

Alberta Health

Continuing Care Act Plain Language Summary

Continuing Care Branch
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Background

Alberta's current legislation for the continuing care system falls under multiple acts and regulations, some dating back to 1985. On March 28, 2022, the Government of Alberta introduced [Bill 11: Continuing Care Act](#) (the Act). The Act will maintain what works well and apply it consistently across services and settings, while addressing gaps identified by stakeholders and highlighted during the COVID-19 pandemic.

The Act will be followed by regulations and standards, which will provide additional context and details. Once the full legislative framework (including the Act, regulations and standards) is developed and approved, implementation will begin as early as spring 2023. The Act will **come into force** at that time and existing continuing care legislation will then be **repealed**.

About this Summary

The Continuing Care Act Plain Language Summary (the Summary) provides a general overview of the Act. It is intended to provide assistance in understanding the intent and requirements of each section, and describes shifts from **existing legislation** and practice.

Throughout the Summary, terms that are **bolded** are defined on page 4. Sections that are underlined indicate a shift from **existing legislation** or practice.

Disclaimer

The Summary is being provided for information in relation to the Act. The Summary is not a substitute for the Act and should not be solely relied upon when determining how to interpret or follow the Act. The Act must be followed in the event of a conflict or inconsistency between the Summary and the Act.

This document is intended as a summary and as general information only, and it is not to replace the advice of a lawyer.

Questions

Any questions or concerns about the Act or information contained in the Summary can be directed to CCLegislation@gov.ab.ca.

Definitions

These definitions are intended to support the understanding of the Summary, and these terms are **bolded** throughout this document. For information on terms defined directly in the Act, refer to Part 1, Section 1 of the Summary.

- **Come into force** means the time at which the full legislative framework will be implemented and in effect (i.e., meaning operators and providers will be required to follow all requirements of the new Act, regulation(s) and standard(s) on this date). The date for the *Continuing Care Act* to come into force has not yet been determined, but is expected to occur as early as spring 2023.
- **Existing legislation** means Alberta's current legislative framework, which includes the following:
 - *Nursing Homes Act*, Nursing Homes Operation Regulation, and Nursing Homes General Regulation;
 - *Hospitals Act*, Hospitalization Benefits Regulation, and Operation of Approved Hospitals Regulation;
 - *Supportive Living Accommodation Licensing Act*, and Supportive Living Accommodation Licensing Regulation;
 - *Public Health Act*, and Co-ordinated Home Care Program Regulation;
 - *Resident and Family Councils Act*;
 - *Long Term Care Information Act*; and
 - Continuing Care Health Service Standards, Supportive Living Accommodation Standards, and Long-Term Care Accommodation Standards.
- **Incorporated** means to allow a document that is separate from the regulation to be made part of the regulation.
- **Ministry** means Alberta Health.
- **Prescribed** means additional details are required to be included in the regulations.
- **Repealed** means an existing law is removed or rescinded, and therefore is no longer in effect.

Continuing Care Act Summary

Preamble

Section	Overview of Section
Preamble	<p>The preamble is intended to highlight core principles that are important to the continuing care system. <u>No other piece of existing legislation for continuing care currently has this same content, other than a preamble in the <i>Resident and Family Councils Act</i>.</u></p> <p>The concepts explored in the Preamble include:</p> <ul style="list-style-type: none"> • Providing services in alignment with the <i>Alberta Health Act</i> • Respecting diversity of Albertans • Person-centred care • Quality of life • Importance and contribution of caregivers • Importance of staff • Dignity and respect • Enabling Albertans to age in place and as a couple <p>This section does not include enforceable provisions; however, the concepts may be reflected throughout the Act and further addressed in the regulations and standards.</p>

Part 1: Interpretation

Section	Overview of Section
1 – Definitions	<p>Defines terms as required for interpretation of the legislation.</p> <p>Key definitions to highlight include: Section 1(a) defines “continuing care home” as a facility or part of a facility where facility-based care is provided. Meaning these are settings where publicly funded health services are provided on an on-going basis to eligible residents who live there. This term will replace designated supportive living and long-term care, including nursing homes and auxiliary hospitals. <u>It also includes publicly funded hospice spaces, which are not currently reflected in legislation.</u></p> <p>Section 1(h) defines “facility-based care” and refers to the group of goods and services provided on an ongoing basis to residents of a continuing care home, including prescribed accommodation, health, and other goods and services.</p>

