

## Draft Regulations

### Draft Regulation

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

#### Certification of private seniors' residence — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the certification of private seniors' residence, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The object of the draft Regulation is to revise the categories of private seniors' residences determined by the Regulation respecting the certification of private seniors' residence (chapter S-4.2, r. 0.01) and to amend some of the definitions it contains.

In addition, the draft Regulation extends the list of information that must be collected and updated by an integrated health and social services centre in order to constitute and update the register of private seniors' residences, and revises the list of information and documents that a person or partnership must provide to an integrated centre in order to receive a temporary certificate of compliance.

The draft Regulation changes some of the health and social criteria that the operator of a private seniors' residence must comply with to obtain a certificate of compliance, in particular in the area of resident health and safety.

Lastly, the draft Regulation revises and adds to the list of standards applicable to the operation of a private seniors' residence, and in particular requires the operators of certain categories of residences to establish a residence life committee.

The draft Regulation will have an impact on enterprises, in particular in administrative and financial terms. Some of the proposed measures may have an impact on the organization and operation of private seniors' residences.

Further information on the draft Regulation may be obtained by contacting Mélanie Kavanagh, Director, Direction du soutien à domicile, Ministère de la Santé et des Services sociaux, 1075, chemin

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Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister Responsible for Seniors and Informal Caregivers, 1075, chemin Sainte-Foy, 15<sup>e</sup> étage, Québec (Québec) G1S 2M1.

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### Regulation to amend the Regulation respecting the certification of private seniors' residence

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

**1.** The Regulation respecting the certification of private seniors' residence (chapter S-4.2, r. 0.01) is amended by replacing section 1 by the following:

“**1.** A private seniors' residence referred to in the second paragraph of section 346.0.1 of the Act respecting health services and social services (chapter S-4.2) belongs to one of the following categories:

(1) category 1, comprising private seniors' residences operated on a not-for-profit basis that offer various services for independent elderly persons in at least two of the following categories of services: meal services, domestic help services, security services and recreation services;

(2) category 2, comprising private seniors' residences operated on a for-profit basis that offer various services for independent elderly persons in at least two of the following categories of services: meal services, domestic help services, security services and recreation services;

(3) category 3, comprising private seniors' residences operated on a for-profit or not-for-profit basis that offer various services for semi-independent elderly persons in at least

(a) one of the following four categories of services: meal services, domestic help services, security services and recreation services; and

(b) one of the following two categories of services: personal assistance services and nursing care;

(4) category 4, comprising private seniors' residences operated on a for-profit or not-for-profit basis that offer personal assistance services continuously for semi-independent elderly persons with specific needs, along with services for such persons in at least one of the five following categories of services: meal services, domestic help services, security services, recreation services and nursing care.

A residence operated by a natural person is deemed to be operated on a for-profit basis.

**1.1.** Where a congregate residential facility is occupied by the residents of a private seniors' residence and also by users taken in charge by an intermediate resource or family-type resource, users lodged in a facility maintained by a private institution, or other occupants, the rental units and spaces put at the disposal of the residents of the residence must be adjacent to each other and form a separate set of resources, facilities and other spaces within the building.

The first paragraph also applies when the building houses more than one private seniors' residence. If this provision is not complied with, each residence is subject to the requirements of the highest category.”

**2.** Section 2 is amended

(1) in the French text by striking out “ou l'autre” in the portion before subparagraph *a* of paragraph 1;

(2) by replacing paragraph 2 by the following:

“(2) “personal assistance services” means any of the following services:

(a) feeding, personal hygiene and maintenance of the person, dressing and bathing assistance services;

(b) invasive care involved in assistance with activities of daily living, when required on a long-term basis to maintain a person's health;

(c) the administration of medication, namely the control of the medication by a staff member at the residence and assistance for the resident in taking the medication;”;

(3) by replacing paragraphs 4, 5, 6, and 7 by the following:

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

(5) “security services” means the full-time presence in a residence of a person responsible for providing supervision and of equipment to ensure the safety of residents;

(6) “nursing care” means the exercise in a residence, by a nurse who is on the residence's staff, of activities reserved by law to the nursing profession.”

(4) by adding the following at the end:

“For the purposes of subparagraph 4 of the first paragraph, the fact that an operator suspends meal services occasionally or sporadically cannot be used to support an inference that it does not offer such services.”

**3.** Section 3 is replaced by the following:

“**3.** Only the operator of a category 2 private seniors' residence may offer residents consultation services; the operator of a category 3 or 4 residence may also offer consultation services if nursing care is not one of the services offered.

Despite the first paragraph, the operator of a residence housing fewer than 6 residents or with fewer than 10 rental units may not offer consultation services.

For the purposes of this Regulation, “consultation services” means services dispensed by a nursing assistant who is a member of the staff at the residence, in a room at the residence, to residents who wish to obtain a consultation concerning a health problem.”

**4.** Section 4 is revoked.

**5.** Section 5 is replaced by the following:

“**5.** Sections 13, 13.2, 15, 27.1, 37, 39 and 50 and the second and third paragraphs of section 53 do not apply to the operator of a private seniors' residence housing fewer than 6 residents. However, those provisions apply to the operator if the residence is part of a congregate residential facility occupied as provided for in the first paragraph of section 1.1.

