

Regulations and other Acts

Gouvernement du Québec

O.C. 100-2013, 13 February 2013

An Act respecting health services and social services (chapter S-4.2)

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

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

WHEREAS the Act to amend various legislative provisions concerning health and social services in order, in particular, to tighten up the certification process for private seniors' residences (2011, chapter 27) was assented to on 30 November 2011;

WHEREAS sections 7 to 10, 21 and 23 of the Act amend certain regulatory powers of the Government concerning private seniors' residences provided for in the Act respecting health services and social services (chapter S-4.2) or introduce new regulatory powers with regard to private seniors' residences;

WHEREAS the provisions of the Act respecting health services and social services, as amended by those sections, provide that the Government may, by regulation, provide for categories of private seniors' residences, the qualities required for a person applying for a temporary certificate of compliance, the health and social criteria which the operator of a private seniors' residence must meet to hold a certificate of compliance, the standards applicable to such an operation and the conditions that the staff members and volunteers of such a residence and any other person working in such a residence must fulfill, in particular conditions relating to training and security, including conditions relating to judicial records;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation respecting the conditions for obtaining a certificate of compliance and the operating standards for a private seniors' residence was published in Part 2 of the *Gazette officielle du Québec* of 30 May 2012 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, under section 17 of that Act, a regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* or on a later date indicated in the regulation or the Act under which the regulation is made;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation respecting the conditions for obtaining a certificate of compliance and the operating standards for a private seniors' residence, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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

An Act respecting health services and social services (chapter S-4.2, ss. 346.0.1, 346.0.3, 346.0.6, 346.0.7, 346.0.20 and 346.0.20.1)

CHAPTER I GENERAL PROVISIONS, DEFINITIONS AND SCOPE

1. For the purposes of this Regulation,

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

(2) "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 and could, in other circumstances, have had consequences;

(3) "related person" means any person related to the operator by blood, marriage, civil union or de facto union;

(4) “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;

(5) “dangerous product” means any flammable or toxic product or product presenting a risk of explosion.

For the purposes of the second paragraph of section 346.0.1 of the Act respecting health services and social services (chapter S-4.2) and of this Regulation,

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

(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 section 32;

(2.3) medication distribution services;

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

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

(5) “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;

(6) “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.

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

(1) the category of private seniors’ 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 private seniors’ 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 the category of nursing care.

3. A residence may belong to both the category of private residences referred to in paragraph 1 of section 2 and the category referred to in paragraph 2 of section 2.

The operator of such a residence must, for each category, 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 6 related persons exclusively.

5. Sections 3, 14, 21, 48, 55, the first paragraph of section 57, the second paragraph of section 62 and sections 63 and 68 do not apply to the operator of a private seniors’ residence housing fewer than 6 residents.

6. Sections 3 and 21 as well as the second paragraph of sections 62 and 63 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 private seniors’ 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, an 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 (chapter 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 respecting health services and social services must include the number of floors in the residence and the type of elevator with which it is equipped, if any.

8. In addition to the words “private seniors’ residence” provided for in section 346.0.20.1 of the Act, a congregate residential facility may not be operated under a name that includes the words listed in Schedule I unless the operator holds a temporary certificate of compliance or a 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 year 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 year 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 year 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 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 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 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 receiving 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, in the case of a natural person, 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 the provisions of 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, in the case of a conviction, 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 by the police force;

(11) an attestation from the municipality where the residence will be situated confirming 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 (chapter B-1.1, r. 2) and any other regulatory provision made under the Building Act (chapter B-1.1) or the Public Buildings Safety Act (chapter 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; and

(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 receiving 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 (chapter R-8.1, r. 3). In every case, the operator must also use the form prescribed by section 2 of the Regulation.

13. The operator of a private seniors' residence must hold and maintain current liability insurance coverage in a sufficient amount to cover any claim resulting from the operator's general civil or professional liability, the minimum amounts of which are provided for in Schedule II.