Bolded: term is defined on page 4

Underlined: indicates a shift from existing legislation and practice

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	<p>Section 1(v) defines “supportive living accommodation.” <u>The scope of this definition has been revised from what currently exists in legislation to capture the intent of these accommodations</u>, which are congregate settings where services are arranged for or provided by the operator, meaning they are not publicly funded, and the operator determines eligibility. <u>Private hospices will fall under this definition.</u></p> <p>Section 1(e) defines “director.” The Director is a person designated by the Minister and is responsible for overseeing compliance to the Act, and responsible for inspectors that are delegated to complete actions under the legislation.</p>
<p>2 – Application to supportive living accommodations</p>	<p>Sets out the provision that even if the occupancy of a supportive living accommodation is temporarily less than the minimum number of residents (to be set in regulations), the accommodation is still subject to the Act.</p> <p>This aligns with current practice <u>but is not reflected in existing legislation.</u></p>
<p>3 – Non-application</p>	<p>Enables the Director to exempt, through regulations, continuing care home or supportive living operators¹, or home and community care providers², from requirements outlined in the Act.</p> <p>Establishes that approved hospitals, hostels, and homeless shelters do not fall within the Act (as these settings are regulated by other legislation and do not meet the intent of continuing care settings).</p>

Part 2: Provision of Continuing Care

Section	Overview of Section
<p>4 – Application of standards, codes, etc.</p>	<p>Requires a continuing care home operator, supportive living accommodation operator, or a home and community care provider to provide care and/or services, and operate in accordance with the Act, the regulations, and applicable standard(s), code(s), guideline(s), schedule(s) or body of rules incorporated under the regulations.</p>
<p>5 – Requirement for agreement</p>	<p>A continuing care home operator or home and community care provider cannot provide care and services unless they have an agreement (e.g., contract) in alignment with requirements set through regulations. This</p>

¹ “operator” = refers to a continuing care home or supportive living accommodation operator

² “provider” = refers to a home and community care provider

	agreement must be approved by the Minister in accordance with the regulations.
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Division 1: Facility-based Care

Section	Overview of Section
6 – Payment for health and other goods and services	Enables the Minister to pay for facility-based care (including prescribed health goods and services, and other goods and services) provided to an eligible resident who has been assessed as requiring that care; additional details on the goods and services to be outlined in regulations. This enables these goods and services to be publicly funded.
7 – Eligibility for health goods and services payment	<p>Identifies who is eligible for publicly funded facility-based care in Alberta. To be eligible, an individual must be a resident of Alberta and require this level of care to address assessed unmet health needs, as well as meet any other prescribed requirements.</p> <p>Currently, based on existing legislation, eligibility for publicly funded facility-based care varies depending on if the individual is coming from another province or country, and the type of continuing care setting (e.g., designated supportive living, nursing home or auxiliary hospital) being accessed. <u>This section aligns eligibility requirements with the definition of resident in the <i>Alberta Health Care Insurance Act</i>.</u></p> <p>Individuals from out-of-province and out-of-country can apply to be part of the Alberta Health Care Insurance Plan within three months of becoming a resident of Alberta. Upon approval, the individual will then be eligible to access publicly funded continuing care.</p> <p>This section also sets out when an individual is not eligible. An individual is not eligible to access publicly funded facility-based care if:</p> <ul style="list-style-type: none"> • care is the responsibility of another body or government; • an individual is not assessed as needing facility-based care; or • an individual no longer meets eligibility requirements.
8 – Other goods and services	<p>Authority for the Minister to set out a fee or payment from a continuing care home resident for other goods and services, as specified in the regulations.</p> <p>Currently, based on existing legislation, there are circumstances where it is unclear what costs are the responsibility of the resident and what amount they can be charged. <u>This section is updated from current state to enable transparent and consistent expectations regarding resident fees to be set in the regulations.</u></p>

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<p>9 – Continuing care home accommodation charge</p>	<p>Maintains the ability for continuing care home operators to charge residents an accommodation charge, to a maximum amount set by the Minister. The Minister may also set different maximum charges for different types of accommodations (e.g., private and semi-private rooms), and the maximums must be published online.</p> <p>The Minister may exempt a resident from paying the accommodation charge, with details to be included in regulations.</p>
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Division 2: Home and Community Care

