated Amendments, Repeals and Coming into Force**

#### **Division 1**

##### **Transitional Provisions**

- 54 Definitions
- 55 Transitional — auxiliary hospitals
- 56 Transitional — eligibility
- 57 Transitional — licences
- 58 Transitional — inspections
- 59 Transitional — complaints
- 60 Transitional — investigations
- 61 Transitional — orders
- 62 Transitional — appeals and reviews
- 63 Transitional — official administrator

#### **Division 2**

##### **Consequential and Coordinated Amendments**

- 64 Consequential changes to regulations
- 65-81 Consequential amendments
- 82 Coordinated amendment

**Division 3**  
**Repeals and Coming into Force**

- 83 Repeals
- 84 Coming into force

**Preamble**

WHEREAS the continuing care system, as part of Alberta's health system, is guided by and provides continuing care in accordance with the principles in the *Alberta Health Act*;

WHEREAS respect for the diversity of Albertans who access continuing care and the delivery of continuing care in a safe, efficient and collaborative manner are both essential aspects of the continuing care system;

WHEREAS the Government of Alberta is committed to ensuring that the delivery of continuing care and the design of the continuing care system in Alberta are based on a person-centred approach;

WHEREAS the quality of life of continuing care residents and clients is the highest priority for the Government of Alberta in respect of the continuing care system;

WHEREAS family and friends who act as caregivers play a significant role in the lives of continuing care residents and clients in helping to determine how to best meet their needs, and it is important that caregivers and those receiving continuing care are able to make informed decisions about care options;

WHEREAS staff who provide continuing care enhance the quality of life of residents and clients and well-trained and supported staff are vital to the continuing care system;

WHEREAS continuing care services are provided in the homes of residents and clients, whether that home is a private residence, continuing care home or supportive living accommodation;

WHEREAS continuing care residents and clients deserve to be treated with dignity and respect, taking into account their physical, mental, social, spiritual and cultural needs; and

WHEREAS the Government of Alberta supports, to the extent possible, the wishes of continuing care residents and clients to age in place or to remain living as a couple or with a companion;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

## **Part 1 Interpretation**

### **Definitions**

**1** In this Act,

- (a) “continuing care home” means a facility or part of a facility where facility-based care is provided to residents, some of whom must be eligible residents;
- (b) “continuing care home operator” means a person or organization that operates a continuing care home and provides facility-based care in that continuing care home;
- (c) “Court” means the Court of Queen’s Bench;
- (d) “department” means the department administered by the Minister;
- (e) “director” means the director designated under section 38;
- (f) “eligible individual” means an individual who meets the eligibility criteria under section 11;
- (g) “eligible resident” means an individual who meets the eligibility criteria under section 7;
- (h) “facility-based care” means the group of goods and services that is provided on an ongoing basis to residents of a continuing care home and that is made up of the following:
  - (i) prescribed accommodation goods and services;
  - (ii) prescribed health goods and services;
  - (iii) prescribed other goods and services;
- (i) “home and community care” means the prescribed health goods and services and prescribed other goods and services that are provided by a home and community care provider to an eligible individual in the individual’s home

or community, but does not include facility-based care or supportive living services;

- (j) “home and community care provider” means a person or organization that provides home and community care under this Act, but does not include an individual employed or engaged for services by that person or organization who gives or administers home and community care directly to an individual;
- (k) “licensee” means a continuing care home operator or supportive living accommodation operator that holds a valid licence issued under this Act;
- (l) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (m) “official administrator” means an official administrator appointed in respect of a continuing care home under section 31;
- (n) “other goods and services” means,
  - (i) with respect to facility-based care, the goods and services included in facility-based care other than health goods and services and accommodation goods and services, and
  - (ii) with respect to home and community care, the goods and services included in home and community care other than health goods and services;
- (o) “prescribed” means prescribed by the regulations;
- (p) “provide” includes, with respect to facility-based care, supportive living services or home and community care, entering into an agreement with a party for the provision by the party of facility-based care, supportive living services or home and community care to residents of a continuing care home or supportive living accommodation or to eligible individuals;
- (q) “record” means record as defined in section 1(q) of the *Freedom of Information and Protection of Privacy Act*;



- (r) “regional health authority” means a regional health authority under the *Regional Health Authorities Act*;
- (s) “resident of Alberta” means a person lawfully entitled to be or remain in Canada, who makes the person’s home and is ordinarily present in Alberta, and any other person deemed by the regulations under the *Alberta Health Care Insurance Act* to be a resident of Alberta, but does not include a tourist, transient or visitor to Alberta;
- (t) “specified measures order” means an order issued under section 23(1)(a);
- (u) “stop order” means a stop order issued under section 23(1)(b);
- (v) “supportive living accommodation” means buildings or units in buildings that are intended for permanent or long-term residential living
  - (i) where supportive living services are provided in order to assist residents to live as independently as possible, and
  - (ii) where, subject to section 2, the prescribed minimum number of adult residents reside,

but does not include a private dwelling where an individual provides care or services only to the individual’s family members or friends;
- (w) “supportive living accommodation operator” means a person or organization that operates a supportive living accommodation and provides supportive living services in that supportive living accommodation;
- (x) “supportive living services” means the prescribed goods and services, some or all of which are provided to a resident of a supportive living accommodation by a supportive living accommodation operator that relate to
  - (i) safety, security or personal welfare, and
  - (ii) the provision of meals or accommodation services,

but does not include facility-based care or home and community care.

### **Application to supportive living accommodations**

**2** Notwithstanding section 1(v)(ii), this Act applies in respect of a supportive living accommodation during any period in which the number of residents of the supportive living accommodation temporarily falls below the prescribed minimum number of residents.

### **Non-application**

**3(1)** This Act does not apply, to the extent set out in the regulations, in respect of

- (a) a continuing care home or supportive living accommodation or a type or class of continuing care home or supportive living accommodation designated by the director in accordance with the regulations as exempt from the application of this Act,
- (b) a continuing care home operator or supportive living accommodation operator or a type or class of continuing care home operator or supportive living accommodation operator designated by the director in accordance with the regulations as exempt from the application of this Act, or
- (c) a home and community care provider or a type or class of home and community care provider designated by the director in accordance with the regulations as exempt from the application of this Act.

**(2)** The following are not considered to be continuing care homes or supportive living accommodations under this Act:

- (a) approved hospitals under the *Hospitals Act*;
- (b) hostels or other establishments operated to provide temporary accommodation and services to individuals experiencing poverty or homelessness.

## **Part 2 Provision of Continuing Care**

### **Application of standards, codes, etc.**

**4** A continuing care home operator, supportive living accommodation operator or home and community care provider shall

- (a) provide facility-based care and operate the continuing care home, in the case of a continuing care home operator,
- (b) provide supportive living services and operate the supportive living accommodation, in the case of a supportive living accommodation operator, and
- (c) provide home and community care, in the case of a home and community care provider,

in accordance with this Act, the regulations and any applicable standard, code, guideline, schedule or body of rules incorporated or adopted under the regulations.

### **Requirement for agreement**

**5(1)** Subject to section 13 and the regulations, no continuing care home operator or home and community care provider shall provide facility-based care or home and community care unless the operator or provider has entered into an agreement in accordance with the regulations to provide that care.

**(2)** No agreement of a prescribed type or class shall be entered into under subsection (1) unless the agreement is approved by the Minister in accordance with the regulations.

## **Division 1 Facility-based Care**

### **Payment for health and other goods and services**

**6** The Minister may make a payment in accordance with the regulations in respect of

- (a) the provision of the prescribed health goods and services to an eligible resident as part of the eligible resident's facility-based care, and

- (b) the provision of the prescribed other goods and services to a resident of a continuing care home as part of the resident's facility-based care.

**Eligibility for health goods and services payment**

**7(1)** Subject to subsection (2), an individual is an eligible resident if the individual

- (a) is a resident of Alberta,
- (b) has been assessed in accordance with the regulations as requiring facility-based care, and
- (c) meets any other prescribed requirements or conditions.

**(2)** An individual is not an eligible resident if

- (a) any of the following are responsible for providing the prescribed health goods and services to the individual:
  - (i) The Workers' Compensation Board;
  - (ii) the Department of Veterans Affairs (Canada);
  - (iii) the Department of National Defence (Canada);
  - (iv) the Department of Health (Canada),
- (b) the provision of health goods and services to the individual is provided for under an Act of Canada or of another province or territory,
- (c) the individual has been assessed in accordance with the regulations as no longer requiring facility-based care, or
- (d) the individual ceases to meet any of the requirements or conditions referred to in subsection (1).

**Other goods and services**

**8** Subject to the regulations, the Minister may require a resident of a continuing care home to pay, in accordance with the regulations, a fee for or a portion of the costs of the prescribed other goods and services provided as part of the resident's facility-based care.

### **Continuing care home accommodation charge**

**9(1)** In this section, “accommodation charge” means the charge a resident of a continuing care home is required to pay to the continuing care home operator for the prescribed accommodation goods and services referred to in section 1(h)(i).

**(2)** Subject to subsection (3), a resident of a continuing care home shall pay an accommodation charge in accordance with this section and the regulations.

**(3)** The Minister may exempt a resident from paying the accommodation charge, in whole or in part, in accordance with the regulations.

**(4)** The Minister shall by order set the maximum amount of the accommodation charge in accordance with the regulations and may set different maximum amounts in respect of different types or classes of accommodation in a continuing care home.

**(5)** The Minister shall, as soon as is practicable, publish the maximum amounts set under subsection (4) on the Government of Alberta website.

**(6)** No continuing care home operator shall charge a resident an accommodation charge that exceeds the maximum amount set by the Minister in respect of the type or class of accommodation in which the resident resides.

## **Division 2 Home and Community Care**

### **Payment for home and community care**

**10(1)** The Minister may make a payment in accordance with the regulations in respect of the provision of home and community care to an eligible individual.

**(2)** Subsection (1) applies only in respect of the type or class of home and community care that the eligible individual has been assessed as requiring under section 11(1)(b).

### **Eligibility for home and community care payment**

**11(1)** Subject to subsection (2), an individual is an eligible individual in respect of a prescribed type or class of home and community care if the individual

- (a) is a resident of Alberta,
  - (b) has been assessed in accordance with the regulations as requiring that type or class of home and community care, and
  - (c) meets any other prescribed requirements or conditions.
- (2)** An individual is not an eligible individual if
- (a) the individual's home and community care is the responsibility of any of the following:
    - (i) The Workers' Compensation Board;
    - (ii) the Department of Veterans Affairs (Canada);
    - (iii) the Department of National Defence (Canada),
  - (b) the provision of home and community care to the individual is provided for under an Act of Canada or of another province or territory,
  - (c) the individual has been assessed in accordance with the regulations as no longer requiring home and community care of the type or class referred to in subsection (1)(b), or
  - (d) the individual ceases to meet any of the requirements or conditions referred to in subsection (1).

**Fees or costs**

**12** Subject to the regulations, the Minister may require an eligible individual to pay, in accordance with the regulations, a fee for or a portion of the cost of the home and community care provided to the eligible individual.

