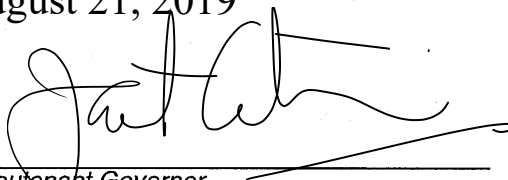


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 466

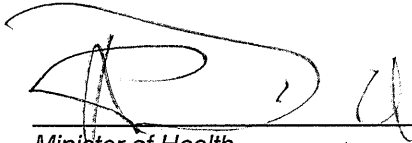
, Approved and Ordered August 21, 2019

  
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective December 1, 2019,

- (a) the *Community Care and Assisted Living Amendment Act, 2016*, S.B.C. 2016, c. 13, is brought into force,
- (b) the Assisted Living Regulation, B.C. Reg. 218/2004, is repealed,
- (c) the Community Care and Assisted Living Regulation, B.C. Reg. 217/2004, is repealed,
- (d) the Assisted Living Regulation is made as set out in the attached Appendix 1,
- (e) the Child Care Licensing Regulation, B.C. Reg. 332/2007, is amended as set out in the attached Appendix 2, and
- (f) the Residential Care Regulation, B.C. Reg. 96/2009, is amended as set out in the attached Appendix 3.

  
Minister of Health  
Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Community Care and Assisted Living Amendment Act, 2016*, S.B.C. 2016, c. 13, s. 17  
*Community Care and Assisted Living Act*, S.B.C. 2002, c. 75, s. 34 (3) to (6)

Other: OIC 477/2004; OIC 476/2004; OIC 728/2007; OIC 225/2009

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## APPENDIX 1

# ASSISTED LIVING REGULATION

### *Contents*

#### **PART 1 – DEFINITIONS, CLASSES AND EXEMPTIONS**

- 1 Definitions
- 2 Personal representatives
- 3 Classes of assisted living residences
- 4 Exempted residences

#### **PART 2 – REGISTRATION**

- 5 Qualifications for registrants
- 6 Requirements for registration
- 7 Application and registration fees
- 8 Display of registration
- 9 Notice to registrar of changes
- 10 Notice generally of changes
- 11 Waiver or modification of change requirements
- 12 When registration ceases to be valid
- 13 Expiry of registration
- 14 Registration renewal

#### **PART 3 – STANDARDS FOR OPERATIONS**

##### **Division 1 – Housing**

- 15 If more than one class or non-residents
- 16 Restrictions on housing
- 17 Physical requirements
- 18 Furniture and equipment
- 19 Safety

##### **Division 2 – Employees**

- 20 Must have sufficient employees
- 21 Employee plan
- 22 Character and skill requirements
- 23 Additional requirements for Supportive Recovery class
- 24 Continuing obligations

##### **Division 3 – Emergency Preparedness**

- 25 Emergency response plan
- 26 Emergency measures
- 27 First aid
- 28 Opioid overdoses

##### **Division 4 – Start of Residency**

- 29 Admission screening
- 30 Information to prospective resident
- 31 Residency agreement
- 32 Short-term service plan
- 33 Personal service plan

##### **Division 5 – Residents**

- 34 Implementation of personal service plan

- 35 Review of personal service plan
- 36 Rights of residents
- 37 Medication policy
- 38 Respect for personal decisions
- 39 Respect for resident privacy
- 40 Monitoring residents
- 41 Visitors and communicating with non-residents
- 42 Resident satisfaction
- 43 Resident concerns and complaints

**Division 6 – End of Residency**

- 44 End of residency
- 45 Planned end of residency
- 46 Unplanned end of residency

**Division 7 – Resident Health and Safety**

- 47 General health and hygiene
- 48 Tobacco, vapour products and cannabis
- 49 Food safety
- 50 Duties respecting abuse and neglect
- 51 Reportable incidents
- 52 Missing residents
- 53 Health and safety plan

**Division 8 – Providing Hospitality Services**

- 54 Service provision generally
- 55 Menu plan
- 56 Providing meals
- 57 Housekeeping services
- 58 Laundry services
- 59 Social and recreational opportunities
- 60 Personal emergency response system

**Division 9 – Providing Assisted Living Services**

- 61 Service provision generally
- 62 Activities of daily living
- 63 Managing medication defined
- 64 Managing medication generally
- 65 Safekeeping medication
- 66 Distributing medication
- 67 Administering medication
- 68 Safekeeping money and property defined
- 69 Safekeeping money and property
- 70 Managing therapeutic diets
- 71 Behaviour management
- 72 Psychosocial supports

**PART 4 – ADMINISTRATIVE MATTERS**

- 73 General duties
- 74 Collecting personal information
- 75 Protection of confidentiality
- 76 Resident records
- 77 Employee records
- 78 Length of time records must be kept
- 79 Giving records to the registrar

## PART 5 – OTHER MATTERS

- 80 Publishing information on official website
- 81 Telewarrants
- 82 Appeals to the board
- 83 Transitioned registrants

## SCHEDULE A

## SCHEDULE B

## SCHEDULE C

## SCHEDULE D

## SCHEDULE E

# PART 1 – DEFINITIONS, CLASSES AND EXEMPTIONS

## Definitions

### 1 In this regulation:

- “**Act**” means the *Community Care and Assisted Living Act*;
- “**class**”, in relation to an assisted living residence, means the applicable class established under section 3 [*classes of assisted living residences*];
- “**contact person**” means an individual who is designated by a resident to act as the resident’s contact person;
- “**criminal record check**” means a criminal record check under the *Criminal Records Review Act*;
- “**dietitian**” means a person who is authorized to practise dietetics under the *Health Professions Act*;
- “**electronic surveillance**” means the use of electronic devices to transmit or record images of residents or members of the public;
- “**emergency response plan**” means an emergency response plan made under section 25 [*emergency response plan*];
- “**funding program**” means a program operated by a provincial, federal, municipal or first nations government, or an agency of any of them, from which funds are provided to a registrant on an ongoing basis for the purpose of providing hospitality services or assisted living services to residents;
- “**health professional**” means a person who provides professional health services;
- “**individual dietary plan**” means an individual dietary plan made under section 70 [*managing therapeutic diets*];
- “**manager**” means an individual whom a registrant has authorized to manage the operation of an assisted living residence;
- “**medication**” means the following:
  - (a) a drug within the meaning of the *Pharmacy Operations and Drug Scheduling Act*;

(b) medical cannabis within the meaning of the *Cannabis Control and Licensing Act*;

“**medication policy**” means the medication policy made under section 37 [medication policy];

“**menu plan**” means a menu plan made under section 55 [menu plan];

“**opioid overdose**” means an overdose described in Schedule E that involves opioids;

“**personal representative**” includes

- (a) a representative under the *Representation Agreement Act*,
- (b) an attorney acting under a power of attorney, and
- (c) a committee under the *Patients Property Act*;

“**personal service plan**” means a personal service plan

- (a) made in accordance with section 33 [personal service plan], and
- (b) as revised, if applicable, under section 35 [review of personal service plan];

“**reportable incident**” means a type of incident described in Schedule E for the purposes of section 51 [reportable incidents];

“**residency agreement**” means a residency agreement made under section 31 [residency agreement];

“**therapeutic diet**” means a diet described in section 70 [managing therapeutic diets];

“**transition plan**” means a transition plan made in accordance with section 45 [planned end of residency];

“**unit**” means a room or set of rooms in an assisted living residence that is

- (a) used as the personal living quarters of a resident, or
- (b) shared as personal living quarters by more than one resident.

#### **Personal representatives**

- 2 Nothing in this regulation confers on a personal representative any greater authority to make financial, health or personal care decisions than the person has under
- (a) the *Representation Agreement Act*, the *Power of Attorney Act* or the *Patients Property Act*,
  - (b) a power of attorney, or
  - (c) a representation agreement made under the *Representation Agreement Act*.

#### **Classes of assisted living residences**

- 3 The following classes of assisted living residences are established:
- (a) Mental Health, for adults receiving assisted living services due primarily to a mental disorder;
  - (b) Seniors and Persons with Disabilities, for adults receiving assisted living services due primarily to chronic or progressive conditions linked to the aging process or a disability;

- (c) Supportive Recovery, for adults receiving assisted living services due primarily to substance use.

**Exempted residences**

- 4 A residence that provides primarily emergency shelter is exempt for the purposes of section 2 [application] of the Act.

**PART 2 – REGISTRATION**

**Qualifications for registrants**

- 5 (1) A person is not qualified to be a registrant if the person is a limited liability partnership within the meaning of the *Partnership Act*.
- (2) A person is not qualified to be a registrant for the purpose of registering a particular premises unless the person
  - (a) owns the premises,
  - (b) leases the premises and is not prohibited under the terms of the lease from operating an assisted living residence on the premises, or
  - (c) is authorized in writing by the owner of the premises to operate an assisted living residence on the premises.

