

The Personal Care Homes Regulations, 1996

being

Chapter P-6.01 Reg 2 (effective May 8, 1996) as amended by
Saskatchewan Regulations [69/2002](#) and [89/2003](#).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER P-6.01 REG 2
The Personal Care Homes Act

PART I
Title and Interpretation

Title

1 These regulations may be cited as *The Personal Care Homes Regulations, 1996*.

Interpretation

2(1) In these regulations:

- (a) “**Act**” means *The Personal Care Homes Act*;
- (b) “**activities of daily living**” includes, but is not limited to, the following activities:
 - (i) eating;
 - (ii) bathing;
 - (iii) dressing;
 - (iv) grooming;
 - (v) participating in social and recreational activities;
- (c) “**admission agreement**” means an agreement entered into between the licensee and a resident pursuant to section 17;
- (d) “**assessment**” means the determination of a resident’s capabilities and care needs;
- (e) “**assessment agency**” means an organization or an individual designated by the minister to conduct an assessment;
- (f) “**authorized capacity**” means the maximum number of residents permitted to be accommodated in a home pursuant to a licence;
- (g) “**building code**” means the edition and provisions of the National Building Code of Canada declared to be in force pursuant to subsection 3(1), or deemed to be in force pursuant to subsection 3(1.1), of *The Uniform Building and Accessibility Standards Regulations*;
- (g.1) “**building official**” means a building official as defined in *The Uniform Building and Accessibility Standards Act*;
- (h) “**care**” means the provision of personal care, specialized care or both personal care and specialized care to a resident;

- (h.1) **“care aide”** means an individual who has successfully completed an educational program in providing personal care that is recognized by the department and that provides the equivalent of four months’ full-time training;
- (i) **“care staff”** means those persons in a home who provide care and supervision to residents;
- (j) **“construction”** includes structural alteration and conversion;
- (k) **“cycle menu plan”** means a list of foods and beverages:
- (i) that are to be served for each breakfast, morning snack, lunch, afternoon snack, supper and evening snack over a period that is not less than three weeks in length; and
 - (ii) that may be repeated for service in subsequent periods;
- (l) **“fire code”** means the edition and provisions of the National Fire Code of Canada that are declared to be in force pursuant to subsection 3(1) of *The Saskatchewan Fire Code Regulations*;
- (m) **“fire commissioner”** means the fire commissioner appointed pursuant to *The Fire Prevention Act, 1992*;
- (n) **“fire inspector”** means a provincial inspector, local assistant or a municipal inspector, within the meaning of *The Fire Prevention Act, 1992*;
- (o) **“grade”** means the average level of finished ground adjoining a building at all exterior walls;
- (o.1) **“health care professional”** means:
- (i) a person who holds a valid licence, other than a conditional licence, pursuant to *The Licensed Practical Nurses Act, 2000*;
 - (ii) a person who holds a valid licence pursuant to *The Registered Nurses Act, 1988*;
 - (iii) a person who holds a valid licence pursuant to *The Registered Psychiatric Nurses Act*; or
 - (iv) a physician;
- (p) **“home”** means a personal care home for which a licence has been issued;
- (q) **“menu journal”** means a daily record of foods and beverages served to residents for breakfast, morning snack, lunch, afternoon snack, supper and evening snack;
- (r) **“personal care”** means direct assistance to, or supervision of, a resident in performing activities of daily living, including the administration of medication, but does not include specialized care;
- (r.1) **“physical restraint”** means a device that limits, restricts, confines or controls a resident or deprives a resident of freedom of movement;

- (s) “**physician**” means a duly qualified medical practitioner;
 - (t) “**potentially hazardous food**” means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients, including synthetic ingredients, that is in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms;
 - (t.1) “**regional health authority**” means a regional health authority as defined in *The Regional Health Services Act*;
 - (u) “**resident**” means an adult, other than a relative of the licensee, who resides in a home for the purpose of receiving personal care;
 - (u.1) “**safety ashtray**” means an ashtray made of non-combustible material and designed so that a cigarette left unattended cannot fall out of the ashtray onto a combustible surface or material;
 - (u.2) “**security advance**” means an amount of money paid in advance of the first day in which accommodation and care is provided, in order to secure accommodation in a home for a prospective resident;
 - (v) “**specialized care**” means health care services provided by health care professionals that are required by a resident, but does not include personal care;
 - (w) “**storey**” means the part of a building between the top of one floor and the top of the next higher floor or, where there is no next higher floor, the part of the building between the top of the floor and the ceiling above it, but does not include a basement where the floor is more than 1.22 metres below grade;
 - (x) “**supporter**” means a person nominated by a resident pursuant to section 9.
- (2) In these regulations:
- (a) a reference to a regional health authority in relation to a personal care home is a reference to the regional health authority for the health region in which the personal care home is located, unless the provision provides otherwise; and
 - (b) a reference to a regional health authority in relation to a licensee or an applicant for a licence is a reference to the regional health authority for the health region in which the personal care home operated by the licensee, or the proposed personal care home to be operated by the applicant, as the case may be, is located, unless the provision provides otherwise.

PART II
Administration Of Personal Care Homes
LICENCE

Requirements for licensing

- 3(1) No licence shall be issued to an applicant unless:
- (a) the applicant resides in Saskatchewan; and
 - (b) the applicant or the person who will be responsible for the day-to-day operation of the proposed home:
 - (i) holds a valid certificate in a basic food service sanitation course that is recognized by the department;
 - (ii) when the initial licence is issued, holds a valid certificate in a basic or standard first aid course that is recognized by the department; and
 - (iii) holds a valid certificate in the personal care homes orientation program conducted by the department.
- (2) On and after April 1, 2004:
- (a) no licence shall be issued to an applicant unless the applicant or the person who will be responsible for the day-to-day operation of the proposed home holds a valid certificate or other evidence satisfactory to the department that he or she has successfully completed a course that is of at least 16 hours, that covers the provision of personal care and that is recognized by the department; and
 - (b) no renewed licence shall be issued to a licensee unless the licensee or the person who is responsible for the day-to-day operation of the home satisfies the department that he or she meets the requirement described in clause (a).
- (3) No licence shall be issued with respect to a home that is to accommodate 10 or fewer persons, including persons living in the home other than residents, that is located in a building with more than three storeys.
- (4) If a proposed home is to accommodate 21 or more residents, the applicant for a licence must submit with the application:
- (a) an operational plan in a format required by the minister, including a market analysis plan, a staffing plan that is satisfactory to the minister and a financial plan that is satisfactory to the minister, that demonstrates the financial viability of the home;
 - (b) a contingency plan setting out in detail the arrangements that the applicant has in place to relocate residents in the event of an emergency or the ceasing of operation of the home; and

- (c) evidence that the applicant has consulted with the regional health authority, including a written statement from the regional health authority that:
- (i) indicates the regional health authority's level of support for the proposed home and sets out the reasons for the support; or
 - (ii) states that the regional health authority does not support the proposed home and sets out the reasons for not supporting the proposed home.
- (5) Before an initial licence is granted to an applicant, a representative of the department shall conduct:
- (a) an inspection of the premises to be used as the proposed home; and
 - (b) an assessment of how the applicant proposes to meet the requirements of these regulations in the ongoing operation of the proposed home, including a consideration of:
 - (i) the accommodation and services to be provided;
 - (ii) the facilities and equipment to be used;
 - (iii) the number and qualifications of staff to be employed;
 - (iv) the methods and procedures to be used in carrying out all of the regular activities involved in the operation of the home;
 - (v) the proposed capacity of the home; and
 - (vi) the care to be provided.