## **Part 3 Licensing**

**Licence required**

**13(1)** No continuing care home operator shall operate a continuing care home or provide facility-based care unless the continuing care home operator holds a valid licence in respect of the continuing care home where the facility-based care is provided.

(2) No supportive living accommodation operator shall operate a supportive living accommodation or provide supportive living services unless the supportive living accommodation operator holds a valid licence in respect of the supportive living accommodation where the supportive living services are provided.

(3) A licensee shall comply with any conditions imposed on the licence.

(4) A licence is not transferrable.

(5) Unless the director specifies otherwise, a licensee shall post the licence issued to the licensee in a prominent place in the continuing care home or supportive living accommodation in respect of which it is issued.

(6) If the director specifies that a licence is not required to be posted, the licensee shall keep the licence in the continuing care home or supportive living accommodation and make it available for viewing on request.

#### **Application for licence**

**14(1)** Subject to section 15 and the regulations,

(a) the following may apply to the director in accordance with the regulations for a licence:

- (i) a continuing care home operator;
- (ii) a supportive living accommodation operator;
- (iii) a person or organization that proposes to operate a continuing care home and provide facility-based care in that continuing care home;
- (iv) a person or organization that proposes to operate a supportive living accommodation and provide supportive living services in that supportive living accommodation,

and

(b) a continuing care home operator or supportive living accommodation operator may apply to the director in

accordance with the regulations for the amendment or renewal of a licence.

**(2)** Subject to the regulations, the director may, in respect of an application under subsection (1),

- (a) issue or renew a licence for a term of up to 4 years, with or without conditions,
- (b) amend a licence, or
- (c) refuse to issue, amend or renew a licence.

**(3)** If the director refuses to issue, amend or renew a licence, the director shall provide to the applicant written reasons for the refusal.

**(4)** The written reasons referred to in subsection (3) must include information respecting the applicant's right to appeal the director's decision in accordance with section 33.

#### **Ineligible operator**

**15(1)** In this section, "ineligible operator" means a continuing care home operator or supportive living accommodation operator that

- (a) has been refused a licence or a renewal of a licence under section 14(2)(c),
- (b) has failed to comply with a stop order issued under section 23(1)(b), or
- (c) has had a licence cancelled under section 23(1)(c).

**(2)** An ineligible operator shall not, for a period of 2 years after the date on which the continuing care home operator or supportive living accommodation operator becomes an ineligible operator,

- (a) apply for a licence or a renewal of a licence in respect of the continuing care home or supportive living accommodation that was the subject of the refusal, failure to comply or cancellation, or
- (b) apply for a licence in respect of a continuing care home or supportive living accommodation for which no licence has previously been issued.



**Notice to director**

**16** A licensee shall notify the director in accordance with the regulations in the event of any of the following:

- (a) in respect of a continuing care home,
  - (i) the licensee intends to change the provider of or to cease providing the prescribed accommodation goods and services referred to in section 1(h)(i), the prescribed health goods and services referred to in section 1(h)(ii) or the prescribed other goods and services referred to in section 1(h)(iii), or
  - (ii) the licensee intends to cease operating all or part of the continuing care home;
- (b) in respect of a supportive living accommodation,
  - (i) the licensee intends to change the provider of or to cease providing the prescribed goods and services referred to in section 1(x), or
  - (ii) the licensee intends to cease operating all or part of the supportive living accommodation;
- (c) the ownership of the continuing care home or supportive living accommodation changes;
- (d) any other prescribed events or circumstances occur.

## **Part 4 Compliance and Enforcement**

**Definitions**

**17** In this Part,

- (a) “home and community care office” means a location, place or premises where records, food, material or equipment relating to the provision of home and community care by a home and community care provider are located;
- (b) “legal representative” means a person legally authorized to make specific decisions on behalf of an individual;

- (c) “notice of cancellation” means a notice of the cancellation of a licensee’s licence referred to in section 27;
- (d) “peace officer” means
  - (i) a police officer under the *Police Act*, while the police officer is in the exercise or discharge of the police officer’s powers or duties,
  - (ii) a member of a police service under the *Police Act*, while the member is in the exercise or discharge of the member’s powers or duties, or
  - (iii) a peace officer appointed under the *Peace Officer Act*, while the peace officer is in the exercise or discharge of the peace officer’s powers or duties.

#### **Inspectors**

**18(1)** The director may designate one or more individuals as inspectors for the purposes of this Act.

**(2)** An inspector carrying out an inspection shall carry identification in the form established by the Minister and present it on request to the continuing care home operator, supportive living accommodation operator or home and community care provider under inspection.

#### **Inspections of continuing care homes, etc.**

**19(1)** For the purposes of ensuring compliance with this Act, the regulations, a specified measures order, a stop order or a condition of a licence, an inspector may

- (a) subject to subsections (2) and (4), enter and inspect a continuing care home, supportive living accommodation or home and community care office at any reasonable time, or
- (b) inspect the records of a continuing care home operator, supportive living accommodation operator or home and community care provider without entering the continuing care home, supportive living accommodation or home and community care office.

**(2)** Subject to subsection (3), before entering any private area reserved for the exclusive use of a resident of a continuing care home or supportive living accommodation in order to carry out an inspection under subsection (1)(a), an inspector shall obtain

- (a) the consent of the resident or the resident's legal representative, or
- (b) an order of the Court under section 21.

**(3)** If a private area referred to in subsection (2) is located in a room that a resident shares with one or more other residents, consent must be obtained under subsection (2)(a) from each resident or resident's legal representative.

**(4)** Before entering a private dwelling in which a home and community care office is located in order to carry out an inspection under subsection (1)(a), an inspector shall obtain

- (a) the consent of the occupant of the private dwelling, or
- (b) an order of the Court under section 21.

**(5)** In carrying out an inspection under subsection (1)(a), an inspector may

- (a) require the continuing care home operator, supportive living accommodation operator or home and community care provider to produce any records that are relevant to the inspection relating to
  - (i) its provision of facility-based care, supportive living services or home and community care,
  - (ii) its operation of the continuing care home or supportive living accommodation, or
  - (iii) the residents of the continuing care home or supportive living accommodation or individuals to whom home and community care is provided,
- (b) examine, make copies of, remove temporarily for the purpose of making copies or require the operator or provider to make copies of any records referred to in clause (a),

- (c) inspect and take samples of any material, food or equipment that is relevant to the inspection and that is
  - (i) used or found in a continuing care home or supportive living accommodation, or
  - (ii) used in the provision of home and community care by the home and community care provider or found in the home and community care office,
- (d) perform tests, take photographs or make recordings that are relevant to the inspection, and
- (e) interview any person with respect to matters that are relevant to the inspection.

**(6)** In carrying out an inspection under subsection (1)(b), an inspector may

- (a) require the continuing care home operator, supportive living accommodation operator or home and community care provider to produce any records that are relevant to the inspection relating to
  - (i) its provision of facility-based care, supportive living services or home and community care,
  - (ii) its operation of the continuing care home or supportive living accommodation, or
  - (iii) the residents of the continuing care home or supportive living accommodation or individuals to whom home and community care is provided,

and

- (b) make copies or require the operator or provider to make copies of any records referred to in clause (a).

**(7)** When an inspector removes any records under subsection (5)(b) or when original records are produced to an inspector under subsection (6)(a), the inspector shall

- (a) give a receipt for those records to the continuing care home operator, supportive living accommodation operator or home and community care provider from which the records were taken, and

- (b) promptly return the records to the continuing care home operator, supportive living accommodation operator or home and community care provider from which they were taken or that produced the records when the records have served the purpose for which they were taken.

**(8)** When an inspector takes samples of any material, food or equipment under subsection (5)(c), the inspector shall

- (a) give a receipt for those samples to the continuing care home operator, supportive living accommodation operator or home and community care provider from which the samples were taken, and
- (b) on the request of the continuing care home operator, supportive living accommodation operator or home and community care provider from which the samples were taken and where it is reasonable to do so, promptly return the samples to the operator or provider when they have served the purpose for which they were taken.

**(9)** In carrying out an inspection under subsection (1)(a), an inspector may access electronic data processing equipment at or in respect of the continuing care home, supportive living accommodation or home and community care office under inspection.

**(10)** An inspector shall inform the director and the continuing care home operator, supportive living accommodation operator or home and community care provider under inspection of the results of the inspection.

**Inspections of unlicensed facilities, etc.**

**20(1)** For the purposes of determining whether a facility, accommodation or establishment is subject to this Act, an inspector may

- (a) subject to subsection (2), enter and inspect a facility, accommodation or establishment at any reasonable time, or
- (b) inspect the records of an operator of a facility, accommodation or establishment without entering the facility, accommodation or establishment.

**(2)** Before entering a facility, accommodation or establishment to carry out an inspection under subsection (1)(a), an inspector shall obtain an order of the Court under section 22.

**(3)** Subject to subsection (4), before entering any private area reserved for the exclusive use of a resident of a facility, accommodation or establishment in order to carry out an inspection under subsection (1)(a), an inspector shall obtain

- (a) the consent of the resident or the resident's legal representative, or
- (b) an order of the Court under section 22.

**(4)** If a private area referred to in subsection (3) is located in a room that a resident shares with one or more other residents, consent must be obtained under subsection (3)(a) from each resident or resident's legal representative.

**(5)** In carrying out an inspection under this section, an inspector may

- (a) require the operator of the facility, accommodation or establishment to produce any records that are relevant to the inspection relating to
  - (i) its provision of care or services,
  - (ii) its operation of the facility, accommodation or establishment, or
  - (iii) the residents of the facility, accommodation or establishment,
- (b) examine, make copies of, remove temporarily for the purpose of making copies or require the operator to make copies of any records referred to in clause (a), and
- (c) interview any person with respect to matters that are relevant to the inspection.

**(6)** When an inspector removes any records or when original records are produced to an inspector, the inspector shall

- (a) give a receipt for those records to the operator of the facility, accommodation or establishment from which the records were taken, and

- (b) promptly return the records to the operator of the facility, accommodation or establishment from which they were taken or that produced the records when the records have served the purpose for which they were taken.

(7) An inspector shall inform the director and the operator of the facility, accommodation or establishment under inspection of the results of the inspection.

**Court order to enable inspection of continuing care homes, etc.**

**21(1)** An inspector may apply to the Court for an order if

- (a) anyone prevents the inspector from entering and carrying out an inspection of a continuing care home, supportive living accommodation or home and community care office under section 19(1)(a),
- (b) anyone prevents the inspector from carrying out an inspection of the records of a continuing care home, supportive living accommodation operator or home and community care provider under section 19(1)(b),
- (c) a resident of a continuing care home or supportive living accommodation or the resident's legal representative refuses consent or consent cannot reasonably be obtained for the purposes of section 19(2) or (3),
- (d) the occupant of a private dwelling in which a home and community care office is located refuses consent or consent cannot reasonably be obtained for the purposes of section 19(4), or
- (e) anyone obstructs or hinders the inspector in the exercise of the powers referred to in section 19(5) or (6).

