

Procedure

for obtaining
a certificate of compliance,
for operators
of a residence
for the elderly

May 2007

In accordance with the Act respecting
health services and social services
(R.S.Q., c S-4.2)

*Santé
et Services sociaux*
Québec

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1. The operator must have each residence of which he is the owner listed in the *Register of residences for the elderly*, by contacting the health and social services agency of the region where each residence is situated.
2. To obtain a certificate of compliance, the operator of a residence for the elderly must apply in writing to the health and social services agency for the region where the residence is situated, using the form provided as a schedule to this document, or the web site of the ministère de la Santé et des Services sociaux: www.msss.gouv.qc.ca
3. The operator must fill out the application form, sign it and send it by mail to the agency of the region where the residence is situated. If the operator is a legal person, the application must be accompanied by the resolution of the board of directors authorizing the signatory.
4. The agency shall send a written notice of reception to the operator who made the application, setting out its instructions with a view to preparing the inspector's visit. The agency will send a copy of the application for a certificate of compliance to the Conseil québécois d'agrément.
5. The Conseil québécois d'agrément shall contact the operator to explain the preparatory stages for the compliance verification visit and propose a date for the visit.
6. The operator shall prepare for the visit with the help of the *Application Manual for the Regulation respecting the conditions for obtaining a certificate of compliance for a residence for the elderly* and the *Aide-mémoire for operators of a residence for the elderly*.
7. The operator shall submit the required documents to the Conseil québécois d'agrément four weeks before the anticipated date of the visit.
8. The Conseil québécois d'agrément must examine the documents received and, if these documents are complete and in conformity, it shall confirm the date of the visit. If such is not the case, the visit is postponed.
9. In carrying out the inspection, the Conseil québécois d'agrément must verify that the operator meets the specified health and social criteria. The operator must authorize the inspector to enter the residence at any reasonable time of day.

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10. When the visit is completed, the Conseil québécois d'agrément must send the compliance verification report to the agency of the region where the residence is situated within 15 working days after the visit.
11. On receipt of the compliance verification report, the agency shall examine it.
12. If the operator is found to be in compliance with the health and social criteria and the conditions set out, and if, during the past three years, the operator has not been convicted of an offence under the Act respecting health services and social services, unless the operator has obtained a pardon, nor convicted of an indictable offence in connection with the operation of a residence for the elderly, unless he has obtained a pardon, the agency shall issue a signed certificate of compliance to that operator within 30 days after receiving the compliance verification report of the Conseil québécois d'agrément. The compliance certification shall be entered in the *Register of residences for the elderly*, along with the date of issue and the expiry date of the certificate of compliance.
13. When the certificate of compliance is sent to the operator, it is to be accompanied by a letter indicating the length of time for which it is valid, as well as a reminder that the operator must apply for its renewal at least 90 days before the expiry of the certificate.
14. A certificate of compliance is valid for two years. The date is indicated on the said certificate.
15. The operator must publicly display the certificate of compliance at all times in the residence.

Refusal to issue a certificate of compliance

16. If, after examination of a compliance verification report, the agency refuses to issue a certificate of compliance, it must first inform the applicant in writing of its intention¹, as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., chapter J-3), and grant a period of at least 10 days for the applicant to submit observations
17. If the operator submits observations to the satisfaction of the agency and, where applicable, takes the necessary corrective measures within the period the agency determines, the agency shall issue a signed certificate of compliance within 10 days after its receipt of the observations and/or the corrective measures.
18. If the operator fails to submit his observations and/or to take the required corrective measures, the agency may then refuse to issue a certificate of compliance. The health and social services agency must inform the operator in writing of its decision, giving its reasons, within 30 days after the date the decision was made.

¹ Intention of refusing, with reasons.

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19. The operator whose certificate of compliance has been refused may contest the health and social services agency's decision before the Administrative Tribunal of Québec within 60 days after the date of notification.

Renewal of a certificate of compliance

20. The procedure for renewing a certificate of compliance is the same as that set out for obtaining the certificate the first time. The operator shall send the application for renewal to the health and social services agency at least 90 days before the expiry date of the certificate of compliance.
21. If the operator complies with the health and social criteria and satisfies the requirements established by regulation or if, following a complaint, the operator has taken the necessary corrective measures within the period the agency determined, and if the operator has not been convicted during the period of validity of the certificate of an offence under the Act respecting health services and social services (R.S.Q., c. S-4.2), unless the operator has obtained a pardon, nor convicted of an indictable offence in connection with the operation of a residence for the elderly, unless he has obtained a pardon, the agency shall renew the signed certificate of compliance within 30 days after receiving the compliance verification report. The renewal of the certificate of compliance shall be entered in the *Register of residences for the elderly*, along with the date of renewal and the expiry date of the certificate of compliance.

Suspension, revocation or refusal to renew a certificate of compliance

22. Before suspending, revoking or refusing to renew a certificate of compliance, the agency must first inform the applicant or the certificate holder in writing of its intention, as prescribed by section 5 of the Act respecting administrative justice (R.S.Q. chapter J-3), and grant a period of at least 10 days for the applicant or the certificate holder to submit observations.
23. If the operator presents his observations to the agency's satisfaction, instead of suspending, revoking or refusing to renew a certificate of compliance, the agency may order the operator to take the necessary corrective measures within the period the agency determines.
24. If the operator fails to take the necessary measures within the period the agency determines, the agency may then suspend, revoke or refuse to renew the certificate of compliance. The health and social services agency must inform the operator in writing of its decision, giving its reasons, within 30 days after the date the decision was made.
25. An operator whose certificate of compliance has been suspended or revoked, or for which renewal has been refused, may contest the health and social services agency's

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decision before the Administrative Tribunal of Québec within 60 days after the date of notification.

Change in personal assistance services² offered

26. When a certified residence that offers no personal assistance services wishes to change its service offer in order to include personal assistance services, the operator must make a new application for certification to the agency for the region where the residence is situated, with a view to obtaining a certificate of compliance, with personal assistance services.

Cessation of activities

27. The operator of a residence for the elderly that wishes to cease activities must return the certificate of compliance to the health and social services agency. The rights conferred by a certificate of compliance may not be validly transferred to another person.

Sale of a residence for the elderly

28. The new operator of a residence for the elderly must, at the time of purchase, apply to the agency for the region in which the residence is situated.

The visit of the inspector from the Conseil québécois d'agrément shall take place after 60 days of operation by the new operator, or no later than 90 days thereafter.

This information shall be entered in the *Register of residences for the elderly*.

Operation without a certificate of compliance

29. Every person who operates a residence for the elderly without being a holder of a certificate of compliance is liable, for every day of the duration of the offence, to a fine of \$150 to \$450 in the case of a natural person, or to a fine of \$750 to \$2,250 in the case of a legal person³.

² Personal assistance services are personal hygiene, eating aid, mobility aid, transfer aid and distribution of medications. Section 26 of the *Regulation respecting the conditions for obtaining a certificate of compliance for a residence for the elderly*.

³ Section 531.1, Act respecting health services and social services (AHSSS) (effective as of February 2009).