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

The documents showing coverage under this section must be kept in the residence.

§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 a staff member responsible for emergency calls. The person must be physically present in the residence and ensure access inside the residence by the emergency services, if applicable.

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 or washrooms attached to the room or apartment, and in each shared bathroom or washroom of the residence.

The resident or the resident's representative may refuse in writing the use of a mobile call-for-help system, where applicable.

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 telephone 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; and

(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, and keeps it in the residence.

A copy of the plan must be kept near the main entrance of the residence for use by the emergency services. In addition, the sketch referred to 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 to be followed in case of danger to the life and integrity of a resident, the death of a resident, the unexplained absence of a resident and of a heat wave advisory. The procedures must include at least the actions provided for in Schedule III.

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 of the Ministère de la Santé et des Services sociaux.

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

The attestation must be placed in the files kept pursuant to section 65.

20. Professional activities carried out in a residence, within the framework of the services provided by the operator, must be carried out by members in good standing of the professional order concerned or by persons who, even if they are not members of the professional order concerned, are authorized to carry out such activities pursuant to an Act or a regulation.

§3. *Persons working in a residence*

21. 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.

22. Every care attendant must, no later than 1 year after starting work, hold an attestation of completion issued by the persons or organizations listed in Schedule IV confirming that the person has successfully completed the training on each of the following subjects:

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

In the case of the subjects referred to in subparagraphs 1 and 2 of the first paragraph, the training must enable the acquisition of the skills listed in that Schedule.

Every care attendant must, at all times after the period referred to in the first paragraph, hold such attestation.

23. Every care attendant must, no later than 1 year after beginning work,

(1) hold a vocational education diploma awarded by the Ministère de l'Éducation, du Loisir et du Sport in the fields of "Assistance in Health Care Facilities" or "Home Care Assistance";

(2) subject to the complementary skills provided for in section 34, hold an official document issued by a school board certifying competency in

(2.1) 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;

(2.2) 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; and

(2.3) applying basic practices to prevent infection and contamination; or

(3) hold from a school board a document confirming that

(3.1) the care attendant has completed a number of courses equivalent to 1 year of full-time studies in a program leading to the title of nurse or nursing assistant; or

(3.2) the care attendant has 3 or more years of full-time experience in providing assistance, support, supervision or aid in direct interventions, acquired over the last 60 months and obtained as

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

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

(3.2.3) 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 3 of the first paragraph, 1 year of full-time experience corresponds to 1,664 hours of paid work.

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 related to the abilities 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 referred to in section 24 unless, in the case of a conviction, a pardon has been obtained.

The declaration must contain all the information necessary 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 by the police force.

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

26. The verification of a judicial record referred to in section 25 must be repeated when

- (1) the staff member or volunteer is charged with or convicted of an indictable or other offence; or
- (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, a copy of 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 the declarations referred to in the first paragraph of section 25.

In the case of staff members, the documents are kept in the file referred to in section 65.

29. The operator of a private seniors' residence providing services to the residents through subcontractors or who uses the services of third persons to fill the operator's needs for personnel, in particular the services of a placement agency, must obtain from the subcontractors or other third persons, the guarantee that a police force has verified whether the persons that could be chosen to work in the residence have been charged with or convicted of an indictable or other offence. The operator must also obtain from any subcontractor or other third person the guarantee that a person who has been charged with or convicted of an indictable or other offence related to the abilities and conduct required to work in the residence will not work in the residence, unless, in the case of a conviction, a pardon has been obtained.

The operator must also obtain from the subcontractors or other third persons referred to in the first paragraph the guarantee that the persons chosen to work in the residence as care attendants hold the attestations referred to in section 22. The operator must also obtain from the subcontractors and third persons the guarantee that those persons hold a diploma referred to in subparagraph 1 of the first paragraph of section 23 or have obtained the document confirming that they hold the document certifying competency provided for in subparagraph 2 of the first paragraph of section 23 and, where applicable, section 34, or the document referred to in subparagraph 3 of the first paragraph of section 23.