**Requirements for registration**

- 6 (1) A person may register an assisted living residence by submitting to the registrar all of the following:
  - (a) a written application that includes the content described in Schedule A;
  - (b) all applicable fees prescribed under section 7 (1) and (2) [application and registration fees];
  - (c) a copy of the business licence issued for the premises or, if a business licence is not required for the premises, written confirmation of this from the local government that has jurisdiction;
  - (d) a copy of the food service establishment permit issued for the premises, if a food service establishment permit is required under the Food Premises Regulation.
- (2) A person who intends to register an assisted living residence that has more than one class on the same premises must make a separate application for each class.

**Application and registration fees**

- 7 (1) On applying to register an assisted living residence, an applicant must pay an application fee of \$250 if any of the following circumstances apply:
  - (a) the assisted living residence has not been registered before;
  - (b) the assisted living residence has been registered before but the previous registration
    - (i) expired or became invalid before the registrar received an application to renew that registration, or

- (ii) was cancelled and the applicant is applying to have the assisted living residence registered again for the first time since the cancellation.
- (2) If the registrar advises an applicant that registration will be granted, the applicant must pay a registration fee as follows before registration begins:
  - (a) if registration is to begin on or after March 31 but before October 1, \$12.50 for each unit;
  - (b) if registration is to begin on or after October 1 but before March 31 of the following year, \$6.25 for each unit.
- (3) For the purposes of this section,
  - (a) the registration fee is payable in addition to the application fee, if any,
  - (b) registration is not effective until the registration fee is paid, and
  - (c) a fee paid under this section is not refundable.

**Display of registration**

- 8 A registrant must display in a prominent place in an assisted living residence a copy of the registration and any conditions of the registration.

**Notice to registrar of changes**

- 9 (1) A registrant must not make any change to either of the following unless, at least 30 days before the change, the registrant gives to the registrar written notice of the change:
  - (a) the contact information of the registrant or of the assisted living residence;
  - (b) the name of the assisted living residence.
- (2) A registrant must not make any change to the manager of the assisted living residence
  - (a) unless, at least 30 days before the change, the registrant gives to the registrar
    - (i) written notice of the change, and
    - (ii) the information respecting the manager that an applicant must provide under section 3 of Schedule A, and
  - (b) unless the registrar first approves the change in writing.
- (3) A registrant must not make any change to the number of units in the assisted living residence or the number of residents the assisted living residence has the capacity to house
  - (a) unless, at least 30 days before the change, the registrant gives to the registrar written notice of the change, and
  - (b) unless the registrar first approves the change in writing.
- (4) A registrant must not make any change to the structure of the premises of the assisted living residence
  - (a) unless, at least 4 months before the change, the registrant gives to the registrar written notice of the change, and
  - (b) unless the registrar first approves the change in writing.

- (5) A registrant must not make any change to the address or class of the assisted living residence
  - (a) unless, at least 4 months before the change, the registrant
    - (i) gives to the registrar written notice of the change, and
    - (ii) submits a new application in accordance with section 6 [*requirements for registration*] to register the assisted living residence, and
  - (b) unless, before the change, a new registration is granted.

**Notice generally of changes**

- 10 (1) A registrant must not assign or otherwise transfer control of the operation of an assisted living residence unless,
  - (a) in the case of an assisted living residence of any class, at least 4 months before the change, the registrant gives to the registrar, residents and residents' contact persons written notice of the change, and
  - (b) in the case of an assisted living residence of the Mental Health or Seniors and Persons with Disabilities class, the registrant also satisfies the registrar that the person to whom ownership or control will be assigned or otherwise transferred
    - (i) has applied, and is qualified, to be a registrant, and
    - (ii) will continue to operate the assisted living residence for at least one year from the date of assignment or transfer.
- (2) If a registrant is a corporation, a transfer occurs for the purposes of subsection (1) if more than 50% of the corporation's shares are assigned or otherwise transferred.
- (3) A registrant must not close and stop operating an assisted living residence unless the registrant gives to the registrar, residents and residents' contact persons written notice of at least the following duration, as applicable, before the scheduled date of closure:
  - (a) 4 months, in the case of an assisted living residence of the Supportive Recovery class;
  - (b) one year, in the case of an assisted living residence of the Mental Health or Seniors and Persons with Disabilities class.

**Waiver or modification of change requirements**

- 11 (1) The registrar may waive or modify a requirement of section 9 [*notice to registrar of changes*] or 10 [*notice generally of changes*] if the registrar is satisfied that the registrant
  - (a) cannot, or failed to, comply with the requirement because of circumstances that could not reasonably have been foreseen by the registrant, and
  - (b) attempted, as soon as reasonably practicable, to notify the registrar in writing that a waiver or modification is required.
- (2) The registrar may impose terms or conditions on a waiver or modification under subsection (1), and the registrant must comply with those terms and conditions, if any.



#### **When registration ceases to be valid**

- 12 (1) The registration of an assisted living residence ceases to be valid as of the date that any of the following occur:
- (a) a condition of section 5 [*qualifications for registrants*] ceases to be met;
  - (b) the address or class of the assisted living residence changes;
  - (c) the registrant assigns or otherwise transfers control of the operation of the assisted living residence;
  - (d) the assisted living residence has not provided housing, hospitality services and assisted living services for a period of one year;
  - (e) the assisted living residence closes and stops operating.
- (2) If a registrant is a corporation, a transfer occurs for purposes of subsection (1) (c) if more than 50% of the corporation's shares are assigned or otherwise transferred.

#### **Expiry of registration**

- 13 The registration of an assisted living residence expires March 31.

#### **Registration renewal**

- 14 A registrant may apply to renew the registration of an assisted living residence by submitting to the registrar all of the following:
- (a) a written application describing any changes to the information and records provided in respect of the current registration, except changes for which notice was given under section 9 [*notice to registrar of changes*];
  - (b) all applicable fees prescribed under section 7 (1) and (2) [*application and registration fees*].

### **PART 3 – STANDARDS FOR OPERATIONS**

#### **Division 1 – Housing**

##### **If more than one class or non-residents**

- 15 (1) This section applies to a registrant who operates an assisted living residence that, on the same premises,
- (a) has more than one class, or
  - (b) houses both residents and non-residents.
- (2) A registrant who operates an assisted living residence to which this section applies must do the following, as applicable:
- (a) ensure that units for each class, and for residents and non-residents, are located in separate and distinct locations on the premises;
  - (b) make a policy describing how the use of common areas shared by residents of more than one class, or by residents and non-residents, will be managed to protect the health and safety of residents.

### **Restrictions on housing**

- 16** (1) A registrant must not have more units, or house more residents, than is permitted under the registrant's registration.
- (2) A registrant must not house more residents in a unit than is consistent with protecting the health and safety of each resident.

### **Physical requirements**

- 17** (1) A registrant must ensure that the assisted living residence
- (a) is in a state of good repair and is safe, clean and free of hazards,
  - (b) is maintained at a safe and comfortable temperature for residents,
  - (c) is well-ventilated and has sufficient lighting in units and common areas, and
  - (d) has sufficient social and recreational space for residents.
- (2) A registrant must ensure that residents requiring mobility aids may access, in a manner appropriate to each resident, all areas intended for use by residents.
- (3) A registrant must ensure both of the following with respect to the assisted living residence:
- (a) that the premises conforms to all enactments relevant to building alterations or occupancy limits;
  - (b) that each unit is or includes a bedroom that has both a door and a window.

### **Furniture and equipment**

- 18** (1) A registrant must ensure that furniture and equipment provided in common areas and units
- (a) meet resident needs and capabilities,
  - (b) are compatible with the health and safety of residents, and
  - (c) are in a state of good repair.
- (2) A registrant who operates an assisted living residence of the Mental Health or Seniors and Persons with Disabilities class
- (a) must provide, in each resident's unit, a lockable device for use by the resident to securely store money and other personal property, and
  - (b) must, unless it would jeopardize the health and safety of other residents, permit residents to bring into the assisted living residence furniture, equipment and personal property.

### **Safety**

- 19** (1) A registrant must ensure that the assisted living residence is secured in a manner that protects residents from entry by unauthorized persons.
- (2) A registrant must ensure that units are accessible in an emergency, including that locked units may be unlocked from the outside.
- (3) A registrant who operates an assisted living residence of the Seniors and Persons with Disabilities class must ensure both of the following:
- (a) that residents may lock their own units;

- (b) that, subject to subsection (2), residents may control access to their own units.
- (4) A registrant must ensure that emergency exits and egress windows are not obstructed or secured in a manner that may hinder exit in an emergency.
- (5) A registrant must not permit a weapon within the meaning of the *Criminal Code* in the assisted living residence.

## **Division 2 – Employees**

### **Must have sufficient employees**

- 20** A registrant must ensure that, at all times, there are a sufficient number of employees with adequate training, experience, skills and other qualifications to provide hospitality services and assisted living services to residents
  - (a) in accordance with the registrant's registration, and
  - (b) in a manner that will not jeopardize the health and safety of residents.