Section	Overview of Section
<p>10 – Payment for home and community care</p>	<p>Enables the Minister to pay for home and community care provided to an eligible individual that has been assessed as requiring that level of care; additional details on the home and community care goods and services to be outlined in regulations. This enables these goods and services to be publicly funded.</p>
<p>11 – Eligibility for home and community care</p>	<p>Identifies who is eligible for publicly funded home and community care in Alberta. To be eligible, an individual must be a resident of Alberta and be assessed as requiring that type of care, as well as meet any other prescribed requirements. This section aligns eligibility requirements with the definition of resident in the <i>Alberta Health Care Insurance Act</i>. Individuals from out-of-province and out-of-country can apply to be part of the Alberta Health Care Insurance Plan within three months of becoming a resident of Alberta. Upon approval, the individual will be eligible to access home and community care. This aligns with current legislation for access to home and community care.</p> <p>This section also sets out when an individual is not eligible. An individual is not eligible to access publicly funded home and community care if:</p> <ul style="list-style-type: none"> • care is the responsibility of another body or government; • an individual is not assessed as needing home and community care; or • an individual no longer meets eligibility requirements.
<p>12 – Fees or costs</p>	<p>Authority for the Minister to require a fee or payment from an individual receiving home and community care, as specified in regulations.</p> <p>Currently, clients may be required to contribute to the cost of some services, such as home support services (e.g., homemaking, yardwork, snow shoveling, transportation, etc.). Based on existing legislation, it is unclear what costs are the responsibility of the client and what amount</p>

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	they can be charged. <u>This section is updated from current state and enables the regulations to set transparent and consistent expectations regarding client fees.</u>
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Part 3: Licensing

Section	Overview of Section
13 – Licence required	<p>Requires continuing care home operators and supportive living accommodation operators to have a licence for each location where services are provided and sets out the conditions for licences (e.g., a licence is not transferable).</p> <p>Requires a licensee to post the licence in a prominent place in the continuing care home or supportive living accommodation, unless the Director specifies otherwise (in which case the licence must be kept in the continuing care home or supportive living accommodation and made available for viewing on request).</p> <p>In current state, supportive living accommodations are licensed whereas long-term care facilities are certified; <u>this section enables a consistent licensing approach across continuing care homes.</u></p>
14 – Application for licence	<p>Identifies key components of the licensing application process, including:</p> <ul style="list-style-type: none"> • A continuing care home or supportive living accommodation operator, or a person/organization that proposes to operate a continuing care home or supportive living accommodation, may apply for a licence. • An existing operator may apply for an amendment or renewal of a licence. • In response to an application for a licence, the Director may issue, amend or renew a licence, or refuse to issue, amend or renew a licence. <u>Licences may be issued for a term of up to 4 years, which is an increase from 3 years in existing legislation.</u> • If a Director refuses to issue, amend or renew a licence, they must provide written reasons for the refusal. • The written reasons must include information about the applicant’s right to appeal.
15 – Ineligible operator	<p>Specifies an “ineligible operator” is an operator that has either been refused a licence or renewal of their existing licence, has failed to comply with a stop order, or has had their licence cancelled by the Director. An operator has the right to appeal a licensing decision made by the Director under sections 33 and 36.</p>

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	<p>Consistent with current state, an ineligible operator, for a period of two years after being deemed ineligible, may not apply for a licence for the home or accommodation that was refused a licence, or for a new home or accommodation for which no licence had been previously been issued.</p>
16 – Notice to Director	<p>Requires a licence holder to inform the Director of substantial changes to the operation or ownership of the continuing care home or supportive living accommodation, including:</p> <ul style="list-style-type: none"> • Intent to change provider of goods and services; • Intent to stop providing certain services; • Intent to cease operations; • Intent to change ownership; or, • Any other event prescribed in regulations.