23 Aug 2002 SR 69/2002 s4.

Insurance

- 3.1** A licensee must hold policies of insurance satisfactory to the department:
- (a) in an amount not less than \$5,000 against theft by staff of personal property of residents kept in the home if the licensee ordinarily employs staff to work in the home;
 - (b) in an amount not less than \$1 million against general liability, including third party liability, with respect to the premises used by the home and to the operation of the home, including claims based on negligence associated with the operation of the home and occupier's liability; and
 - (c) in an amount not less than \$1 million against claims arising from transportation of residents in a vehicle, if applicable.

23 Aug 2002 SR 69/2002 s4; 5 Sep 2003 SR 89/2003 s3.

Security

3.2(1) For the purposes of subsection 8.1(2) of the Act, an applicant for a licence for a new personal care home that is intended to accommodate 21 or more residents must, as part of the applicant's application:

- (a) file a bond substantially in the form set out in Part I of the Appendix in the amount determined in accordance with subsection (4); or
- (b) provide an irrevocable standby letter of credit that:
 - (i) is issued by a bank, credit union or trust corporation that is authorized to transact business in Saskatchewan;
 - (ii) is set out on the letterhead of the issuing financial institution;
 - (iii) contains the provisions described in Part II of the Appendix unless otherwise approved by the minister; and
 - (iv) is in the amount determined in accordance with subsection (4).

(2) For the purposes of subsection 8.1(3) of the Act, the following categories of licensees of existing personal care homes must provide security in accordance with subsection (3):

- (a) licensees of homes with an authorized capacity of 20 or less who wish to increase their authorized capacity to 21 or more;
- (b) licensees of homes with an authorized capacity of 21 or more who wish to increase their authorized capacity to a number that is greater than 10 more than the authorized capacity of the home as at July 25, 2002.

(3) A licensee for an existing personal care home described in subsection (2) must, as part of the licensee's application for renewal of the licence:

- (a) file a bond substantially in the form set out in Part I of the Appendix in the amount determined in accordance with subsection (4); or
- (b) provide an irrevocable standby letter of credit that:
 - (i) is issued by a bank, credit union or trust corporation that is authorized to transact business in Saskatchewan;
 - (ii) is set out on the letterhead of the issuing financial institution;
 - (iii) contains the provisions described in Part II of the Appendix unless otherwise approved by the minister; and
 - (iv) is in the amount determined in accordance with subsection (4).

(4) The amount of a bond or irrevocable standby letter of credit to be provided for the purposes of subsections (1) and (3) is the amount A determined in accordance with the following formula:

$$A = AC \times \$2,500$$

where AC is the proposed total authorized capacity of the home.

Recourse to letter of credit

3.3(1) In this section:

- (a) **“administrator”** means the administrator appointed pursuant to section 14.1 of the Act with respect to the personal care home to which a letter of credit applies;
 - (b) **“letter of credit”** means a letter of credit provided pursuant to section 3.2;
- (2) Notwithstanding that the Crown in right of Saskatchewan has not suffered any loss or damage, the minister may have recourse to a letter of credit provided pursuant to section 3.2 by presenting a demand to the issuer of the letter of credit, together with the letter of credit, if:
- (a) the minister has reason to believe that any of the grounds set out in clauses 8.1(9)(a) to (c) of the Act exist; or
 - (b) having made one or more demands for amounts that, in total, are less than the full amount of the letter of credit, the minister has reason to believe that the amounts drawn are insufficient to pay any costs incurred by the administrator in carrying out his or her duties, including the administrator’s remuneration and reimbursement for expenses.
- (3) The minister shall:
- (a) pay over to the administrator any amount received pursuant to a letter of credit; and
 - (b) refund to the issuer of the letter of credit any amount remaining after the payment of any expenditures incurred by the minister in connection with the recourse to the letter of credit or by the administrator in carrying out the duties of the administrator.

5 Sep 2003 SR 89/2003 s4.

Licence fee

4 The fee to be submitted by an applicant for a licence pursuant to clause 4(c) of the Act is a fee in an amount equal to the product of:

- (a) the authorized capacity of the home with respect to which the licence is sought; and
- (b) \$10.

17 May 96 cP-6.01 Reg 2 s4.

Terms and conditions

5(1) The following term shall be incorporated in each licence:

Subject to the other terms and conditions of this licence, the licensee shall operate the home governed by this licence in accordance with the most recent edition of the *Licensee's Handbook* published by Saskatchewan Health and supplied by the department to the licensee.

(2) Specific terms and conditions that vary, add to or remove any of the requirements set out in the *Licensee's Handbook* may be incorporated in a licence and, in the event of a conflict between the *Licensee's Handbook* and a term or condition in a licence, the term or condition in the licence prevails.

17 May 96 cP-6.01 Reg 2 s5.

Expiry of licence

6(1) Unless otherwise specified in a licence, a licence expires on the day that is one year from the day the licence is issued.

(2) Before discontinuing the operation of a home, the licensee shall provide the department and the regional health authority with:

(a) 30 days' written notice of intent where the home is licensed to accommodate 20 or fewer residents; and

(b) 90 days' written notice of intent where the home is licensed to accommodate 21 or more residents.