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

§1. Residents' health and safety

30. Subject to any other legislative or regulatory provision requiring the presence of a larger number of persons in a residence, at least 1 staff member of full age 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, whether or not the person is a care attendant, must hold the attestations referred to in section 22. The person must also hold the diploma referred to in subparagraph 1 of the first paragraph of section 23 or have obtained one of the documents referred to in subparagraph 2 or 3 of the first paragraph of section 23.

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

§1. Residents' health and safety

31. The operator of a residence covered by this Division must take all the measures necessary to prevent residents prone to wandering from leaving the residence or its grounds, including the installation of a security device that allows, in such a case, to alert a staff member.

The operator must also complete an information sheet, with residents prone to wandering or the resident's representative, if applicable, describing the resident's general profile and physical characteristics, and accompanied by a recent photograph.

Once completed, the information sheet must be kept in the file referred to in section 43.

32. The invasive care involved in assistance with activities of daily living that is required on a sustained basis for the maintenance of health may be provided in a residence referred to in this section only in accordance with section 39.7 of the Professional Code (chapter C-26) or a regulation made pursuant to section 39.9 of the Code.

In addition, prescribed ready-to-administer medications may be administered in such a residence only in accordance with section 39.8 of the Professional Code or a regulation made pursuant to section 39.9 of the Code.

33. Subject to any other provision requiring the presence of a larger number of persons in a residence, at least 1 staff member of full age 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, whether or not the person is a care attendant, must hold the attestations referred to in section 22. The person must also hold the diploma referred to in subparagraph 1 of the first paragraph of section 23 or have obtained one of the documents confirming that the person holds the document certifying competency provided for in subparagraph 2 of the first paragraph of section 23 and section 34, or the document referred to in subparagraph 3 of the first paragraph of section 23.

§2. Persons working in a residence

34. A document issued under section 23 must, in the case of a care attendant in a residence covered by this Division, in addition to confirming competency provided for in subparagraph 2 of the first paragraph of section 23, confirm the following complementary skills:

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

(2) taking into account the functional consequences of illness, physical and mental disability and cognitive impairment and their impact on the needs of the elderly person, in particular as part of the activities of daily living.

CHAPTER IV
OPERATING STANDARDS

DIVISION I
STANDARDS APPLICABLE TO ALL RESIDENCES

§1. General

35. 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.

36. The operator of a private seniors' residence must adopt a code of conduct, for all the residence's directors, staff members, 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; and

(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 referred to 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 65.

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

The operator must post the code of conduct visibly, in a place accessible to the residents.

37. 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 term of the lease without increasing the cost or decreasing the provision of the services.

38. 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.

39. 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, undertakings made by the local authority and the operator in that respect and any other modality concerning their cooperation.

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

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

41. 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.

42. The operator of a private seniors' residence must allow health or social services professionals chosen by the residents and 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 or provide care or services.

§3. Residents' files

43. 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 name and contact information of the resident's representative and a description of the acts that the representative is authorized 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) the name and contact information of a person to be contacted in the event of an emergency;

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

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

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

(9) the indication that the resident is registered for home support services with the local authority in the territory concerned and the name and contact information of the person responsible for the resident's follow-up within that authority;

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

(11) a copy of any incident or accident report concerning the resident made under section 56;

(12) a record of any disclosure concerning the resident made under section 58;

(13) the indication that the notices referred to in sections 59 and 61 have been given, where applicable; and

(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.

44. The information listed in subparagraphs 5 to 9 and 11 to 13 of the first paragraph of section 43, and the information sheet referred to in the second paragraph of section 31, must be kept separately in the resident's file so that it can be consulted quickly.

45. All residents' files must be kept in the residence.

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

46. 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 (chapter 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

47. 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 respecting health services and social services, 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 a place accessible to the residents, including the information that a complaint may be sent to the regional service quality and complaints commissioner and the contact information of the commissioner.

