

140.4. The Board may, where the manager fails to comply with the requirements of section 64, 64.1, 74.3 or 77.1, after prior notice to the manager, impose a maximum financial penalty of \$25,000.

140.5. The Board may, during an intervention required after the manager of a guarantee plan fails to comply with the management policies adopted by the board of directors of the Board, after prior notice to the manager, impose a maximum financial penalty of \$25,000.

140.6. The Board may, where the manager fails to comply with the requirements of sections 22 and 38, after prior notice to the manager and failure by the manager to provide reasons, impose a financial penalty equivalent to twice the amount set by the arbitrator.

140.7. The Board takes into account the frequency and seriousness of the failure of the manager to fulfil the manager's obligations to establish the amount of the administrative penalty.

140.8. The amounts of the administrative penalties are paid to the Board.”

53. Sections 141 to 144 are revoked.

54. Schedule 1 is revoked.

TRANSITIONAL

55. This Regulation comes into force on 1 January 2013. The Board may initiate the authorization process of a non-profit legal person to act as manager as soon as this Regulation is published under section 15 of the Regulations Act (R.S.Q., c. R-18.1) and as soon as it is authorized, the manager may start the accreditation process of contractors.

The indexation of the limits of the guarantee provided for in sections 5, 6 and 18 of the Regulation only applies to buildings whose construction work began after 1 January 2013, to the extent where the preliminary contract or contract of enterprise between a beneficiary and an accredited contractor is signed after that date.

56. Guarantee managers have 1 year from the date of coming into force of this Regulation to require from accredited contractors, on renewal of the accreditation, the new amounts of security provided for in sections 43 and 44.

57. A non-profit legal person filing its application for authorization within 30 days after the Regulation is published under section 15 of the Regulations Act may, to obtain the authorization, benefit from the following measures in respect of the application of criteria of solvency:

(1) the contribution required in section 30 of this Regulation may, during the first 8 years, be constituted of assets loaned by a third person and the amount of the loan or the balance of the loan does not have to be considered in the calculation of the liabilities of the guarantee manager; the loan must meet the following conditions:

(a) the loan may not be called in by the lender;

(b) the interest on the loan is payable annually and the interest rate on the loan is not more than 5%;

(c) in case of closure or discontinuance of activities by the manager, the loan and interest accrued, if applicable, will be repaid only if the other criteria of solvency of the manager provided for in the Regulation are met;

(2) the non-profit legal person may, until 1 January 2018, file with the Board a true copy of the text of any insurance or equivalent guarantee invoked to reduce by \$1,000,000 the amount of \$1,500,000 or invoked to reduce by \$1,000,000 the amount of the surplus required in the net assets provided for in section 48. The insurance or equivalent guarantee must be accepted by the Board.

58. To benefit from an authorization on 1 January 2013, an application for authorization must be filed within 30 days after the Regulation is published under section 15 of the Regulations Act.

2077

Draft Regulation

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

Conditions for obtaining a certificate of compliance and the operating standards for a private seniors' residence

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 and the operating standards for a private seniors' residence, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation completes the subdivision of the Act respecting health services and social services with regard to the powers of a health and social services agency to certify private seniors' residences, by setting out rules for its application. It revokes the Regulation respecting the conditions for obtaining a certificate of

compliance for a private seniors' residence (R.R.Q., c. S-4.2, r. 5). The draft Regulation defines the categories of private seniors' residences and specifies the conditions that a person must fulfill and the information and documents that the person must provide to obtain a temporary certificate of compliance in order to begin operating a residence. The draft Regulation also sets out the health and social criteria to be respected by the operator of a private seniors' residence to obtain a certificate of compliance, along with the operating standards for a residence.

The draft Regulation applies to around 2,200 private seniors' residences and will have recurrent and non-recurrent financial repercussions for their operators, who will be required to comply with stricter health and social criteria and operating standards, in particular in connection with staff training and the verification of judicial records.

Further information may be obtained by contacting Nathalie Arcand, interim associate director general, Direction générale adjointe des personnes âgées, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, Québec (Québec) 6^e étage, G1S 2M1; telephone: 418 266-6893; fax: 418 266-2243; email: nathalie.arcand@msss.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister for Social Services, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

YVES BOLDUC,
*Minister of Health and
Social Services*

DOMINIQUE VIEN,
*Minister for
Social Services*

Regulation respecting the conditions for obtaining a certificate of compliance and the operating standards for a private seniors' residence

CHAPTER I GENERAL PROVISIONS, DEFINITIONS AND SCOPE

I. For the purposes of the Act and of this Regulation,

(1) “meal services” means the supply, on a daily basis, of one or more meals;

(2) “personal assistance services” means one or more of the following services:

(2.1) feeding, daily personal hygiene, dressing and bathing assistance services;

(2.2) the invasive care services involved in assistance with activities of daily living or the administration of medication dispensed in accordance with paragraph 2 of section 31 and section 32;

(2.3) medication distribution services;

(3) “nursing care” means care provided in the course of the professional activities that nurses and nursing assistants are authorized to exercise under an Act or regulation, and the care provided during the exercise of such activities by any other person authorized to exercise them under an Act or regulation;

(4) “domestic help services” means housekeeping services in rooms or apartments, and laundry services for clothing and bedding;

(5) “security services” means the full-time presence in a residence of a staff member providing supervision or the supply to residents of a call-for-help system allowing residents to contact a person physically present in the residence;

(6) “recreation services” means organized recreation or entertainment services to promote socialization, in particular in the form of physical, mental, social or creative activities;

(7) “accident” means an action or situation in which a risk is realized that has, or could have, consequences for the health or well-being of a resident, staff member, professional or third person;

(8) “incident” means an action or situation that has no consequences for the health or well-being of a resident, staff member, professional or third person but that has an unusual outcome or could, in other circumstances, have had consequences;

(9) “care attendant” means any person, including the operator if applicable, who, in performing duties in the residence, intervenes directly with residents to provide assistance, support, supervision or aid, except a volunteer or any member of a professional order;

(10) “related person” means any person related to the operator by blood, marriage, civil union or de facto union.