**(2)** A judge of the Court may,

- (a) in respect of an application made under subsection (1)(a) or (e), make any order that the judge considers necessary to permit the inspector to enter the continuing care home, supportive living accommodation or home and community care office and carry out an inspection,
- (b) in respect of an application made under subsection (1)(b), make any order that the judge considers necessary to

permit an inspector to carry out an inspection of the records of the continuing care home, supportive living accommodation or home and community care office,

- (c) in respect of an application made under subsection (1)(c), if the judge is satisfied that the health, well-being or safety of a resident or residents requires the inspector to enter a private area reserved for the exclusive use of a resident of a continuing care home or supportive living accommodation or a shared room in which such a private area is located, make any order that the judge considers necessary to permit the inspector to enter the area or room and carry out an inspection, and
- (d) in respect of an application made under subsection (1)(d), if the judge is satisfied that the health, well-being or safety of an individual or individuals to whom home and community care is provided requires the inspector to enter a private dwelling in which the home and community care office of the home and community care provider is located, make any order that the judge considers necessary to permit the inspector to enter the private dwelling and carry out an inspection.

**(3)** An application referred to in subsection (1) may be made without notice if the Court considers it appropriate in the circumstances.

**Court order to enable inspection of unlicensed facilities, etc.**

**22(1)** An inspector may apply to the Court for an order if

- (a) the inspector reasonably believes that the operator of a facility, accommodation or establishment may be required to hold a licence under this Act and an inspection under section 20(1)(a) is required to determine whether that is the case,
- (b) anyone prevents the inspector from entering a facility, accommodation or establishment and carrying out an inspection under section 20(1)(a) that has been authorized by an order made under subsection (2)(a),
- (c) anyone prevents the inspector from carrying out an inspection of the records of a facility, accommodation or establishment under section 20(1)(b),



- (d) a resident of a facility, accommodation or establishment or the resident's legal representative refuses consent or consent cannot reasonably be obtained for the purposes of section 20(3) or (4) with respect to an inspection that has been authorized by an order made under subsection (2)(a), or
- (e) anyone obstructs or hinders the inspector in the exercise of the powers referred to in section 20(5) with respect to an inspection under section 20(1)(a) that has been authorized by an order made under subsection (2)(a) or an inspection under section 20(1)(b).

**(2)** A judge of the Court may,

- (a) in respect of an application made under subsection (1)(a), make an order authorizing an inspection under section 20(1)(a) to determine whether the facility, accommodation or establishment is required to be licensed under this Act and make any other order that the judge considers necessary to permit the inspector to enter the facility, accommodation or establishment and carry out an inspection,
- (b) in respect of an application made under subsection (1)(b) or (e), make any order that the judge considers necessary to permit the inspector to enter the facility, accommodation or establishment and carry out an inspection of the records of the facility, accommodation or establishment under section 20(1)(a),
- (c) in respect of an application made under subsection (1)(c) or (e), make any order that the judge considers necessary to permit an inspector to carry out an inspection of the records of the facility, accommodation or establishment under section 20(1)(b), and
- (d) in respect of an application made under subsection (1)(d), if the judge is satisfied that the health, well-being or safety of a resident or residents requires the inspector to enter a private area reserved for the exclusive use of a resident of a facility, accommodation or establishment or a shared room in which such a private area is located, make any order that the judge considers necessary to permit the inspector to enter the area or room and carry out an inspection under section 20(1)(a).

**(3)** An application referred to in subsection (1) may be made without notice if the Court considers it appropriate in the circumstances.

**Actions after inspection**

**23(1)** After an inspection under section 19, where the director is of the opinion that the continuing care home operator, supportive living accommodation operator or home and community care provider under inspection has contravened or failed to comply with this Act, the regulations, a specified measures order, a stop order or a condition of a licence, the director may in writing

- (a) issue a specified measures order in accordance with section 24,
- (b) issue a stop order in accordance with section 25, or
- (c) cancel the licence issued to the licensee in respect of the continuing care home or supportive living accommodation in accordance with section 27.

**(2)** After an inspection under section 20, where the director is of the opinion that the operator of a facility, accommodation or establishment under inspection is required to hold a licence under this Act in respect of the facility, accommodation or establishment, the director may in writing issue a specified measures order in accordance with section 24 or a stop order in accordance with section 25.

**(3)** Sections 24, 25, 26, 28, 30 and 35 apply, with any necessary modifications, in respect of a specified measures order or stop order issued after an inspection under section 20.

**Specified measures order**

**24(1)** In a specified measures order, the director may require a continuing care home operator, supportive living accommodation operator or home and community care provider to take any measures set out in the order.

**(2)** A specified measures order must contain the director's reasons for issuing the order.

**(3)** Within 48 hours after issuing a specified measures order, the director shall serve the order on the continuing care home operator,

supportive living accommodation operator or home and community care provider to which it is directed.

**(4)** A continuing care home operator or supportive living accommodation operator that is served with a specified measures order shall, if directed to do so by the director, post the order in a prominent place in the continuing care home or supportive living accommodation to which the order relates.

### **Stop order**

**25(1)** In a stop order, the director may require a continuing care home operator, supportive living accommodation operator or home and community care provider to do one or more of the following, either permanently or for the period specified in the stop order:

- (a) cease any contravention as specified in the stop order;
- (b) cease any activity as specified in the stop order;
- (c) cease operating the continuing care home or supportive living accommodation as specified in the stop order;
- (d) cease providing a type or class of home and community care as specified in the stop order.

**(2)** A stop order must contain the director's reasons for issuing the stop order.

**(3)** Within 48 hours after issuing a stop order, the director shall serve the following on the continuing care home operator, supportive living accommodation operator or home and community care operator to which the stop order is directed:

- (a) the stop order;
- (b) a notice that the continuing care home operator, supportive living accommodation operator or home and community care provider has the right to appeal the stop order under section 35.

**(4)** A continuing care home operator or supportive living accommodation operator that is served with a stop order shall post the stop order in a prominent place in the continuing care home or supportive living accommodation to which it relates.

**Failure to comply with stop order**

**26(1)** If a continuing care home operator, supportive living accommodation operator or home and community care provider that is served with a stop order fails to comply with the stop order, the director may, notwithstanding that the continuing care home operator, supportive living accommodation operator or home and community care provider has filed an application for appeal under section 35, apply to the Court for an order directing

- (a) the continuing care home operator, supportive living accommodation operator or home and community care provider to comply with the stop order,
- (b) any peace officer to assist the director and the persons referred to in subsection (2)(b) in exercising their powers and performing their duties under that clause, and
- (c) any other relief in respect of matters under this Act that the Court considers appropriate in the circumstances.

**(2)** Following service of an order of the Court made under subsection (1), if the continuing care home operator, supportive living accommodation operator or home and community care provider on which the stop order is served fails to comply with the stop order,

- (a) the failure to comply with the stop order may be dealt with by the Court as a civil contempt of the Court,
- (b) any person authorized by the director for the purpose and any other persons assisting that person may enter, without further permission of the Court and without incurring liability, the continuing care home, supportive living accommodation or home and community care office and take any actions that are necessary to carry out the stop order, and
- (c) the director may recover by action from the continuing care home operator, supportive living accommodation operator or home and community care provider any expenses incurred under clause (b) in carrying out the stop order.

### **Cancellation of licence**

**27(1)** Where the director cancels a licence under section 23(1)(c), the director shall serve a notice of cancellation on the licensee stating that

- (a) the cancellation has effect 45 days after the date on which the notice was issued, and
- (b) the licensee has the right to appeal the cancellation of the licence under section 36.

**(2)** A notice of cancellation must contain the director's reasons for cancelling the licence.

**(3)** A licensee that is served with a notice of cancellation shall post the notice of cancellation in a prominent place in the continuing care home or supportive living accommodation in respect of which the licence was issued.

### **Notification of residents**

**28(1)** A continuing care home operator or supportive living accommodation operator that is served with a stop order or notice of cancellation shall, within 24 hours after being served,

- (a) notify each resident of the continuing care home or supportive living accommodation in respect of which the stop order was issued or the licence was cancelled and each resident's legal representative, if any, of the stop order or licence cancellation, and
- (b) provide the director with the name, address, phone number and email address of each resident of the continuing care home or supportive living accommodation and each resident's legal representative, if any.

**(2)** The continuing care home operator or supportive living accommodation operator shall notify the director after all residents and their legal representatives have been notified under subsection (1)(a).

**(3)** If the director considers it necessary to do so, the director may notify each resident of the continuing care home or supportive living accommodation and each resident's legal representative, if any, of the stop order or licence cancellation.

(4) A notification made under subsection (1)(a), (2) or (3) must be in writing and may be made by email or other electronic means.

**Notification of individuals**

**29(1)** A home and community care provider that is served with a stop order shall, within 24 hours after being served,

- (a) notify each individual to whom the home and community care provider provides the type or class of home and community care in respect of which the stop order was issued and each individual's legal representative, if any, of the stop order, and
- (b) provide the director with the name, address, phone number and email address of each individual referred to in clause (a) and each individual's legal representative, if any.

(2) The home and community care provider shall notify the director after all individuals to whom the home and community care provider provides the type or class of home and community care in respect of which the stop order was issued and their legal representatives have been notified under subsection (1)(a).

(3) If the director considers it necessary to do so, the director may notify each individual to whom the home and community care provider provides the type or class of home and community care in respect of which the stop order was issued and each individual's legal representative, if any, that a stop order has been issued.

(4) A notification made under subsection (1)(a), (2) or (3) must be in writing and may be made by email or other electronic means.

**Complaints**

**30(1)** A person may make a complaint to the director in accordance with the regulations if the person has reason to believe that

- (a) a continuing care home operator or supportive living accommodation operator has failed to comply with this Act, the regulations, a specified measures order, a stop order or a condition of a licence, or

- (b) a home and community care provider has failed to comply with this Act, the regulations, a specified measures order or a stop order.

**(2)** The director shall review the complaint and may do the following in accordance with the regulations:

- (a) make inquiries respecting the complaint;
- (b) attempt to resolve the complaint, including through mediation or conciliation;
- (c) refer the complaint to an inspector for an inspection;
- (d) dismiss the complaint if the director is of the opinion that the complaint
  - (i) is frivolous or vexatious, or
  - (ii) has been resolved;
- (e) take any other action the director considers appropriate in the circumstances.

**(3)** The director shall notify the complainant and any other appropriate person in writing, which may include notification by email or other electronic means, of any decision made under subsection (2)(d) and the reasons for that decision.

**(4)** If the director reasonably believes that the subject matter of a complaint could constitute

- (a) an offence under the *Criminal Code* (Canada), the director shall refer the complaint to a police service,
- (b) abuse against a person under the *Protection for Persons in Care Act*, the director shall refer the complaint to the Minister responsible for that Act, or
- (c) an offence under an enactment, the director shall refer the complaint to the Minister of Justice and Solicitor General.

**(5)** 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 operator, supportive living accommodation operator or home and community care provider shall take, direct or threaten to

take any measure or conduct that adversely affects or may adversely affect an individual because the individual has made a complaint or because a complaint has been made on the individual's behalf.