17 May 96 cP-6.01 Reg 2 s6; 23 Aug 2002 SR 69/2002 s5.

REQUIREMENTS OF LICENSEES

Responsibility

7 The licensee of a home is responsible for the care management and administration of the home.

17 May 96 cP-6.01 Reg 2 s7.

Conflict of interest

8(1) Subject to subsection (2), no licensee, staff member of a home or a relative of a licensee or staff member of a home shall:

(a) accept appointment as power of attorney for a resident;

(b) be a resident's supporter;

(c) accept appointment as a personal or property guardian pursuant to *The Adult Guardianship and Co-decision-making Act* for a resident;

(d) accept appointment as a proxy for a resident in a directive pursuant to *The Health Care Directives and Substitute Health Care Decision Makers Act*;

(e) accept gifts from a resident with an estimated total value greater than \$100 in a year;

- (f) accept property or personal possessions from a resident or from anyone on behalf of a resident as payment for care and accommodation in the home;
 - (g) influence or attempt to influence a resident or prospective resident:
 - (i) in the making or alteration of the will of the resident or prospective resident;
 - (ii) in the conduct of the financial affairs of the resident or prospective resident; or
 - (iii) in handling the personal assets of the resident or prospective resident; or
 - (h) accept gifts or bequests provided in a resident's will unless:
 - (i) the licensee is a registered charity as defined in subsection 248(1) of the *Income Tax Act* (Canada); or
 - (ii) the will was executed before the resident was admitted to the home;
- (2) Subsection (1) does not apply if the licensee, staff member or relative of a licensee or staff member is a relative of the resident in question.
- (3) Nothing in subsection (1) precludes a licensee from being appointed as a trustee of a resident for the purposes of *The Saskatchewan Assistance Act*.
- (4) If a licensee or a staff member receives a gift from a resident, the licensee must:
- (a) notify the resident's supporter, or a member of the resident's family if there is no supporter, about the gift; and
 - (b) record the following information:
 - (i) the date of receipt of the gift;
 - (ii) the name of the person who received the gift;
 - (iii) the amount or estimated value of the gift;
 - (iv) the name of the person contacted pursuant to clause (a).

23 Aug 2002 SR 69/2002 s6.

DESIGNATION OF SUPPORTER

Supporter

- 9(1) Any resident may nominate a person as a supporter:
- (a) to act as an advocate for the resident in the resident's dealings and transactions with the licensee; and
 - (b) to assist the resident in the resident's relationship with the licensee.

- (2) Where a supporter is nominated pursuant to subsection (1):
- (a) the resident shall notify the licensee of the name and telephone number of the supporter; and
 - (b) the licensee shall notify the supporter prior to any dealings or transactions between the resident and the licensee.

17 May 96 cP-6.01 Reg 2 s9.

RECORDS RESPECTING RESIDENTS

Resident care record

10(1) A licensee shall maintain a clear and accurate resident care record for each resident of the home in accordance with this section.

(1.1) A licensee shall ensure that each resident's record maintained pursuant to subsection (1) is kept separate from the records of other residents.

(2) A licensee shall ensure that the record maintained pursuant to subsection (1) contains:

- (a) personal information respecting the resident, including:
 - (i) the name, date of birth, health services card number and information relating to any other medical insurance coverage of the resident;
 - (ii) the name, address and telephone number:
 - (A) where the resident has nominated a supporter, of the supporter; and
 - (B) in any other case, of the person that the resident wishes to be informed in the event of any emergency involving the resident;
 - (iii) an original of:
 - (A) the admission agreement; and
 - (B) any amendments to that agreement; and
 - (iv) where the resident so requests, the name and telephone number of any organization, religious or otherwise, with which the resident is affiliated; and
- (b) information respecting the care of the resident in the home, including:
 - (i) the request for an admission assessment, the written admission assessment and reassessments required pursuant to section 14;
 - (ii) a copy of the admission form mentioned in section 16;
 - (iii) the date of the resident's admission to the home;

- (iv) the name, address and telephone number of:
 - (A) the physician chosen by the resident to be the resident's physician; and
 - (B) any other professionals who are involved in the care of the resident;
 - (v) all physicians' instructions relating to the resident, including the dates of any medical appointments and visits by the resident to other health care professionals;
 - (vi) the resident's care plan established pursuant to section 15 and all amendments to that care plan;
 - (vii) all records of prescription and non-prescription medications being used by the resident;
 - (vii.1) a copy of the resident's directive pursuant to *The Health Care Directives and Substitute Health Care Decision Makers Act*, if any;
 - (viii) a record of steps to be taken to arrange alternate care in the event the resident is discharged from the home; and
 - (ix) where the resident is discharged from the home:
 - (A) a copy of the discharge form mentioned in section 20; and
 - (B) the date on which the resident is discharged.
- (3) A licensee shall ensure that all entries in a care record made pursuant to subsection (2) are:
- (a) in ink or other permanent medium;
 - (b) clearly legible;
 - (c) dated at the time of recording; and
 - (d) signed by the writer.

17 May 96 cP-6.01 Reg 2 s10; 23 Aug 2002 SR
69/2002 s7.

Release of information

- 11(1)** The care record of a resident required by section 10 is the property of the licensee and is confidential.
- (2) A licensee shall disclose all or any part of a care record of a resident:
- (a) to the resident on the resident's request;
 - (b) to any person named in a written request of the resident that is signed by the resident;
 - (c) to the minister at the direction of the minister;

- (d) to any person on the order of a court of competent jurisdiction or if otherwise required by law; and
 - (e) to the resident's supporter, unless the resident indicates otherwise.
- (3) A licensee may disclose to a person who provides care to a resident any part of the resident's care record that is required for the purposes of providing care to the resident.
- (4) **Repealed.** 23 Aug 2002 SR 69/2002 s8.
- (5) **Repealed.** 23 Aug 2002 SR 69/2002 s8.

17 May 96 cP-6.01 Reg 2 s11; 23 Aug 2002 SR 69/2002 s8.

Retention of records

12 A licensee shall retain the resident care record required by section 10 for at least six years after the date of the resident's last discharge from the home.

17 May 96 cP-6.01 Reg 2 s12.

Reportable serious incident

13(1) In this section, "**serious incident**" means any occurrence at or around the home that affects or may seriously affect the health or safety of residents of the home, including:

- (a) any occurrence, accident or injury that is potentially life threatening;
 - (b) a death that is required to be reported pursuant to *The Coroners Act*;
 - (c) an outbreak of a communicable disease, notification of which is required pursuant to *The Public Health Act, 1994*;
 - (d) any harm or suspected harm suffered by a resident as a result of unlawful conduct, improper treatment or care, harassment or neglect on the part of any person;
 - (e) any incident involving a resident that has been reported to law enforcement officers;
 - (f) a fire;
 - (g) a prolonged disruption of:
 - (i) the supply of electrical power, heat or water;
 - (ii) the provision of food; or
 - (iii) the provision of other basic services of the home that interferes with the ability to give adequate care to the residents.
- (2) A licensee shall:
- (a) inform the following of any serious incident involving a resident as soon as possible after the incident:
 - (i) the resident's supporter or, if the resident has not nominated a supporter, a member of the resident's family;

- (ii) the resident's personal physician;
 - (iii) the department;
 - (iv) the regional health authority; and
- (b) as soon as is reasonably practicable, provide to the department a written report of the serious incident mentioned in clause (a) that indicates:
- (i) the circumstances leading up to and culminating in the serious incident;
 - (ii) the date and time of the serious incident;
 - (iii) the names of the persons involved in the serious incident;
 - (iv) the names of the persons notified about the serious incident; and
 - (v) any actions taken by the licensee:
 - (A) to solve the problems giving rise to the serious incident; and
 - (B) to prevent recurrences of the serious incident.