Section 15 and the second paragraph of section 53 do not apply to the operator of a category 1 residence which, although not covered by the first paragraph, has fewer than 10 rental units.

Section 27.1, the second paragraph of section 39, subparagraph 1 of the third paragraph of section 50 and the second and third paragraphs of section 53 do not apply to the operator of a category 2, 3 or 4 residence which, although not covered by the first paragraph, has fewer than 10 rental units.”

**6.** Section 6 is replaced by the following:

“6. This Regulation and sections 346.0.1 to 346.0.21 of the Act respecting health services and social services (chapter S-4.2) do not apply to the operator of a private seniors’ residence housing exclusively fewer than 6 persons who are related to the operator by blood, marriage, civil union or de facto union.”

**7.** Section 7 is amended

(1) in the first paragraph

(a) by replacing subparagraph 5 by the following:

“(5) where applicable,

(a) the banner under which a private seniors’ residence is operated, when other residences are operated under the same banner;

(b) the name and address of each of the other residences operated by that operator;”;

(b) by replacing subparagraphs 10 and 11 by the following:

“(10) whether or not consultation services are offered;”;

(2) by adding the following at the end of the second paragraph:

“(8) whether or not the residence is equipped with air conditioning in the common areas or rental units.”

**8.** Section 8 is amended by striking out “To ensure the health and safety of residents, the operator must also make sure that the residence and the land on which it is situated are maintained and kept in a good condition. The foregoing also applies to the appliances and equipment required to provide care and personal assistance services, which must also be used in a safe and adequate manner.” in the second paragraph.

**9.** Section 10 is amended in the first paragraph

(1) by replacing “year” in subparagraph 1 by “3 years”;

(2) by replacing “year” in subparagraph 2 by “3 years”;

(3) by replacing “year” in subparagraph 3 by “3 years”.

**10.** Section 11 is amended

(1) in the first paragraph

(a) by inserting “and address” after “name” in subparagraph 4;

(b) by replacing subparagraph 6 by the following:

“(6) the category to which the residence covered by the application will belong;”;

(c) by replacing subparagraph 12 by the following:

“(12) an attestation from a professional, such as an architect or engineer, confirming that the building or part of a building that will house the residence complies with the standards applicable to private seniors’ residences in Chapter VIII of the Safety Code (chapter B-1.1, r. 3);”

(2) by adding the following at the end:

“Where a person or partnership wishes to apply for a temporary certificate of compliance in order to operate more than one residence in the same congregate residential facility, a single application must be submitted to the integrated health and social services centre for all the residences concerned. The first, second and third paragraphs apply, with the necessary modifications.”

**11.** Section 12 is amended

(1) by inserting “or renew” after “obtain”;

(2) by adding the following at the end:

“Where more than one residence is operated by the same operator in the same congregate residential facility, the certificates of compliance issued by the integrated health and social services centre concerned must be brought together in a single document, identifying each residence separately.”

**12.** Section 13 is replaced by the following:

“13. Before entering into a lease, the operator of a private seniors’ residence must give a person wishing to become a resident or, where applicable, that person’s representative, a copy of the code of ethics referred to in section 36 as well as the document containing general information about the residence referred to in section 37.

13.1. The operator of a private seniors’ residence may, with written consent from a person wishing to become a resident or, where applicable, that person’s representative, proceed with or request the identification of the person’s loss of autonomy. The identification must be conducted using the Prisma-7 tool for the identification of persons with decreasing autonomy.

The operator may also, in the same manner, proceed with or request an assessment of the person's autonomy to allow the person or, where applicable, the person's representative, first, to identify the care and services required by the person's state of health based on the person's needs and, second, to determine if the person's state of health may require care or services that are not offered by the operator. The assessment must be conducted using the functional autonomy measurement system (*système de mesure de l'autonomie fonctionnelle*, or SMAF) by a professional authorized to do so.

Only the tools referred to in the first and second paragraphs may be used to identify the loss of autonomy of a person wishing to become a resident or assess that person's autonomy. The operator cannot use such tools or any other tool designed to assess the person's needs to require the person or, where applicable, the person's representative, to select a service offered by the operator when entering into a lease.

**13.2.** The operator of a private seniors' residence must use the document containing general information about the residence referred to in section 37 to identify, with a person wishing to become a resident or, where applicable, the person's representative, the services selected when entering into a lease. The selection of services from among those offered by the operator must be left to the discretion of the person or, where applicable, the person's representative. The operator of the residence may not, at any time, require that a service offered be selected by the person when entering into a lease.

The operator must remain available to answer questions from a person wishing to become a resident or, where applicable, that person's representative before a lease is entered into.

**13.3.** The cost of using the call-for-help system referred to in section 15 must be included in the total rent payable under the lease; as a result, such a system may not be billed on a per-use basis.