48. 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 indication that only the tools referred to in section 60 may be used to identify loss of autonomy and assess a resident's autonomy; and

(8) the fact that every resident must insure his or her personal property.

The operator also gives the person referred to in the first paragraph of the code of conduct adopted under the first paragraph of section 36, along with a copy of the recreational activities schedule for the current month referred to in the second paragraph of section 63.

§5. Residents' health and safety

49. 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.

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

(1) the Food Products Act (chapter P-29) or a regulation made under it while acting as a retailer or restaurateur or while offering services through a subcontractor 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, construction or safety including fire safety by-law applicable in the territory where the residence is located;

(3) the Public Buildings Safety Act or the Building Act, or a regulation made under either Act; or

(4) the Tobacco Act (chapter T-0.01) or a regulation made under it.

51. 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 50, along with proof that the operator has complied with them by taking the appropriate remedial action, where applicable.

52. The operator of a private seniors' residence must regularly carry out the housekeeping of the residence, in particular in the common areas, in a way that does not endanger the health or safety of the residents.

The operator must also rapidly repair or carry out maintenance work necessary to ensure the health and safety of the residents.

53. 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.

The minimum content of the kits is listed in Schedule V and the quantities must be adapted to the number of residents.

54. No medication, even medication that may be sold by anyone under the Regulation respecting the terms and conditions for the sale of medications (chapter P-10, r. 12), may be sold or placed at the disposal of residents by the operator of a private seniors' residence.

In addition, subject to paragraph 2 of section 74, no medication may be kept outside the residents' rooms or apartments.

55. 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.

56. Every staff member at a private seniors' residence and every professional working in the residence must report in writing as soon as possible, 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; and

(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 as soon as possible 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.

In the case of a residence referred to in section 5, the declarations referred to in the first and third paragraphs must be made directly to the operator of the residence.

57. The person responsible for keeping the register of incidents and accidents must inform the operator of the private seniors' residence, as soon as possible, of any incident or accident.

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

58. 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.

59. 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 as soon as possible 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.

With the consent of the resident or the consent of any person authorized to give consent on the resident's behalf, the operator must also notify the local authority concerned.

60. The operator of a private seniors' residence who proceeds with or requests the identification of a loss of autonomy of a resident or a prospective resident, in order to determine the services required by the resident or prospective resident, must ensure that the identification is conducted using the tool for the identification of persons with decreasing autonomy Prisma-7.

The operator who, for the same purposes, proceeds with or requests an assessment of the autonomy of such a resident or prospective resident, must ensure that the assessment is conducted using the functional autonomy measurement system (*système de mesure de l'autonomie fonctionnelle* (SMAF)) by a professional authorized to do so.

Only the tools referred to in the first and second paragraphs may be used to conduct such identification or assessment.

61. If the operator notices that a resident's state of health requires care or services that are beyond the operator's capacity or represent a risk for the resident's safety if the residence has to be evacuated, the operator must notify the resident's representative, if applicable, and the person to be contacted in the event of emergency. If either person cannot be reached in time, the operator must notify a close relative.

With the resident's consent or the consent of the person authorized to give consent on the resident's behalf, if applicable, the operator also notifies the local authority concerned.

§6. Residents' food and recreation

62. 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, and are adapted to the specific nutritional needs of elderly persons.

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

63. 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 a schedule of recreational activities covering a period of at least 1 month, visibly and in a place accessible to the residents, for consultation by residents and close relatives.

§7. Residence staff

64. 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.

65. 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 and proof that the staff member holds the attestations and diploma or one of the documents required under sections 22, 23 and, where applicable, 34 and, in the case of a professional, the number of the professional's permit and annual proof of the professional's registration on the roll of the order concerned.

The first paragraph of section 45 and section 46 apply, with the necessary modifications, to the files established for staff members.

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

§1. General

66. The operator of a residence covered by this Division cannot accept an elderly person who, before arriving at the residence, has a cognitive disorder that makes constant supervision necessary, unless the supervision is provided by a third person that does not act on behalf or at the request of the operator.