### **Employee plan**

- 21** A registrant must prepare an employee plan that includes a written description of all of the following for each employee position, whether volunteer or staff:
  - (a) the duties and responsibilities of the employee;
  - (b) the training, experience, skills and other qualifications the employee must have.

### **Character and skill requirements**

- 22** (1) Subject to subsections (2) and (3), a registrant must not employ a person in an assisted living residence unless the registrant or manager
  - (a) has first obtained
    - (i) a criminal record check for the person,
    - (ii) a record of the person's work history,
    - (iii) copies of any diplomas, certificates or other evidence of the person's training, experience, skills and other qualifications, and
    - (iv) evidence that the person has complied with the Province's immunization and tuberculosis control programs, and
  - (b) is satisfied that the person
    - (i) is of good character,
    - (ii) has the personality, ability and temperament necessary to provide services to residents, and
    - (iii) has the training, experience and other qualifications, and demonstrates the skills, necessary to carry out assigned duties and responsibilities.
- (2) A registrant may employ a person without meeting the requirements of subsection (1) (a) (ii) and (iii) and (b) if

- (a) the registrant or manager has first met with the person and obtained a criminal record check and at least 2 character references for the person,
  - (b) the person will be a volunteer, and
  - (c) the person will not be responsible for any of the following:
    - (i) managing the provision of hospitality services to residents;
    - (ii) managing or providing assisted living services to residents;
    - (iii) monitoring the health and safety of residents or the operation of the assisted living residence.
- (3) A registrant may employ a person without meeting the requirements of subsection (1) if
- (a) the person is providing hospitality services or assisted living services under a contract between the registrant and another person,
  - (b) the person with whom the registrant has contracted is not an individual, and
  - (c) the registrant has a contract, letter or other form of written assurance that the other person has obtained the information and is satisfied of the matters referred to in subsection (1) in respect of the person providing services.
- (4) A person employed as a manager must not be a volunteer.

**Additional requirements for Supportive Recovery class**

- 23** (1) Without limiting section 22 (1) [*character and skill requirements*], a registrant who operates an assisted living residence of the Supportive Recovery class must not employ a person unless the person has completed a course, or a combination of courses, of at least 20 hours duration in one or more of the following subjects:
- (a) counselling;
  - (b) crisis intervention and conflict resolution;
  - (c) psychosocial intervention for substance use disorders;
  - (d) trauma-informed practice.
- (2) Despite subsection (1), a registrant may employ a person who does not meet the requirements of that subsection
- (a) if the person will be a volunteer to whom section 22 (2) applies, or
  - (b) if all of the following conditions are met:
    - (i) the person is employed for a period of no more than 3 months;
    - (ii) the registrant ensures that a written plan is made describing how the person will complete, within the 3 month period, the course requirements referred to in that subsection;
    - (iii) the person is not re-employed by the registrant unless the person has completed the course requirements in accordance with the plan referred to in subparagraph (ii).

**Continuing obligations**

- 24** (1) A registrant must ensure that
- (a) the performance of each employee is reviewed regularly, and

- (b) the registrant or manager is satisfied that the employee demonstrates the skills needed to carry out the duties that the employee is assigned.
- (2) In the case of an employee to whom section 22 (3) applies, the registrant must have a contract, letter or other form of written assurance that the person with whom the registrant has contracted conducts the reviews and is satisfied of the matters referred to in subsection (1) of this section in respect of the employee.
- (3) A registrant must not permit an employee to carry out any duties for which the employee does not have the necessary training, experience, skills or qualifications.

### **Division 3 – Emergency Preparedness**

#### **Emergency response plan**

- 25
- (1) A registrant must make an emergency response plan that describes all of the following:
    - (a) the procedures to be followed to prepare for, mitigate, respond to and recover from an emergency at the assisted living residence;
    - (b) the procedures to be followed to conduct emergency drills and the frequency with which they will be held;
    - (c) the procedures to be followed to evacuate residents in an emergency, including any supports residents require to evacuate or move to a safer location;
    - (d) a plan to ensure that residents continue to receive adequate hospitality services and assisted living services during and following an emergency.
  - (2) An emergency response plan must be reviewed and, if appropriate, revised if
    - (a) there is a structural change to the assisted living residence, or
    - (b) the support requirements of residents change significantly.
  - (3) A registrant must ensure that all employees, other than a volunteer to whom section 22 (2) [*character and skill requirements*] applies, are trained in the implementation of the emergency response plan, including in the use of equipment referred to in the plan.

#### **Emergency measures**

- 26
- (1) A registrant must display prominently throughout the assisted living residence evacuation procedures and a diagram of the location of emergency exits.
  - (2) A registrant must ensure that the assisted living residence has emergency exits and egress windows that are appropriate to resident needs and capabilities.
  - (3) A registrant must ensure that reliable communication equipment is accessible to all employees during an emergency.
  - (4) A registrant must ensure that
    - (a) fire protection equipment is inspected, tested and maintained
      - (i) in accordance with the recommendations, if any, of the manufacturer, and

- (ii) at least annually, and
  - (b) other emergency equipment is inspected, tested and maintained in accordance with the recommendations, if any, of the manufacturer.
- (5) A registrant must conduct fire and other emergency drills at least annually.

**First aid**

- 27 (1) A registrant must ensure that, at all times, an employee who holds a valid first aid and CPR certificate, provided on completing a course that meets the requirements of Schedule B, is readily accessible to residents.
- (2) A registrant must have first aid supplies readily accessible to all employees.

**Opioid overdoses**

- 28 (1) This section applies only to registrants operating an assisted living residence of
- (a) the Supportive Recovery class, or
  - (b) the Mental Health or Seniors and Persons with Disabilities class, if residents are at risk of experiencing opioid overdoses.
- (2) A registrant must make a plan describing the procedures to be followed to prevent and respond to opioid overdoses by residents.
- (3) Without limiting section 27 [first aid], a registrant must ensure all of the following:
- (a) that naloxone and related supplies are readily accessible to all employees and residents;
  - (b) that all employees are trained in how to administer naloxone;
  - (c) that all residents are given information respecting how to administer naloxone.

**Division 4 – Start of Residency**

**Admission screening**

- 29 Before accepting a person as a resident, a registrant must first be satisfied, based on all available information, of all of the following:
- (a) that the person does not require care;
  - (b) that the person is not prohibited, under section 26.1 [*persons not allowed to reside in an assisted living residence*] of the Act, from residing in the assisted living residence;
  - (c) that the person may reside in the assisted living residence without jeopardizing the health and safety of that person or of any other resident, given
    - (i) that person's needs and capabilities, and
    - (ii) the assisted living services provided by or through the registrant.

**Information to prospective resident**

- 30 Before making a residency agreement, a registrant must give to the prospective resident a copy of all of the following, and inform the prospective resident in a manner

that is appropriate to that person's needs and capabilities of the contents of the materials given:

- (a) the shared common areas policy made under section 15 [*if more than one class or non-residents*], if applicable;
- (b) the visitation and communication policy made under section 41 (2) [*visitors and communicating with non-residents*], if applicable;
- (c) the complaint policy made under section 43 (1) [*resident concerns and complaints*];
- (d) the end of residency policy made under section 44 (1) [*end of residency*];
- (e) the medication policy, if applicable;
- (f) the cannabis policy made under section 48 (3) [*tobacco, vapour products and cannabis*].

#### **Residency agreement**

- 31** (1) A registrant may accept a person as a resident by making a written residency agreement with the person that includes all of the applicable content set out in Schedule C.
- (2) Before making a residency agreement, a registrant must inform the prospective resident in a manner that is appropriate to that person's needs and capabilities of the contents of the agreement.
- (3) On signing a residency agreement, a registrant must give to the resident
- (a) a copy of the residency agreement, and
  - (b) written information respecting how to contact the registrar to make a complaint, including the registrar's contact information, and inform the resident in a manner that is appropriate to the resident's needs and capabilities of the contents of the materials given.
- (4) For the purposes of subsection (3), a residency agreement must be signed by
- (a) the resident or the resident's personal representative, and
  - (b) the registrant, the manager or a person authorized to sign residency agreements on behalf of the registrant.

#### **Short-term service plan**

- 32** On accepting a person as a resident, a registrant must ensure that a short-term service plan is developed for the resident, containing sufficient information to guide employees in protecting and promoting the resident's health and safety until a personal service plan is developed.