**13.4.** For the purpose of entering into a lease, the operator of a private seniors' residence must use the form applicable to the situation pursuant to the Regulation respecting mandatory lease forms and the particulars of a notice to a new lessee (chapter T-15.01, r. 3).

**13.5.** The operator of a private seniors' residence is required, in accordance with the Civil Code, to offer and maintain all the services set out in the lease, including those in all the schedules, for the duration of the lease and with no increase in cost or decrease in intensity.

At no time may the operator limit a resident's ability to opt for the service provider of the resident's choice, even if the operator offers the same or a similar service within the residence.

The operator must also maintain sufficient qualified staff in the residence at all times to respond adequately to the services agreed upon and to the commitments made in the leases entered into with residents.

**13.6.** The operator of a private seniors' residence may, with written consent from a resident or, where applicable, the resident's representative, proceed with or request the identification of the resident's loss of autonomy or an assessment of the resident's autonomy. The identification or assessment must be conducted in accordance with section 13.1. The third paragraph of that section applies, with the necessary modifications.

Following the identification or assessment, the resident's new needs must be communicated to the residence staff members providing personal assistance services or nursing care. The results of the identification or assessment must be recorded in the resident's file kept pursuant to section 57.

The resident's lease must be amended only if the resident decides to select extra services offered by the operator. In no case may the operator bill such services following an identification or assessment without consent from the resident or, where applicable, the resident's representative.

For the purposes of the first paragraph, written consent must be obtained specifically for each identification and each assessment.”

**13.** The following is inserted after the heading of subdivision 2 of Division III of Chapter II:

**“14.1.** The operator of a private seniors' residence and the integrated health and social services centre concerned must enter into an agreement setting out the procedure for dispensing health services and social services to residents in cases requiring a sharing of responsibility, for the purpose of establishing a mechanism for collaboration.

The agreement must stipulate the parties' commitment to promoting concerted and reciprocal actions to achieve its objectives. It must also establish a mechanism for collaboration applicable, in particular, following

(1) a fall by a resident;

(2) the return of a resident to the residence after a hospitalization; or

(3) one of the occurrences referred to in subparagraphs 1 to 3 of the first paragraph of section 51, provided the integrated centre is notified.

The agreement must also specify the form of and procedure for the notification sent to the integrated centre in accordance with section 51.

In addition, the agreement must specify the procedure and the mechanism for collaboration applicable to fall prevention among residents and the control of infections at the residence, including an obligation for the operator of the residence

(1) to make staff members aware of the existence of tools to prevent falls and to prevent and control infections, including the *Guide de prévention des infections dans les résidences privées pour aînés* and the *Cadre de référence sur la prévention des chutes dans un continuum de services pour les aînés vivant à domicile*, produced by the Minister;

(2) to provide the necessary explanations concerning the use of the tools referred to in subparagraph 1 by staff members; and

(3) to make the tools referred to in subparagraph 1 available in a place that is accessible to staff members.

In cases where more than one residence is operated by the same operator in the same congregate residential facility, the operator and the integrated centre concerned may enter into a single agreement concerning each residence. If one of the residences is in category 4, the agreement must set out the procedure and the mechanism for collaboration applicable specifically to that residence.

**14.2.** In the case of a private seniors' residence where medication distribution or administration services are offered, the agreement referred to in section 14.1 must also set out the procedure for the distribution and administration of medication to the residents by staff members at the residence.

The agreement must set out, in particular,

(1) the obligation of the operator

(a) to designate a staff member at the residence to identify, for each work shift, the staff members responsible for distributing or administering medication, as the case may be;

(b) to take the necessary steps to ensure that the staff members responsible for the distribution or administration of medication, as the case may be, are able, when

distributing or administering medication, to verify the identity of the resident and to check that the medication distributed or administered is intended for that resident;

(c) to take the necessary steps to ensure that any incident or accident connected with the distribution or administration of medication to a resident is reported in the register of incidents and accidents referred to in section 50; and

(d) to ensure that staff members comply with the procedure for distributing and administering prescription medication to residents, as set out in the agreement; and

(2) the procedure for

(a) the storage, conservation, distribution or administration of prescription medication to residents;

(b) the management of expired medication or medication no longer needed by residents; and

(c) the administration of prescribed ready-to-administer medication to residents to ensure that every person concerned complies with the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code (chapter C-26, r. 3), if applicable.

**14.3.** The agreement referred to in section 14.1 must also, where applicable, set out the procedure for the invasive care involved in assistance with activities of daily living for residents in a category 3 or 4 private senior's residence to ensure that every person concerned complies with the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code (chapter C-26, r. 3).

**14.4.** In the case of a category 3 or 4 private senior's residence, the agreement referred to in section 14.1 must also set out the process applicable to ensure prior agreement on the use of alternative control measures in accordance with section 56 and an assessment of the resident's condition following the use of alternative measures or control measures in accordance with paragraph 2 of section 55 and subparagraph 2 of the second paragraph of section 56.”.