67. 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

68. In addition to the information listed in the first paragraph of section 48, 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

69. An agreement entered into pursuant to section 39 between 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 terms and conditions for the application of sections 39.7 and 39.8 of the Professional Code and the provisions of the regulation made pursuant to section 39.9 of the Code, where applicable.

§2. Residents' files

70. In addition to the information and documents listed in the first paragraph of section 43, the operator of a residence covered by this Division must record in each resident's file

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

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

(3) the written consent or refusal given by the resident, or by the person authorized to give consent on the resident's behalf, to any care that may be provided by the operator under this Regulation, where applicable; and

(4) the result of any identification of loss of autonomy or assessment of the resident's autonomy conducted using the tools referred to in the first and second paragraphs of section 60.

§3. Residents' health and safety

71. When an assessment of a resident's autonomy has been conducted in accordance with the second paragraph of section 60, the needs identified must be communicated in writing to the residence staff, if the residence offers nursing care or personal assistance services, and in particular to the care attendants.

72. 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.

73. 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 in a safe manner and in such a way that the medication is not easily accessible to the other residents.

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

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

(2) store the medication prescribed for each resident and prepared by a professional authorized to do so under lock and key, in a cupboard reserved for that purpose and in a refrigerated unit, if required.

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

76. 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 an imminent danger of injury. Subject to the second paragraph of section 77, control measures may only be applied when alternative measures have been ineffective in reducing the danger. 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.

77. When alternative control measures are applied to reduce the danger, 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; and

(3) ensure that the following information is recorded 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; and

(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.

When exceptionally, considering the seriousness of the danger and emergency, alternative control measures may not be used to reduce the danger, the operator must ensure that the reasons for which the measures were rejected are recorded in the resident's file.

78. The operator of a residence referred to in this Division who applies control measures in accordance with the first paragraph of section 76 must

(1) notify without delay the persons referred to in subparagraph 1 of the first paragraph of section 77;

(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; and

(3) ensure that the following measures are recorded in the resident's file, in addition to the information listed in subparagraphs *a* and *c* of subparagraph 3 of the first paragraph of section 77:

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

(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

79. As soon as the agency starts the renewal process of his or her certificate of compliance, the operator of a private seniors' residence must send to the agency the documents and information listed in subparagraphs 1 to 10 of the first paragraph of section 11 and the second paragraph of that section, if applicable, 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 provide the agency with any information it requires concerning compliance with the conditions set out in section 10 and complete the form for self-assessment of compliance with the conditions of the Act respecting health services and social services and of this Regulation provided by the agency.

80. Every person who, in accordance with section 346.0.20 of the Act, requests from an agency permission to become the transferee of the rights conferred by 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 11 and 12 of the first paragraph of that section.

CHAPTER VI OFFENCES

81. A violation of any of sections 12 to 19, 21, 27 to 29, 31, the first, third or fourth paragraph of section 36, sections 37 to 53, the first paragraph of section 54, section 55, the second paragraph of section 57, sections 58 to 66, 68 to 70, 73, 74 or 76 to 78 constitutes an offence.

A violation, by the operator, of section 9 in connection with compliance with any provision of sections 20, 22 to 26, 30, 32 to 35, the second paragraph of section 36 or 54, section 56, the first paragraph of section 57 or section 67, 71, 72 or 75 also constitutes an offence.

CHAPTER VII TRANSITIONAL AND FINAL

82. An agency must refuse every application for a temporary certificate of compliance if, in the year 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, as those sections read on the day before the coming into force of section 13 of chapter 27 of the Statutes of 2011.

83. The operator of a private seniors' residence referred to in sections 5 and 6 has until 31 December 2013, and the operator of any other private seniors' residence has until 30 June 2014, to obtain from the staff members and volunteers working at the residence before 30 June 2013 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.