2. Every private seniors' residence belongs to one of the following categories:

(1) the category of residences offering services for independent elderly persons, meaning any residence providing, in addition to the leasing of rooms or apartments, services in at least 2 of the following categories: meal services, domestic help services, security services and recreation services;

(2) the category of residences offering services for semi-independent elderly persons, meaning any residence providing, in addition to the leasing of rooms or apartments, services in at least 2 of the following categories: meal services, personal assistance services, nursing care, domestic help services, security services and recreation services; at least 1 of the services provided must be in the category of personal assistance services or nursing care.

3. Despite section 2, a residence may belong to both the category of residences offering services for independent elderly persons and the category of residences offering services for semi-independent elderly persons.

In such a case, the rental units for each residential category must be located in separate parts of the residence.

The operator of such a residence must, for each category of residence operated, comply with all the criteria and standards applicable under the Act or this Regulation.

4. This Regulation and Subdivision 2.1 of Division II of Chapter I of Title I of Part III of the Act do not apply to the operator of a private seniors' residence housing fewer than 5 related persons exclusively.

5. Sections 3, 14, 17 to 20, 37, 49, 57, the second paragraph of section 64 and sections 65 and 70, do not apply to the operator of a private seniors' residence housing fewer than 6 residents.

6. Sections 3 and 20 as well as the second paragraphs of sections 64 and 65 do not apply to the operator of a private seniors' residence housing 6 or more residents but that has fewer than 10 rooms or apartments.

In addition, section 14 does not apply to the operator of such a residence if it provides services for independent elderly persons.

7. In addition to the information listed in the third paragraph of section 346.0.1 of the Act, a health and social services agency must collect and update the following information in order to establish and maintain the register of private seniors' residences:

(1) the date on which the residence opened;

(2) where applicable, the business number assigned to the operator by the enterprise registrar under the Act respecting the legal publicity of enterprises (R.S.Q., c. P-44.1);

(3) for each work shift, the number of staff members responsible for providing personal assistance services, the number of nurses and nursing assistants present in the residence, and the total number of staff members present in the residence.

In addition, the information on the building that the agency must collect and keep up to date for the purposes of the register in accordance with the third paragraph of section 346.0.1 of the Act must include the number of floors in the residence and the type of elevator with which it is equipped.

8. For the purposes of section 346.0.20.1 of the Act and in addition to the words "private seniors' residence", a congregate residential facility may not be operated under a name that includes the words listed in Schedule I unless the operator holds a certificate of compliance or a temporary certificate of compliance.

9. The operator of a private seniors' residence must ensure compliance, within the private seniors' residence, with all the provisions of this Regulation.

CHAPTER II TEMPORARY CERTIFICATE OF COMPLIANCE

10. In addition to the conditions set out in the Act, any person or partnership applying for a temporary certificate of compliance must meet the following conditions:

(1) neither the person or partnership, nor any officer of the residence, may have held a temporary certificate of compliance or a certificate of compliance that, in the 3 years prior to the application, was revoked or was not renewed pursuant to section 346.0.11 of the Act;

(2) neither the person or partnership, nor any officer of the residence, may, in the 3 years prior to the application, have been refused the issue of a certificate of compliance pursuant to the Act;

(3) neither the person or partnership, nor any officer of the residence, may, in the 3 years prior to the application, have been found guilty of an offence under section 531.1 of the Act.

11. Any person or partnership applying for a temporary certificate of compliance must provide the agency with the following information and documents:

(1) the name and contact information of the applicant person or partnership and the officers of the residence;

(2) the address where the applicant wishes to receive correspondence, if different from the address provided for the applicant under subparagraph 1;

(3) the name and address of the residence for which the application is made;

(4) where applicable, the name of any residence or residences for which the applicant holds or has held a temporary certificate of compliance or a certificate of compliance;

(5) where applicable, a copy of the registration declaration filed in the enterprise register pursuant to the Act respecting the legal publicity of enterprises, and the business number assigned to the applicant;

(6) the category or categories of the private seniors' residence that the applicant intends to operate;

(7) a description of the target clientele, of all the services to be offered in the residence and their cost, and of the residence's capacity for providing services and accommodating persons with a disability;

(8) the number of rental units planned for the residence, specified in terms of rooms and apartments;

(9) a written declaration by the applicant and by each officer of the residence and, where applicable, by each director, stating that they are aware of all the relevant provisions of the Act and this Regulation and that they undertake to comply or ensure compliance with those provisions from the beginning of the period of validity of the temporary certificate of compliance;

(10) a written declaration by the applicant and by each officer of the residence and, where applicable, by each director, who is, or has been, charged with or convicted of an indictable or other offence, unless a pardon has been obtained, along with all the information required for the verification of the declaration by a police force and written consent, from the person concerned, to the verification and to the disclosure of the results of the verification to the agency;

(11) an attestation from the municipality where the residence is situated that the project does not violate any zoning by-law;

(12) an attestation from a professional, such as an architect or engineer, confirming that the building or part of a building that will be used for the residence complies with the requirements of the Construction Code (c. B-1.1, r. 2) and any other regulatory provision made under the Building Act (R.S.Q., c. B-1.1) or the Public Buildings Safety Act (R.S.Q., c. S-3) concerning such use.