17 May 96 cP-6.01 Reg 2 s13; 23 Aug 2002 SR
69/2002 s9.

PART III
Assessment and Admission
ASSESSMENTS AND REASSESSMENTS

Assessment request

- 14(1)** Within seven days after a resident is admitted into a home, the licensee shall make a request for a written assessment of the resident's care needs by an assessment agency.
- (2) A licensee shall request a written reassessment of a resident by an assessment agency:
- (a) whenever the care needs of the resident change; and
 - (b) not later than two years after the date of the resident's last assessment.

17 May 96 cP-6.01 Reg 2 s14.

Care plan

- 15(1)** A licensee must develop a care plan for each resident within seven days after the resident is admitted to the home.
- (2) A care plan must identify the types of assistance or supervision that the resident needs in all activities of daily living and must address the physical, cognitive, emotional, social and spiritual needs of the resident.
- (3) A licensee must ensure that:
- (a) a resident's care plan is accessible at all times to members of the staff who provide direct care to the resident;

- (b) throughout a resident's stay in the home, the resident's care plan is amended to reflect any changes in the resident's care that affect matters identified in the care plan, and that each amendment is dated and signed by the person who made the amendment; and
 - (c) a complete review of each resident's care plan is carried out at least annually.
- (4) A licensee must ensure that each resident and the resident's supporter, if any, are encouraged to participate in the development and review of the resident's care plan.

17 May 96 cP-6.01 Reg 2 s15; 23 Aug 2002 SR
69/2002 s10.

ADMISSION

Admission forms

16 Where a resident is admitted to a home, the licensee shall:

- (a) complete the admission form provided by the minister; and
- (b) provide the minister with a copy of the admission form within 30 days after the date of admission of the resident to the home.

17 May 96 cP-6.01 Reg 2 s16.

Admission agreement

17(1) A licensee shall ensure that:

- (a) a written admission agreement respecting the terms and conditions of residence in the home is entered into between the licensee and the resident;
- (b) the admission agreement provides for:
 - (i) the care, service and type of accommodation that the licensee agrees to give to the resident, including services required pursuant to the Act and these regulations;
 - (ii) the rights and privileges of the resident other than those listed in section 34;
 - (iii) the responsibilities of the resident and the resident's supporter;
 - (iv) the rules of the home;
 - (v) payment for the residency, including:
 - (A) the monthly, weekly or daily rate for services rendered or care and accommodation provided to the resident;
 - (B) the method of payment for the services, care and accommodation mentioned in paragraph (A) and the date on which payment is due;

- (C) any charges for incidental services;
 - (D) any charges made when the resident is temporarily absent from the home;
 - (E) an explanation of the rate mentioned in paragraph (A) and the charges mentioned in paragraphs (C) and (D) as those rates and charges relate to the care to be provided to the resident;
 - (F) conditions under which refunds of rates and charges will be made;
- (vi) details of insurance coverage of the home with respect to the possessions of the resident;
 - (vii) the term of the admission agreement;
 - (viii) the alteration or renewal of the admission agreement; and
 - (ix) the dating and execution of the admission agreement by the licensee and the resident within seven days after admission of the resident into the home; and
- (c) an original of the admission agreement is provided to the resident and, at the resident's request, to the resident's supporter.
- (2) Subject to subsections (3) and (4), any payment provision included in an admission agreement that requires payment for accommodations and services on a day sooner than the first day on which accommodation and services are to be provided to the resident is void.
- (3) A licensee may require a prospective resident to pay a security advance not exceeding \$500 to secure accommodation in the home for a prospective resident, where the accommodation is to commence on a date that the parties agree to in writing.
- (4) If the prospective resident moves into the personal care home, the licensee must apply the security advance to the first month's residency charge.
- (5) If the prospective resident does not move into the personal care home on or before the date agreed to by the parties, the licensee may retain the security advance.

Residency charges

18(1) Notwithstanding any provision in an admission agreement but subject to subsections (2) to (4), no licensee shall increase any rate or charge for services rendered or care and accommodation provided to a resident without first providing the resident with a written notice of the licensee's intention to increase the rate or charge:

- (a) not less than 60 days before the increase is to come into effect, in the case of an agreement for a monthly residency; and
 - (b) not less than three weeks before the increase is to come into effect, in the case of an agreement for a weekly or daily residency.
- (2) If a resident's care needs have changed suddenly and significantly from those that existed when the admission agreement was entered into, the licensee may increase the rate or charge for services rendered for care and accommodation:
- (a) on the provision of 30 days' written notice of the new rate or charge to the resident and the resident's supporter, in the case of a monthly residency; or
 - (b) on the provision of seven days' written notice of the new rate or charge to the resident and the resident's supporter, in the case of a weekly or daily residency.
- (3) A resident who receives a notice pursuant to subsection (2) must advise the licensee whether or not the resident intends to enter into a new admission agreement with the licensee:
- (a) in the case of a monthly residency, within seven days after the day on which the resident received the notice; or
 - (b) in the case of a weekly or daily residency, within two days after the day on which the resident received the notice.
- (4) If a resident who receives a notice pursuant to subsection (2) advises the licensee that he or she accepts the change in the rate or charge, the licensee shall, at the end of the notice period, enter into a new admission agreement with the resident that contains the new rate or charge.
- (5) If a resident who receives a notice pursuant to subsection (2) advises the licensee that he or she does not accept the change in the rate or charge or, within the period set out in clause (3)(a) or (b), fails to advise the licensee whether or not the resident intends to enter into a new admission agreement, the admission agreement terminates at the end of the notice period mentioned in clause (2)(a) or (b), as the case may be, unless the resident and the licensee agree otherwise.

Termination of admission agreement

19(1) Subject to subsections (1.1) and (2), notwithstanding any provision in an admission agreement, an admission agreement may be terminated by either the licensee or the resident on written notice to the other:

- (a) where the agreement is for a monthly residency, not less than 30 days before termination of the residency; and
- (b) where the agreement is for a weekly or daily residency, not less than seven days before termination of the residency.

(1.1) If a resident is permanently discharged from a home to a special care home or to a bed in a hospital or health centre for the purpose of receiving long-term care based on an assessed need as determined by a regional health authority:

- (a) the admission agreement terminates on the third day following the day on which the resident removes all of his or her belongings from the room; and
- (b) the licensee shall refund to the resident any amounts paid pursuant to the admission agreement for the period that commences on the third day following the day on which the resident's belongings are removed from the resident's room and ends:
 - (i) on the last day of the month, in the case of a monthly residency; or
 - (ii) on the last day of the week, in the case of a weekly or daily residency.