#### **Official administrator**

**31(1)** The Minister may appoint an official administrator in accordance with the regulations in respect of a continuing care home if, in the Minister's opinion, the continuing care home operator has done or omitted to do anything in respect of the continuing care home that, because of the nature or gravity of the thing, has prejudicially affected or is likely to prejudicially affect the health, well-being or safety of the residents of the continuing care home.

**(2)** While appointed under this section, an official administrator, to the exclusion of the continuing care home operator,

- (a) has all the powers and authority of the continuing care home operator in respect of the operation and administration of the continuing care home, and
- (b) shall exercise all the powers and authority and perform all the duties and functions of the continuing care home operator in respect of the operation and administration of the continuing care home.

**(3)** In addition to the powers and authority referred to in subsection (2), the Minister may confer on an official administrator any powers or authority that the Minister considers reasonably necessary for the official administrator to operate and administer the continuing care home.

**(4)** A continuing care home operator must comply with a request by an official administrator to assist the official administrator in operating and administering the continuing care home.

#### **Reporting**

**32(1)** An official administrator shall, within 15 days after the last day of each month, provide to the continuing care home operator and the Minister a written statement in the form approved by the Minister setting out the financial transactions undertaken by the official administrator in that month in respect of the continuing care home.



(2) The official administrator shall report to the Minister on the operation and administration of the continuing care home in the manner and at the times required by the Minister.

## **Part 5 Appeals**

### **Appeals to appeal panels**

**33(1)** A continuing care home operator or supportive living accommodation operator may appeal to an appeal panel a decision of the director under section 14(2)(c) to refuse to issue, amend or renew a licence.

(2) A continuing care home operator, supportive living accommodation operator or home and community care provider may appeal to an appeal panel a decision of the director under section 47 to issue a notice of administrative penalty.

(3) An appeal under subsection (1) or (2) must be commenced by serving the Minister with a notice of appeal in the form approved by the Minister within 15 days after the date on which, as the case may be,

- (a) the continuing care home operator or supportive living accommodation operator was provided with written reasons under section 14(3), or
- (b) the continuing care home operator, supportive living accommodation operator or home and community care provider was issued the notice of administrative penalty.

### **Appeal panels**

**34(1)** Within 30 days after being served with a notice of appeal under section 33(3), the Minister shall appoint an appeal panel consisting of 3 individuals to hear the appeal.

(2) The Minister shall designate a member of the appeal panel as the chair.

(3) Members of the appeal panel who are not employees of the Government may be paid remuneration and may receive reasonable travelling and living expenses while away from their ordinary places of residence in the course of their duties as members of the appeal panel, at the rates prescribed by the Minister.

(4) The Minister may set the time within which the appeal panel is to hear an appeal and render a decision and the Minister may extend that time.

(5) An appeal panel may

(a) with respect to an appeal under section 33(1),

(i) confirm the refusal to issue, amend or renew a licence, or

(ii) direct that a licence be issued, amended or renewed, with or without conditions,

and

(b) with respect to an appeal under section 33(2), confirm, revoke or vary the notice of administrative penalty.

(6) An appeal panel shall serve a copy of the appeal panel's decision, including the reasons for the decision, on the continuing care home operator, supportive living accommodation operator or home and continuing care provider making the appeal.

(7) A decision of an appeal panel under this section is final and may not be appealed.

#### **Appeals of stop orders**

**35(1)** A continuing care home operator, supportive living accommodation operator or home and community care provider that is served with a stop order may appeal the stop order.

(2) An appeal under subsection (1) must be commenced by

(a) filing an application with the Court, and

(b) serving a filed copy of the application on the director

within 15 days after the date on which the stop order was served on the continuing care home operator, supportive living accommodation operator or home and community care provider.

(3) A judge of the Court may extend the time for filing or serving an application.

(4) A stop order remains in effect unless the Court orders that it be stayed pending the disposition of the appeal.

(5) On an appeal under this section, the Court

- (a) shall inquire into all matters leading to the issuing of the stop order,
- (b) shall determine whether, in its opinion, there were sufficient grounds for issuing the stop order,
- (c) shall confirm, vary or revoke the stop order, and
- (d) may make any other order in respect of matters under this Act that the Court considers appropriate in the circumstances, including an order under section 26(1).

(6) This section and section 26 apply in respect of a stop order regardless of whether

- (a) the contravention or failure to comply that gave rise to the stop order is an offence, and
- (b) a continuing care home operator, supportive living accommodation operator, home and community care provider or other person has been convicted of the offence.

#### **Appeals of licence cancellations**

**36(1)** A continuing care home operator or supportive living accommodation operator whose licence has been cancelled may appeal the cancellation.

(2) An appeal under subsection (1) must be commenced by

- (a) filing an application with the Court, and
- (b) serving a filed copy of the application on the director

within 15 days after the date on which the notice of cancellation was served on the continuing care home operator or supportive living accommodation operator.

(3) A judge of the Court may extend the time for filing or serving an application.

- (4) On an appeal under this section, the Court
- (a) shall inquire into all matters leading to the licence cancellation,
  - (b) shall determine whether, in its opinion, there were sufficient grounds for cancelling the licence,
  - (c) shall confirm the licence cancellation or reinstate the licence, and
  - (d) may make any other order in respect of matters under this Act that the Court considers appropriate in the circumstances.
- (5) This section and section 27 apply in respect of a licence cancellation regardless of whether
- (a) the contravention or failure to comply that gave rise to the licence cancellation is an offence, and
  - (b) a continuing care home operator, supportive living accommodation operator or other person has been convicted of the offence.

## **Part 6 General**

### **Resident and family councils**

**37(1)** A resident of a continuing care home or supportive living accommodation, a resident's legal representative or any individual considered to be a member of a resident's family under subsection (2) may initiate the establishment of a resident and family council for the residents of the continuing care home or supportive living accommodation.

**(2)** A resident of a continuing care home or supportive living accommodation or a resident's legal representative may identify one or more relatives, friends, guardians, caregivers or other individuals to be considered as members of the resident's family for the purposes of this section.

**(3)** Where there is no resident and family council in place in a continuing care home or supportive living accommodation, the continuing care home operator or supportive living accommodation operator shall post a notice in a prominent place in the continuing

care home or supportive living accommodation advising of the right to establish a resident and family council under subsection (1).

(4) On the coming into force of this section, a resident and family council under the *Resident and Family Councils Act* is continued as a resident and family council under this Act.

#### **Designation of director**

**38(1)** The Minister may designate a director for the purposes of this Act.

(2) The director designated under subsection (1) may in writing delegate to any person any of the duties imposed or powers, including the power to form an opinion, conferred on the director under this Act, other than the power to designate inspectors.

(3) The director has all the powers of an inspector under this Act.

#### **Ministerial direction**

**39(1)** The Minister may by order give direction for the purposes of this Act to a continuing care home operator, supportive living accommodation operator, home and community care provider or person exercising a power or performing a duty or function under this Act where the Minister considers it to be

- (a) in the public interest, or
- (b) appropriate for the purposes of providing for matters relating to health or safety.

(2) A continuing care home operator, supportive living accommodation operator, home and community care provider or person exercising a power or performing a duty or function under this Act to which direction is given under subsection (1) shall comply with the direction.

(3) The Minister must provide a copy of an order made under subsection (1) to the continuing care home operator, supportive living accommodation operator, home and community care provider or person to which it is directed.

**Protected words**

**40(1)** No person or organization, other than a continuing care home operator holding a valid licence in respect of a continuing care home, shall

- (a) represent or imply that the person or organization is a continuing care home operator, or
- (b) use the term “continuing care home” to describe a facility operated by that person or organization.

**(2)** No person or organization, other than a supportive living accommodation operator holding a valid licence in respect of a supportive living accommodation, shall

- (a) represent or imply that the person or organization is a supportive living accommodation operator, or
- (b) use the term “supportive living accommodation” to describe an accommodation operated by that person or organization.

**Service of documents**

**41(1)** This section applies in respect of the following documents:

- (a) specified measures orders issued under section 23(1)(a);
- (b) stop orders issued under section 23(1)(b);
- (c) notices of cancellation referred to in section 27(1);
- (d) notices of appeal referred to in section 33(3);
- (e) appeal panel decisions referred to in section 34(6);
- (f) copies of applications referred to in sections 35(2)(b) and 36(2)(b).

**(2)** A document to which this section applies must be served

- (a) by personal service,
- (b) by any form of document delivery by mail or courier in which receipt of the document must be acknowledged in writing by the person to whom the document is directed or by a person on behalf of that person, or

- (c) in any manner that may be directed by the Court.

#### **Publication of information**

**42** The Minister may, in accordance with the regulations,

- (a) publish or make available, or
- (b) require a continuing care home operator, supportive living accommodation operator or home and community care provider to publish or make available

information relating to the continuing care home or continuing care home operator, supportive living accommodation or supportive living accommodation operator or home and community care provider.

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

**43(1)** In this section,

- (a) “custodian” means custodian as defined in the *Health Information Act*;
- (b) “health information” means health information as defined in the *Health Information Act*;
- (c) “individually identifying health information” means individually identifying health information within the meaning of the *Health Information Act*;
- (d) “organization” means organization as defined in the *Personal Information Protection Act*;
- (e) “public body” means public body as defined in the *Freedom of Information and Protection of Privacy Act*.

**(2)** Personal information, as defined in the *Freedom of Information and Protection of Privacy Act*, or individually identifying health information about an individual may be collected, used and disclosed without the individual’s consent by

- (a) the Minister, for the purposes of section 32 or 45 or for any other prescribed purposes,
- (b) the director, for the purposes of section 23, 28, 29, 30 or 44 or for any other prescribed purposes,

- (c) an inspector, for the purposes of section 20, 21 or 30 or for any other prescribed purposes, and
  - (d) an appeal panel, for the purposes of section 34 or for any other prescribed purposes.
- (3)** For the purposes of section 20, 21, 23, 28, 29, 30, 32, 34, 44 or 45 or for any other prescribed purposes,
- (a) a public body may disclose personal information, as defined in the *Freedom of Information and Protection of Privacy Act*,
  - (b) an organization may disclose personal information, as defined in the *Personal Information Protection Act*, and
  - (c) a custodian may disclose individually identifying health information

about an individual without the individual's consent to the Minister, the director, an inspector or an appeal panel, as applicable.

**Duty to notify**

**44** A continuing care home operator, supportive living accommodation operator or home and community care provider shall immediately notify the director in accordance with the regulations if the continuing care home operator, supportive living accommodation operator or home and community care provider knows or has reasonable grounds to believe that

- (a) events or circumstances have occurred, are occurring or may occur that
  - (i) are or may be injurious to the health or safety of
    - (A) a resident or residents of the continuing care home or supportive living accommodation, or
    - (B) an individual or individuals receiving home and community care,
  - or
  - (ii) may jeopardize the ability of the continuing care home operator, supportive living accommodation



operator or home and community care provider to provide facility-based care, supportive living services or home and community care,

or

- (b) any event or circumstances described in the regulations has occurred, is occurring or may occur.