Part 4: Compliance and Enforcement

Section	Overview of Section
17 - Definitions	Defines terms required for the interpretation of Part 4 of the Act.
18 - Inspectors	Enables the Director to designate inspectors, and requires inspectors to carry identification and present it to an operator or provider on request when conducting inspections.
19 – Inspections of continuing care homes, etc.	<p>Provides Ministry authority and sets consistent requirements for inspectors to inspect continuing care homes, supportive living accommodations, and home and community care offices, to ensure compliance with the Act, regulations and standards.</p> <p>Requirements include:</p> <ul style="list-style-type: none"> • Before entering the personal living quarters of a resident, the inspector must receive consent from that resident (or their legal representative) or a Court order. • Before entering a private dwelling in which a home and community care office is located to undertake an inspection, an inspector must obtain consent of the occupant or a Court order. • When carrying out the inspection, the inspector may: <ul style="list-style-type: none"> ○ Require an operator or provider to produce any records relating to provision of care, operations, or those receiving care or services; ○ Examine or make copies of the records; ○ Inspect and take samples of material, food or equipment;

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	<ul style="list-style-type: none"> ○ Perform tests, take photographs or make recordings; and ○ Interview any person related to the inspection. ● If the inspector removes any records or receives original records, they must give a receipt for those records to the operator or provider and promptly return the records. ● If the inspector takes samples of any material, food or equipment, they must give a receipt for those samples to the operator or provider and if requested, return the samples after they have been inspected. ● When carrying out an inspection, an inspector may access computer equipment. ● The inspector must provide the operator or provider the results of the inspection. <p>The Act maintains inspections requirements that are currently in the <i>Supportive Living Accommodation Licensing Act</i> <u>but now applies it consistently across continuing care services and settings.</u></p>
<p>20 – Inspections of unlicensed facilities, etc.</p>	<p>Enables the Ministry to inspect a facility or accommodation to determine if they fall under the Act and need to be licensed (per the requirements identified in section 13). This is important to ensure the Act is applied in appropriate settings for potentially vulnerable residents.</p> <p>For the purposes of determining if a facility or accommodation is subject to this Act, an inspector may inspect the records of an operator without entering the facility or accommodation. If the inspector intends to enter the facility or accommodation, a Court order must be obtained to allow entry.</p> <p>Before entering the personal living quarters of a resident, an inspector must obtain the consent of that resident (or legal representative) or a Court order.</p> <p>If the inspector removes any records or receives original records, they must give a receipt for those records to the operator and promptly return the records. The inspector must also provide the operator the results of the inspection.</p> <p><u>These are new authorities that do not exist in Alberta’s current continuing care legislation.</u></p>
<p>21 – Court order to enable inspection of</p>	<p>Sets authority for an inspector to apply for a Court order to enable an inspection if:</p>

<p>continuing care homes, etc.</p>	<ul style="list-style-type: none"> • 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; • A resident of a continuing care home or supportive living accommodation or an occupant of a private dwelling in which a home or community care office is located refuses consent; or • Anyone obstructs or hinders the inspector in undertaking an inspection. <p>In response, a judge may make any order to permit the inspector to enter and undertake the inspection in any of the settings, if the judge deems it necessary.</p>
<p>22 – Court order to enable inspections of unlicensed facilities, etc.</p>	<p>Sets authority for an inspector to apply for a Court order to enable an inspection of an unlicensed facility if:</p> <ul style="list-style-type: none"> • An inspector believes an operator may be required to hold a licence under this Act and an inspection is required to determine if it is the case; • Anyone prevents the inspector from entering a facility and carrying out an inspection of the facility or of the records that have been authorized by an order; • A resident refuses consent to an inspection that has been authorized by an order; or • Anyone obstructs or hinders the inspector in undertaking the inspection. <p>In response, a judge may make any order to permit the inspector to enter and undertake the inspection in any of the settings or records of any of the settings, to determine if the facility needs to be licensed, if the judge deems it necessary.</p> <p><u>These are new requirements that do not exist in Alberta’s current continuing care legislation.</u></p>
<p>23 – Actions after inspection</p>	<p>Identifies actions the Director may take following an inspection that has shown an operator or provider is not complying with the Act, regulations or standards, or has failed to comply with an order or condition on a licence. Actions include:</p> <ul style="list-style-type: none"> • Issue a specified measures order; • Issue a stop order; or • Cancel the licence.