In addition, where the application is made by a legal person or a partnership, the applicant must provide

(1) a certified copy of its constituting act or partnership agreement, as the case may be;

(2) a copy of the initial declaration filed in the enterprise register under the Act respecting the legal publicity of enterprises (R.S.Q., c. P-44.1);

(3) a certified copy of the resolution authorizing the application.

CHAPTER III HEALTH AND SOCIAL CRITERIA

DIVISION I CRITERIA APPLICABLE TO ALL RESIDENCES

§1. *General*

12. The operator of a private seniors' residence must, before accepting a resident, sign with the resident or the resident's representative, if applicable, a written lease using the relevant form prescribed by paragraph 4 or 5 of section 1 of the Regulation respecting mandatory lease forms and the particulars of a notice to a new lessee (c. R-8.1, r. 3). In every case, the operator must also use the form prescribed by section 2 of the Regulation.

The lease must be signed in the presence of both parties.

13. The operator of a private seniors' residence must hold and maintain current liability insurance in a sufficient amount to cover any claim resulting from the operator's civil or professional liability.

The operator must also hold and maintain current a separate insurance contract covering the liability of the residence's directors and officers, where applicable.

The documents showing coverage under this section must be kept in the residence and made accessible to any person authorized to see them.

§2. Residents' health and safety

14. The operator of a private seniors' residence must make a call-for-help system available to each resident, enabling the resident to obtain, quickly and at all times, assistance from the person responsible for emergency calls. The person must be physically present in the residence.

The call-for-help system may be fixed or mobile. If it is fixed, it must be accessible from the resident's bed, in each of the private bathrooms attached to the room or apartment, and in each shared bathroom of the residence. If it is mobile, the resident or the resident's representative, if applicable, may refuse its use in writing.

15. The operator of a private seniors' residence must establish a fire safety plan and keep it up to date.

The fire safety plan must contain, as a minimum,

(1) the maximum time allowed to evacuate all residents;

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

(3) the phone numbers of the people who must be alerted in the event of a fire in order to provide housing for the residents;

(4) the names of the staff members responsible, on each work shift, for applying the evacuation measures, and a description of their tasks;

(5) a list of all firefighting equipment;

(6) a sketch of each floor of the residence, showing the evacuation routes and the location of firefighting equipment;

(7) the names and contact information of all organizations, establishments, institutions or individuals that have undertaken to provide assistance in the event of an evacuation of the residence and to take charge of the persons evacuated, along with a copy of the agreements signed;

(8) a list of telephone numbers for the emergency services;

(9) observation reports from the evacuation drills carried out during the 3 previous years, if available.

The operator establishes the fire safety plan using the guide "La prévention des incendies et l'évacuation des résidences hébergeant des personnes âgées" and its supplement, published by the Ministère de la Sécurité publique.

A copy of the plan, without the information and sketch mentioned in subparagraphs 4 and 6 of the first paragraph, the copies of agreements mentioned in subparagraph 7 and the reports mentioned in subparagraph 9 of the first paragraph, must be kept near the main entrance of the residence for use by the emergency services. The information mentioned in subparagraph 4 of the first paragraph must be kept in a place accessible to staff members, and the sketch mentioned in subparagraph 6 of the first paragraph must be posted on each floor of the residence in a place accessible to the public.

All staff members must be informed regularly of the content of the plan and of the specific tasks they are to perform in the event of an evacuation.

16. All dangerous products must be stored in a secure storage space under lock and key.

17. The operator of a private seniors' residence must establish, publicize and enforce, within the residence, the procedures for the topics dealt with in Schedule II that set out the minimum actions to be taken.

18. The operator must make staff members aware of the "Guide de prévention des infections dans les résidences privées pour aînés" published by the Direction générale de la santé publique.

19. The operator must ensure that staff members attest, in writing, that they are aware of the procedures and Guide mentioned in sections 17 and 18, respectively.

The attestations must be placed in the files kept pursuant to section 67.

§3. Residence staff

20. The operator of a private seniors' residence must, for all new employees, draw up and apply a reception and job induction program to familiarize the employees with their new work environment and job tasks.

21. Every care attendant must, not later than 1 year after starting work, have successfully completed the training given by the recognized persons or bodies listed in Schedule III of this Regulation, and have acquired the skills mentioned in that Schedule in each of the following subjects:

- (1) cardiopulmonary resuscitation;
- (2) standard first aid;
- (3) the safe movement of persons.

The certification for the training must be maintained valid and up to date.

22. Every care attendant must, not later than 1 year after starting work, hold a vocational education diploma recognized by the Ministère de l'Éducation, du Loisir et du Sport in the fields of "Assistance in Health Care Facilities" or "Home Care Assistance" or, subject to the complementary skills mentioned in section 34, hold an official document issued by a school board certifying competency in

(1) identifying the responsibilities and obligations of a care attendant and behaving and intervening in a manner consistent with professional ethics with regard to residents' rights;

(2) identifying the needs of elderly persons, recognizing the physical and physiological changes associated with normal aging, and taking into account the functional consequences of vision, hearing and expression problems such as aphasia, as well as their impact on residents' needs, in particular as part of the activities of daily living;

(3) applying basic practices to prevent infection and contamination.

23. The Minister of Health and Social Services may exempt a person from holding a diploma or document mentioned in section 22 if

(1) the person has been enrolled for at least 1 year in a program leading to qualification as a nurse or nursing assistant;

(2) the person has 3 or more years of continuous, full-time experience in providing assistance, support, supervision or aid in direct interventions, and acquired that experience as

(2.1) a care attendant or equivalent in a community organization or private seniors' residence;

(2.2) a beneficiary care attendant in an institution or intermediate resource, or as the person responsible for an intermediate resource or family-type resource within the meaning of the Act, provided the resource housed elderly persons and the person performed tasks in the resource that involved providing assistance and support services;

(2.3) a family and social auxiliary or a home care auxiliary in an institution operating a local community service centre or rehabilitation centre, or in a social economy enterprise.