### **Reporting**

**45(1)** A continuing care home operator, supportive living accommodation operator or home and community care provider shall provide to the Minister the prescribed information at the times and in the form and manner required by the Minister.

**(2)** On the written request of the Minister, a continuing care home operator, supportive living accommodation operator or home and community care provider shall provide to the Minister any records, reports, returns or other information, in the form and manner required by the Minister, with respect to

- (a) its operation of a continuing care home or supportive living accommodation, or
- (b) its provision of facility-based care, supportive living services or home and community care.

### **Protection from liability**

**46** No action lies against the Minister, the director, an inspector or a person acting under the authority of this Act for anything done or omitted to be done in good faith in exercising powers or authority or performing duties or functions under this Act.

### **Administrative penalties**

**47(1)** Where the director is of the opinion that a continuing care home operator, supportive living accommodation operator, home and community care provider or other person has contravened or failed to comply with this Act, the regulations, a specified measures order, a stop order or a condition of a licence, the director may by notice require the continuing care home operator, supportive living accommodation operator, home and community care provider or person to pay an administrative penalty in an

amount determined by the director in accordance with the regulations.

(2) A notice of administrative penalty must be in writing and include the prescribed information.

(3) An administrative penalty must not exceed

(a) \$10 000 in respect of each contravention, and

(b) in the case of a contravention or failure to comply that occurs on or continues for more than one day, \$10 000 for each day or part of a day that the contravention or failure to comply occurs or continues.

(4) No notice of administrative penalty shall be issued more than 2 years after the date on which evidence of the alleged contravention or failure to comply first came to the attention of the director.

(5) A continuing care home operator, supportive living accommodation operator, home and community care provider or other person that pays an administrative penalty shall not be charged under this Act with an offence in respect of the same contravention or failure to comply that is described in the notice of administrative penalty.

(6) A continuing care home operator, supportive living accommodation operator, home and community care provider or other person to which a notice of administrative penalty has been issued shall pay the administrative penalty within 30 days after the date on which the notice was issued, unless the continuing care home operator, supportive living accommodation operator, home and community care provider or person has served a notice of appeal under section 33.

(7) Following an appeal in which an appeal panel confirms or varies a notice of administrative penalty, the continuing care home operator, supportive living accommodation operator, home and community care provider or other person to which the notice of administrative penalty was issued shall pay the administrative penalty within 30 days after the date on which the continuing care home operator, supportive living accommodation operator, home and community care provider or person was served with a copy of the appeal panel's decision under section 34.

**(8)** Where a continuing care home operator, supportive living accommodation operator, home and community care provider or other person fails to pay an administrative penalty in accordance with the notice of administrative penalty and this Act, the Minister may file a copy of the notice of administrative penalty with the clerk of the Court and, on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court.

### **Offences and penalties**

**48(1)** A person who contravenes or fails to comply with this Act, the regulations, a specified measures order, a stop order or a condition of a licence is guilty of an offence and liable to

- (a) a fine not exceeding \$100 000, and
- (b) in the case of an offence that occurs on or continues for more than one day, a further fine not exceeding \$100 000 per day for each day or part of a day that the contravention or failure to comply occurs or continues.

**(2)** Where a corporation commits an offence under this Act, any officer, director or agent of the corporation who directed, authorized, acquiesced in, assented to or participated in the commission of the offence is guilty of the offence and liable to

- (a) a fine not exceeding \$100 000, and
- (b) in the case of an offence that occurs on or continues for more than one day, a further fine not exceeding \$100 000 per day for each day or part of a day that the contravention or failure to comply continues,

whether or not the corporation has been prosecuted for or convicted of the offence.

### **Vicarious liability**

**49** In the prosecution of an offence under this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused while acting in the course of the employee's employment or the agent's agency functions, whether or not the employee or agent has been prosecuted for the offence.

### **Limitation period for prosecution**

**50** No prosecution shall be commenced under this Act more than 2 years after the date on which evidence of the offence first came to the attention of the Minister.

### **Regulations**

**51(1)** The Minister may make regulations

- (a) prescribing accommodation goods and services, health goods and services and other goods and services for the purposes of section 1(h);
- (b) prescribing health goods and services and other goods and services for the purposes of section 1(i);
- (c) prescribing the minimum number of adult residents who must reside in supportive living accommodations for the purposes of section 1(v)(ii);
- (d) prescribing goods and services for the purposes of section 1(x) and respecting those goods and services;
- (e) respecting payments for the purposes of sections 6 and 10;
- (f) respecting the termination, suspension or variation of payments or the repayment or reimbursement of payments made under sections 6 and 10;
- (g) respecting fees or costs required to be paid for other goods and services by residents of continuing care homes;
- (h) respecting the waiver of fees or costs required to be paid by residents of continuing care homes for other goods and services, including regulations respecting
  - (i) who may waive fees or costs,
  - (ii) the criteria to be considered and the circumstances in which fees or costs may be waived, and
  - (iii) the process for applying for a waiver;
- (i) respecting accommodation charges, including regulations
  - (i) respecting the payment of accommodation charges,

- (ii) prescribing the goods and services that a continuing care home operator may pay for or must not pay for with the accommodation charge,
  - (iii) respecting different accommodation charges for different types or classes of accommodations,
  - (iv) respecting methods of determining the maximum amounts of accommodation charges, including different methods for different types or classes of accommodations, and
  - (v) respecting the exemption of residents from paying accommodation charges in whole or in part and the circumstances in which exemptions may be granted;
- (j) establishing types or classes of home and community care and prescribing the types or classes of home and community care in respect of which payments may be made under section 10;
  - (k) respecting fees or costs required to be paid for home and community care by eligible individuals;
  - (l) respecting the waiver of fees or costs required to be paid by eligible individuals for home and community care, including regulations respecting
    - (i) who may waive fees or costs,
    - (ii) the criteria to be considered and the circumstances in which fees or costs may be waived, and
    - (iii) the process for applying for a waiver.
- (2)** The Lieutenant Governor in Council may make regulations
- (a) respecting the application of standards, codes, guidelines, schedules or bodies of rules to continuing care homes and supportive living accommodations or types or classes of continuing care homes and supportive living accommodations, including regulations respecting
    - (i) the circumstances in which the application of standards, codes, guidelines, schedules or bodies of rules may be appropriate, and

- (ii) whether standards, codes, guidelines, schedules or bodies of rules apply temporarily or permanently;
- (b) respecting the exemption from the application of this Act of continuing care homes, supportive living accommodations, continuing care home operators and supportive living accommodation operators or types or classes of continuing care homes, supportive living accommodations, continuing care home operators and supportive living accommodation operators, including regulations
  - (i) designating continuing care homes, supportive living accommodations, continuing care home operators and supportive living accommodation operators or types or classes of continuing care homes, supportive living accommodations, continuing care home operators and supportive living accommodation operators as exempt,
  - (ii) specifying the extent to which continuing care homes, supportive living accommodations, continuing care home operators and supportive living accommodation operators or types or classes of continuing care homes, supportive living accommodations, continuing care home operators and supportive living accommodation operators are exempt, and
  - (iii) respecting the criteria and circumstances under which continuing care homes, supportive living accommodations, continuing care home operators and supportive living accommodation operators or types or classes of continuing care homes, supportive living accommodations, continuing care home operators and supportive living accommodation operators may be designated as exempt;
- (c) respecting the provision of facility-based care, supportive living services and home and community care, including the application of standards, codes, guidelines, schedules or bodies of rules;
- (d) respecting the operation of continuing care homes and supportive living accommodations;

- (e) limiting the amount of money that may be held in trust for residents of continuing care homes and respecting trust accounts maintained for residents and interest in respect of money held in trust;
- (f) respecting property of residents of continuing care homes and the obligation of continuing care home operators in respect of that property;
- (g) respecting the staffing of continuing care homes, supportive living accommodations and home and community care providers, including staffing models and the requirements and qualifications that must be met by staff;
- (h) respecting agreements that continuing care home operators and home and community care providers must enter into for the purposes of section 5, including regulations
  - (i) respecting the form and content of agreements,
  - (ii) prescribing the party or parties with whom agreements are to be entered into,
  - (iii) prescribing the types or classes of agreements requiring approval by the Minister,
  - (iv) respecting the review and approval of agreements by the Minister, and
  - (v) authorizing the Minister to revise agreements or impose terms and conditions on agreements;
- (i) respecting admissions, assessments, reassessments, discharges and transfers in respect of continuing care homes and home and community care;
- (j) prescribing requirements and conditions for the purposes of sections 7(1)(c) and 11(1)(c);
- (k) respecting the exemption from the application of this Act of home and community care providers or types or classes of home and community care providers, including regulations

- (i) designating home and community care providers or types or classes of home and community care providers as exempt,
  - (ii) specifying the extent to which home and community care providers or types or classes of home and community care providers are exempt, and
  - (iii) respecting the criteria and circumstances under which home and community care providers or types or classes of home and community care providers may be designated as exempt;
- (l) respecting licences and licensing of continuing care home operators and supportive living accommodation operators, including regulations respecting
- (i) the types or classes of licences that may be issued,
  - (ii) applications for the issuance, amendment or renewal of licences,
  - (iii) continuing care home operators or supportive living accommodation operators required, eligible or ineligible to apply for licences,
  - (iv) the conditions that may be imposed on licences,
  - (v) the issuance, amendment or renewal of licences and the refusal to issue, amend or renew licences, including the criteria that may or must be considered,
  - (vi) the information required to be included on licences, and
  - (vii) the cancellation of licences;
- (m) respecting notices to the director for the purposes of section 16, including regulations
- (i) prescribing the information to be included in notices, and
  - (ii) prescribing other events or circumstances for the purposes of section 16(d);
- (n) respecting complaints, including regulations respecting



- (i) how complaints are to be made,
  - (ii) the review, referral, resolution and disposal of complaints,
  - (iii) the powers and duties of inspectors and the director in respect of complaints,
  - (iv) notification of decisions made in respect of complaints, and
  - (v) the referral of complaints to appropriate authorities, including the disclosure of information relating to referred complaints;
- (o) respecting the appointment of an official administrator and the operation and administration of a continuing care home by an official administrator, including regulations
    - (i) respecting access by the official administrator to records, supplies and equipment required to operate and administer the continuing care home and provide facility-based care,
    - (ii) respecting payments to or by the official administrator for the purposes of operating and administering the continuing care home, and
    - (iii) respecting the termination of the appointment of the official administrator;
- (p) respecting appeals to appeal panels under section 33, including procedures for such appeals;
- (q) respecting appeals of stop orders and licence cancellations under sections 35 and 36;
- (r) respecting resident and family councils for the purposes of section 37, including regulations respecting
    - (i) the establishment, membership, purposes, powers and duties of resident and family councils, and
    - (ii) the powers and duties of continuing care home operators and supportive living accommodation operators with respect to resident and family councils;

- (s) respecting information to be published or made available under section 42, including the types of information and the methods by which information is to be published or made available;
- (t) respecting records that continuing care home operators, supportive living accommodation operators or home and community care providers are required to create and maintain for the purposes of this Act;
- (u) prescribing, for the purposes of section 43(2), other purposes for which the Minister, the director, inspectors or appeal panels may collect, use and disclose personal information as defined in the *Freedom of Information and Protection of Privacy Act* or individually identifying health information;
- (v) prescribing, for the purposes of section 43(3), other purposes for which
  - (i) public bodies may disclose personal information as defined in the *Freedom of Information and Protection of Privacy Act*,
  - (ii) organizations may disclose personal information as defined in the *Personal Information and Protection Act*, and
  - (iii) custodians may disclose individually identifying health information;
- (w) respecting notifications for the purposes of section 44, including events and circumstances in which continuing care home operators, supportive living accommodation operators or home and community care providers are required to notify the director;
- (x) prescribing information to be provided to the Minister for the purposes of section 45(1);
- (y) respecting administrative penalties, including regulations
  - (i) prescribing the information required to be included in notices of administrative penalty, and
  - (ii) respecting the manner of determining the amounts of the administrative penalties that may be imposed;

(z) defining, for the purposes of this Act, any term used but not defined in this Act;

(aa) respecting any other matter that the Lieutenant Governor in Council considers necessary or appropriate to carry out the intent of this Act.