#### **Personal service plan**

- 33** (1) A registrant must ensure that a personal service plan is developed for a resident that
- (a) includes all of the applicable content set out in Schedule D,
  - (b) provides sufficient detail to enable employees to understand their duties and responsibilities in achieving the objectives of
    - (i) protecting and promoting the resident's health and safety,

- (ii) meeting the resident's needs, and
  - (iii) achieving the resident's personal goals, if applicable, and
- (c) takes into consideration the cultural, spiritual and personal preferences of the resident.
- (2) A registrant must ensure that a personal service plan is developed within the following period after the resident starts to reside in the assisted living residence:
  - (a) 7 days, in the case of an assisted living residence of the Supportive Recovery class;
  - (b) 30 days, in the case of an assisted living residence of the Mental Health or Seniors and Persons with Disabilities class.
- (3) A registrant must ensure that a personal service plan
  - (a) is developed with the participation of
    - (i) the resident, and
    - (ii) to the extent it is reasonably practicable to do so, the persons whom the resident requests to participate, and
  - (b) is approved by the resident.
- (4) A registrant must give to the resident a signed copy of the resident's personal service plan.
- (5) For the purposes of subsection (4), a personal service plan must be signed by
  - (a) the resident or the resident's personal representative, and
  - (b) the registrant, the manager or a person authorized to sign personal service plans on behalf of the registrant.

## **Division 5 – Residents**

### **Implementation of personal service plan**

- 34 (1) A registrant must ensure that a resident's personal service plan is implemented.
- (2) A registrant must ensure that the implementation of a resident's personal service plan is monitored regularly to ensure that the plan is achieving its objectives.

### **Review of personal service plan**

- 35 (1) A registrant must ensure that a resident's personal service plan is reviewed as follows and revised, if appropriate:
  - (a) at least monthly, in the case of an assisted living residence of the Supportive Recovery class;
  - (b) at least annually, in the case of an assisted living residence of the Mental Health or Seniors and Persons with Disabilities class;
  - (c) on request of the resident;
  - (d) if monitoring under section 34 (2) [*implementation of personal service plan*] indicates that the personal service plan is not meeting the plan's objectives;
  - (e) if there is any substantial change to



- (i) the resident's needs or capabilities, or
  - (ii) the nature or scope of the hospitality services or assisted living services being provided to the resident.
- (2) Section 33 (3) [*personal service plan*] applies to the revision of a resident's personal service plan.
- (3) On request of a resident, a registrant must give to the resident a signed copy of that resident's revised personal service plan, and section 33 (5) applies for this purpose.

**Rights of residents**

- 36** A registrant must display in a prominent place in the assisted living residence a statement of the rights of residents.

**Medication policy**

- 37** A registrant who operates an assisted living residence of the Supportive Recovery class must make a policy describing
- (a) the types of medications that are accommodated on the premises, and
  - (b) the medications, if any, that are not permitted on the premises.

**Respect for personal decisions**

- 38** (1) A registrant must not do any of the following unless one of the circumstances described in subsection (2) applies:
- (a) intervene in the making of a personal decision by a resident or when a resident is carrying out a personal decision;
  - (b) prevent a resident from carrying out a personal decision.
- (2) A registrant may intervene or prevent a resident from carrying out a personal decision in any of the following circumstances:
- (a) there is an imminent risk of serious harm to the resident;
  - (b) the resident may be subject to abuse within the meaning of Schedule E;
  - (c) the failure to intervene or to prevent the resident from carrying out the decision may
    - (i) jeopardize the health or safety of other persons, or
    - (ii) be neglect within the meaning of Schedule E;
  - (d) the registrant is acting in accordance with the resident's residency agreement or personal service plan;
  - (e) the registrant is taking an action required or permitted under the *Adult Guardianship Act* or another enactment.

**Respect for resident privacy**

- 39** (1) A registrant must, to the greatest extent possible while maintaining the health and safety of all residents, ensure respect for the personal privacy of each resident, including the privacy of each resident's unit, belongings and storage area.
- (2) A registrant must not use electronic surveillance in a unit or washroom.

### **Monitoring residents**

- 40 (1) A registrant must do both of the following:
- (a) monitor residents' health and safety, taking reasonable steps to avoid undue interference with personal privacy;
  - (b) advise a resident and, if appropriate, a resident's contact person if the resident's health or safety is or may be jeopardized.
- (2) For greater certainty, a registrant who complies with this section does not contravene any of the following sections:
- (a) section 38 [*respect for personal decisions*];
  - (b) section 39 [*respect for resident privacy*];
  - (c) section 61 (3) [*decisions respecting health professionals or medication*].

### **Visitors and communicating with non-residents**

- 41 (1) A registrant who operates an assisted living residence of the Mental Health or Seniors and Persons with Disabilities class must, to the greatest extent possible while maintaining the health and safety of all residents, ensure that a resident may receive at any time, and communicate privately with, visitors of the resident's choice.
- (2) A registrant who operates an assisted living residence of the Supportive Recovery class must make a policy respecting visitation by and communication with non-residents, including any restrictions on these activities.

### **Resident satisfaction**

- 42 (1) At least annually, a registrant who operates an assisted living residence of the Mental Health or Seniors and Persons with Disabilities class must survey all residents to determine resident satisfaction with
- (a) the operation of the assisted living residence, and
  - (b) the provision of hospitality services and assisted living services.
- (2) A registrant must make a record describing the findings of the survey.

### **Resident concerns and complaints**

- 43 (1) A registrant must make a policy describing all of the following:
- (a) how residents and their contact persons and personal representatives, if any, may bring a concern or make a complaint to the registrant about any matter relevant to
    - (i) the operation of the assisted living residence,
    - (ii) the provision of hospitality services and assisted living services, or
    - (iii) the implementation of their residency agreements;
  - (b) how concerns will be addressed and complaints will be resolved in a fair, timely and effective manner.
- (2) A registrant must display in a prominent place in the assisted living residence the information described in section 31 (3) (b) [*residency agreement*] respecting complaints to the registrar.

- (3) If a concern is brought or a complaint is made to the registrant, the registrant must do both of the following:
  - (a) make reasonable attempts to address the concern or resolve the complaint;
  - (b) make a record of the concern or complaint and the actions taken under paragraph (a).
- (4) A registrant must ensure that a resident is not subject to either of the following:
  - (a) interference or obstruction, including by intimidation, if the resident wishes or attempts to contact the registrar to make a complaint;
  - (b) retaliation as a result of concerns brought or complaints made to the registrant, or complaints made to the registrar.

### **Division 6 – End of Residency**

#### **End of residency**

- 44** (1) A registrant must make a policy describing the procedures to be followed
- (a) to determine if a resident may no longer reside in the assisted living residence, and
  - (b) to end the resident's residency.
- (2) A registrant must not end a resident's residency on the basis that the resident is unable to make, on their own behalf, decisions that are necessary to live safely, unless the registrant does all of the following:
- (a) ensures that the resident's decision-making capacity has been assessed, before ending the resident's residency, by a health professional referred to in subsection (3);
  - (b) keeps a record of the results of the assessment;
  - (c) ensures that the resident and, if appropriate, the resident's contact person and personal representative, if any, have a copy of the record.
- (3) The following are health professionals for the purposes of subsection (2) (a):
- (a) medical practitioners;
  - (b) registrants of the British Columbia College of Nursing Professionals who are subject to
    - (i) the Nurses (Registered) and Nurse Practitioners Regulation, or
    - (ii) the Nurses (Registered Psychiatric) Regulation;
  - (c) registrants of the British Columbia College of Social Workers;
  - (d) registrants of the College of Occupational Therapists of British Columbia;
  - (e) registrants of the College of Psychologists of British Columbia.

#### **Planned end of residency**

- 45** (1) A registrant must ensure that a transition plan is developed for a resident that provides for ending a resident's residency if any of the following circumstances occur:
- (a) the resident's needs and capabilities change such that the resident requires care or is no longer allowed, under section 26.1 *[persons not allowed to*

- reside in an assisted living residence*] of the Act, to reside in the assisted living residence;
- (b) the resident no longer requires assisted living services;
  - (c) the resident expresses an intention to end the resident's residency;
  - (d) the resident resides in an assisted living residence of the Supportive Recovery class and chooses to use a medication that is not permitted under the medication policy of the assisted living residence.
- (2) A registrant must ensure that a transition plan describes all of the following:
- (a) when and by whom the resident will be moved out of the assisted living residence, and, if known, where the resident will be moved to;
  - (b) how any risks to the health and safety of the resident will be minimized before, during and after the move,
    - (i) including any changes to the assisted living services that will be provided to the resident while awaiting the move, and
    - (ii) including, in the case of an assisted living residence of the Supportive Recovery class, information or referrals respecting access to housing supports, professional health services and social services after the move.
- (3) A registrant must ensure that a transition plan is developed with the participation of
- (a) the resident,
  - (b) if the resident is the beneficiary of a funding program and to the extent it is reasonably practical to do so, a representative of the funding program, and
  - (c) one or more of the following, if and as requested by the resident and to the extent it is reasonably practical to do so:
    - (i) the resident's contact person;
    - (ii) the resident's personal representative, if any;
    - (iii) the resident's medical practitioner, nurse practitioner, or other appropriate health professional.