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	<p>The Act maintains actions in the <i>Supportive Living Accommodation Licensing Act</i> <u>but now applies it consistently across continuing care services and settings.</u></p>
<p>24 – Specified measures order</p>	<p>Identifies requirements for an order to take specified measures that a Director may issue after an inspection. These types of orders are used to provide clear instructions to a provider or operator on what they need to do, and by when, in order to be in compliance with requirements under the Act, regulations or standards.</p> <p>The intent of a specified measures order is to identify steps a provider or operator must take to comply with requirements in the legislative framework to enable resident safety and quality of life rather than be punitive. Specified measures orders are one option in a suite of escalating enforcement mechanisms, which enables the Ministry to respond based on a variety of factors such as the severity and frequency of a contravention. The intent is to identify a deficiency and provide the operator an opportunity to come into compliance with requirements in the legislative framework before taking additional action(s) against the operator.</p> <p>The Director must provide the order to the continuing care home operator, supportive living accommodation operator, or home and community provider within 48 hours of the order being issued. The provider and/or operator must post the order in a prominent place if directed to do so.</p>
<p>25 – Stop order</p>	<p>Identifies requirements for a stop order that a Director may issue after an inspection. The stop order can require a permanent or temporary stop of any contravention or activity. For example, if an operator is not following, or is in contradiction of, a requirement set through the Act, regulation(s) or standard(s), and that action or inaction could cause harm to residents, a stop order may be used. Stop orders are one option in a suite of escalating enforcement mechanisms, which enables the Ministry to respond based on a variety of factors such as the severity and frequency of a contravention.</p> <p>The Director must provide the stop order to the continuing care home operator, supportive living accommodation operator, or home and community provider within 48 hours of the order being issued. The Director must also provide notice of a right to appeal.</p> <p>An operator that is served with a stop order must post that order in a prominent place in the continuing care home or supportive living</p>

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	<p>accommodation that is the subject of the order and, if required to by the Director, must notify each resident directly. A home and community care provider that is served with a stop order must notify each recipient of the type and class of services affected by the stop order.</p> <p>The stop order is an existing enforcement action for supportive living accommodations. <u>The Act now enables stop orders for continuing care homes and home and community care providers.</u></p>
<p>26 – Failure to comply with stop order</p>	<p>If a provider or operator fails to comply with a stop order and has not filed an appeal, this section provides authority for the Director to apply to the Court for an order directing further action.</p> <p>After these measures are taken, if the provider and/or operator still fails to comply with the stop order, then:</p> <ul style="list-style-type: none"> - It may be dealt with by the Court as civil contempt of Court; - Any person authorized by the Director may enter the premise and take actions necessary to carry out the stop order; and - The Director may recover, from the operator or provider, any expenses incurred in carrying out the stop order. <p>This maintains requirements in the current <i>Supportive Living Accommodation Licensing Act</i> <u>but now applies them consistently across continuing care services and settings.</u></p>
<p>27 – Cancellation of licence</p>	<p>Identifies actions to be taken by the Director when cancelling a licence after an inspection. When a Director cancels a licence, they must serve a notice to the licensee stating the cancellation takes effect 45 days after notice is issued and the licensee has the right to appeal the notice of cancellation. The Director’s reasons must be included in the notice. Licence cancellations are one option in a suite of escalating enforcement mechanisms, which enables the Ministry to respond based on a variety of factors such as the severity and frequency of a contravention.</p> <p>A licensee that is served a notice of cancellation must post the notice in a prominent place in the continuing care home or supportive living accommodation, and notify each resident directly.</p>
<p>28 – Notification of residents 29 – Notifications of individuals</p>	<p>Requires an operator or provider who is served with a stop order or cancellation notice to provide notice to their residents/clients, and provide a complete contact list of their residents/clients (and legal representatives, if any) to the Director within 24 hours. They must also notify the Director once all residents/clients and legal representatives have been notified.</p>