For the purposes of subparagraph 2 of the first paragraph, 1 year of experience corresponds to 1,664 hours of paid work.

§4. Judicial record

24. The staff members of a private seniors' residence and the volunteers working in the residence must not be charged with or have been convicted of an indictable or other offence connected with the aptitudes and conduct required to work in the residence, unless, in the case of a conviction, a pardon has been obtained.

25. Every person wishing to join the staff of a private seniors' residence or to work there as a volunteer must, before beginning work, provide the operator with a declaration concerning any charge or conviction relating to an indictable or other offence for which, in the case of a conviction, a pardon has not been obtained.

The declaration must contain all the information required for verification by a police force and include written consent to the verification and to the disclosure of the results of the verification to the operator.

The operator must have the declaration referred to in the first paragraph verified before the staff member or volunteer begins work.

26. The verification of a judicial record under section 25 must be repeated when

(1) the staff member or volunteer is charged with or convicted of an indictable or other offence;

(2) the operator or the agency so requires.

Similarly, when a new director or officer is appointed, the operator must, within 60 days, provide the agency with the declaration and consent of the director or officer, as described in subparagraph 10 of the first paragraph of section 11.

27. The operator of a private seniors' residence must, without delay, inform the agency if the operator, or one of the directors or officers, is charged with or convicted of an indictable or other offence.

28. The operator of a private seniors' residence must keep, in the residence, all the declaration and consent documents referred to in subparagraph 10 of the first paragraph of section 11, the first and second paragraphs of section 25 and the second paragraph of section 26, along with the results of the verifications of those documents.

DIVISION II SPECIAL CRITERIA FOR PRIVATE SENIORS' RESIDENCES OFFERING SERVICES FOR INDEPENDENT ELDERLY PERSONS

§1. Residents' health and safety

29. Subject to any other legislative or regulatory provisions requiring the presence of a larger number of persons in a residence, at least 1 person must be present, at all times, in a residence covered by this Division that has fewer than 200 rooms or apartments, in order to provide supervision. If the residence has 200 or more rooms or apartments, the minimum number of persons is 2.

Every person providing supervision pursuant to the first paragraph must be a staff member, of full age and, even if the person is not a care attendant, have successfully completed the training mentioned in section 21 and hold a diploma or document certifying competency as required in section 22, or an exemption granted by the Minister pursuant to section 23.

DIVISION III SPECIAL CRITERIA FOR PRIVATE SENIORS' RESIDENCES OFFERING SERVICES FOR SEMI-INDEPENDENT ELDERLY PERSONS

§1. Residents' health and safety

30. The operator of a residence covered by this Division must take measures to prevent residents prone to wandering from leaving the residence or its grounds.

The operator must also complete an information sheet, with the resident or the resident's representative, if applicable, describing the resident's general profile and physical characteristics, and accompanied by a recent photograph. The operator must use the information sheet, if available, to facilitate search operations by the police force covering the area. Once completed, the information sheet must be kept in the file referred to in section 44.

31. All professional activities in a residence covered by this Division must be performed by members in good standing of the professional order concerned or by persons who, without being members of the professional order concerned, are authorized to perform such activities by an Act or regulation.

The operator or a member of the operator's staff may, without being a member of the professional order concerned, provide the invasive care involved in assistance with activities of daily living that is required on a sustained basis for the maintenance of health in accordance with section 39.7 of the Professional Code (R.S.Q., c. C-26) or a regulation made pursuant to section 39.9 of the Code.

32. The operator of a residence covered by this Division, or a member of the operator's staff, may only administer prescribed ready-to-administer medications in accordance with section 39.8 of the Professional Code (R.S.Q., c. C-26) or a regulation made pursuant to section 39.9 of the Code.

33. Subject to any other provisions requiring the presence of a larger number of persons in a residence, at least 1 person must be present, at all times, in a residence covered by this Division that has fewer than 100 rooms or apartments, in order to provide supervision. If the residence has 100 to 199 rooms or apartments, the minimum number of persons is 2; if the residence has 200 or more rooms or apartments, the minimum number of persons is 3.

Every person providing supervision pursuant to the first paragraph must be a staff member, of full age and, even if the person is not a care attendant, have successfully completed the training mentioned in section 21 and hold a diploma or document certifying competency as required in sections 22 and 34, or an exemption granted by the Minister pursuant to section 23.

§2. Residence staff

34. A document issued under section 22 must, in the case of a care attendant in a residence covered by this Division, in addition to certifying competency, certify the following complementary skills:

(1) apply basic care procedures, in particular as part of the activities of daily living;

(2) identify the needs of an elderly person, recognize the physical and physiological changes connected with normal aging and take into account the functional consequences of illness, physical and mental disability and cognitive impairment and their impact on the needs of the elderly, in particular as part of the activities of daily living.

The exemption provided for in section 23 may cover these complementary skills and the diploma referred to in section 22 must certify them.

35. The operator of a residence covered by this Division must be able to provide the services of a nurse or nursing assistant who is a member in good standing of the relevant professional order, whether as a staff member, under a service contract or an agreement signed pursuant to section 40.

CHAPTER IV OPERATING STANDARDS

DIVISION I STANDARDS APPLICABLE TO ALL RESIDENCES

§1. *General*

36. All residents must be treated with courtesy, fairness and understanding, and with respect for their dignity, autonomy and needs.

The same applies to all residents' close relatives.