(3) A regulation made under subsection (1) or (2) may incorporate or adopt a standard, code, guideline, schedule or body of rules, including a standard, code, guideline, schedule or body of rules developed by the Minister, relating to any matter in respect of which a regulation may be made under subsection (1) or (2).

(4) Where a standard, code, guideline, schedule or body of rules is incorporated or adopted by a regulation made under subsection (1) or (2), the Minister shall ensure that a copy of the standard, code, guideline, schedule or body of rules is readily available to the public.

(5) A standard, code, guideline, schedule or body of rules may be incorporated or adopted by a regulation made under subsection (1) or (2)

(a) in whole, in part or with modifications, and

(b) as it reads on a specific day or as amended from time to time.

#### **Deficiency regulations**

**52(1)** The Lieutenant Governor in Council may make regulations

(a) respecting matters coming under this Act that the Lieutenant Governor in Council considers

(i) are not provided for or are insufficiently provided for in this Act, or

(ii) are necessary or advisable in connection with the implementation of this Act;

(b) remedying any confusion, difficulty or impossibility in applying any provision of this Act.

(2) A regulation made under subsection (1) is repealed 5 years after the regulation comes into force or on the date specified in the regulation, whichever is earlier.

(3) The repeal of a regulation under subsection (2) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.

(4) A regulation made under subsection (1) that is in force on or after the repeal of this section remains in force until it is repealed in accordance with subsection (2).

(5) A regulation may not be made under subsection (1) extending the 5-year period set out in subsection (2).

(6) This section is repealed 5 years after this section comes into force, but the repeal does not affect anything done, incurred or acquired under the authority of a regulation made under subsection (1) before the repeal of this section.

#### **Transitional regulations**

**53(1)** In this section,

- (a) “former Act or regulation” means
  - (i) the *Co-ordinated Home Care Program Regulation* (AR 296/2003),
  - (ii) the *Hospitals Act*, to the extent that it applies in respect of auxiliary hospitals and nursing homes,
  - (iii) the *Hospitalization Benefits Regulation* (AR 244/90), to the extent that it applies in respect of auxiliary hospital and nursing home level care,
  - (iv) the *Long Term Care Information Act*,
  - (v) the *Nursing Homes Act* and the regulations made under that Act,
  - (vi) the *Operation of Approved Hospitals Regulation* (AR 247/90), to the extent that it applies in respect of auxiliary hospitals,
  - (vii) the *Resident and Family Councils Act*, and
  - (viii) the *Supportive Living Accommodation Licensing Act* and the regulations made under that Act;

- (b) “supportive living accommodation” means a supportive living accommodation under the *Supportive Living Accommodation Licensing Act*.
- (2)** The Lieutenant Governor in Council may make regulations
- (a) respecting the transition to this Act of
    - (i) nursing homes, auxiliary hospitals and supportive living accommodations,
    - (ii) operators of nursing homes, auxiliary hospitals and supportive living accommodations,
    - (iii) the care and services provided in nursing homes, auxiliary hospitals or supportive living accommodations, and
    - (iv) home care programs, home care providers and the care and services provided by home care programs;
  - (b) remedying any confusion, difficulty, inconsistency or impossibility resulting from the transition to this Act from a former Act or regulation;
  - (c) respecting the interpretation of any transitional provisions in this Act.
- (3)** A regulation made under subsection (2) is repealed 5 years after the regulation comes into force or on the date specified in the regulation, whichever is earlier.
- (4)** The repeal of a regulation under subsection (3) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.
- (5)** A regulation made under subsection (2) that is in force on or after the repeal of this section remains in force until it is repealed in accordance with subsection (3).
- (6)** A regulation may not be made under subsection (2) extending the 5-year period set out in subsection (3).
- (7)** This section is repealed 5 years after this section comes into force, but the repeal does not affect anything done, incurred or acquired under the authority of a regulation made under subsection (2) before the repeal of this section.

**Part 7**  
**Transitional Provisions,  
Consequential and Coordinated  
Amendments, Repeals and  
Coming into Force**

**Division 1**  
**Transitional Provisions**

**Definitions**

**54** In this Division,

- (a) “certification” means a certification issued by the department in respect of a nursing home or auxiliary hospital when the department is satisfied that the nursing home or auxiliary hospital has met its obligations under the Long-term Care Accommodation Standards set out in the Long-Term Care Accommodation Standards Directive D5-2013 issued by the Minister under section 8 of the *Regional Health Authorities Act*;
- (b) “SLALA licence” means a licence issued under the *Supportive Living Accommodation Licensing Act* in respect of a supportive living accommodation under that Act.

**Transitional — auxiliary hospitals**

**55** On the coming into force of this section, where an auxiliary hospital holds a valid certification immediately before the coming into force of this section,

- (a) if only facility-based care is provided in the auxiliary hospital, the entire auxiliary hospital becomes a continuing care home,
- (b) if only facility-based care is provided in a part of the auxiliary hospital, that part of the auxiliary hospital becomes a continuing care home,
- (c) if no facility-based care is provided in the auxiliary hospital, the auxiliary hospital continues as a hospital under the *Hospitals Act*, and

- (d) any other part of the auxiliary hospital other than the part referred to in clause (b) continues as a hospital under the *Hospitals Act*.

**Transitional — eligibility**

**56(1)** On the coming into force of this section, notwithstanding section 7(1)(a), the following individuals are deemed to be eligible residents:

- (a) an individual who is a resident of an auxiliary hospital referred to in section 55(a) or a part of an auxiliary hospital referred to in section 55(b) on the coming into force of this section but who is not a resident of Alberta;
- (b) an individual who is a resident of a nursing home on the coming into force of this section but who is not a resident of Alberta;
- (c) an individual who is a resident of a supportive living accommodation referred to in section 57(3) but who is not a resident of Alberta.

**(2)** On the coming into force of this section, notwithstanding section 11, an individual who is admitted to a program under the *Co-ordinated Home Care Program Regulation (AR 296/2003)* on the coming into force of this section is deemed to be an eligible individual.

**Transitional — licences**

**57(1)** On the coming into force of this section, where the operator of a nursing home holds a valid certification in respect of the nursing home immediately before the coming into force of this section,

- (a) the nursing home becomes a continuing care home, and
- (b) the director shall issue to the operator a continuing care home licence under this Act on the same terms and conditions as the certification, subject to any additional terms and conditions imposed by the director, and with the same expiry date.

**(2)** On the coming into force of this section, where an auxiliary hospital referred to in section 55(a) or a part of an auxiliary

hospital referred to in section 55(b) holds a valid certification in respect of the auxiliary hospital or part of the auxiliary hospital immediately before the coming into force of this section, the director shall issue to the operator of that auxiliary hospital a continuing care home licence under this Act on the same terms and conditions as the certification, subject to any additional terms and conditions imposed by the director, and with the same expiry date.

**(3)** On the coming into force of this section and subject to subsection (5), where the operator of a supportive living accommodation under the *Supportive Living Accommodation Licensing Act* holds a valid SLALA licence in respect of the supportive living accommodation and that operator provides facility-based care in the supportive living accommodation immediately before the coming into force of this section,

- (a) the supportive living accommodation becomes a continuing care home, and
- (b) the director shall issue to the operator a continuing care home licence under this Act on the same terms and conditions as the SLALA licence, subject to any additional terms and conditions imposed by the director, and with the same expiry date.

**(4)** On the coming into force of this section and subject to subsection (5), where the operator of a supportive living accommodation under the *Supportive Living Accommodation Licensing Act* holds a valid SLALA licence in respect of the supportive living accommodation and that operator provides supportive living services in the supportive living accommodation immediately before the coming into force of this section,

- (a) the supportive living accommodation becomes a supportive living accommodation under this Act, and
- (b) the director shall issue to the operator a supportive living accommodation licence under this Act on the same terms and conditions as the SLALA licence, subject to any additional terms and conditions imposed by the director, and with the same expiry date.

**(5)** On the coming into force of this section, where a notice of cancellation of licence has been issued under section 15 of the *Supportive Living Accommodation Licensing Act* but the 45-day notice period has not expired, the director shall issue to the



operator a supportive living accommodation licence under this Act on the same terms and conditions as the SLALA licence, subject to any additional terms and conditions imposed by the director, to expire on the date that the 45-day notice period ends.

#### **Transitional — inspections**

**58** An inspection commenced under the *Nursing Homes Act* or the *Supportive Living Accommodation Licensing Act* but not concluded before the coming into force of this section must be concluded in accordance with this Act.

#### **Transitional — complaints**

**59** A complaint made under the *Supportive Living Accommodation Licensing Act* before the coming into force of this section and any matters arising from the complaint, other than appeals, must be concluded in accordance with this Act.

#### **Transitional — investigations**

**60** An investigation commenced under the *Supportive Living Accommodation Licensing Act* but not concluded before the coming into force of this section must be concluded in accordance with this Act.

#### **Transitional — orders**

**61** An order made under section 14 of the *Nursing Homes Act* or an order or stop order issued under section 12(4) of the *Supportive Living Accommodation Licensing Act* that is valid and in force immediately before the coming into force of this section continues to be valid and in force on the coming into force of this section and may be varied, enforced or otherwise dealt with under those Acts as if those Acts had not been repealed.

#### **Transitional — appeals and reviews**

**62(1)** An appeal or review under the *Nursing Homes Act* or an appeal under the *Supportive Living Accommodation Licensing Act* commenced but not concluded before the coming into force of this section must be concluded in accordance with those Acts as if those Acts had not been repealed.