(2) Where a resident does not pay the residency charges within 15 days after the date on which those charges are due and payable according to the admission agreement, the licensee may terminate the agreement on seven days' written notice to the resident.

(3) On the discharge of a resident from the home, the licensee shall return all property of the resident in the possession or control of the licensee to the resident or the resident's supporter.

17 May 96 cP-6.01 Reg 2 s19; 23 Aug 2002 SR 69/2002 s13; 5 Sep 2003 SR 89/2003 s5.

DISCHARGE OF RESIDENTS**Discharge form**

20 Where a resident is discharged from a home, the licensee shall:

- (a) complete the discharge form provided by the minister; and
- (b) provide the minister with a copy of the discharge form within 30 days from the date the resident is discharged.

17 May 96 cP-6.01 Reg 2 s20.

Relocation of residents

21 The licensee shall assist the resident and the resident's supporter in the orderly relocation of the resident where:

- (a) the admission agreement is terminated;
- (b) the resident is required to be relocated or discharged to another facility as a result of:
 - (i) the resident's care needs exceeding the ability of the licensee to provide the service; or
 - (ii) the terms and conditions of the licensee's licence;
- (c) the licensee ceases to operate the home;
- (d) the licensee changes the location of the home; or
- (e) the licence of the home is suspended or revoked.

17 May 96 cP-6.01 Reg 2 s21.

PART IV
Resident Care Services
RESIDENT CARE

Resident care

22(1) A licensee shall provide the care to residents that is required to meet the individual needs of each resident.

(2) Without limiting the generality of subsection (1), a licensee shall ensure that:

- (a) where specialized care is required by a resident and that care is given to that resident, the specialized care is performed by:
 - (i) a health care professional qualified to provide that specialized care; or
 - (ii) a person trained to give that care by a health care professional qualified to provide that specialized care;
- (b) residents are encouraged to retain independence in those activities they can perform for themselves;
- (c) residents are provided with a variety of food and beverages:
 - (i) according to their individual needs;
 - (i.1) according to their likes and dislikes;
 - (ii) in accordance with Canada's Food Guide; and
 - (iii) in accordance with:
 - (A) a cycle menu plan for homes accommodating more than 10 residents; and
 - (B) a cycle menu plan or a menu journal for homes accommodating 10 or fewer residents;

- (d) residents are provided with opportunities on a daily basis to exercise their mental and physical abilities;
- (e) residents with difficult behaviours are cared for in a positive and constructive manner;
- (f) physical restraints are used only in accordance with section 22.1;
- (g) residents are assisted in their care and mobility in a safe manner;
- (h) residents are clean, well groomed and dressed appropriately for the time of day and the activity being performed;
- (i) recreational activities, including social, cultural, emotional, spiritual, physical and cognitive stimulation, are available to each resident and reflect the resident's interests, strengths and abilities;
- (j) residents are assisted to access those preventative, restorative and rehabilitative activities as are directed by a physician, therapist or other health care professional; and
- (k) residents receive the medications that are prescribed for them in a safe manner.

17 May 96 cP-6.01 Reg 2 s22; 23 Aug 2002 SR
69/2002 s14.

Use of physical restraints restricted

22.1(1) A licensee must ensure that physical restraints are used only:

- (a) for the purposes of assisting a resident with healing or with activities of daily living;
- (b) in accordance with the written directions of the resident's physician, which must include:
 - (i) the purpose of using the physical restraint; and
 - (ii) directions as to the circumstances in which the physical restraint is to be used;
- (c) after consulting with the resident and his or her supporter, if any, and documenting, in writing, the details of the consultation and the comments of the resident and the supporter; and
- (d) after obtaining and understanding directions with respect to:
 - (i) the type of physical restraint to be used to accomplish the purpose set out in the physician's written instructions;
 - (ii) the manner of securing the physical restraint; and
 - (iii) the care of the resident while the physical restraint is being used, including the avoidance of risks associated with use of the physical restraint.

- (2) If a physical restraint is used, the licensee must ensure that:
 - (a) the least restrictive type of physical restraint that is suitable for the purpose set out in the physician's written instructions is used; and
 - (b) the physical restraint is used for the least time possible.
- (3) A licensee must report any use of a physical restraint to a representative of the department.

23 Aug 2002 SR 69/2002 s15.

Health examinations

23 With the consent of each resident, a licensee shall ensure that:

- (a) each resident receives a complete medical examination when required by the resident's condition, but in any case not less than once each year;
- (b) each resident receives dental, optical and other examinations as necessary; and
- (c) each resident's medications are reviewed at least annually by the resident's physician in conjunction with the pharmacist and any other health care professionals involved in the resident's care.

17 May 96 cP-6.01 Reg 2 s23; 23 Aug 2002 SR 69/2002 s16.

STAFFING COMPONENTS

Staffing

- 24(1)** A licensee shall ensure that there are sufficient care staff on duty at the home to ensure that each resident's care needs are met at all times.
- (2) Without limiting the generality of subsection (1), in a home with more than one storey, the licensee shall ensure that there is at least one member of the care staff working on any floor that accommodates 11 or more residents.
- (3) The licensee of a home with an authorized capacity between 21 and 30 shall ensure that one or more qualified care aides are employed and provide care in the home on a regular basis that is not less than five days per week.
- (4) The licensee of a home with an authorized capacity of 31 or more shall ensure that the services of one or more health care professionals are engaged, on a regular basis that is not less than five days per week, to provide care and to monitor the provision of care to residents.
- (5) A licensee shall designate at least one staff member to have responsibility for organizing recreational programs and arranging for their implementation and provide that employee with sufficient time to carry out those responsibilities.

(6) A licensee shall ensure that all staff members are in good health, free from communicable diseases and physically and mentally capable of performing the services and duties assigned.

(7) A licensee must obtain the results of a criminal record search with respect to an individual and satisfy himself or herself that the results are satisfactory:

- (a) before hiring the individual as a staff member; and
- (b) after hiring, at intervals of not more than three years.

23 Aug 2002 SR 69/2002 s17.

Adult care-givers

25(1) A licensee shall ensure that only adult persons supervise or provide care to residents.

(2) A licensee shall ensure that no resident is designated to supervise or care for another resident.

17 May 96 cP-6.01 Reg 2 s25.

Volunteers

25.1(1) Subject to subsections (2) and (3), a licensee may use the services of volunteers in connection with the operation of a home, but shall not include a volunteer as a member of the staff for the purposes of meeting the requirements of these regulations.

(2) Before using the services of volunteers in connection with the operation of a home, a licensee must conduct a background screening to ensure that persons who might reasonably be expected to put a resident at risk of harm are not permitted to provide services in the home as volunteers.