37. The operator of a private seniors' residence must adopt a code of conduct, for all the residence's directors, staff members and volunteers and any other person working in the residence, setting out expected practices and behaviour toward residents and specifying, as a minimum,

- (1) the right of residents and close relatives to be treated with respect and courtesy;
- (2) the right to information and freedom of expression;
- (3) the right to confidentiality and discretion;
- (4) the prohibition preventing the operator, staff members, volunteers and any other person working in the residence from accepting donations or bequests from a resident made while the resident is or was housed at the residence, or from soliciting residents in any way.

The persons mentioned in the first paragraph must undertake, in writing, to comply with the code of conduct. The undertaking made by a staff member must be placed in the file kept pursuant to section 67.

The operator must ensure compliance with the code of conduct within the residence.

38. The operator of a private seniors' residence must offer and maintain all the services listed in the lease and the appendix to the lease for the full duration of the lease without increasing the cost or decreasing the provision of the services.

39. The operator of a private seniors' residence registered in the enterprise register must send to the agency any updating declaration the operator files under the Act respecting the legal publicity of enterprises.

40. The operator of a private seniors' residence must sign an agreement with the local authority in the territory where the residence is located setting out how health services and social services will be dispensed to the residents by the local authority.

41. The documents referred to in section 28 must be kept for at least 3 years after the date on which a director, officer, staff member or volunteer leaves.

In the case of a staff member, the documents must be placed in the file referred to in section 67.

§2. *Visits to see residents and access to health services and social services*

42. The operator of a private seniors' residence must allow the residents to receive visits from visitors at all times.

The operator must ensure that the layout of the residence allows visits to take place in a way that respects the residents' privacy.

43. The operator of a private seniors' residence must allow health and social services workers to have access to residents at all times, in particular to assess their psychosocial needs, monitor their state of health and provide care or services.

§3. *Residents' files*

44. The operator of a private seniors' residence must keep a file for each resident containing, in particular,

- (1) the resident's name, date of birth and contact information;
- (2) where applicable, the contact information of the resident's representative and a description of the acts that the representative is allowed to perform for the resident;
- (3) a copy of the lease signed with the resident or the resident's representative, where applicable;
- (4) the consent obtained by the operator for each disclosure of personal information concerning the resident;
- (5) a record that the notice referred to in section 63 has been given;

(6) the contact information of a person to be contacted in the event of an emergency;

(7) a description of the resident's specific needs;

(8) a description of the resident's health problems that must be taken into account in the event of an emergency, including any allergies;

(9) the name and contact information of the resident's attending physician and pharmacist;

(10) a copy of any incident or accident report concerning the resident made under section 58;

(11) a record of any disclosure concerning the resident made under section 60;

(12) a written refusal to use a mobile call-for-help system obtained by the operator pursuant to the second paragraph of section 14, where applicable;

(13) the information referred to in paragraph 3 of sections 79 and 80, where applicable;

(14) any other information or document that must be placed in the resident's file pursuant to this Regulation.

The information contained in a resident's file must be kept up to date.

If a person refuses to provide information required under the first paragraph, the operator must have the person sign a declaration to that effect. The declaration must be kept in the file.

45. The information listed in subparagraphs 5 to 11 of the first paragraph of section 44, and the information sheet referred to in the second paragraph of section 30, must be kept separately in the resident's file so that it can be consulted quickly.

46. All residents' files must be kept in the residence in a safe manner that ensures that they remain confidential.

They must be accessible quickly in an emergency or when requested by a person authorized to consult them.

47. The operator of a private seniors' residence must protect the confidentiality of the personal information held, and may give access to personal information only in accordance with the Act respecting the protection of personal information in the private sector (R.S.Q., c. P-39.1).

The operator must keep a resident's file for at least 5 years after the resident's departure or death.

§4. Information given to residents

48. The operator of a private seniors' residence must inform the residents that they are entitled, in accordance with paragraph 1 of section 60 of the Act, to address a complaint directly to the agency concerning the services that the resident received or ought to have received from the residence.

The operator must post information about the exercise of the right, visibly and in an accessible place, including the information that a complaint may be sent to the regional service quality and complaints commissioner and the contact information of the commissioner.

49. The operator of a private seniors' residence must, before signing a lease, give a prospective resident, or the prospective resident's representative, if applicable, a document drafted in simple and clear terms specifying

(1) the category to which the residence belongs;

(2) all the services provided in the residence, with their cost;

(3) the conditions on which persons with a disability may be admitted and the accommodation capacity for such persons;

(4) the operating rules for the residence;

(5) the fact that any resident may file a complaint with the agency for the region concerning the services that the resident received or ought to have received from the residence;

(6) the fact that the operator applies an incident and accident reporting and disclosure procedure;

(7) the tools that must be used to assess a resident's autonomy.

The operator also gives the person referred to in the first paragraph the code of conduct adopted pursuant to section 37, along with a copy of the recreational activities schedule for the current month referred to in the second paragraph of section 65.

§5. Residents' health and safety

50. The operator of a private seniors' residence must, before signing a lease, identify, with the prospective resident or the prospective resident's representative, the services that the prospective resident wishes to obtain.

The services must be identified using a table or grid showing all the services offered in the residence and detailing the cost of each service, whatever the means of payment used.

51. The operator of a private seniors' residence must not endanger the health or safety of residents by contravening

(1) the Food Products Act (R.S.Q., c. P-29) or a regulation made under it while acting as a retailer or restaurateur or while offering services through a sub-contractor who contravenes that Act or a regulation made under it;

(2) any standard contained in a regulation or by-law, such as a municipal hygiene, sanitation, safety including fire safety, or construction by-law applicable in the territory where the residence is located;

(3) the Public Buildings Safety Act (R.S.Q., c. S-3) or Building Act (R.S.Q., c. B-1.1), or a regulation made under either Act.