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	<p>On receipt of the contact list, the Director may notify, in writing and through email or other electronic means, each resident/client or legal representative informing them of the stop order or licence cancellation.</p>
<p>30 – Complaints</p>	<p>Establishes authority for a person to make a complaint and the Ministry to receive and respond to complaints. This will enable the Ministry to set a consistent approach to manage complaints and ensure appropriate oversight for all continuing care concerns, which will occur in coordination with existing complaints processes (such as the Alberta Health Services Patient Concerns Resolution Process, and <i>Protection for Persons in Care Act</i>).</p> <p>A person may make a complaint to the Director if they believe that an operator or provider has failed to comply with the Act, regulations, specified measures order, stop order or condition of a licence. In response, the Director will review the complaint and can take the following actions:</p> <ul style="list-style-type: none"> • Make inquires; • Attempt to resolve the complaint; • Refer complainant to an inspector; • Dismiss the complaint if they believe it is lacking legal merit or if it has been resolved; or • Take any other action. <p>The Director shall notify the complainant in writing of the decision and the reasons for the decision.</p> <p>This maintains requirements in the current <i>Supportive Living Accommodation Licensing Act</i> for complaints under that legislation, <u>but now applies it consistently across continuing care services and settings.</u></p> <p><u>The Act includes new complainant protections to prevent an operator or provider from taking adverse or retaliatory action against a person who makes a complaint.</u></p>
<p>31 – Official administrator</p>	<p>Enables the Minister to appoint an official administrator if the continuing care home operator has contravened the Act, regulations or standards, and this action or inaction has impacted (or is likely to impact) the health, well-being or safety of residents in a continuing care home.</p> <p>The official administrator has all the powers and authority of a continuing care home operator regarding the operation and</p>

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	<p>administration of the continuing care home and as such, can perform all duties and functions to ensure the operation and administration of the home. The Minister may also give the official administrator additional powers or authority the Minister considers necessary to operate and administer the continuing care home.</p> <p><u>This section expands existing practice to apply to all continuing care homes including those owned and operated by Alberta Health Services.</u></p>
32 – Reporting	<p>Identifies reporting requirements where the Minister has appointed an official administrator. Within 15 days after the last day of each month, the official administrator must provide the operator and Minister a written report summarizing all financial transactions with respect to the continuing care home.</p>

Part 5: Appeals

Section	Overview of Section
33 – Appeals to appeal panels	<p>Enables and sets requirements for operators of a continuing care home or supportive living accommodation to appeal a licensing decision or administrative penalty to an appeal panel. It also enables and sets the same requirements for home and community care providers to appeal an administrative penalty.</p> <p>This maintains the approach to appeals of licensing decisions that is currently outlined in the <i>Supportive Living Accommodation Licensing Act</i>, including a 15 day period for operators or providers to appeal a licensing decision. <u>The Act applies the appeals process consistently across continuing care services and settings.</u></p>
34 – Appeal panels	<p>Provides details regarding an appeal panel’s operation and authority. This includes how appeal panels are established, how they must notify the operator or provider, and sets out that the appeal decision is final.</p> <p>This maintains the approach to appeals that is currently outlined in the <i>Supportive Living Accommodation Licensing Act</i>, <u>but applies it consistently across continuing care services and settings.</u></p>
35 – Appeals of stop orders	<p>Establishes authority for a provider or operator to apply to the Court of Queen’s Bench to appeal a stop order, and sets out the specifics for that process.</p> <p>This maintains the approach currently outlined in the <i>Supportive Living</i></p>

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	<u>Accommodation Licensing Act, but applies it consistently across continuing care services and settings.</u>
36 - Appeals of licence cancellations	<p>Establishes authority for an operator of a continuing care home or supportive living accommodation to apply to the Court of Queen’s Bench to appeal a licence cancellation, and sets out the specifics for that process.</p> <p><u>Appealing a licence cancellation in Court is a new option for an operator.</u> Previously a licence cancellation could have been appealed to the same appeal panel described in sections 33 and 34. This enforcement action has significant implications for residents and operators so the ability to appeal has been escalated to the Court, which aligns with the appeal action for stop orders.</p>

Part 6: General

Section	Overview of Section
37 – Resident and family councils	<p>Maintains the ability for a resident or resident’s legal representative or family member to initiate the establishment of a resident and family council for the residents of the continuing care home or supportive living accommodation, with additional details to be included in regulations and standards.</p> <p>Although the <i>Resident and Family Councils Act</i> will be repealed, the intent is to maintain the existing approach through the new legislative framework.</p>
38 – Designation of Director	<p>Authorizes the Minister to designate a Director for the purposes of the Act.</p> <p>This section also enables the Director to delegate their duties and powers except the ability to designate inspectors, and provides the Director with all the powers of an inspector.</p>
39 – Ministerial direction	<p>Enables the Minister to, by order, give direction to any operators, providers or persons, with powers, duties or functions under this Act where it is in the public interest or related to matters of health or safety.</p> <p><u>This is a new provision for continuing care legislation, but aligns with other Alberta legislation such as the <i>Regional Health Authorities Act</i>.</u></p>
40 – Protected Words	<p>Makes “continuing care home” and “supportive living accommodation” protected terms, which means an organization cannot imply they are or</p>