(3) A licensee must ensure that no volunteer is required to do anything that might reasonably be expected to put a resident at risk of harm.

23 Aug 2002 SR 69/2002 s18.

Knowledge and skills

26 A licensee shall ensure that all care staff, including the licensee if he or she provides care, have the appropriate knowledge and skills to perform their duties.

17 May 96 cP-6.01 Reg 2 s26.

Basic education requirements

27(1) A licensee must ensure that each staff member who participates in the preparation of meals for residents hold a valid certificate in a basic food service sanitation course recognized by the department not later than three months after the day on which the staff member commences employment in the home.

(2) A licensee must ensure that each care staff member holds a valid certificate in a basic or standard first aid course that is recognized by the department not later than three months after the day on which the care staff member commences employment in the home.

- (3) A licensee must ensure that:
- (a) each person who is a care staff member on April 1, 2004 holds a valid certificate or other evidence satisfactory to the department that he or she has successfully completed a course that is of at least 16 hours, that covers the provision of personal care and that is recognized by the department; and
 - (b) each person who commences employment as a care staff member on or after April 1, 2004 holds a valid certificate or other evidence satisfactory to the department that he or she has successfully completed a course that is of at least 16 hours, that covers the provision of personal care and that is recognized by the department not later than three months after the day on which the care staff member commences employment in the home.
- (4) A licensee must develop and implement a written orientation program for the training of new staff members.
- (5) A licensee must ensure that:
- (a) each new staff member is given orientation training appropriate to the work that the staff member will be doing, including instruction in fire prevention and fire safety plans; and
 - (b) no new staff member is left unsupervised in the home until the staff member has received all of the necessary orientation training and the licensee is satisfied that the staff member is competent to perform the duties that he or she will be required to perform.
- (6) A licensee must ensure that each staff member produces evidence of having taken additional training that is relevant to his or her work at least once every two years.

23 Aug 2002 SR 69/2002 s19.

MEDICATIONS

Safe storage and disposal

- 28(1)** A licensee shall ensure that medications are stored:
- (a) safely in a secure cabinet within the home; and
 - (b) in the manner recommended for each medication on the medication label.
- (2) A licensee shall ensure that all expired or unused medications are disposed of in a safe manner.

17 May 96 cP-6.01 Reg 2 s28; 23 Aug 2002 SR 69/2002 s20.

Administration of medications

29(1) Where a resident's physician is of the opinion that a resident is capable of self-administering his or her own medication, the licensee shall encourage the resident to administer his or her own medication.

(2) Where a resident's physician is of the opinion that the resident is not capable of self-administering his or her own medication, the licensee shall ensure that:

(a) subject to subsection (3), prescription and non-prescription medications are administered to the resident only pursuant to the written directions of a physician;

(b) medications are administered as prescribed by the physician at the prescribed time and in the prescribed dosage by a designated care staff member who:

(i) can identify the resident with certainty; and

(ii) remains with the resident until the medication is taken;

(c) all medications are retained in their original containers;

(d) the original container of a prescription medication is labelled with the resident's full name, the name and strength of the medication, the dosage and frequency of administration, the date on which the medication was dispensed and the name of the pharmacy from which the medication was obtained; and

(e) the original container of a non-prescription medication is labelled with the name and strength of the medication, the recommended dosage and frequency of administration and the expiry date of the medication.

(3) If it is necessary to take a physician's directions over the telephone, the licensee shall ensure that:

(a) the directions are documented on the resident's record and signed by the person who takes the directions, including the name of the physician who gives the directions by telephone and the date and time of the directions; and

(b) the documentation of the directions given orally by the physician is confirmed in writing by the physician as soon as possible.

(4) If more than one person administers medications in a home, or in a home with an authorized capacity of 11 or more, the licensee must ensure that each administration of a medication is recorded in the resident's record by the person administering the medication.

17 May 96 cP-6.01 Reg 2 s29; 23 Aug 2002 SR 69/2002 s21.

Medication errors

30 A licensee shall ensure that all medication errors are reported to the resident's physician and the pharmacist and documented in the resident's record, and that corrective action is taken to prevent further harm to residents.

17 May 96 cP-6.01 Reg 2 s30; 23 Aug 2002 SR 69/2002 s22.

FOOD PREPARATION

Food preparation and storage

31(1) A licensee shall ensure that procedures are followed that ensure the safety, acceptability and nutrient value of food intended for consumption by residents while that food is being stored, prepared, cooked and served.

(2) A licensee shall ensure that:

(a) food is stored, prepared, cooked and served in a manner that will prevent or minimize risk of illness, poisoning or injury to residents;

(b) potentially hazardous food that is stored or displayed prior to human consumption is kept at a temperature of 4°C or less in the case of cold foods or 60°C or greater in the case of hot foods; and

(c) an accurate thermometer is available to monitor the temperature of potentially hazardous food.

(3) A licensee must ensure that a resident who is involved in the preparation or service of food is adequately supervised to ensure that the food is safely prepared and handled.

17 May 96 cP-6.01 Reg 2 s31; 23 Aug 2002 SR 69/2002 s23.

Cleanliness

32 A licensee shall ensure that all areas within and adjacent to the food service operation of the home are kept safe, clean and free from rubbish and all other contaminants.

17 May 96 cP-6.01 Reg 2 s32.

Food service records

33(1) A licensee shall keep a record of the menus for meals provided in the home and retain that record for a period of one year after the provision of the meals.

(2) Where a cycle menu plan is followed, the record required by subsection (1) may indicate this without repetition of the full details of the cycle menu plan.

(3) Where individual residents have special dietary needs, the record required by subsection (1) must indicate how those needs have been met.

17 May 96 cP-6.01 Reg 2 s33.

RIGHTS AND PRIVILEGES OF RESIDENTS

Rights and privileges of residents

34(1) In addition to any other rights and privileges that the residents may have at law, each resident has the following rights and privileges:

- (a) to be treated with respect, dignity, kindness and consideration in all interactions with staff, residents and other persons who reside in the home;
 - (b) to voice concerns or recommend changes in the rules or services provided in the home;
 - (c) to register complaints to the licensee and, if desired, to the minister;
 - (d) to attend religious services or activities of the resident's choosing;
 - (e) to be provided with personal privacy;
 - (f) to have sole use of his or her own possessions unless the resident gives permission for others to use those possessions;
 - (g) to receive visitors privately at the home between the hours of 9 a.m. and 9 p.m. without giving prior notice to the licensee;
 - (h) to communicate within the home by telephone or mail in private;
 - (i) to leave and return to the home as desired at all reasonable hours on notifying the licensee or the licensee's designate;
 - (j) to be free from any actions from the licensee or staff of a punitive nature, including physical punishment, threats of any kind, intimidation, verbal, mental or emotional abuse or confinement;
 - (k) to choose his or her own medical, optometric, dental, nursing or other health care professional.
- (2) A licensee shall ensure that the rights and privileges mentioned in subsection (1) are respected.