52. The operator of a private seniors' residence must keep in the residence, for at least 3 years, the orders, remedial notices and other documents of the same type issued to the operator by any authority responsible for the application of one of the Acts or regulations referred to in section 51, along with proof that the operator has complied with them by taking the appropriate remedial action, where applicable.

53. The operator of a private seniors' residence must ensure that any resident whose life or integrity is in danger receives the necessary care and services.

54. The operator of a private seniors' residence must see to the regular housekeeping of the residence, in particular in the common areas accessible to residents, in a way that does not endanger their health or safety.

55. Every private seniors' residence must be equipped with mobile first-aid kits, maintained clean, fully stocked and in good condition, that are easily accessible to the staff and conspicuously marked for rapid identification.

56. No medication, even over-the-counter medication, may be sold or placed at the disposal of residents by the operator of a private seniors' residence.

In addition, subject to the second paragraph of section 76, no medication may be kept in any place outside the residents' rooms or apartments.

57. To correct or reduce the frequency of situations creating a risk, the operator must keep a register of the incidents or accidents that occur in the residence and involve a resident.

The operator must designate a person responsible for keeping the register.

58. Every staff member at a private seniors' residence and every professional working in the residence must report in writing, to the person responsible for keeping the register, any incident or accident observed by the staff member or professional.

The report must include, if known,

(1) the date and time of the incident or accident and the place where it occurred;

(2) the nature of the incident or accident;

(3) a description of the facts and a list of the witnesses to the incident or accident;

(4) the circumstances in which the incident or accident occurred;

(5) the actions taken and the persons notified in the residence following the incident or accident;

(6) the immediate consequences of the incident or accident;

(7) any recommendations that the person making the report considers relevant.

Every volunteer or other person working in the residence must advise a staff member without delay of any incident or accident observed and, with the help of a staff member if required, report it to the person responsible for keeping the register, in accordance with the first and second paragraphs.

59. The person responsible for keeping the register of incidents and accidents must inform the operator of the private seniors' residence, without delay, of any incident or accident.

The operator must take the necessary steps to correct or reduce the frequency of situations creating a risk.

60. The operator of a private seniors' residence or the person designated by the operator must disclose any accident to the residents and their representatives, where applicable, and to the persons to be contacted in the event of an emergency.

The operator or person designated by the operator must ensure that the residents and other persons referred to in the first paragraph have received all relevant information about the accident, that their questions have been answered, and that steps have been taken to allow residents to obtain all necessary assistance.

61. If the operator of a private seniors' residence notices that a resident is behaving unusually or in a way that may harm the resident or another person, or notes a loss of cognitive autonomy associated with behavioural disorders, the operator must notify the resident's representative, if applicable, and the person to be contacted in the event of an emergency. If that person cannot be reached in time, the operator must notify a close relative.

62. The operator of a private seniors' residence who intends to proceed with or request an assessment of a resident's autonomy, or of the autonomy of a prospective resident, must ensure that the assessment is conducted using the Prisma-7 questionnaire and the functional autonomy measurement system (système de mesure de l'autonomie fonctionnelle, or SMAF).

No tool other than one mentioned in the first paragraph may be used to conduct an assessment.

63. The operator must notify a resident and, with the resident's consent, the local authority concerned, if the resident's state of health requires care or services that are beyond the operator's capacity or represent, in the opinion of the fire service, a risk for the residence's evacuation capacity.

If the resident is unable to give consent, the operator must notify the resident's representative, if applicable, and the person to be contacted in the event of an emergency. If either person cannot be reached in time, the operator must notify a close relative.

§6. Residents' food and recreation

64. The operator of a private seniors' residence who provides meal services for the residents must offer varied menus that conform to Canada's Food Guide, published by Health Canada.

The operator must maintain a list of menus covering a minimum period of 3 weeks and post it visibly in an accessible place for consultation by residents and close relatives.

65. The operator of a private seniors' residence must offer residents organized recreation and entertainment activities that are varied and adapted to the client profile for the residence, and that promote socialization.

The operator must post, at the end of each month, a schedule of recreational activities covering a period of at least 1 month, visibly and in an accessible place, for consultation by residents and close relatives.

§7. Residence staff

66. The operator of a private seniors' residence must maintain in the residence, at all times, sufficient staff to respond adequately to the residents' needs and to the commitments made to residents in a lease signed pursuant to section 12.

67. The operator of a private seniors' residence must establish a file for each staff member and keep it up to date.

The file must be kept in the residence and must contain, in addition to the other information that must be placed in the file pursuant to this Regulation, a description of the staff member's tasks, a summary of the staff member's skills, certification of those skills, and proof that the staff member has successfully completed the training required under this Regulation.

The first paragraph of section 46 and section 47, with the necessary modifications, apply to the files established for staff members.

DIVISION II

SPECIAL STANDARDS APPLICABLE TO PRIVATE RESIDENCES OFFERING SERVICES FOR INDEPENDENT ELDERLY PERSONS

§1. General

68. The operator of a residence covered by this Division cannot accept an elderly person who, at the time of arriving at the residence, has a cognitive disorder that makes constant supervision necessary, unless the supervision is provided by a third party.

69. Force, isolation, mechanical means and chemical substances may not be used as a control measure for a person housed in a private seniors' residence covered by this Division.

§2. Information given to residents

70. In addition to the information listed in the first paragraph of section 49, the document that the operator of a residence covered by this Division must give to a prospective resident or the prospective resident's representative, if applicable, must state that no nursing services and no personal assistance services are provided.