**14.** Section 15 is amended

(1) by inserting “who is present in the residence and” after “age” in the first paragraph;

(2) by inserting the following after the first paragraph:

“In the case of a category 1 residence, the person of full age present in the residence referred to in the first paragraph may be a staff member, a resident, a supervising lessee or a volunteer at the residence.”;

(3) by replacing third paragraph by the following:

“When the operator offers a mobile call-for-help system a resident or, as the case may be, a resident’s representative may refuse its use in writing.”.

**15.** Section 16 is amended

(1) in the first paragraph

(a) by striking out “, according to the category to which the residence belongs and the number of rental units offered for lease”;

(b) by replacing “, where required, that a sufficient number of persons able to ensure the evacuation of the residents in case of emergency is present” by “that a sufficient number of persons able to ensure the evacuation of the residents in case of emergency is present at all times”;

(2) by replacing the second paragraph by the following:

“For the purposes of sections 17 to 20, the person responsible for taking action in case of emergency and for ensuring access inside the residence by the emergency services pursuant to the first paragraph of section 15 is the person responsible for supervision.”.

**16.** Section 17 is amended

(1) in the first paragraph

(a) by replacing “99 rental units or less” by “fewer than 100 rental units”;

(b) by replacing “supervise it” by “ensure supervision”;

(2) in the second paragraph

(a) in the French text by replacing “pour en assurer la surveillance” by “pour y assurer la surveillance”;

(b) in the French text by replacing “ou plus” by “et plus”;

(3) by replacing the third paragraph by the following:

“Every person present in the residence to ensure supervision pursuant to this section must hold an attestation showing the successful completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28.”.

**17.** Section 18 is amended

(1) in the first paragraph

(a) by replacing “199 rental units or less” by “fewer than 200 rental units”;

(b) by replacing “For a residence of 200 rental units or more, that minimum number is increased to 2 persons” by “The minimum is increased to 2 persons for a residence comprising 200 rental units or more.”;

(2) by replacing the second and third paragraphs by the following:

“In the case of a residence comprising fewer than 10 rental units, an operator who lives in the residence may occasionally, for periods of less than 8 hours and only between 7 a.m. and 11 p.m., have the residence supervised by a person of full age other than a resident.

Every person present in the residence to ensure supervision pursuant to this section must hold an attestation showing the successful completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28.”.

**18.** Section 19 is amended

(1) in the first paragraph

(a) by replacing “99 rental units or less” by “fewer than 100 rental units”;

(b) in the French text by replacing “pour en assurer la surveillance” by “pour y assurer la surveillance”;

(c) by replacing “referred to in” by “showing successful completion of the training programs referred to in the first paragraph of”;

(2) by replacing the second, third and fourth paragraphs by the following:

“In the case of a residence comprising fewer than 10 rental units, an operator who lives in the residence may occasionally, for periods of less than 8 hours and only between 7 a.m. and 11 p.m., have the residence supervised by a person of full age other than a resident provided that person holds an attestation showing the successful completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28.

In the case of a category 3 residence comprising 100 to 199 rental units, at least 2 persons of full age who are staff members must be present at all times in the

residence to ensure supervision, including one person holding an attestation showing successful completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28. The other person must hold attestations showing successful completion of the training programs referred to in the first paragraph of section 28 and, in addition, hold the diploma referred to in subparagraph 1 of the first paragraph of section 29 or have obtained one of the documents referred to in subparagraphs 2 or 3 of the first paragraph of that section.

In the case of a residence comprising 200 or more rental units, at least 3 people of full age who are staff members must be present at all times in the residence to ensure supervision, including 2 persons holding an attestation showing successful completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28. The other person must hold attestations showing successful completion of the training programs referred to in the first paragraph of section 28 and, in addition, hold the diploma referred to in subparagraph 1 of the first paragraph of section 29 or have obtained one of the documents referred to in subparagraphs 2 or 3 of the first paragraph of that section.”

**19.** Section 20 is replaced by the following:

“**20.** In the case of a category 4 private seniors’ residence comprising fewer than 50 rental units, at least one person of full age who is a staff member must be present at all times in the residence to ensure supervision.

In the case of a residence comprising 50 to 99 rental units, at least 2 persons of full age who are staff members must be present at all times in the residence to ensure supervision. The minimum is increased to 3 persons for a residence comprising 100 to 199 rental units and to 4 persons for a residence comprising 200 or more rental units.

Every person present in the residence to ensure supervision pursuant to this section must hold attestations showing successful completion of the training programs referred to in the first paragraph of section 28 and, in addition, hold the diploma referred to in subparagraph 1 of the first paragraph of section 29 or have obtained one of the documents referred to in subparagraphs 2 or 3 of the first paragraph of that section.”

**20.** Section 21 is amended

(1) by adding “, in particular with reference to recognized principles of risk management in the field of fire safety” at the end of the first paragraph;

(2) by replacing the third and fourth paragraphs by the following:

“The operator must verify the accuracy of the information referred to in subparagraph 1 of the second paragraph on an ongoing basis and update it as required.

The operator must inform residents and make them aware of the drill and instructions to be followed in the field of fire safety.”