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	<p>use these terms to describe their facility unless they are licensed as a continuing care home operator or supportive living accommodation operator under the Act.</p> <p><u>The protection of the terms “continuing care home” and “supportive living accommodation” is new in legislation.</u> However, “nursing home” was a protected term under the <i>Nursing Homes Act</i> (although it will no longer be after the <i>Nursing Homes Act</i> is repealed).</p>
<p>41 – Service of Documents</p>	<p>Sets requirements for proper service of documents related to specified measures orders, stop orders, notices of cancellation, notices of appeal, appeal panel decisions, and copies of applications for appeals of stop orders or licence cancellations.</p> <p>This maintains requirements currently in the <i>Supportive Living Accommodation Licensing Act</i> <u>but now applies these consistently across continuing care services and settings.</u></p>
<p>42 – Publication of information</p>	<p>Provides authority for the Minister to publicly report on, or require public reporting of, information relating to home and community care, supportive living accommodations or continuing care homes.</p> <p>This approach is consistent with the approach in the <i>Long Term Care Information Act</i>, which will be repealed. <u>Through the Act, these requirements are expanded to apply to all continuing care home operators, supportive living accommodation operators and home and community care providers.</u> Enabling the Minister to publish information in this way facilitates increased transparency and greater accountability for the continuing care system.</p>
<p>43 – Collection, use and disclosure of information</p>	<p>Addresses privacy and protection issues as it relates to the health and personal information that may be required to be disclosed to the Minister, Director, inspector or appeal panel, authorizing the disclosure for the purposes of specified sections of the Act.</p> <p>This section directly references existing Alberta legislation including the <i>Health Information Act</i>, <i>Personal Information Protection Act</i>, and the <i>Freedom of Information and Protection of Privacy Act</i>, and aligns with current practice.</p>
<p>44 – Duty to Notify</p>	<p>Sets out a duty for operators and providers to immediately notify the Director in specific serious circumstances, including those that are a</p>

	<p>health or safety risk, or may jeopardize the ability or the operator or provider to provide care.</p> <p><u>These are new requirements that do not exist in Alberta’s current continuing care legislation.</u> The intent currently exists in standards but is applied inconsistently to continuing care services and settings. The Act will apply the notification requirements consistently across all continuing care services and settings. Additional details are to be included in the regulations.</p>
<p>45 – Reporting</p>	<p>Establishes authority for the Minister to request information from continuing care providers and operators as described in regulations and requires that this information be provided as requested.</p>
<p>46 – Protection from liability</p>	<p>Protects the Minister, the Director, an inspector and any person acting under the authority of the Act from anything done or omitted to be done in good faith in exercising powers or carrying out responsibilities under the Act.</p> <p>This maintains what currently exists in the <i>Supportive Living Accommodation Licensing Act</i> <u>but now applies it consistently across continuing care settings.</u></p>
<p>47 – Administrative penalties</p>	<p>Establishes authority for the Director to issue an administrative monetary penalty (a fine) for contraventions of the Act, regulations or standards and sets out the conditions of such a penalty scheme including maximum penalty amounts (\$10,000), limitation periods, repercussions for non-payment of a penalty, and the process to appeal a penalty.</p> <p><u>This is a new enforcement action that enables the Ministry to fine an operator or provider if they do not comply with the legislation.</u></p> <p>There are currently limited middle-ground options for enforcement between a written notice and escalating to a stop order or licence cancellation. Administrative monetary penalties are one option in a suite of escalating enforcement mechanisms, which enables the Ministry to respond based on a variety of factors such as the severity and frequency of a contravention.</p>
<p>48 – Offences and penalties</p>	<p>Specifies that a person or corporation found guilty of contravening or committing an offence under the Act is liable to a Court-ordered fine to a maximum of \$100,000 per day that the offence occurs or continues.</p>