DIVISION III
SPECIAL STANDARDS APPLICABLE TO PRIVATE
RESIDENCES OFFERING SERVICES FOR
SEMI-INDEPENDENT ELDERLY PERSONS

§1. General

71. An agreement signed pursuant to section 40 by the operator of a residence covered by this Division and the local authority in the territory where the residence is located must set out the conditions and procedures for the application of sections 39.7 and 39.8 of the Professional Code (R.S.Q., c. C-26) and the provisions of the regulation made pursuant to section 39.9 of the Code, where applicable.

§2. Residents' files

72. In addition to the information and documents listed in the first paragraph of section 44, the operator of a residence covered by this Division must record in each resident's file

(1) the name and contact information of the person responsible for monitoring the resident at the local authority concerned, where applicable;

(2) a description of the resident's health problems that must be taken into account in the services provided to the resident in the residence;

(3) the distribution procedure for the resident's medication, where applicable;

(4) the written consent or refusal given by the resident, or by the person entitled to give consent on the resident's behalf, to any care that may be provided by the operator, where applicable;

(5) the result of any assessment of the resident conducted using the tools mentioned in the first paragraph of section 62.

§3. Residents' health and safety

73. When an assessment of a resident's autonomy has been conducted using the tools mentioned in the first paragraph of section 62, the needs identified must be communicated to the residence staff, if the residence offers nursing care or personal assistance services, and in particular to the care attendants and to the nurse or nursing assistant whose services are available to the operator pursuant to section 35.

74. The devices and equipment needed to dispense care and personal assistance services to residents must be used safely and in compliance with the manufacturer's instructions.

The devices and equipment must be maintained in proper working order.

75. The operator of a residence covered by this Division must give priority to the self-administration of medication by the residents.

The operator must ensure that residents who self-administer medication keep the medication in their room or apartment, as the case may be.

76. The operator of a residence covered by this Division who offers a medication distribution service must

(1) designate a staff member responsible for supervising the distribution of medication during each work shift;

(2) store the medication prescribed for each resident under lock and key, in a cupboard reserved for that purpose or in a refrigerated unit.

77. The person who distributes medication must verify the identity of each resident and ensure that the medication distributed is intended for that resident.

78. The operator of a residence covered by this Division may only use control measures involving force, isolation or mechanical means on a resident in an emergency situation and as a last resort, to protect the resident or another person from a real danger. Control measures may only be applied when alternative measures, such as diversion, have been ineffective in reducing the disruptive behaviour. In addition, control measures may only be applied temporarily and in exceptional cases, in the least constraining way possible.

The operator may not use any chemical substance as a control measure.

79. When alternative control measures are applied in accordance with the first paragraph of section 78, the operator must

(1) advise without delay the resident's representative, if applicable, and the person to be contacted in the event of an emergency. If that person cannot be reached in time, the operator must notify a close relative;

(2) ask the local authority concerned to assess the resident's condition;

(3) record in the resident's file

(a) the date and time of the intervention;

(b) the alternative measures applied, the reason for applying the measures, and their effectiveness;

(c) the name of the persons who have been informed of the situation, the date and time when they were informed, and the information provided to them.

80. The operator of a residence covered by this Division who, in accordance with the first paragraph of section 78, has applied control measures involving the use of force, isolation or mechanical means must

(1) notify without delay the persons referred to in paragraph 1 of section 79;

(2) immediately ask the local authority concerned to assess the condition of the resident without delay and to identify and implement appropriate measures to ensure the resident's safety;

(3) record in the patient's file, in addition to the information listed in subparagraphs *a* and *c* of paragraph 3 of section 79,

(a) the measures applied, the reason for applying the measures, and the place and duration of their application;

(b) the measures taken to ensure the resident's safety, including supervision measures, and the resident's reaction to the measures.

CHAPTER V RENEWAL AND TRANSFER

81. The operator of a private seniors' residence who wishes to renew a certificate of compliance must apply in writing to the agency concerned using the form provided by the agency.

The operator must also complete and send to the agency the self-assessment form, provided by the agency, concerning compliance with the conditions of the Act and of this Regulation.

82. The operator of a private seniors' residence who wishes to renew a certificate of compliance must send to the agency the documents and information listed in section 11, except documents or information previously provided to the agency if the operator attests that they are still complete and accurate. This exception does not apply to the declarations referred to in subparagraphs 9 and 10 of the first paragraph of that section.

The operator must also send to the agency any information it requires concerning compliance with the conditions set out in section 10.

83. Every person wishing to become the transferee of a temporary certificate of compliance or a certificate of compliance must meet the conditions set out in section 10 and provide the documents and information listed in section 11, except those listed in subparagraphs 10 and 11 of the first paragraph of that section.

CHAPTER VI OFFENCES

84. A violation of sections 12 to 20, 27 to 30, 32, 33 and 35, the first and third paragraphs of section 37, sections 38 to 55 and 57, the second paragraph of section 59, sections 61 to 76 and sections 78 to 80 constitutes an offence.

The violation, by an operator, of section 9 in connection with compliance with sections 21 and 22, 24 to 26, 31, 34 and 36, the second paragraph of section 37, sections 56 and 58, the first paragraph of section 59 and section 77 also constitutes an offence.

CHAPTER VII TRANSITIONAL AND FINAL

85. Until 30 November 2015, an agency must refuse every application for a temporary certificate of compliance if, in the 3 years prior to the application, the person or partnership making the application or one of its officers has been refused the issue of a certificate of compliance under section 346.0.11 or was the holder of a certificate of compliance that was suspended, revoked or not renewed in accordance with section 346.0.12 of the Act respecting health services and social services (R.S.Q., c. S-4.2), as those sections read before the coming into force of section 13 of chapter 27 of the Statutes of 2007.