**Unplanned end of residency**

- 46** If a resident's residency ends unexpectedly, whether because the resident abandons the assisted living residence or is required to leave under the terms of the resident's residency agreement, a registrant must do all the following, as applicable:
- (a) notify the person's contact person and, if the person is the beneficiary of a funding program, a representative of the funding program;
  - (b) unless it would not be reasonably practicable to do so, provide to the person
    - (i) information respecting access to housing supports, professional health services and social services, and
    - (ii) a personal naloxone kit if the person is at risk of experiencing an opioid overdose;
  - (c) make a record of the event and of the actions taken under paragraphs (a) and (b).

## Division 7 – Resident Health and Safety

### General health and hygiene

- 47 A registrant must make a plan describing the procedures to be followed to
- (a) promote general health and hygiene amongst residents, and
  - (b) prevent the spread of infectious disease in the assisted living residence.

### Tobacco, vapour products and cannabis

- 48 (1) In this section:
- “**activated e-cigarette**” has the same meaning as in the *Tobacco and Vapour Products Control Act*;
- “**cannabis**” has the same meaning as in the *Cannabis Control and Licensing Act*;
- “**e-cigarette**” has the same meaning as in the *Tobacco and Vapour Products Control Act*;
- “**medical cannabis**” has the same meaning as in the *Cannabis Control and Licensing Act*;
- “**restricted activity**” means the following:
- (a) an activity that constitutes restricted consumption;
  - (b) the growth or storage of cannabis;
- “**restricted consumption**” means the following:
- (a) to smoke or use tobacco or hold lighted tobacco;
  - (b) to use an e-cigarette or hold an activated e-cigarette;
  - (c) to smoke or vape cannabis;
- “**smoke or vape cannabis**” has the same meaning as in section 60 of the *Cannabis Control and Licensing Act*;
- “**tobacco**” has the same meaning as in the *Tobacco and Vapour Products Control Act*.
- (2) A registrant must ensure that
- (a) no one other than a resident engages in a restricted activity while on the premises of the assisted living residence,
  - (b) employees do not engage in restricted consumption while providing services to residents, and
  - (c) if necessary for the safety of the resident, a resident who engages in restricted consumption is supervised.
- (3) A registrant must make a policy respecting all of the following:
- (a) the engagement by residents in restricted activities, other than the consumption of medical cannabis, on the premises;
  - (b) the possession and disposal by anyone of tobacco, e-cigarettes and cannabis, other than medical cannabis, on the premises.
- (4) A registrant must ensure that the policy required under subsection (3)
- (a) includes any restrictions on those activities on the premises, and

- (b) is consistent with the prohibitions and restrictions under the *Cannabis Control and Licensing Act* or the *Tobacco and Vapour Products Control Act*, as applicable.

#### **Food safety**

- 49 (1) In this section, “**FOODSAFE certificate**” means a certificate, issued by a health officer within the meaning of the *Public Health Act*, evidencing the successful completion of the food handler training program known as FOODSAFE or its equivalent.
- (2) A registrant must ensure that food and fluids provided by the registrant to residents are prepared, stored, served and handled safely.
- (3) A registrant must ensure that at least one employee who holds a current FOODSAFE certificate is present at the assisted living residence while food is prepared, served and handled.
- (4) Nothing in subsection (2) or (3) prevents residents from preparing their own food or fluids.

#### **Duties respecting abuse and neglect**

- 50 A registrant must ensure that a resident is not, in the course of receiving hospitality services or assisted living services, subjected to any type of abuse or neglect described in Schedule E.

#### **Reportable incidents**

- 51 (1) This section applies if a resident is
  - (a) the subject of or witnesses a type of incident described in Schedule E, or
  - (b) the subject of an alleged or suspected incident of any type of abuse or neglect described in Schedule E.
- (2) A registrant must do all of the following if this section applies:
  - (a) take immediate and appropriate action to respond to the incident;
  - (b) within 24 hours of the incident, report the incident to all of the following:
    - (i) the registrar, in the form and manner required by the registrar;
    - (ii) the resident’s contact person, if appropriate, and any other person the resident requests;
    - (iii) if the resident is the beneficiary of a funding program, a representative of the funding program;
  - (c) make a record of the reportable incident and of the actions taken under paragraph (a).

#### **Missing residents**

- 52 A registrant must make a plan describing the procedures to be followed on becoming aware that a resident is a missing person within the meaning of Schedule E.

### **Health and safety plan**

- 53** (1) If the registrar reasonably believes that the health or safety of residents may be jeopardized, the registrar may require a registrant to make a plan to protect the health and safety of residents
- (a) after conducting an inspection, or
  - (b) on receiving a report respecting a reportable incident or a complaint.
- (2) A registrant subject to a requirement made under subsection (1) must comply within the time required by the registrar and with any directions given by the registrar.

## **Division 8 – Providing Hospitality Services**

### **Service provision generally**

- 54** A registrant must ensure that hospitality services are provided to residents in a manner that
- (a) promotes resident independence, and
  - (b) does not jeopardize the health or safety of residents.

### **Menu plan**

- 55** (1) In this section, “**Canada’s Food Guide**” means the current edition of the publication produced by or on behalf of the Government of Canada that promotes nutritional health by guiding food selection.
- (2) A registrant must ensure that a menu plan is developed that
- (a) describes the meals, fluids and snacks for each day over at least a 4 week cycle,
  - (b) is consistent with the recommendations set out in Canada’s Food Guide, and
  - (c) provides for a variety of foods and fluids, taking into consideration the nutritional needs and cultural, spiritual and personal preferences of residents.
- (3) A registrant must consult with a dietitian
- (a) to make an initial menu plan, and
  - (b) to review and, if appropriate, revise the menu plan if
    - (i) the daily menu changes significantly, or
    - (ii) 5 years have passed since the menu plan was last reviewed.
- (4) If a food or fluid is substituted for a food or fluid described in a daily menu, a registrant must ensure that
- (a) the daily menu remains consistent with the recommendations set out in Canada’s Food Guide, and
  - (b) residents are informed of the substitution.

### **Providing meals**

- 56** (1) A registrant must ensure that all meals, fluids and snacks provided to residents
- (a) are consistent with the menu plan,

- (b) are palatable and safe for residents, taking into consideration residents' needs and capabilities, and
  - (c) are provided in sufficient portions to meet residents' needs and ensure adequate hydration.
- (2) Nothing in subsection (1) prevents residents from preparing their own meals, fluids or snacks.
  - (3) A registrant must post or otherwise provide to residents the daily menu and meal times.
  - (4) A registrant who operates an assisted living residence of the Seniors and Persons with Disabilities class must ensure that residents may access meal services, including by
    - (a) assisting residents to attend the dining room,
    - (b) providing meals in units for those residents who are temporarily confined, due to medical reasons, to their units, and
    - (c) providing dishes, cups and cutlery appropriate to residents' needs and capabilities.

**Housekeeping services**

- 57** A registrant must provide housekeeping services that
- (a) include, at the least, sufficient cleaning of the premises, including regular cleaning of hard surfaces, to prevent disease and ensure a safe, clean and sanitary environment, and
  - (b) take into consideration the needs and capabilities of residents.

**Laundry services**

- 58** (1) In this section, "**linens**" means bed sheets, blankets, towels and face cloths.
- (2) A registrant must provide linens to residents who require them.
  - (3) A registrant must ensure that linens are clean, dry and in good condition, and are laundered
    - (a) at least weekly, and
    - (b) more often as needed to maintain resident health and meet resident needs.
  - (4) A registrant must provide to residents either personal laundry service or laundry equipment for resident use.

**Social and recreational opportunities**

- 59** (1) A registrant must provide to residents a program of social and recreational activities that are appropriate to resident needs, capabilities and preferences.
- (2) A registrant must post or otherwise provide to residents a calendar of the program of social and recreational activities.
  - (3) A registrant who operates an assisted living residence of the Seniors and Persons with Disabilities class must ensure that safe transportation is provided to



residents if social and recreational activities take place outside the assisted living residence.

#### **Personal emergency response system**

- 60** A registrant must provide to residents a 24 hour emergency response system that
- (a) enables residents to summon help during a personal emergency, and
  - (b) is accessible to residents in a manner appropriate to resident needs and capabilities.

### **Division 9 – Providing Assisted Living Services**

#### **Service provision generally**

- 61** (1) A registrant must ensure that assisted living services are provided to residents in a manner that
- (a) promotes resident independence, and
  - (b) does not jeopardize the health or safety of residents.
- (2) A registrant must ensure that assisted living services are provided
- (a) to a resident in accordance with the resident's personal service plan, and
  - (b) by individuals who have the necessary training, experience, skills and other qualifications to provide the service.
- (3) Subject to subsection (4), a registrant must not intervene in the making of a decision by a resident or when a resident is carrying out a decision, or prevent a resident from carrying out a decision, to do any of the following:
- (a) receive a particular professional health service;
  - (b) receive a professional health service from a person the resident chooses, including a person who is not employed by the registrant;
  - (c) take a particular medication, if prescribed by a health professional;
  - (d) receive a medication from a particular pharmacy.
- (4) Subsection (3) of this section does not apply in any of the circumstances listed in section 38 (2) (a), (b), (c) or (e) [*respect for personal decisions*].
- (5) Nothing in this Division authorizes a registrant to perform an activity that the registrant is prohibited from performing under the *Health Professions Act*, the *Pharmacy Operations and Drug Scheduling Act* or any other enactment.