**(2)** On the coming into force of this section, subject to subsection (3), for the purposes of subsection (1), the powers and duties of

- (a) a board of review under the *Nursing Homes Act* are vested in and may be carried out by an appeal panel under this Act, and
  - (b) an appeal panel under the *Supportive Living Accommodation Licensing Act* are vested in and may be carried out by an appeal panel under this Act.
- (3)** On the coming into force of this section, for the purposes of subsection (1),
- (a) if members of a board of review have been appointed to hold a hearing of a matter giving rise to an order under section 14 of the *Nursing Homes Act* and the hearing has not been concluded, the members of the board of review continue as members of the board of review, and the hearing must be concluded in accordance with that Act as if that Act had not been repealed, and
  - (b) if members of an appeal panel have been appointed to hear an appeal under the *Supportive Living Accommodation Licensing Act* and the appeal has not been concluded, the members of the appeal panel continue as members of the appeal panel, and the appeal must be concluded in accordance with that Act as if that Act had not been repealed.

**Transitional — official administrator**

**63** On the coming into force of this section, if an official administrator has been appointed under the *Nursing Homes Act* in respect of a nursing home, the official administrator continues as the official administrator and must administer the nursing home in accordance with that Act as if that Act had not been repealed.

**Division 2  
Consequential and Coordinated  
Amendments**

**Consequential changes to regulations**

**64(1)** For the purposes of making any necessary changes as a result of this Act, the Lieutenant Governor in Council may, by regulation, amend any regulation filed under the *Regulations Act*.



(2) The regulations authorized by this section may be made notwithstanding that a regulation being amended was made by a member of the Executive Council or some other body or person.

**Amends RSA 2000 cA-18**

**65(1) The *Alberta Evidence Act* is amended by this section.**

**(2) Section 9(1)(b)(i)(E) is amended by striking out “nursing home” and substituting “continuing care home as defined in the *Continuing Care Act*”.**

**Amends SA 2021 cC-31.3**

**66(1) The *COVID-19 Related Measures Act* is amended by this section.**

**(2) Section 1(1)(b) is amended**

**(a) by repealing subclause (ii);**

**(b) by repealing subclause (iv) and substituting the following:**

(iv) a continuing care home as defined in the *Continuing Care Act*;

**(c) in subclause (vii) by striking out “*Supportive Living Accommodation Licensing Act*” and substituting “*Continuing Care Act*”.**

### Explanatory Notes

**65(1)** Amends chapter A-18 of the Revised Statutes of Alberta 2000.

(2) Section 9(1)(b)(i)(E) presently reads:

*9(1) In this section,*

*(b) “quality assurance committee” means a committee, commission, council or other body that has as its primary purpose the carrying out of quality assurance activities and that is*

*(i) appointed by*

*(E) the operator of a nursing home,*

**66(1)** Amends chapter C-31.3 of the Statutes of Alberta, 2021.

(2) Section 1(1)(b) presently reads in part:

*1(1) In this Act,*

*(b) “health service facility” means*

*(ii) an auxiliary hospital as defined in the Hospitals Act,*

*(iv) a nursing home as defined in the Nursing Homes Act,*

*(vii) a supportive living accommodation as defined in the Supportive Living Accommodation Licensing Act, or*

**Amends RSA 2000 cE-1**

**67(1)** The *Election Act* is amended by this section.

**(2)** Section 1(1)(kk.1)(ii) is repealed and the following is substituted:

- (ii) a continuing care home or supportive living accommodation as defined in the *Continuing Care Act*

**Amends RSA 2000 cF-25**

**68(1)** The *Freedom of Information and Protection of Privacy Act* is amended by this section.

**(2)** Section 1(g)(ii) is repealed.

**Amends RSA 2000 cG-10**

**69(1)** The *Government Organization Act* is amended by this section.

**(2)** Schedule 7 is amended by repealing section 1(1)(b)(ii) and substituting the following:

- (ii) the owner or operator of a continuing care home as defined in the *Continuing Care Act*;

**67(1)** Amends chapter E-1 of the Revised Statutes of Alberta 2000.

(2) Section 1(1)(kk.1)(ii) presently reads:

*1(1) In this Act,*

*(kk.1) “supportive living facility” means*

*(ii) a facility for adults or senior citizens that provides assisted living and accommodation*

**68(1)** Amends chapter F-25 of the Revised Statutes of Alberta 2000.

(2) Section 1(g)(ii) presently reads:

*1 In this Act,*

*(g) “health care body” means*

*(ii) the operator of a nursing home as defined in the Nursing Homes Act other than a nursing home that is owned and operated by a regional health authority under the Regional Health Authorities Act,*

**69(1)** Amends chapter G-10 of the Revised Statutes of Alberta 2000.

(2) Schedule 7 presently reads in part:

*1(1) In this section,*

*(b) “health board” means*

*(ii) the owner of a nursing home as defined in the Nursing Homes Act;*

**Amends RSA 2000 cH-5**

**70(1) The *Health Information Act* is amended by this section.**

**(2) Section 1(1)(f)(ii) is amended by striking out “nursing home as defined in the *Nursing Homes Act* other than a nursing home” and substituting “continuing care home as defined in the *Continuing Care Act* other than a continuing care home”.**

**Amends RSA 2000 cH-7**

**71(1) The *Health Professions Act* is amended by this section.**

**(2) Section 51(1)(a) is amended by striking out “a nursing home as defined in the *Nursing Homes Act*” and substituting “a continuing care home as defined in the *Continuing Care Act*”.**

**(3) Schedule 20 is amended in section 10(2)(b) by striking out “nursing home” and substituting “continuing care home as defined in the *Continuing Care Act*”.**



**70(1)** Amends chapter H-5 of the Revised Statutes of Alberta 2000.

(2) Section 1(1) presently reads in part:

*1(1) In this Act,*

*(f) “custodian” means*

*(ii) the operator of a nursing home as defined in the Nursing Homes Act other than a nursing home that is owned and operated by a regional health authority established under the Regional Health Authorities Act;*

**71(1)** Amends chapter H-7 of the Revised Statutes of Alberta 2000.

(2) Section 51(1)(a) presently reads:

*51(1) In this section, “publicly funded facility” means an institution or facility where professional services are provided and that*

*(a) is an approved hospital as defined in the Hospitals Act, a nursing home as defined in the Nursing Homes Act, a correctional institution as defined in the Corrections Act, a facility as defined in the Mental Health Act, a diagnostic or treatment centre made available under section 49(b) of the Mental Health Act, a facility as defined in section 1(1)(f.1)(ii) and (iii) of the Protection for Persons in Care Act or an institution or facility operated by or approved by the Minister of Health, or*

(3) Schedule 20 presently reads in part:

*(2) Subsection (1) does not apply to a regulated member of the Physiotherapy Alberta College + Association employed by*

*(b) a nursing home, whether or not it is owned, operated or controlled by a government or an agency or department of a government,*

**Amends RSA 2000 cH-12**

**72(1) The *Hospitals Act* is amended by this section.**

**(2) Section 1 is amended**

**(a) by repealing clause (c);**

**(b) by adding the following after clause (d):**

(d.1) “continuing care home” means a continuing care home as defined in the *Continuing Care Act*;

**(c) by repealing clause (m).**

**(3) Section 24(8)(c) is repealed and the following is substituted:**

(c) the board of an approved hospital shall, after the discharge of a patient from the hospital for the purpose of transferring the patient to another hospital inside or outside Alberta, a nursing home outside Alberta or a continuing care home, forward to that other hospital, nursing home or continuing care home copies of the appropriate records of diagnostic and treatment services provided in respect of that patient for the use of the staff of that other hospital, nursing home or continuing care home;

**(4) Section 28(1)(k) is amended by striking out “an auxiliary hospital or a nursing home” and substituting “a continuing care home”.**

**(5) Section 31(1)(b)(iii) is amended by striking out “nursing home” and substituting “continuing care home”.**

**72(1)** Amends chapter H-12 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

*1 In this Act,*

*(c) “auxiliary hospital” means a hospital for the treatment of long-term or chronic illnesses, diseases or infirmities;*

*(m) “nursing home” means a nursing home as defined in the Nursing Homes Act;*

(3) Section 24(8)(c) presently reads:

*(8) The following applies with respect to disclosing records of diagnostic and treatment services in respect of a patient:*

*(c) the board of an approved hospital shall, after the discharge of a patient from the hospital for the purpose of transferring the patient to another hospital or nursing home inside or outside Alberta, forward to that other hospital or nursing home copies of the appropriate records of diagnostic and treatment services provided in respect of that patient for the use of the staff of that other hospital or nursing home;*

(4) Section 28(1)(k) presently reads:

*28(1) The Lieutenant Governor in Council may make regulations*

*(k) governing the establishment of central placement offices for admission to an auxiliary hospital or a nursing home;*

(5) Section 31(1)(b)(iii) presently reads:

*31(1) Subject to subsections (2) and (3), the Minister or the board or administrator of an approved hospital may*

*(b) move the patient*

*(iii) to a nursing home or other accommodation.*

**(6) Section 58(2) is amended by striking out “or auxiliary”.**

**Amends RSA 2000 cl-3**

**73(1) The *Insurance Act* is amended by this section.**

**(2) Section 747 is amended**

**(a) by renumbering subsection (1) as subsection (1.1) and adding the following before subsection (1.1):**

**(1) In this section, “continuing care home” means a continuing care home as defined in the *Continuing Care Act*.**

**(b) in subsection (2) by striking out “long-term care facility” wherever it occurs and substituting “continuing care home”.**

**Amends RSA 2000 cM-13**

**74(1) The *Mental Health Act* is amended by this section.**

**(2) Section 1(1) is amended by adding the following after clause (c.1):**

(6) Section 58(2) presently reads:

*(2) No person shall operate a hospital foundation established to benefit a general or auxiliary hospital, including any corporation established before March 29, 1985, to receive, hold, administer and apply any property or the income from it for purposes or objects in connection with a hospital, unless exempted by the Minister subject to any terms and conditions the Minister prescribes.*

**73(1)** Amends chapter I-3 of the Revised Statutes of Alberta 2000.

(2) Section 747(2) presently reads:

*(2) Despite subsection (1), a contract of accident and sickness insurance may provide for one or more of the following:*

- (a) early commencement of loss of income benefits based on the admission of the person insured into a hospital, long-term care facility or other similar institution;*
- (b) payment of loss of income benefits during the period of in-patient hospitalization of the person insured or the period during which the person insured is confined to a long-term care facility or other similar institution;*
- (c) payment of daily benefits during the period of in-patient hospitalization of the person insured or the period during which the person insured is confined to a long-term care facility or other similar institution;*
- (d) payment of lump sum benefits based on the admission of the person insured into a hospital or during the period of in-patient hospitalization or the admission into or period of confinement in a long-term care facility or other similar institution.*

**74(1)** Amends chapter M-13 of the Revised Statutes of Alberta 2000.

(2) Adds definition.

(c.2) “continuing care home” means a continuing care home as defined in the *Continuing Care Act*;

**(3) Section 17(9) is repealed and the following is substituted:**

(9) The person in charge of a diagnostic and treatment centre shall, after the discharge of a patient from the centre for the purpose of transferring the patient to another centre or hospital inside or outside Alberta, a nursing home outside Alberta or a continuing care home, forward to that other centre, hospital, nursing home or continuing care home copies of the appropriate records of diagnostic and treatment services provided in respect of that patient for the use of that other centre, hospital, nursing home or continuing care home.