**21.** The following is inserted after section 21:

“**21.1.** The operator of a private seniors’ residence must ensure that each staff member and each person responsible for supervision receives training on the fire safety plan for the residence as soon as they begin work.

The training must focus on the safety measures and the evacuation strategies for the residence that must be implemented following a fire alarm. It must also present the tasks that the persons referred to in the first paragraph must carry out to safely evacuate residents from the residence, the tasks that they must carry out to allow residents to safely return to the residence following an evacuation, and the tasks that they must carry out, both inside and outside the residence after the residents have returned to the residence, to ensure that no resident has remained outside, in particular because of an inability to return to the residence. In addition, the training must set out the specific rules to be followed during a fire drill or in the event of a false alarm.

**21.2.** The operator of a private seniors’ residence must ensure that following a fire alarm, including a false alarm, a staff member or a person responsible for supervision checks that each resident is safe. For this purpose, the checks conducted must make it possible to confirm that no resident has remained outside the residence, in particular because of an inability to return to the residence.”

**22.** Section 22 is replaced by the following:

“**22.** The operator of a private seniors’ residence must make all staff members and all persons responsible for supervision aware of the procedures in Schedule III that must be followed if the life or integrity of a resident is in danger, if a resident dies, if a resident is absent for unexplained reasons or if a heat wave advisory has been issued by the competent authorities. The operator must make them available in a place that is accessible to such persons.”

**23.** Section 23 is amended in the French text by replacing “des catégories” by “de catégorie”.

**24.** Section 24 is amended

(1) by replacing the first paragraph by the following:

“The operator of a category 2, 3 or 4 private seniors’ residence must install a security device to alert staff members or persons responsible for supervision at the residence and prevent residents prone to wandering or likely to become prone to wandering from leaving the congregate residential facility in which the residence is located without their knowledge.

Where more than one residence is operated in the same building, one of which is a category 4 residence, a specific security device to monitor the arrivals and departures of residents of the category 4 residence must be installed.”;

(2) in the second paragraph

(a) in the French text by replacing “Il” at the beginning by “L’exploitant”;

(b) by replacing “residents” by “a resident”.

**25.** Sections 25 and 26 are revoked.**26.** Section 27 is amended

(1) by inserting “for personal assistance services” after “attendant”;

(2) by striking out “or invasive care involved in assistance with activities of daily living”.

**27.** The following is inserted after section 27:

“**27.1.** The operator of a category 2, 3 or 4 private seniors’ residence must draw up and apply a reception and job induction process for all new staff members to familiarize them with their new work environment and the tasks inherent to their duties.

The process must cover

(1) the fire safety plan referred to in section 21.1;

(2) the code of ethics referred to in section 36;

(3) the procedures referred to in Schedule III;

(4) in the case of a residence where personal assistance services are offered, the rules for the safe use of the devices and equipment required to dispense the services;

(5) in the case of a residence where medication distribution or administration services are offered, the procedure for the services set out in the agreement referred to in section 14.1.

The process may include several modules provided that the modules, as a whole, cover the content set out in the second paragraph.

The operator must ensure that all new staff members complete the process or, where applicable, all modules in the process within a reasonable time after beginning work.

The operator must remain available to answer any questions from staff members about the content planned for the process.

A document dated and signed by each new staff member, confirming that the staff member has received and understood the contents of the process provided for in the second paragraph, must be placed in the staff member’s file pursuant to section 58. When the process comprises several modules, a document must be placed in the file for each module.”

**28.** Section 28 is amended by replacing the first and second paragraphs by the following:

“Every care attendant for personal assistance services must, before beginning work, have successfully completed the following training:

(1) one of the first aid training programs listed in section 1 of Schedule IV;

(2) one of the training programs on the safe movement of persons referred to in section 2 of Schedule IV.

The care attendant must in addition, before beginning work, have obtained an attestation showing the successful completion of the training programs, issued by an organization, educational institution or instructor referred to in Schedule IV.”

**29.** Section 29 is amended in the first paragraph

(1) by replacing “must, not later than 1 year after beginning work,” in the portion before subparagraph 1 by “for personal assistant services must, before beginning work,”;

(2) by striking out “, acquired over the last 60 months and” in subparagraph *b* of subparagraph 3.



**30.** Section 31 is amended by replacing “staff on the premises to adequately meet the needs of the residents and the commitments made in their respect in the leases entered into under section 13” in the fourth paragraph by “qualified staff in the residence at all times to adequately provide the services agreed upon and meet the commitments made in the leases entered into with residents”.

**31.** Section 34 is replaced by the following:

“**34.** The operator of a private seniors’ residence who provides 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 a guarantee that

(1) the persons that may be chosen to work in the residence have been verified to determine if they have been charged with or convicted of an indictable or other offence for which a pardon has not been obtained;

(2) the verification referred to in subparagraph 1 has been conducted for all Canadian provinces and the results show all such charges or convictions;

(3) they will not permit a person charged with an indictable or other offence relating to the abilities and conduct required for the duties the person may perform in the residence, or having been convicted of such an indictable or other offence, to work in the residence unless, in the case of a conviction, a pardon has been obtained; and

(4) persons selected to work in the residence as care attendants for personal assistance services meet the training requirements set out in sections 28 and 29.