#### **Activities of daily living**

- 62** A registrant who provides assistance with activities of daily living must do so in a manner that takes into consideration residents' safety, needs, capabilities and preferences.

#### **Managing medication defined**

- 63** In paragraph (b) of the definition of "assisted living services" in section 1 of the Act, "**assistance with managing medication**" includes one or more of the following:
- (a) receiving residents' medication from a pharmacy;

- (b) safekeeping medication on behalf of residents;
- (c) distributing medication to residents from the place where it is kept;
- (d) administering medication to residents.

#### **Managing medication generally**

- 64** (1) A registrant who provides assistance with managing medication must make a plan describing the procedures to be followed to
- (a) ensure that assistance with managing medication is provided in a manner that does not jeopardize health or safety, and
  - (b) prevent theft of medication, if the registrant provides assistance with receiving, safekeeping or distributing medication.
- (2) A registrant who provides assistance with managing medication must make a record for each resident receiving the service that includes a list of the resident's medications.
- (3) A registrant who provides assistance with managing medication must support and encourage those residents who have the ability to do so without jeopardizing their health or safety to self-manage medication.
- (4) A registrant who provides assistance with safekeeping medication must
- (a) consult with a pharmacist within the meaning of the *Health Professions Act* for the purpose of making and revising the plan referred to in subsection (1), and
  - (b) keep a record of the results of the consultation.

#### **Safekeeping medication**

- 65** A registrant who provides assistance with safekeeping medication must ensure all of the following with respect to medication kept in the assisted living residence:
- (a) that medication is kept
    - (i) safely and securely, and
    - (ii) in accordance with the directions, if any, of the dispensing pharmacy;
  - (b) that an inventory of medication is maintained;
  - (c) that medication is kept in its original, labelled container until the medication is distributed or administered;
  - (d) that medication is returned to a pharmacy if the medication
    - (i) has expired,
    - (ii) is no longer used by the resident to whom the medication was prescribed, or
    - (iii) was prescribed to a person who no longer resides in the assisted living residence.

#### **Distributing medication**

- 66** A registrant who provides assistance with distributing medication must ensure that a record is made in respect of each distribution of medication.

### **Administering medication**

- 67** (1) A registrant who provides assistance with administering medication must ensure that medication is administered only by
- (a) the resident, or
  - (b) a health professional, or a certified non-registrant within the meaning of the *Health Professions Act*, who is authorized under that Act to administer the medication.
- (2) A registrant who provides assistance with administering medication must ensure all of the following:
- (a) if, under the *Pharmacy Operations and Drug Scheduling Act*, a particular medication is available only on the prescription of a health professional, that the medication is administered to a resident only if that medication has been prescribed for the resident by a health professional;
  - (b) that medication prescribed by a health professional for a resident is administered to the resident as prescribed;
  - (c) that a record is made
    - (i) in respect of each administration of medication to a resident, and
    - (ii) of each error made in administering medication, if any, to which section 51 [*reportable incidents*] does not apply.

### **Safekeeping money and property defined**

- 68** (1) In paragraph (c) of the definition of “assisted living services” in section 1 of the Act, “**assistance with the safekeeping of money and other personal property**” includes holding or safekeeping on behalf of a resident one or both of the following:
- (a) money intended to be used by the resident for daily expenses;
  - (b) personal property belonging to the resident.
- (2) A registrant does not provide assistance with the safekeeping of money and other personal property solely because the registrant provides a lockable device in accordance with section 18 (2) (a) [*furniture and equipment*].

### **Safekeeping money and property**

- 69** (1) A registrant who provides assistance with the safekeeping of money and other personal property must not hold or keep, for any resident, money in an amount totalling more than \$300.
- (2) A registrant who provides assistance with the safekeeping of money and other personal property must do all of the following:
- (a) keep for each resident a record that includes all of the following:
    - (i) a current accounting of the money and a current inventory of the personal property held;
    - (ii) a record of the amount of money and personal property the registrant gave to or received from the resident or the resident’s contact person or personal representative, if any, and the date it was given or

received, including amounts given or received when that resident's residency ended;

- (b) on request of a resident, give to the resident a copy of the record referred to in paragraph (a);
  - (c) if the resident consents, give to the resident's contact person or personal representative, if any, a copy of the record referred to in paragraph (a).
- (3) A registrant who provides assistance with the safekeeping of money and other personal property is not required to calculate or pay interest on money held for residents.

#### **Managing therapeutic diets**

- 70** (1) In paragraph (d) of the definition of "assisted living services" in section 1 of the Act, "**assistance with managing therapeutic diets**" includes providing to a resident a diet that
- (a) modifies the meals, fluids or snacks described in a menu plan,
  - (b) is or is part of a treatment plan for the resident's medical condition, and
  - (c) controls the intake of particular foods or nutrients.
- (2) If a resident requires a therapeutic diet, the registrant must ensure that
- (a) an individual dietary plan is developed, in consultation with a medical practitioner, nurse practitioner or dietitian, that gives instructions respecting how meals, fluids or snacks are to be modified, and
  - (b) the therapeutic diet is provided in accordance with the individual dietary plan.
- (3) A registrant who provides assistance with managing therapeutic diets must support a resident to adhere to the resident's therapeutic diet.

#### **Behaviour management**

- 71** (1) In paragraph (e) of the definition of "assisted living services" in section 1 of the Act, "**assistance with behaviour management**" includes supporting a resident to reduce and manage occurrences of behaviours that negatively affect the resident's health, safety or quality of life.
- (2) A registrant who provides to a resident assistance with behaviour management must ensure that, in consultation with an appropriate health professional who has first assessed the resident's needs and capabilities, a behaviour management plan is developed for the resident and revised as appropriate.
- (3) A registrant who provides assistance with behaviour management must support a resident to adhere to the resident's behaviour management plan.

#### **Psychosocial supports**

- 72** (1) In paragraph (f) of the definition of "assisted living services" in section 1 of the Act, "**assistance with psychosocial supports**" includes providing to a resident, or assisting a resident to participate in, programs designed to promote
- (a) basic living skills, including communication, interpersonal and planning skills,

- (b) wellness management, and
  - (c) community integration and engagement.
- (2) A registrant who provides assistance with psychosocial supports must do all of the following:
- (a) make a policy
    - (i) describing the nature and scope of the programs to be provided,
    - (ii) describing how the objectives described in subsection (1) are to be achieved through those programs, and
    - (iii) identifying which programs must be delivered by health professionals;
  - (b) ensure that programs are appropriate to resident needs and personal goals;
  - (c) ensure that programs are appropriate given resident readiness to participate;
  - (d) post or otherwise provide to residents a calendar of the programs.

## **PART 4 – ADMINISTRATIVE MATTERS**

### **General duties**

- 73 (1) A registrant must ensure that all plans and policies that must be made under this regulation are
- (a) made in writing,
  - (b) implemented,
  - (c) available to employees having relevant duties and responsibilities, and
  - (d) available to residents and, on request of a resident, the resident's contact person and personal representative, if any, except
    - (i) the employee plan made under section 21 [*employee plan*], and
    - (ii) a plan made in respect of a specific resident.
- (2) A registrant must monitor and review regularly all operations of the assisted living residence to ensure compliance with the Act and this regulation.

### **Collecting personal information**

- 74 For the purposes of carrying out a duty under this Act, a registrant may do both of the following:
- (a) seek the consent, in writing, of a prospective resident or a resident to the collection and disclosure of personal information;
  - (b) if consent under paragraph (a) is granted, request a health authority to disclose to the registrant personal information respecting the prospective resident or resident.

### **Protection of confidentiality**

- 75 A registrant must not permit an employee to access the records and personal information of a resident except as necessary for the performance of the employee's duties.

### **Resident records**

- 76** A registrant must keep a record for each resident that includes at least the following:
- (a) the resident's name and the date on which the person's residency started;
  - (b) the resident's original, signed residency agreement and any renewals and changes made to the agreement;
  - (c) the name and current contact information of the resident's contact person and personal representative, if any;
  - (d) a current copy of the resident's signed personal service plan and transition plan;
  - (e) records made in respect of the resident under sections 43 (3) (b) [*resident concerns and complaints*], 51 (2) (c) [*reportable incidents*] and 67 (2) (c) [*administering medication*], if any;
  - (f) a record of accidents, illnesses or medication errors, if any, involving the resident that do not require medical attention and are not reportable incidents.