	<p>The maximum fine of \$100,000 per day that offence occurs is an increase <u>from the fine currently in the <i>Supportive Living Accommodation Licensing Act</i> of up to \$1,000 per day</u> but is consistent with other legislation such as the <i>Mental Health Services Protection Act</i></p>
49 – Vicarious liability	<p>If an offence is prosecuted under this Act, an operator or provider can be charged with an offence and found responsible if there is proof their employee committed the offence in the course of their employment.</p>
50 – Limitation period for prosecution	<p>Specifies that prosecution must commence within two years of the knowledge of the alleged contravention.</p> <p>This maintains the current approach in the <i>Supportive Living Accommodation Licensing Act</i> <u>but now applies it consistently across continuing care services and settings.</u></p>
51 - Regulations	<p>Identifies significant regulation-making authority to support the content of this Act through the creation of new regulations (to replace existing regulations).</p> <p>Regulation topics to include, but are not limited to:</p> <ul style="list-style-type: none"> • prescribing accommodation, health and other goods and services; • payments, fees and costs, including waivers of fees and costs across settings; • accommodation charges and waivers; • application of standards and codes across settings; • provision of care and operation of continuing care homes; • staffing (for example qualifications and staffing models); • agreements with home and community care providers and continuing care home operators; • admissions, assessments and transfers to continuing care settings; • exemptions from the Act; • licensing; • complaints, stop orders, and appeals; • resident and family councils; • information and reporting; • duty to notify; and, • administrative penalties. <p>Details of the regulations will be available at a later date, and upon approval, regulations will be made available to the public.</p>
52 – Deficiency Regulations	<p>This section provides regulation-making authority to address issues that are not provided for sufficiently in the Act.</p>

Bolded: term is defined on page 4

Underlined: indicates a shift from existing legislation and practice

53 – Transitional Regulations	This section provides regulation-making authority to resolve issues that may arise as the sector transitions from current legislation (upon repeal) to the new legislative framework when it comes into effect.
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Part 7: Transitional Provisions, Consequential and Coordinated Amendments, Repeals and Coming into Force³

Division	Overview of Division
Division 1 – Transitional Provisions (Sections 54 to 63)	<p>Identifies requirements to transition the continuing care sector from current to future state and maintains current state in some situations where appropriate. This will enable a smooth transition from current legislation to the new legislative framework when it comes into effect.</p> <p>This includes:</p> <ul style="list-style-type: none"> • transitioning applicable auxiliary hospitals under the <i>Hospitals Act</i> to continuing care homes under the new Act: <ul style="list-style-type: none"> ○ Not all auxiliary hospitals will automatically become continuing care homes. For example, there may be some spaces/units of an auxiliary hospital that do not provide facility-based care as defined under the new Act and will remain governed as approved hospitals under <i>the Hospitals Act</i>; • maintains that individuals currently accessing publicly funded continuing care services continue to receive them, even if they are no longer eligible under new requirements set by the Act; • transitioning settings that are currently licensed or certified to be licensed under the new Act; and • enabling the continuation and resolution of inspections, complaints, enforcement actions and appeals that are in-progress when the new Act comes into effect.
Division 2 – Consequential and Coordinated Amendments (Sections 63 to 82)	<p>This section updates references to continuing care terminology in existing Alberta legislation, such as:</p> <ul style="list-style-type: none"> • “nursing homes” to be replaced with “continuing care homes” as appropriate; • existing legislation (such as the <i>Supportive Living Accommodation Licensing Act</i> and <i>Nursing Homes Act</i>) to be replaced with the <i>Continuing Care Act</i>, to ensure these sections continue to have meaning when the new Act comes into effect, etc.

³ For Part 7, an overview of each Division is provided, rather than identifying each transitional provision and consequential amendment by section.

Bolded: term is defined on page 4

Underlined: indicates a shift from existing legislation and practice

<p>Division 3 – Repeals and Coming into Force (Sections 83 to 84)</p>	<p>The Act will repeal existing continuing care legislation upon the coming into force of this Act, and the <i>Continuing Care Act</i> will be the sole act to regulate the full spectrum of continuing care services and settings.</p> <p>Existing legislation to be repealed includes:</p> <ul style="list-style-type: none">• <i>Nursing Homes Act</i>• <i>Long Term Care Information Act,</i>• <i>Resident and Family Councils Act</i>• <i>Supportive Living Accommodation Licensing Act</i> <p>The Act will come into force upon proclamation, which enables flexibility to bring the Act into force once the new regulations and standards are approved (for implementation beginning as early as spring 2023).</p>
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