The operator must provide the persons selected to work in residence, as soon as possible after they begin work, with the information they need to provide services safely, including a general description of the fire safety plan and of the procedures referred to in Schedule III. In addition, the operator must, where applicable, bring to their attention the rules on the safe use of devices and equipment for dispensing personal assistance services and the procedures for the distribution and administration of prescription medication to residents.”.

**32.** Section 36 is amended by replacing the last sentence of the third paragraph by the following: “In the case of a staff member or a volunteer responsible for supervision in the residence, the undertaking must be placed in the file kept for the person pursuant to section 58.”.

**33.** Section 37 is replaced by the following:

“**37.** The operator of a private seniors’ residence must produce a document containing general information about the residence, written in clear and plain language, to allow it to be distributed and used pursuant to sections 13 and 13.2, containing

(1) a detailed list of the personal services offered by the operator in the following categories: meal services, personal assistance services, nursing care and domestic help services;

(2) the cost of each of the services referred to in subparagraph 1, the period during which the cost applies, and the cost at which the services were offered by the operator over the last 12 months;

(3) the fact that a resident can agree or refuse to include the services listed in subparagraph 1 in the resident’s lease;

(4) the operating rules in the residence and, where applicable, the rules of the congregate residential facility in which it is located;

(5) the conditions for receiving persons with a disability and the limits of the residence’s capacity for receiving such persons;

(6) the fact that the operator cannot supply medication for a resident in any way, even free of charge;

(7) the fact that a resident has a right to select a professional from whom to receive health services or social services;

(8) the fact that a resident has a right to file a complaint with the local service quality and complaints commissioner at the integrated health and social services centre concerned with respect to the services received, or that ought to have been received, from the residence, and to be assisted by the commissioner;

(9) the fact that the resident is responsible for obtaining insurance covering the resident’s personal property and civil liability, if needed; and

(10) the fact that the resident’s wish not to receive cardiopulmonary resuscitation will be respected, taking all the circumstances into account.

In the case of a category 1 or 2 residence, the document referred to in the first paragraph must, in addition, state that the operator does not offer personal assistance services or nursing care services.

The operator must update the document referred to in the first paragraph annually.”

**34.** The following is inserted after section 38:

“**38.1.** The operator of a private seniors’ residence must allow all service providers selected by residents to have access to the residence at all reasonable times to provide services.”

**35.** Section 39 is amended by inserting “category 2, 3 or 4” after “a” in the first paragraph.

**36.** Sections 40 and 41 are revoked.

**37.** Section 44 is amended

(1) by replacing “concerning the services that the resident received or ought to have received from the residence, directly to the local service quality and complaints commissioner of the integrated health and social services centre concerned” in the first paragraph by “to the local service quality and complaints commissioner at the integrated health and social services centre concerned concerning the services they received or ought to have received from the residence, and to be assisted by the commissioner.”;

(2) by adding “, including the contact information for the local commissioner” at the end of the second paragraph.

**38.** The following is inserted after section 45:

“**45.1.** The operator of a private seniors’ residence must ensure that the residence and the land on which it is located are maintained in a satisfactory state and must perform all necessary repairs and maintenance quickly to protect residents’ health and safety.

In the case of a residence where personal assistance services are offered, the operator must also ensure that the devices and equipment required to dispense the personal assistance services are maintained in proper operating condition.”

**39.** Section 46 is replaced by the following:

“**46.** The operator of a private seniors’ residence must perform housekeeping in the residence regularly, in particular in the common areas, in a way that does not compromise residents’ health and safety. The operator must also take the measures necessary to ensure that any flammable, toxic or explosive product is not accessible to residents.”

**40.** Section 48 is revoked.

**41.** Section 49 is amended

(1) by replacing the first paragraph by the following:

“The operator of a private seniors’ residence cannot supply medication for a resident in any way, even free of charge.”;

(2) by striking out the third paragraph.

**42.** Section 50 is amended by replacing the first, second and third paragraphs by the following:

“The operator of a private seniors’ residence must disclose any accident involving a resident to that resident and, where applicable, to the resident’s representative. The operator must also, with consent from the resident, disclose the accident to the person to be contacted for that resident in case of emergency. The operator must inform the staff members and persons responsible for supervision in the residence about the rules for disclosure.

The operator of a category 2, 3 or 4 residence must, in addition, establish a procedure for reporting known incidents and accidents that occur in the residence and involve a resident.

The procedure must include, as a minimum,

(1) the keeping of a register to record the names of witnesses, the time and place of the incident or accident, a description of the facts observed, the circumstances of the incident or accident and, where applicable, the immediate consequences for the resident; and

(2) the means used by the operator to prevent the occurrence of other incidents or accidents.

Following an accident, the information in subparagraph 1 of the third paragraph must be filed in the resident’s file kept pursuant to section 57.”

**43.** Section 51 is amended

(1) by replacing the second paragraph by the following:

“The form of and procedure for sending a notice to the integrated centre must be established in the agreement referred to in section 14.1.”;

(2) by replacing “referred to in” in the third paragraph by “kept pursuant to section 57”.