### **Employee records**

- 77** A registrant must keep the following records:
- (a) for each employee,
    - (i) the employee's name and the date on which the employee's employment began,
    - (ii) the employee's job title and a notation of whether the employee is staff, a contractor or a volunteer, and
    - (iii) a copy of the records required under sections 22 (1) [*character and skill requirements*] and, if applicable, 23 (1) [*additional requirements for Supportive Recovery class*];
  - (b) records made or obtained for the purpose of ensuring compliance with sections 22 (3) and 24 (2) [*continuing obligations*].

### **Length of time records must be kept**

- 78**
- (1) Subject to subsections (2) to (4), a registrant must keep all records referred to in this regulation for at least one year.
  - (2) A registrant must keep a record referred to in section 76 [*resident records*] for at least 2 years from the date the residency of the resident who is the subject of the record ends.
  - (3) A registrant must keep all signed original forms authorizing criminal record checks to be done until the earlier of the following:
    - (a) 5 years from the date on which the form was signed;
    - (b) the date on which the employment of the employee who is the subject of the form ends.
  - (4) A registrant must keep all records required under section 77 [*employee records*] for the entire time that the subject of the records is an employee.

#### **Giving records to the registrar**

- 79 A registrant must make all records referred to in this regulation available to the registrar on request of the registrar and within the period requested.

### **PART 5 – OTHER MATTERS**

#### **Publishing information on official website**

- 80 The prescribed period within which the registrar must publish information for the purposes of the following is 30 days:
- (a) sections 25.5 (1) [*publication of reports respecting registered residence*] and 25.6 (1) and (2) [*publication of reports respecting unregistered residence*] of the Act;
  - (b) section 8 (1) (a) of the *Community Care and Assisted Living Amendment Act, 2018*.

#### **Telewarrants**

- 81 For the purposes of sections 25.1 [*inspection of registered assisted living residences*] and 25.2 [*powers in relation to unregistered premises*] of the Act, the registrar may request, by telephone or other means of telecommunication, a warrant authorizing entry into the following, as applicable:
- (a) the personal residence of a resident;
  - (b) unregistered premises.

#### **Appeals to the board**

- 82 A registrant may make an appeal to the board in writing, in the form specified by the board.

#### **Transitioned registrants**

- 83
- (1) In this section, “**transitioned registrant**” means a person who, on December 1, 2019, is a registrant.
  - (2) A transitioned registrant who applies before April 1, 2020 to renew the registration of the transitioned registrant’s assisted living residence must include in the written application to be submitted under section 6 (1) (a) [*requirements for registration*] all content described in Schedule A that was not provided in respect of the current registration.
  - (3) Until December 1, 2020,
    - (a) sections 5 (1) [*qualifications for registrants*] and 15 (2) (a) [*if more than one class or non-residents*] do not apply to a transitioned registrant, and
    - (b) section 23 [*additional requirements for Supportive Recovery class*] does not apply to a transitioned registrant who operates an assisted living residence of the Supportive Recovery class.
  - (4) This section is repealed December 2, 2020.

## SCHEDULE A

*(section 6 (1) (a) [requirements for registration])*

### General requirement

- 1 An applicant for registration must submit with the application all of the content set out in this Schedule.

### Applicant information

- 2 An applicant must provide all of the following with respect to the applicant:
  - (a) name, address and contact information;
  - (b) if the applicant is not an individual,
    - (i) the applicant's legal status, being a corporation, society, partnership or other body, and
    - (ii) the name, address and contact information of each member of the board of directors or each partner, as applicable, and of the individual who is the applicant's representative;
  - (c) a criminal record check and 3 character references
    - (i) for the applicant, if the applicant is an individual, or
    - (ii) for each member of the board of directors, if the applicant is a corporation;
  - (d) if the applicant is an individual,
    - (i) a copy of government-issued photographic identification,
    - (ii) a record of the applicant's work history, and
    - (iii) copies of any diplomas, certificates or other evidence of the applicant's training, experience, skills and other qualifications;
  - (e) proof, in a form satisfactory to the registrar, that the applicant is qualified to be a registrant for the purposes of section 5 (2) *[qualifications for registrants]*.

### Manager's information

- 3 If an applicant will not be the manager of the assisted living residence, the applicant must provide all of the following with respect to the manager:
  - (a) the name, address and contact information of the individual who is to be the manager;
  - (b) a criminal record check and 3 character references for that individual;
  - (c) a record of the individual's work history;
  - (d) copies of any diplomas, certificates or other evidence of the individual's training, experience, skills and other qualifications.

### Premises information

- 4 An applicant must provide all of the following with respect to the assisted living residence:
  - (a) the name by which the assisted living residence is known and the address and contact information of the assisted living residence;



- (b) a floor plan
  - (i) drawn to scale and showing the location of each unit, common area, washroom and exit, and
  - (ii) showing which suites are resident units if, on the same premises, both residents and non-residents will be housed;
- (c) a statement of
  - (i) the number of units in the assisted living residence, and
  - (ii) for each unit, the maximum number of persons who may reside in the unit.

**Operations information**

- 5 (1) An applicant must provide all of the following with respect to the operation of the assisted living residence:
- (a) the class of the assisted living residence;
  - (b) a detailed description of the nature and scope of the hospitality services and assisted living services to be provided to residents;
  - (c) the number of residents for whom the assisted living residence has the capacity to provide housing, hospitality services and assisted living services.
- (2) An applicant must provide a copy of all of the following:
- (a) all plans and policies that must be made under the regulation except plans made in respect of specific residents;
  - (b) the statement of the rights of residents that must be posted under section 36 [*rights of residents*].

**SCHEDULE B**

(section 27 (1) [*first aid*])

**Course requirements**

- 1 For the purposes of section 27 (1) [*first aid*] of the regulation, the employee must hold a valid first aid and CPR certificate from a course that meets the following requirements:
- (a) the course must offer at least 8 hours of instruction, at least 3.5 hours of which must be delivered in person;
  - (b) the course instructor must have the qualifications necessary to train employees in the skills referred to in section 2 of this Schedule;
  - (c) the first aid certificate
    - (i) is issued only after the employee has successfully completed an examination that includes demonstration and evaluation of the skills referred to in section 2 of this Schedule,
    - (ii) is signed by the instructor or is verifiable using a system established and maintained by the issuer of the certificate,

- (iii) includes the employee's name, the level of first aid training achieved by the employee and the name of the agency that provided the training,
- (iv) expires no more than 3 years from the date of issue, and
- (v) is not renewable unless the employee, before the expiry date, participates in at least 8 hours of further instruction, at least 3.5 hours of which must be delivered in person, followed by an examination that includes demonstration and evaluation of the skills referred to in section 2 of this Schedule.

### Skills requirements

- 2 A first aid course is not sufficient for the purposes of section 27 of the regulation unless the course provides instruction in, and requires successful completion of an examination that includes demonstration and evaluation of skills relevant to, all of the following matters, taking into consideration the type of residents the employee ordinarily encounters in the assisted living residence:
- (a) management of an emergency scene;
  - (b) assessment of a patient;
  - (c) fainting and unconsciousness;
  - (d) cardiopulmonary resuscitation skills recognized by the agency referred to in section 1 (c) (iii) of this Schedule as "(CPR) Level B" or a program that is equivalent;
  - (e) shock;
  - (f) choking;
  - (g) wounds and severe bleeding;
  - (h) insect, animal and human bites;
  - (i) eye injuries;
  - (j) spinal and head injuries;
  - (k) dental emergencies;
  - (l) fractures of the upper and lower limbs, including bone and joint injuries;
  - (m) cardiovascular emergencies, including the use of automated external defibrillators;
  - (n) burns;
  - (o) electric shock;
  - (p) poisoning;
  - (q) environmental injuries, including exposure to heat or cold;
  - (r) common medical conditions, including diabetes, epilepsy, convulsions and allergic reactions;
  - (s) in the case of an employee of an assisted living residence described in section 28 (1) [*opioid overdoses*], opioid overdose;
  - (t) breathing and airway emergencies.

## **SCHEDULE C**

*(section 31 (1) [residency agreement])*

### **Parties and contact information**

- 1** A residency agreement must include all of the following:
  - (a) the names of the registrant and the resident;
  - (b) the name and contact information of the manager, if the registrant is not the manager;
  - (c) the names and contact information of the resident's contact person and personal representative, if any;
  - (d) the purposes for which the registrant may contact the resident's contact person and personal representative, if any.

### **Term**

- 2** A residency agreement must include both of the following:
  - (a) the date on which the residency agreement is made;
  - (b) the date on which the resident is to start residing in the assisted living residence.

### **General contents**

- 3** All of the following must be described in a residency agreement:
  - (a) the registrant's duties and responsibilities;
  - (b) the hospitality services and assisted living services provided by the registrant, including dietary accommodations, if any;
  - (c) the general level and type of training, experience, skills and other qualifications of the employees who provide assisted living services;
  - (d) the rules of the assisted living residence;
  - (e) any electronic surveillance or tracking used at the assisted living residence;
  - (f) the rights of residents as those rights relate to residing in the assisted living residence;
  - (g) the resident's responsibilities;
  - (h) whether any persons residing in the assisted living residence are not residents and, if so, whether those persons will have access to the common areas of the assisted living residence;
  - (i) the circumstances under which the resident may no longer reside in the assisted living residence and the criteria that will guide a decision to end the resident's residency.