86. Every care attendant who, on the day of coming into force of this Regulation, is a staff member at a private seniors' residence has until 1 November 2015 to successfully complete the training referred to in section 21.

Despite the foregoing, the deadline set in the first paragraph does not apply to a care attendant who provides supervision for residents pursuant to section 29 or 33 or the second paragraph of section 346.0.6 of the Act.

87. Every care attendant hired before 1 November 2014 has until 1 November 2015 to acquire the diploma or document certifying competency referred to in sections 22 and 34, as the case may be, or an exemption granted by the Minister under section 23.

88. The operator of a private seniors' residence referred to in sections 5 and 6 has until 1 May 2013, and the operator of any other private seniors' residence has until 1 December 2013, to obtain from the staff members and volunteers already working at the residence on the date of coming into force of this Regulation the declaration referred to in section 25 and to have it verified by a police force in accordance with that section if it mentions a judicial record.

89. The Regulation respecting the conditions for obtaining a certificate of compliance for a private seniors' residence (c. S-4.2, r. 5), enacted by Order in Council 1168-2006 dated 18 December 2006, is revoked.

90. This Regulation comes into force on 30 November 2012, except sections 29 and 33, which come into force on 1 November 2015 with respect to the requirements concerning the certification of competency set out in sections 22 and 34.

SCHEDULE I

Residential centre for seniors or for the elderly

Retirement centre for seniors or for the elderly

Long-term care centre for seniors or for the elderly

Living centre for seniors or for the elderly

Centre for seniors or for the elderly

Private housing and residential establishment for seniors or for the elderly

Home for seniors or for the elderly

Residential home for seniors or for the elderly

Evolutionary housing for the retired, for seniors or for the elderly

Housing for seniors or for the elderly

Asylum for seniors or for the elderly

Retirement home for seniors or for the elderly

Residential home for seniors or for the elderly

Residence for seniors or for the elderly

Residence for the aged

SCHEDULE II

1. Procedure to follow if the life or physical integrity of a resident is in danger:

- (1) ensure the resident's safety and provide first aid;
- (2) call the emergency 911 service and provide all relevant information concerning the emergency;
- (3) notify the resident's representative, if applicable, and the person to be contacted in the event of an emergency identified in the resident's file kept pursuant to section 44;
- (4) prepare the information required by the ambulance technicians;
- (5) record in the resident's file, kept pursuant to section 44, a description of the circumstances and facts of the event;
- (6) notify the person responsible at the residence of the situation and nature of the emergency.

2. Procedure to follow in the event of a resident's death:

- (1) call the emergency 911 service immediately;
- (2) give the authorities all the required information and follow the instructions of the emergency services;
- (3) notify the resident's representative, where applicable, and the person to be contacted in the event of an emergency.

3. Procedure to follow if a resident is absent without reason:

- (1) question staff members about possible reasons for the resident's absence and places where the resident may possibly be found;
- (2) inspect all rooms in the residence, the grounds and the surrounding area;
- (3) notify the resident's representative, where applicable, and the person to be contacted in the event of an emergency, and ask them about places where the resident may possibly be found;
- (4) call the emergency 911 service;
- (5) give the police the information sheet referred to in the second paragraph of section 30;

(6) complete the incident or accident report referred to in section 58;

(7) notify the resident's representative, where applicable, the person to be contacted in the event of an emergency and the police if the resident is found;

(8) take all necessary measures, working with the resident, the resident's close relatives and, if the person is prone to wandering, the local authority for the territory in which the residence is located, to prevent a reoccurrence of the event.

4. Procedure to follow in the event of a heat wave:

(1) place a sufficient number of fans in the common areas and, where possible, in rooms and apartments;

(2) distribute cold drinks and water frequently during the day;

(3) cancel all physical activities in the residents' schedule and advise them to stay in the shade or go outside late in the day, wear a hat and apply sunscreen;

(4) ask residents to stay in air-conditioned rooms in the residence, where applicable;

(5) early in the morning, close windows, drapes and stores, especially on the sides of the building exposed to the sun, and keep them closed until the outdoor temperature drops;

(6) when the outdoor temperature drops, open windows as wide as possible to create drafts;

(7) conduct inspection tours of rooms and apartments;

(8) call the emergency 911 service if any residents have symptoms that point to a deterioration in their physical health.

SCHEDULE III

1. The following organizations are recognized as providers of cardiopulmonary resuscitation and standard first aid:

— St. John Ambulance;

— Heart & Stroke Foundation of Québec;

— Canadian Red Cross;

— any other organization contractually linked with the Commission de la santé et de la sécurité du travail du Québec (CSST) to provide first aid training.

The organizations are recognized as training providers for the following skills:

a) Skills in cardiopulmonary resuscitation:

— assess vital functions;

— be familiar with techniques to unblock airways, apply artificial respiration and perform cardiac massage;

— be able to apply the techniques;

b) Skills in standard first aid:

— understand the role and responsibilities of a first aid provider with regard to the legislative and regulatory provisions in force;

— know how to take charge of an emergency situation;

— recognize urgent situations and intervene appropriately while waiting for emergency services, in particular in the following situations:

— allergic reactions;

— problems connected with heat or cold, such as heat-stroke and hypothermia;

— poisoning;

— haemorrhaging and shock, including the prevention of blood-borne contamination;

— muscular and skeletal injuries, including prevention during convulsions;

— eye injuries;

— open wounds of medical or accidental origin, including the application of sealed compression dressings;

— medical problems such as chest pain, hypoglycaemia and epilepsy.

2. Training providers accredited by the Association paritaire pour la santé et la sécurité du travail du secteur affaires sociales (ASSTSAS) are recognized for the safe movement of persons.