**44.** Section 52 is revoked.

**45.** Section 53 is amended by replacing the third paragraph by the following:

“The operator of a category 2, 3 or 4 residence must keep, for verification purposes, a record of the meals served or made available to residents.”

**46.** Section 54 is amended in the French text by replacing “des catégories” by “de catégorie”.

**47.** The following is inserted after section 56:

“§2.1. *Residence life committee*

**56.1.** The operator of a category 2 or 3 private seniors' residence comprising more than 99 rental units must establish a residence life committee in accordance with this subdivision. The same applies to the operator of a category 4 residence comprising more than 50 rental units.

Where more than one residence is operated by the same operator in the same congregate residential facility, if the total number of rental units in the residences exceeds 99, the operator must establish one residence life committee for all the residences or one committee for each residence, as decided by the operator.

**56.2.** A residence life committee comprises 3 to 7 members elected by the residents of a private seniors' residence. Most of the members must be residents at the residence. However, if it is impossible to have a majority of residents on the committee, the residents may elect any other person of their choice, provided the person is not a staff member or a person responsible for supervision at the residence.

In addition to the rules set out in the first paragraph, the committee in a category 4 residence must include at least one representative of a resident at the residence.

The operator of a residence cannot be a member of a committee the operator is required to establish; the same applies to a shareholder, officer or director of an operator that is a legal person.

**56.3.** The duties of a residence life committee are to

(1) disseminate information about residents' rights and obligations;

(2) promote improvements in the quality of residents' living conditions;

(3) defend the rights and collective interests of residents; and

(4) provide, at the request of a resident, the information needed to file a complaint with the local service quality and complaints commissioner at the integrated health and social services centre concerned, or to submit an application to the Administrative Housing Tribunal.

**56.4.** The term of the members of the residence life committee cannot exceed 3 years.

**56.5.** The operator must promote the proper operation of the committee and inform residents in writing of its existence. The operator must also allow the committee to use a room for its activities and give it the possibility of keeping its records in a confidential manner.

**56.6.** The residence life committee defines its operating rules, including the frequency of its meetings.”

**48.** Section 57 is amended

(1) by inserting the following after subparagraph 5 of the first paragraph:

“(6) where applicable, any document dated and signed by the resident in which the resident expresses his or her wish not to receive cardiopulmonary resuscitation.”;

(2) by replacing in the French text “des catégories 2, 3 ou 4” in the portion of the second paragraph before subparagraph 1 by “de catégorie 2, 3 ou 4”;

(3) in the third paragraph

(a) by striking out “private seniors” in the portion before subparagraph 1;

(b) by inserting the following after subparagraph 1:

“(1.1) the result of an identification of a resident's loss of autonomy or an assessment of a resident's autonomy carried out in accordance with section 13.6.”;

(c) by replacing “second and third paragraph” in subparagraph 2 by “third and fourth paragraphs”;

(d) by replacing “under subparagraph 3 of the second” in subparagraph 3 by “in accordance with the first”;

(e) by replacing “third” in subparagraph 4 by “fourth”;

(f) by striking out subparagraph 6;

(4) in the fourth paragraph,

(a) by replacing the portion before subparagraph 1 by “The operator of a category 2, 3 or 4 residence must also include in the file the following documents in accordance with this Regulation, where applicable.”;

(b) by replacing “second” in subparagraph 1 by “third”;

(5) by replacing “1 to 5” in the sixth paragraph by “1 to 6”.

**49.** Section 58 is amended

(1) by inserting the following after subparagraph 1 of the first paragraph:

“(1.1) any document in which the staff member confirms having received and understood the contents of the reception and job induction process referred to in section 27.1;”;

(2) in the second paragraph

(a) by replacing “residence referred to in the first paragraph of section 17 must also keep a file for each volunteer ensuring supervision pursuant to that paragraph” in the portion before subparagraph 1 by “category 1 residence must also keep a file for each volunteer responsible for supervision”;

(b) by replacing subparagraph 1 by the following:

“(1) proof that the volunteer holds an attestation showing successful completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28;”.

**50.** Section 60 is amended by replacing the second paragraph by the following:

“The operator must keep the file of a resident for at least 5 years after the departure or death of the resident and the file of a staff member or a person responsible for supervision in the residence for at least 5 years after his or her departure from the residence.”.

**51.** Section 62 is amended by replacing “subparagraph 11” by “subparagraphs 11 and 12”.

**52.** Section 64 is replaced by the following:

“64. A contravention of the third paragraph of section 8, section 13.1, the first paragraph of section 13.2, sections 13.4 to 14, section 15, the first paragraph of section 16, sections 21 and 21.2, section 22, the first and third paragraphs of section 24, section 27.1, the third paragraph of section 31, the second paragraph of

section 32, the first paragraph of section 33, section 34, the fourth paragraph of section 36, the first paragraph of section 37, sections 38 to 39, section 42, the second paragraph of section 44, the third paragraph of section 45, section 46, the first paragraph of section 50, the first paragraph of section 51, the second and third paragraphs of section 53, sections 54 and 55, the second paragraph of section 56, sections 56.1 and 56.5, the first, second, third, fourth and fifth paragraphs of section 57, section 58 and section 60 constitutes an offence.