### **Fees and deposits**

- 4** A residency agreement must include all of the following:
  - (a) an itemized list of all fees payable by the resident for residency;
  - (b) a description of the circumstances under which the fees referred to in paragraph (a) may change;

- (c) a statement of when residency fees are due;
- (d) a description of all optional services and the fees for each of them;
- (e) the terms and conditions for the payment and refund of fees;
- (f) a statement of the amount of any security or damage deposit paid or payable.

**Changes**

- 5** A residency agreement must describe all of the following:
- (a) the circumstances in which the residency agreement may be changed;
  - (b) the procedures to be used to change the residency agreement, including respecting the giving of advance notice of proposed changes;
  - (c) the changes, if any, that the registrant may make to the residency agreement without the consent of the resident.

**Supportive Recovery class**

- 6** In addition to the content set out in sections 1 to 5 of this Schedule, a residency agreement in respect of an assisted living residence of the Supportive Recovery class must include all of the following:
- (a) the service model to be used;
  - (b) the restrictions, if any, on
    - (i) the furniture, equipment and personal property that residents may bring into the assisted living residence, and
    - (ii) visitation by and communication with non-residents, including communication using electronic devices;
  - (c) the types of medications, if any, that are not permitted on the premises.

**SCHEDULE D**

*(section 33 (1) (a) [personal service plan])*

**General hospitality and assisted living services**

- 1** (1) A personal service plan must identify, and describe the nature and scope of, the hospitality services and assisted living services to be provided to a resident, taking into consideration the resident's needs, capabilities and preferences.
- (2) A personal service plan must not include a hospitality service or an assisted living service that has not been approved by the resident under section 33 (3) (b) *[personal service plan]* of the regulation.

**Specific services**

- 2** (1) If a resident requires a therapeutic diet, the resident's personal service plan must include an individual dietary plan.
- (2) If a resident is receiving assistance with behaviour management, the resident's personal service plan must include a behaviour management plan.

- (3) If a resident is receiving assistance with managing medication, the resident's personal service plan must describe the supports, if any, the resident needs to administer the medication safely, taking into consideration that resident's needs and capabilities.
- (4) If a resident is receiving dietary accommodations to meet the resident's nutritional needs, including with respect to food allergies or intolerances and cultural, spiritual or personal preferences, the resident's personal service plan must describe those accommodations.

**Supportive Recovery class**

- 3 In addition to the content set out in sections 1 and 2 of this Schedule, a personal service plan for a resident of an assisted living residence of the Supportive Recovery class must include all of the following:
  - (a) the steps the resident can take to protect and promote that resident's health and safety if that resident's residency ends under section 46 *[unplanned end of residency]* of the regulation, including with respect to accessing housing supports, professional health services and social services;
  - (b) the name and contact information of the persons who must be notified under section 46 (a) of the regulation.

**SCHEDULE E**

*(section 51 [reportable incidents])*

**Reportable incidents**

- 1 The following are reportable incidents for the purposes of section 51 *[reportable incidents]*:
  - “**aggression between residents**” means aggressive behaviour by a resident towards another resident that causes an injury that requires
    - (a) first aid,
    - (b) emergency care by a medical practitioner or nurse practitioner, or
    - (c) transfer to a hospital;
  - “**aggressive or unusual behaviour**” means aggressive or unusual behaviour by a resident towards another person, including another resident, that
    - (a) has not been appropriately assessed in the resident's personal service plan, and
    - (b) is not aggression between residents within the meaning of this Schedule;
  - “**attempted suicide**” means an attempt by a resident to take his or her own life;
  - “**choking**” means a choking incident involving a resident that requires
    - (a) first aid,
    - (b) emergency care by a medical practitioner or nurse practitioner, or
    - (c) transfer to a hospital;
  - “**death**” means the death of a resident;

- “disease outbreak or occurrence”** means an outbreak or the occurrence of a disease above the incident level that is normally expected;
- “emotional abuse”** means any act, or lack of action, that may diminish the sense of dignity of a resident, perpetrated by a person who is not a resident, such as verbal harassment, yelling or confinement;
- “fall”** means a fall of such seriousness, experienced by a resident, as to require emergency care by a medical practitioner or nurse practitioner, or transfer to a hospital;
- “financial abuse”** means
- (a) the misuse of the funds and assets of a resident by a person who is not a resident, or
  - (b) the obtaining of the property and funds of a resident by a person who is not a resident without the knowledge and full consent of the resident or the resident’s contact person or personal representative, if any;
- “food poisoning”** means a food borne illness involving a resident that requires emergency care by a medical practitioner or nurse practitioner, or transfer to a hospital;
- “medication error”** means an error in the administration or distribution of a medication that adversely affects a resident or requires emergency intervention or transfer to a hospital;
- “missing person”** means a resident who is missing;
- “motor vehicle injury”** means an injury to a resident that occurs during transit by motor vehicle while the resident is under the supervision of the registrant;
- “neglect”** means the failure of a registrant to meet the needs of a resident, including with respect to food and shelter;
- “other injury”** means an injury to a resident that requires emergency care by a medical practitioner or nurse practitioner or transfer to a hospital, other than another type of incident described in this Schedule;
- “overdose”** means the introduction into a resident’s body of toxic levels of medication, alcohol or illicit drugs that requires the administration of naloxone, emergency intervention or transfer to a hospital;
- “physical abuse”** means any physical force that is excessive for, or is inappropriate to, a situation involving a resident and perpetrated by a person who is not a resident;
- “poisoning”** means the ingestion of a poison or toxic substance by a resident, but does not include an overdose;
- “police call”** means a request for police to attend the residence;
- “service delivery problem”** means any condition or event that could reasonably be expected to impair the ability of the registrant or the registrant’s employees to provide a hospitality service or assisted living service, or that affects the health or safety of residents;
- “sexual abuse”**,
- (a) subject to paragraph (b), includes any

- (i) sexual behaviour directed towards a resident, and
  - (ii) sexual exploitation of a resident, whether consensual or not, by an employee of the registrant or by any other person in a position of trust, power or authority, and
- (b) does not include consenting sexual behaviour between residents;
- “unexpected illness”** means any unexpected illness of such seriousness that it requires a resident to receive emergency care by a medical practitioner or nurse practitioner or transfer to a hospital.

## APPENDIX 2

- 1** *The Child Care Licensing Regulation, B.C. Reg. 332/2007, is amended by adding the following Part:*

### PART 7 – OTHER MATTERS

#### Prescribed provinces

- 78** All provinces of Canada except Nunavut are prescribed for the purposes of section 11 (2) (b) (i) *[powers of medical health officer]* of the Act.

#### Publishing information on official website

- 79** The prescribed period within which a medical health officer must publish information for the purposes of the following is 30 days:
- (a) sections 15.2 *[publication of reports respecting licensed facility]* and 15.3 (1) and (2) *[publication of reports respecting unlicensed facility]* of the Act;
  - (b) section 7 (1) (a) of the *Community Care and Assisted Living Amendment Act, 2018*.

#### Telewarrants

- 80** For the purposes of section 9.1 *[powers in relation to unlicensed premises]* of the Act, a medical health officer may request, by telephone or other means of telecommunication, a warrant authorizing entry into a premises.

#### Appeals to the board

- 81** A licensee may make an appeal to the board in writing, in the form specified by the board.

## APPENDIX 3

- 1** *Section 1 of the Residential Care Regulation, B.C. Reg. 96/2009, is amended by repealing the definition of “health care provider” and substituting the following:*
- “health professional”** means a person who provides professional health services; .
- 2** *Section 12 (1) is repealed.*

- 3 *Sections 68 (1) (c), 78 (1) (c) and 83 (3) (c) (i), (4) (b) and (5) (b) are amended by striking out “health care provider” and substituting “health professional”.*
- 4 *The following Part is added:*

## **PART 8 – OTHER MATTERS**

### **Prescribed provinces**

- 97 All provinces of Canada except Nunavut are prescribed for the purposes of section 11 (2) (b) (i) [*powers of medical health officer*] of the Act.

### **Publishing information on official website**

- 98 The prescribed period within which a medical health officer must publish information for the purposes of the following is 30 days:
- (a) sections 15.2 [*publication of reports respecting licensed facility*] and 15.3 (1) and (2) [*publication of reports respecting unlicensed facility*] of the Act;
  - (b) section 7 (1) (a) of the *Community Care and Assisted Living Amendment Act, 2018*.

### **Telewarrants**

- 99 For the purposes of section 9.1 [*powers in relation to unlicensed premises*] of the Act, a medical health officer may request, by telephone or other means of telecommunication, a warrant authorizing entry into a premises.

### **Appeals to the board**

- 100 A licensee may make an appeal to the board in writing, in the form specified by the board.