84. Despite section 88, section 14 has effect only from 1 June 2014 with respect to an operator of a private seniors' residence whose services are intended for independent elderly persons and having fewer than 50 rooms or apartments and from 30 November 2013 with respect to any other operator of a private seniors' residence whose services are intended for independent elderly persons.

85. Despite section 88, the first paragraph of section 30 has effect only from 1 June 2014 with respect to an operator of a private seniors' residence whose services are intended for independent elderly persons and having fewer than 50 rooms or apartments.

Until that date, the operator referred to in the first paragraph must implement measures ensuring that a person may be contacted at all times to ensure an immediate intervention in the event of an emergency. The measures must be approved by the operator's board of directors, if applicable.

86. Until the coming into force of the second paragraph of sections 30 and 33, every person providing supervision pursuant to the first paragraph of one of those sections must, whether or not the person is a care attendant, hold the attestations of completion issued by the persons or organizations listed in Schedule IV of this Regulation and confirming that the person has successfully completed the training in

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

In the case of the subjects referred to in subparagraphs 1 and 2 of the first paragraph, the training must allow the acquisition of the skills listed in that Schedule.

87. This Regulation replaces the Regulation respecting the conditions for obtaining a certificate of compliance for a private seniors' residence (chapter S-4.2, r. 5).

88. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except

- (1) the first paragraph of section 29, which comes into force on 1 May 2013;
- (2) sections 22, 23, the second paragraph of section 29, section 34 and the second paragraph of sections 30 and 33, which come into force on 1 November 2015.

SCHEDULE I

(s. 8)

- 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
- Foster home for seniors or for the elderly
- Evolutionary housing for the retired, 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

(s. 13)

1. For every residence, regardless of the category, general civil liability coverage of at least

— Residence with 1 to 9 rooms or apartments: \$1,000,000;

— Residence with 10 to 50 rooms or apartments: \$2,000,000;

— Residence with more than 50 rooms or apartments: \$5,000,000.

2. For every residence of the private seniors' residence category whose services are intended for independent elderly persons, professional liability coverage of at least \$500,000.

3. For every residence of the private seniors' residence category whose services are intended for semi-independent elderly persons, professional liability coverage of at least \$1,000,000.

SCHEDULE III

(s. 17)

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 43;
- (4) prepare the information required by the ambulance technicians;
- (5) record in the resident's file, kept pursuant to section 43, 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, if 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, if 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 31;

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

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

(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 in the territory where the residence is located, to prevent a reoccurrence of the event.

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

- (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 recreation schedule and advise residents 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 blinds, 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 condition.

SCHEDULE IV

(ss. 22 and 86)

1. For 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 (CSST) to provide first aid training.

The training given by those organizations must allow the acquisition of the following skills:

(a) Skills in cardiopulmonary resuscitation:

—assess properly 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 related to heat or cold, such as heatstroke and hypothermia;

—poisoning;

—hemorrhaging 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, hypoglycemia 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.

SCHEDULE V

(s. 53)

FIRST AID KIT CONTENTS

(A) A first-aid manual approved by the Commission de la santé et de la sécurité du travail (CSST)

(B) The following instruments:

— 1 pair of bandage scissors;

— 1 pair of splinter forceps;

— safety pins (assorted sizes);

— disposable gloves;

— cardiopulmonary resuscitation (CPR) pocket mask with one-way valve.

(C) The following dressings (or equivalent sizes)

— sterile adhesive bandages (25 mm x 75 mm) individually wrapped;

— sterile gauze compresses (101.6 mm x 101.6 mm) individually wrapped;

— rolls of sterile gauze bandage (50 mm x 9 m) individually wrapped;

— rolls of sterile gauze bandage (101.6 mm x 9 m) individually wrapped;

— triangular bandages;

— sterile bandage compresses (101.6 mm x 101.6 mm) individually wrapped;

— 1 roll of adhesive tape (25 mm x 9 m).

(D) Antiseptics:

— individually wrapped antiseptic swabs.