

## Draft Regulations

### Draft Regulation

An Act respecting health services and social services (R.S.Q., c. S-4.2; 2005, c. 32)

#### Residence for the elderly — Conditions for obtaining a certificate of compliance

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the conditions for obtaining a certificate of compliance for a residence for the elderly, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation clarifies the conditions to be met by the operator of a residence for the elderly to obtain a certificate of compliance.

The Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Jean-Yves Simard, 1075, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec) G1S 2M1; telephone: 418 266-6818; fax: 418 266-4572; e-mail: jean-yves.simard@msss.gouv.qc.ca.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15<sup>e</sup> étage, Québec (Québec) G1S 2M1.

PHILIPPE COUILLARD,  
*Minister of Health and Social Services*

### Regulation respecting the conditions for obtaining a certificate of compliance for a residence for the elderly

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 346.0.6, 1st par., subpars. 3 and 4 and 2nd par.; 2005, c. 32, s. 141)

#### DIVISION I CONDITIONS FOR OBTAINING A CERTIFICATE OF COMPLIANCE

**1.** A health and social services agency for the area of jurisdiction where the residence for the elderly is situated is to issue a certificate of compliance referred to

in section 346.0.3 of the Act respecting health services and social services (R.S.Q., c. S-4.2) enacted by chapter 32 of the Statutes of 2005 to the operator of a residence for the elderly if the operator meets the conditions set out in this Regulation.

#### §1. General

**2.** The resident and resident's close relatives must be treated with courtesy, fairness and understanding, and with respect for their dignity, autonomy and needs.

**3.** Space must be provided in the residence for the elderly so that every resident can welcome visitors with respect for their privacy at all times.

**4.** Access of residents to recreational activities and community life is encouraged.

#### §2. Exchange of information

**5.** A document with the following information written in clear and simple terms and in minimum type size is to be given by the operator to a person wishing to enter the residence, to a close relative or to the person's legal representative:

- (1) the residence's vocation;
- (2) all the services offered in the residence, the cost of the services and, where applicable, an indication that the residence offers no personal assistance service;
- (3) the reception conditions of persons with a disability and the limits in respect of the accommodation capacity of such persons;
- (4) complaints management procedures;
- (5) the code of ethics applicable to the persons working in the residence;
- (6) the rules relating to claims provided for in government financial assistance programs when that management is entrusted to the operator; and
- (7) the operating rules of the residence.

**6.** When an elderly person enters the residence, the operator must establish a file in which the following information is entered:

- (1) emergency contact;
- (2) the resident's special needs;
- (3) the resident's health problems, including allergies;
- (4) the name of the attending physician;
- (5) the name of the resident's pharmacist; and
- (6) the name of the person in charge of the resident's file at the health and social services centre for the area of jurisdiction where the residence is situated.

If a person refuses to provide information referred to in the first paragraph, the operator must have the person sign a declaration certifying that fact. That declaration is kept in the file.

**7.** Personal information collected pursuant to this Regulation is to be kept in a manner as to ensure the protection of personal information in accordance with section 10 of the Act respecting the protection of personal information in the private sector (R.S.Q., c. P-39.1).

### *§3. Health and safety of residents*

**8.** The operator is to allow access of every resident to health services and social services and the assessment and follow-up of the resident's health condition and psychosocial needs.

**9.** The operator sees to it that every resident whose life or integrity is in danger receives the care and services required by the resident's condition.

**10.** Housekeeping of the residence, namely the common areas accessible to residents, is to be done in such a manner as to not endanger the health and safety of the residents.

**11.** If the operator notices a resident is behaving in a way that may harm the resident or other residents, or loss of cognitive autonomy associated with behavioural disorders, the resident's close relatives must be notified by the operator as soon as possible.

The operator may not resort to force, isolation, mechanical means or chemicals to place a person under control, except in an emergency situation to protect the person or others, temporarily or exceptionally, after ruling out other possibilities.

If the operator notices behaviour referred to in the first paragraph or if the operator has to resort, in an emergency situation, to one of the control measures referred to in the second paragraph, the operator must

immediately notify the health and social services centre for the area of jurisdiction where the residence is situated so that the resident's health condition may be assessed and a determination made of the measures to be taken.

**12.** The operator must notify the resident's close relatives when the resident's health condition requires care or services that are beyond the operator's capacity or obligations.

**13.** Every resident is to have a help button adapted to the resident's condition.

In addition, a safety device is installed to alert staff members when a resident showing cognitive deficits that could impair the resident's judgment leaves the residence.

**14.** At least one person of full age employed by the operator must be present at all times in the residence.

That person must have up-to-date training in

- (1) cardiopulmonary resuscitation;
- (2) standard first aid; and
- (3) moving patients safely.

The training referred to in the second paragraph must be provided by a certified person or organization.

**15.** The professional acts are to be performed in the residence by members in good standing of the professional order concerned.

The operator or a staff member may, however, without being a member of the professional order concerned, provide invasive care involved in assistance with activities of daily living in accordance with section 39.7 of the Professional Code (R.S.Q., c. C-26) or a regulation made under section 39.9 of the Code.

**16.** The operator is to apply the intervention protocols provided by the agency for its area of jurisdiction in the event of an accident or incident, death, inexplicable absence of a resident, onset of an infectious disease, for the prevention of an infection and in the event of heat waves.

The operator must ensure that staff members know the protocols.

**17.** A residence for the elderly is to have first-aid kits conspicuously identified with a distinguishing guise for rapid identification, that are kept clean, complete and in good condition, conveniently located not more than five minutes to and from the place where needed.

**18.** Devices and equipment used for providing health care and services to residents are to be maintained in good working order.

**19.** The operator is to establish and keep up to date a fire safety plan, in cooperation with the municipality's fire service.