17 May 96 cP-6.01 Reg 2 s34.

Resident and family meetings

34.1 A licensee must organize a meeting at least twice in each year for residents, the family members of residents and supporters for the purpose of promoting the interests of residents and their involvement in decisions that affect their day-to-day living.

23 Aug 2002 SR 69/2002 s24.

Posting

35 A licensee shall post a copy of the following in a prominent place in the home:

- (a) the residents' rights and privileges mentioned in section 34;
- (b) the rules of the home.

17 May 96 cP-6.01 Reg 2 s35.

PART V
Physical Environment
 OCCUPANCY REQUIREMENTS

Two means of egress

36(1) In this section, “**means of egress**” means a continuous path of travel provided for the escape of persons from any point in a building or contained open space to a separate building, an open public thoroughfare, or an exterior open space, protected from fire exposure and having access to an open public thoroughfare.

(2) A licensee must ensure that each storey of the home has at least two means of egress.

17 May 96 cP-6.01 Reg 2 s36; 23 Aug 2002 SR
69/2002 s25.

37 Repealed. 23 Aug 2002 SR 69/2002 s26.

Accommodations

38(1) A licensee shall ensure that the home has the necessary facilities to meet the needs of each resident.

(2) A licensee shall ensure that the home has:

(a) accessible common rooms, including living rooms, dens or other recreational rooms but not including dining rooms, that:

- (i) are of a sufficient size and separation to accommodate the total number of persons living in the home;
- (ii) have a combined area that provides not less than 1.85 square metres of useable floor space per person living in the home; and
- (iii) will facilitate recreation and leisure activities of residents while preventing those activities from interfering with personal care;

(b) an accessible dining room area with not less than 1.2 square metres of usable floor space per person living in the home, that is of a sufficient size and separation to accommodate the total number of persons living in the home;

(c) outside yard or lawn space with safe and appropriate seating and walkways;

(d) supportive bars or grips installed in bathrooms wherever necessitated by resident need;

(e) sturdy handrails along stairways, inclines, ramps and decks;

(f) non-skid treads on stairs, non-skid mats or strips in all bathtubs and showers and non-skid backing on floor mats;

(g) toilets and bathrooms conveniently located, well ventilated and equipped to ensure privacy.

- (3) If a home accommodates residents at risk of wandering:
- (a) the licensee must:
 - (i) install a door alarm system on each exterior door and ensure that the system is activated at all times; and
 - (ii) develop an action plan for locating a missing resident and ensure that each staff member is aware of, and able to carry out, the action plan; and
 - (b) on and after January 1, 2004, the licensee must provide a secure area around at least one of the home's exterior exits to facilitate residents' free movement within a safe and confined area.
- (4) A licensee shall ensure that the toilet and bathing facilities of the home include:
- (a) at least one toilet and washbasin for every five persons residing in the home that are accessible to all residents;
 - (b) at least one bathtub or suitable shower for every 10 persons residing in the home that is accessible to all residents.

17 May 96 cP-6.01 Reg 2 s38; 23 Aug 2002 SR
69/2002 s27.

Resident bedrooms

- 39(1)** A licensee shall ensure that each resident bedroom:
- (a) does not accommodate more than two residents;
 - (b) has a minimum usable floor space, excluding floor space in closets:
 - (i) of 7.2 square metres, in the case of a bedroom accommodating one resident; or
 - (ii) of 5.4 square metres per resident, in the case of a bedroom accommodating two residents;
 - (c) is not used as a passageway to another bedroom or to a common bath, a common toilet or an exit from the home;
 - (d) has a floor that is not more than 1.22 metres below grade;
 - (e) has a door that can be closed to ensure privacy, but may be opened at all times from inside the bedroom; and
 - (f) has at least one screened window that can be easily opened from the inside.
- (2) A licensee shall ensure that each resident bedroom is used exclusively as a resident bedroom and not for any other use.

- (3) A licensee shall ensure that each resident bedroom within the home contains:
- (a) a bed for each resident that is at least one metre in width and furnished with a mattress in good condition;
 - (b) a clothes closet;
 - (c) a dresser, chest of drawers or other suitable furniture for each resident for storage of the resident's personal effects;
 - (d) a wall mirror;
 - (e) at least one chair for each resident that is comfortable and meets the needs of the resident; and
 - (f) window blinds or curtains that provide privacy and shade.
- (4) No licensee of a home that accommodates 10 or fewer residents shall accommodate any resident in a bedroom that is above the second storey.
- (5) No licensee shall accommodate a resident who has difficulty negotiating stairs in a bedroom that can only be reached by negotiating stairs.

17 May 96 cP-6.01 Reg 2 s39; 23 Aug 2002 SR 69/2002 s28.

Designated smoking room

39.1(1) If a licensee of a home with an authorized capacity of 11 or more permits residents to smoke within the home, the licensee must ensure that there is a designated smoking room that:

- (a) meets the requirements of *The Tobacco Control Regulations*; and
 - (b) has an interior window to facilitate supervision and observation of residents in the room; and
 - (c) is equipped with safety ashtrays and a metal trash container with a safety lid.
- (2) The licensee of a home with a designated smoking room is responsible for the safe use of the room by the residents.
- (3) The licensee of a home with a designated smoking room must establish and implement a fire safety plan that:
- (a) requires periodic supervision of residents using the room;
 - (b) precludes the use of the room by residents who present a clear fire safety risk to others, except with direct supervision;
 - (c) requires the use of fire-protective clothing by a resident who uses the room and who, by reason of physical or cognitive impairment, presents a clear fire safety risk;
 - (d) requires the inspection of the room at regular intervals throughout each day in accordance with an inspection routine that is reviewed and approved by a fire inspector;

- (e) describes in detail the elements involved in an inspection routine and the manner in which an inspection is to be carried out; and
 - (f) requires each person who carries out an inspection to make a written record of the inspection that includes the following:
 - (i) the name of the person who carried out the inspection; and
 - (ii) the date and time of the inspection.
- (4) A licensee of a home with a designated smoking room must comply with the fire safety plan required by subsection (3).

23 Aug 2002 SR 69/2002 s29.

Laundry services

40 A licensee shall ensure that there are clean linens, including bedding, towels and face cloths, in good repair available to each resident.

17 May 96 cP-6.01 Reg 2 s40.

FIRE PREVENTION

Fire inspections

41 A licensee shall have a fire inspection conducted by a fire inspector or a person authorized in writing by a local assistant, as defined in *The Fire Prevention Act, 1992*, for the purposes of this section:

- (a) before the home is licensed; and
- (b) at least every three years after the initial date of licensing.