**(4) Section 32(2)(b)(iii) is amended by striking out “nursing home” and substituting “continuing care home”.**

**Amends SA 2019 cO-8.5**

**75(1) The *Opioid Damages and Health Care Costs Recovery Act* is amended by this section.**

**(2) Section 1(1)(c) is amended by striking out “and” at the end of subclause (x) and adding the following after subclause (x):**

(x.1) home and community care provided under the *Continuing Care Act*, and

**Amends SA 2009 cP-29.1**

**76(1) The *Protection for Persons in Care Act* is amended by this section.**

(3) Section 17(9) presently reads:

*(9) The person in charge of a diagnostic and treatment centre shall, after the discharge of a patient from the centre for the purpose of transferring the patient to another centre, hospital or nursing home inside or outside Alberta, forward to that other centre, hospital or nursing home copies of the appropriate records of diagnostic and treatment services provided in respect of that patient for the use of that other centre, hospital or nursing home.*

(4) Section 32(2)(b)(iii) presently reads:

*(2) When a patient is eligible for discharge and refuses or is unwilling to leave the facility, the board of the facility after consultation with the patient's qualified health professional, a committee of the medical staff established to consider such matters, or the Minister, may*

*(b) arrange for the transfer of the patient*

*(iii) to a nursing home or other accommodation.*

**75(1)** Amends chapter O-8.5 of the Statutes of Alberta, 2019.

(2) Section 1(1)(c) presently reads in part:

*1(1) In this Act,*

*(c) "health care benefits" means*

*(x) services referred to in section 2(3) or (4) of the Co-ordinated Home Care Program Regulation (AR 296/2003) provided under a program under that Regulation, and*

**76(1)** Amends chapter P-29.1 of the Statutes of Alberta, 2009.

**(2) Section 1(1)(m)(iv) is repealed and the following is substituted:**

- (iv) a continuing care home as defined in the *Continuing Care Act*,

**Amends RSA 2000 cP-37**

**77(1) The *Public Health Act* is amended by this section.**

**(2) Section 1(1)(x) is amended**

- (a) **by striking out** “a nursing home within the meaning of the *Nursing Homes Act*” **and substituting** “a continuing care home as defined in the *Continuing Care Act*”;
- (b) **by striking out** “licensed under the *Supportive Living Accommodation Licensing Act*” **and substituting** “as defined in the *Continuing Care Act*”.

**(3) Sections 22(1.1) and (4) and 33(3)(a.1) are amended by striking out** “licensed under the *Supportive Living Accommodation Licensing Act*” **and substituting** “as defined in the *Continuing Care Act*”.



(2) Section 1(1)(m)(iv) presently reads:

*1(1) In this Act,*

*(m) “service provider” means*

*(iv) a nursing home as defined in the Nursing Homes Act,*

**77(1)** Amends chapter P-37 of the Revised Statutes of Alberta 2000.

(2) Section 1(1)(x) presently reads:

*1(1) In this Act,*

*(x) “institution” means a correctional institution as defined in the Corrections Act, a facility as defined in the Mental Health Act, a nursing home within the meaning of the Nursing Homes Act, the premises where a child care program that is licensed under the Early Learning and Child Care Act is offered or provided and a hostel or other establishment operated to provide accommodation and maintenance for unemployed or indigent persons and, except in section 22, includes a supportive living accommodation licensed under the Supportive Living Accommodation Licensing Act;*

(3) Section 22(1.1) and (4) and 33(3)(a.1) presently read:

*22(1.1) Where an operator of a supportive living accommodation licensed under the Supportive Living Accommodation Licensing Act knows or has reason to believe that a person residing at the supportive living accommodation is infected with a communicable disease prescribed in the regulations for the purposes of subsection (1), the operator shall notify a medical officer of health in accordance with subsection (1)(a) and (b).*

*(4) Where an operator of a supportive living accommodation licensed under the Supportive Living Accommodation Licensing Act knows or has reason to believe that a person residing at the supportive living accommodation is infected with a disease referred to in section 20(2), the operator shall, within 48 hours, notify a medical officer of health in the prescribed form.*

**(4) Section 58.1(c)(vi) is repealed and the following is substituted:**

- (vi) the operator of a continuing care home as defined in the *Continuing Care Act* other than a continuing care home that is owned and operated by a regional health authority;

**Amends RSA 2000 cP-39**

**78(1) The *Public Inquiries Act* is amended by this section.**

**(2) Section 7(2)(b)(ii.3) is repealed and the following is substituted:**

- (ii.3) a continuing care home as defined in the *Continuing Care Act*, and

**Amends SA 2004 cR-17.1**

**79(1) The *Residential Tenancies Act* is amended by this section.**

**(2) Section 2(2) is amended**

**(a) by repealing clause (f) and substituting the following:**

- (f) a continuing care home as defined in the *Continuing Care Act*;

**(b) in clause (h.1) by striking out “licensed under the *Supportive Living Accommodation Licensing Act*” and substituting “as defined in the *Continuing Care Act*”.**

33(3) *Where a person is isolated or quarantined in*

(a.1) *a supportive living accommodation licensed under the Supportive Living Accommodation Licensing Act,*

(4) Section 58.1(c)(vi) presently reads:

58.1 *In this Part,*

(c) *“public body” means*

(vi) *the operator of a nursing home as defined in the Nursing Homes Act other than a nursing home that is owned and operated by a regional health authority;*

**78(1)** Amends chapter P-39 of the Revised Statutes of Alberta 2000.

(2) Section 7(2)(b)(ii.3) presently reads:

(2) *In this section,*

(b) *“public building” includes*

(ii.3) *a nursing home as defined in the Nursing Homes Act, and*

**79(1)** Amends chapter R-17.1 of the Statutes of Alberta, 2004.

(2) Section 2(2) presently reads in part:

(2) *This Act does not apply to*

(f) *a nursing home as defined in the Nursing Homes Act,*

(h.1) *a supportive living accommodation licensed under the Supportive Living Accommodation Licensing Act,*

**Amends SA 2005 cT-3.8**

**80(1) The *Tobacco, Smoking and Vaping Reduction Act* is amended by this section.**

**(2) Section 1(a.1) is amended**

**(a) by repealing subclause (ii) and substituting the following:**

(ii) a continuing care home as defined in the *Continuing Care Act*,

**(b) in subclause (v) by striking out “licensed under the *Supportive Living Accommodation Licensing Act*” and substituting “as defined in the *Continuing Care Act*”.**

**Amends RSA 2000 cT-5.5**

**81(1) The *Tourism Levy Act* is amended by this section.**

**(2) Section 1(1)(a) is amended**

**(a) in subclause (iv) by striking out “nursing home” and substituting “continuing care home as defined in the *Continuing Care Act*”;**

**(b) in subclause (iv.1) by striking out “licensed under the *Supportive Living Accommodation Licensing Act*” and substituting “as defined in the *Continuing Care Act*”.**

**Coordinated amendment**

**82(1) If section 7 of the *Health Statutes Amendment Act, 2020 (No. 2)* comes into force before the coming into force of section 71 of this Act, on the coming into force of section 7 of the *Health Statutes Amendment Act, 2020 (No. 2)*,**

**80(1)** Amends chapter T-3.8 of the Statutes of Alberta, 2005.

(2) Section 1(a.1) presently reads in part:

*1 In this Act,*

*(a.1) “group living facility” means*

*(ii) a nursing home under the Nursing Homes Act,*

*(v) a supportive living accommodation licensed under the Supportive Living Accommodation Licensing Act;*

**81(1)** Amends chapter T-5.5 of the Revised Statutes of Alberta 2000.

(2) Section 1(1)(a) presently reads in part:

*1(1) In this Act,*

*(a) “accommodation” means lodging that is provided for consideration in a hotel, motel, apartment building, hostel, lodging house, boarding house, bed and breakfast, residential unit, club or other similar establishment in Alberta, or lodging prescribed in the regulations, including the right to use lodging acquired with the purchase of a prepaid vacation package, but does not include the following:*

*(iv) lodging that is provided in a social care facility, a nursing home or a hospital;*

*(iv.1) a supportive living accommodation licensed under the Supportive Living Accommodation Licensing Act;*

**82** Coordinated amendment.

**(a) the *Health Facilities Act* is amended**

**(i) in section 20.1**

**(A) by repealing clause (c);**

**(B) by adding the following after clause (d):**

(d.1) “continuing care home” means a continuing care home as defined in the *Continuing Care Act*;

**(C) by repealing clause (l);**

**(ii) by repealing section 20.32(6)(b) and substituting the following:**

(b) the board of an approved hospital shall, after the discharge of a patient from the hospital for the purpose of transferring the patient to another hospital inside or outside Alberta, a nursing home outside Alberta or a continuing care home, forward to that other hospital, nursing home or continuing care home copies of the appropriate records of diagnostic and treatment services provided in respect of that patient for the use of the staff of that other hospital, nursing home or continuing care home;

**(iii) in section 20.36(1)(k) by striking out “an auxiliary hospital or a nursing home” and substituting “a continuing care home”;**

**(iv) in section 20.39(1)(b)(iii) by striking out “nursing home” and substituting “continuing care home”;**

**(v) in section 20.66(2) by striking out “or auxiliary”;**

**(b) section 71 is repealed.**

**(2) If section 83(a) comes into force before the coming into force of section 20 of the *Health Statutes Amendment Act, 2020 (No. 2)*, section 20 of that Act is repealed on the coming into force of section 83(a).**



(3) If section 83(b) comes into force before the coming into force of section 25 of the *Health Statutes Amendment Act, 2020* (No. 2), section 25 of that Act is repealed on the coming into force of section 83(b).

(4) If section 83(c) comes into force before the coming into force of section 33 of the *Health Statutes Amendment Act, 2020* (No. 2), section 33 of that Act is repealed on the coming into force of section 83(c).

(5) If section 83(d) comes into force before the coming into force of section 34 of the *Health Statutes Amendment Act, 2020* (No. 2), section 34 of that Act is repealed on the coming into force of section 83(d).

### **Division 3 Repeals and Coming into Force**

#### **Repeals**

**83** The following Acts are repealed:

- (a) the *Long Term Care Information Act*, SA 2018 cL-22;
- (b) the *Nursing Homes Act*, RSA 2000 cN-7;
- (c) the *Resident and Family Councils Act*, SA 2017 cR-16.7;
- (d) the *Supportive Living Accommodation Licensing Act*, SA 2009 cS-23.5.

#### **Coming into force**

**84** This Act comes into force on Proclamation.



**83** Repeals.

**84** Coming into force.





**RECORD OF DEBATE**

Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
<b>Stage</b>	<b>Date</b>	<b>Member</b>	<b>From</b>	<b>To</b>
		<b>Interventions</b>	<b>From</b>	<b>To</b>
<b>Stage</b>	<b>Date</b>	<b>Member</b>	<b>From</b>	<b>To</b>
		<b>Interventions</b>	<b>From</b>	<b>To</b>
<b>Stage</b>	<b>Date</b>	<b>Member</b>	<b>From</b>	<b>To</b>
		<b>Interventions</b>	<b>From</b>	<b>To</b>