A failure by the operator of a private seniors’ residence to ensure compliance with section 13.3, sections 17 to 20, the second and fourth paragraphs of section 24, sections 28 and 29, the first paragraph of section 32, the third paragraph of section 36, the second paragraph of section 37, the first paragraph of section 47, the third paragraph of section 51, the first paragraph of section 56 and of section 59 also constitutes an offence.”.

**53.** Schedule II is amended

(1) by inserting “or 2” after “category 1” in section 2;

(2) by striking out section 3.

**54.** Schedule III is amended

(1) in the French text by replacing “tenu en vertu de l’article 57” in paragraphs 3 and 5 of section 1 by “tenu en application de l’article 57”;

(2) by replacing “second” in paragraph 5 of section 3 by “third”.

**55.** Schedule IV is replaced by the following:

“**SCHEDULE IV**  
(s. 28)

1. A first aid training program is a first aid program dispensed by a body referred to in the following subparagraphs:

(1) any body recognized as a provider of first aid training in the workplace by the *Commission des normes, de l’équité, de la santé et de la sécurité du travail*;

(2) any other body providing first aid training of at least 16 hours in compliance with CSA Standard Z1210-17, First aid training for the workplace — Curriculum and quality management for training agencies, of the Canadian Standards Association, including subsequent amendments.

A body identified in one of the subparagraphs of the first paragraph is accredited to issue attestations showing successful completion of a training program referred to in the same subparagraph.

2. A training program on the safe movement of persons is a training program recognized by the *Association paritaire pour la santé et la sécurité du travail du secteur affaires sociales* (ASSTSAS) for the acquisition of the necessary skills, when provided by an instructor accredited by that association or by an educational institution.

The instructor or educational institution referred to in the first paragraph is accredited to issue attestations showing successful completion of the training program referred to in that paragraph.”

#### TRANSITIONAL AND FINAL

**56.** A certificate of compliance issued to the operator of a private seniors’ residence before the coming into force of this Regulation remains valid until its expiry even if the category of the residence changes pursuant to section 1 of the Regulation respecting the certification of private seniors’ residence (chapter S-4.2, r. 0.01), replaced by section 1 of this Regulation.

**57.** The operator of a private seniors’ residence must, not later than 6 months after the coming into force of this Regulation, comply with Division 1.1 of the Regulation respecting the certification of private seniors’ residence (chapter S-4.2, r. 0.01), enacted by section 1 of this Regulation.

**58.** The operator of a private seniors’ residence must enter into the agreement referred to in section 14.1 of the Regulation respecting the certification of private seniors’ residence (chapter S-4.2, r. 0.01), enacted by section 13 of this Regulation,

(1) not later than 6 months after the coming into force of this Regulation when the agreement concerns a category 1 or 2 residence;

(2) not later than 9 months after the coming into force of this Regulation when the agreement concerns a category 3 or 4 residence.

An agreement entered into by the operator pursuant to section 41 of the Regulation respecting the certification of private seniors’ residence, as it read before the coming into force of this Regulation, ceases to have effect from the coming into force of the agreement referred to in section 14.1 of that Regulation, enacted by section 13 of this Regulation.

**59.** Section 26 of the Regulation respecting the certification of private seniors’ residence (chapter S-4.2, r. 0.01), as it read before the coming into force of this Regulation, continues to apply until the coming into force of the agreement referred to in section 14.1 of that Regulation, enacted by section 13 of this Regulation.

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

(1) paragraph 2 of section 15, replacing the second paragraph of section 16 of the Regulation respecting the certification of private seniors’ residence (chapter S-4.2, r. 0.01), which comes into force 1 year after the coming into force of this Regulation;

(2) section 21, enacting section 21.1 of the Regulation respecting the certification of private seniors’ residence, which comes into force 30 days after the coming into force of this Regulation;

(3) paragraph 1 of section 24,

(a) insofar as it enacts the second paragraph of section 24 of the Regulation respecting the certification of private seniors’ residence, which comes into force 90 days after the coming into force of this Regulation;

(b) insofar as it amends the first paragraph of section 24 of the Regulation respecting the certification of private seniors’ residence, which comes into force 1 year after the coming into force of this Regulation;

(4) section 28, removing the maximum period of one year after beginning work during which a care attendant can complete the training referred to in the first paragraph of section 28 of the Regulation respecting the certification of private seniors’ residence, which comes into force 1 year after the coming into force of this Regulation;

(5) paragraph 1 of section 29, amending the portion of the first paragraph of section 29 of the Regulation respecting the certification of private seniors’ residence before subparagraph 1, which comes into force 1 year after the coming into force of this Regulation;

(6) section 47, enacting subdivision 2.1 of Division IV of Chapter II of the Regulation respecting the certification of private seniors’ residence, which comes into force 2 years after the coming into force of this Regulation.

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