23 Aug 2002 SR 69/2002 s30.

42 Repealed. 23 Aug 2002 SR 69/2002 s31.

Carbon monoxide detectors

43(1) In this section, “**approved**”, with respect to a carbon monoxide detector, means a carbon monoxide detector purchased in Canada.

- (2) A licensee shall ensure that:
- (a) at least one approved carbon monoxide detector is installed and maintained in accordance with the manufacturer’s instructions on each storey where persons are accommodated; and
 - (b) each carbon monoxide detector is replaced at the time or in the circumstances indicated in the manufacturer’s instructions.

23 Aug 2002 SR 69/2002 s32.

Residential sprinkler systems

44(1) A licensee of a home with a capacity of six or more residents shall ensure that the home is equipped with an automatic sprinkler system that meets the requirements of the building code.

(2) Notwithstanding subsection (1), the minister may require the licensee of a home with an authorized capacity of less than six residents to install an automatic sprinkler system that meets the requirements of subsection (1).

17 May 96 cP-6.01 Reg 2 s44.

Health and safety maintenance

45(1) A licensee shall operate and maintain the home in a manner which provides for the safety and well-being of residents, staff and visitors to the home.

(2) A licensee shall:

- (a) maintain the home in a clean, safe and sanitary condition at all times;
- (b) maintain the home at a comfortable temperature for residents at all times;
- (c) store and dispose of solid and liquid waste in a manner that will not permit the transmission of disease or odours, create a health hazard or provide a breeding place or food source for insects or rodents;
- (d) store and dispose of poisons, toxic substances and corrosives in a safe manner;
- (e) ensure the proper sanitation and operation of all toilets, hand basins, bathtubs and showers in the home; and
- (f) provide safe, unobstructed hallways, stairways, exits and ramps.

17 May 96 cP-6.01 Reg 2 s45; 23 Aug 2002 SR 69/2002 s33.

Renovations and construction

46 No licensee shall undertake any renovations or construction on a home unless the licensee:

- (a) provides prior written notice to the minister of the licensee's intention to undertake any renovations or construction;
- (b) forwards the detailed renovation or construction plans to the minister for approval before undertaking the work; and
- (c) provides the minister with written evidence that the renovation or construction plans meet any applicable requirements of the building code and the fire code.

17 May 96 cP-6.01 Reg 2 s46; 23 Aug 2002 SR 69/2002 s34.

Other services

47 No licensee shall offer services to persons other than residents of the home unless those services are first approved by the minister.

17 May 96 cP-6.01 Reg 2 s47.

REPEAL AND COMING INTO FORCE**R.R.S. c.P-6.01 Reg 1 repealed**

48 *The Personal Care Homes Regulations* are repealed.

17 May 96 cP-6.01 Reg 2 s48.

Appendix

PART I

[Clauses 3.2(1)(a) and (3)(a)]

Bond

KNOW ALL PEOPLE BY THESE PRESENTS THAT _____ ,
(insert name of licensee or proposed licensee)

the Principal indicated on the Bond Cover Page (Principal), and _____ ,
(insert name of insurer)

as Surety (Surety), are held and firmly bound unto Her Majesty the Queen in right of Saskatchewan, her successors and assigns (Obligee) in the penal sum indicated on the Bond Cover Page in lawful money of Canada, to be paid to the Obligee, for which payment well and truly to be made, the Principal and the Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns firmly by these presents.

SEALED with the respective seals of the Principal and of the Surety and dated the date first shown on the Bond Cover Page.

NOW THE CONDITION of the above obligation is such that if the obligation does not by reason of any act, matter or thing at any time hereafter become or be forfeit under *The Personal Care Homes Act*, the obligation shall be void, but otherwise shall be and remain in full force and effect and shall be subject to forfeiture as provided by *The Personal Care Homes Act*.

PROVIDED that if the Principal or Surety at any time gives ninety (90) days' written notice to the Obligee of its intention to terminate the obligation hereby undertaken, the obligation shall cease and determine only with respect to any act, matter or thing taking place, arising or done subsequent to the date named in the notice of termination of the obligation, but shall remain in full force and effect with respect to all acts, matters and things taking place, arising or done from the date of this obligation to the date of termination.

Notice of any claim under this bond shall be made on the Surety within two years after the date of termination as herein provided.

IN WITNESS WHEREOF the Principal who is an individual or partnership has subscribed his or her name and set his or her seal and the Principal who is a corporation and the Surety have caused their respective corporate seals to be affixed attested under the hands of their respective proper officers in that behalf on the day and year first shown on the Bond Cover Page.

SIGNED, SEALED AND DELIVERED

in the presence of:

Witness

Principal (SEAL)

Witness

Surety (SEAL)
By Its Authorized Officer

Authorized Officer

PART II
[Clauses 3.2(1)(b) and (3)(b)]

Required Provisions in Letter of Credit

A letter of credit must:

- (a) set out:
 - (i) the name and address of the issuing financial institution;
 - (ii) the name and address of the applicant (licensee or proposed licensee of the personal care home);
 - (iii) the name, if any, and address of the personal care home or proposed personal care home with respect to which the letter of credit is being issued;
 - (iv) the name of the beneficiary (the Minister of Health);
 - (v) the date of issue;
 - (vi) the amount in Canadian dollars that may be drawn against the letter of credit;
 - (vii) the expiry date; and
 - (viii) the title of the Minister of Health's representative who is authorized to sign the demand on behalf of the minister; (*Deputy Minister, or Acting Deputy Minister, of Health*)
- (b) state that the letter of credit is irrevocable;
- (c) provide for sight payment to the Minister of Health by way of the financial institution's draft against presentation of a written demand for payment signed by the authorized departmental representative identified in the letter of credit by his or her office;
- (d) provide that more than one written demand for payment may be presented, the total of which shall not exceed the face amount of the letter of credit;
- (e) provide that the issuing financial institution will honour each demand made in conformity with the terms of the letter of credit without recognizing any claims or defences of the applicant arising from the applicant's relationships with the Crown or the financial institution;
- (f) provide that the letter of credit will, from time to time, be deemed to be automatically extended for a specified period (of not less than one year) from the present or any future expiration date unless, 60 days prior to an expiration date, the issuing financial institution notifies the Minister of Health's authorized representative in writing by registered mail that the issuing financial institution elects not to consider the letter of credit extended for an additional period, at which time the Minister of Health can draw for the balance of the amount of the letter of credit; and
- (g) provide that the letter of credit is subject to the Uniform Customs and Practice for Documentary Credits, 1993 Revision, International Chamber of Commerce, Paris, Publication No. 500; (*may reference a more recent version if necessary for consistency with standard commercial practice as at the date of issue*).