The plan must be reviewed every time there is a change in the mobility status of a resident.

The fire safety plan must contain the following information:

(1) a list of the residents specifying for each the measure or measures to be taken to ensure they are evacuated to a safe place;

(2) a list of the staff members designated to apply the evacuation measures;

(3) the instructions to the person in charge;

(4) the instructions to the supervisory staff members;

(5) the location of the portable extinguishers and other fire protection equipment and evacuation routes to outside meeting places;

(6) a list of agreements entered into with organizations, establishments, institutions or individuals to obtain assistance in the event of evacuation of the residence and to take the evacuees in charge; and

(7) a list of telephone numbers to reach emergency services.

A copy of the fire safety plan must be kept near the main entrance for the person in charge of the emergency services. The evacuation instructions must be posted on every floor of the residence in a place accessible to the public. Every staff member must be informed of the content of the plan and of any special tasks in the event of evacuation.

#### *§4. Food and medication*

**20.** The operator that provides meals to residents must offer varied menus that follow Canada's Food Guide to Healthy Eating (Health Canada, Ottawa) as it reads at the time of its application.

The operator must follow the physician's orders for meals to be served to a resident on a special diet prescribed by the physician.

**21.** The operator must encourage self-administration.

If a resident self-administers medication but chooses to use the distribution service, the operator must respect the following rules:

(1) a person in charge is designated to supervise the distribution of medication;

(2) medication, in the name of each resident, is to be stored under lock and key, in a cupboard reserved for that purpose or, if required, in a refrigerated area; and

(3) the person distributing medication must ensure that the person to whom the medication is distributed is the person to whom the medication is intended.

**22.** The operator or a staff member must, when administering medication, comply with the rules in section 21 and do so in accordance with section 39.8 of the Professional Code or a regulation made under section 39.9 of the Code.

**23.** The operator may make commonly used over-the-counter medications available to its residents. The medications must be kept in the manner provided in subparagraph 2 of the second paragraph of section 21.

A list of the medications and rules governing their use must be determined, on the operator's request, by a pharmacist. The list and rules must be reviewed at least once every two years and not more than six months before each renewal application for a certificate of compliance.

As soon as an operator distributes one of the medications to a resident, the operator must enter that fact in a book used for that purpose.

#### *§5. Requirements*

**24.** The operator must ensure that

(1) engaging in retail or restaurant activities or providing services for remuneration in a residence does not endanger the health or safety of residents by not complying with the Food Products Act (R.S.Q., c. P-29) or a regulation made under that Act;

(2) the health or safety of residents is not endangered by accommodating them in an immovable that does not comply with the standards in a municipal by-law regarding hygiene, sanitation, safety or construction, adopted by the municipality for the area of jurisdiction where the residence for the elderly is situated; and

(3) the health and safety of residents is not endangered by accommodating them in an immovable that does not comply with the standards set out in the Public Buildings Safety Act (R.S.Q., c. S-3), the Building Act (R.S.Q., c. B-1.1) or a regulation made under those Acts.

#### §6. *Liability insurance*

**25.** The operator must hold and maintain liability insurance in an amount that enables the operator to satisfy a claim arising out of the operator's civil liability.

#### §7. *Exemption*

**26.** The provisions of subparagraphs 4 to 6 of the first paragraph of section 6, sections 14, 16, 18, 21 and 22 do not apply to the operator of a residence for the elderly that offers no personal assistance service.

Personal assistance services are personal hygiene, eating aid, mobility aid, transfer aid and distribution of medications.

**27.** This Regulation comes into force on 1 February 2007.

7830

## Draft Regulation

Highway Safety Code  
(R.S.Q., c. C-24.2)

### Fees exigible and return of confiscated objects — Amendments

Notice is hereby given under sections 10 and 22 of the Regulations Act (R.S.Q., c. R-18.1) that the "Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects" enacted by the Société de l'assurance automobile du Québec, the text of which is reproduced hereunder, may be submitted for approval to the government on the expiry of a period of 45 days from this publication.

This project modifies the fees for the issue of a driver's licence to take into consideration the fact that all categories of licence may be issued from now on in plastic form and the regulation clarifies the fees applicable to a licence issued in paper form.

This draft Regulation also repeals the provisions concerning the fees for the issue of a plastic driver's licence with a photograph supplied by the holder, because following an amendment to the Highway Safety Code

under by chapter 2 of the Laws of Québec of 2004, such a photograph must always be taken with the Société's equipment.

In addition, the provisions of the regulation are updated as far as the issue of a driver's licence to a new resident is concerned to take into consideration the changes made to the sections of the Highway Safety Code by chapter 29 of the Laws of Québec of 2002.

These changes apply to all citizens and should not increase the costs to be paid by them, as it will always be possible to apply for the issue of a learner's licence or of a restricted licence in paper form. The other amendments are only technical and concordance modifications.

For additional information, contact Mr. Daniel MacDuff, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C-3-21, C. P. 19600, Québec (Québec) G1K 8J6; telephone 418 528-3243.

Any person interested in making comments about this regulation is requested to forward them in writing before the end of the time limit to the President of the Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-2, C. P. 19600, Québec (Québec) G1K 8J6.

JOHN HARBOUR,  
*President of the Société de  
l'assurance automobile du Québec*

## Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects\*

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 624, subpars. 3, 4, 5 and 11  
of the first paragraph)

**1.** Section 4 of the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects is amended by:

\* The last amendments to the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects, approved by Order in Council 646-91 dated 8 May 1991 (1991, *G.O.* 2, 1695) were made by the regulation approved by O.C. 229-2005 dated 23 March 2005 (2005, *G.O.* 2, 779). For prior amendments, see the "Tableau des modifications et Index sommaire", Éditeur officiel du Québec, 2006, updated to 1 April 2006.