

c. S-4.2, r.0.01.1

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

An Act respecting health services and social services

(R.S.Q., c. S-4.2, s. 346.0.6, 1st par., subpars. 1, 2 and 3 and 2nd par.)

DIVISION I

CONDITIONS FOR OBTAINING A CERTIFICATE OF COMPLIANCE

1. A health and social services agency for the area of jurisdiction where the residence for the elderly is situated is to issue a certificate of compliance referred to in section 346.0.3 of the Act respecting health services and social services (R.S.Q., c. S-4.2), to the operator of a residence for the elderly if the operator meets the conditions set out in this Regulation.

O.C. 1168-2006, s. 1.

§ 1. General

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

O.C. 1168-2006, s. 2.

3. Space must be provided in the residence for the elderly so that every resident can receive visitors in a setting that respects the resident's privacy at all times.

O.C. 1168-2006, s. 3.

4. Residents' access to recreational activities and community life is to be facilitated.

O.C. 1168-2006, s. 4.

§ 2. Exchange of information

5. A document with the following mandatory information written in clear and simple terms is to be given by the operator to a person wishing to enter the residence, a close relative of the person or, as applicable, the person's representative:

(1) the type of residence;

(2) all the services offered in the residence, the cost of the services and, where applicable, an indication that the residence offers no personal assistance service;

- (3) the conditions on which persons with a disability may be admitted and the accommodation capacity for such persons;
- (4) the complaint management procedure;
- (5) the code of conduct that applies to the staff and residents;
- (6) the procedure and cost for the service that manages claims under government financial assistance programs, if that service is available; and
- (7) the operating rules for the residence.

O.C. 1168-2006, s. 5.

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

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

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

O.C. 1168-2006, s. 6.

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

O.C. 1168-2006, s. 7.

§ 3. Health and safety of residents

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

O.C. 1168-2006, s. 8.

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

O.C. 1168-2006, s. 9.

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

O.C. 1168-2006, s. 10.

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

The operator may not resort to force, isolation, mechanical means or a chemical substance to control a resident's behaviour. Despite the foregoing, to protect the person or other persons in an emergency situation, after ruling out all other possibilities, the operator may temporarily and exceptionally use such means, but not a chemical substance.

If the operator notices behaviour referred to in the first paragraph or in an emergency situation has to resort to a control measure referred to in the second paragraph, the operator must immediately notify the health and social services agency for the area of jurisdiction where the residence is situated so that the resident's condition may be assessed and a determination made of the measures, if any, to be taken.

O.C. 1168-2006, s. 11.

12. In the event that the resident's state of health requires care or services that are beyond the operator's capacity or obligations, the operator must notify the resident and, with the resident's consent, the resident's close relatives. If the resident is incapable of giving consent, the operator must notify the resident's close relatives.

O.C. 1168-2006, s. 12.

13. Every residence must have a functioning call-for-help system adapted to the clientele's specific needs and made available to each resident.

In addition, the operator must ensure that a safety device which alerts staff members is in place if residents require monitoring because they are prone to wandering.

O.C. 1168-2006, s. 13.

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

That person must have up-to-date training in

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

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

O.C. 1168-2006, s. 14.

15. Professional activities are to be performed in the residence by members in good standing of the professional order concerned.

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

O.C. 1168-2006, s. 15.

16. The operator is to apply the intervention protocols provided by the agency for its area of jurisdiction in the event of an accident or incident, death, unexplained absence of a resident or onset of an infectious disease, and to prevent infection, apply restraint measures in an emergency situation or mitigate a heat wave.

The operator must ensure that staff members are familiar with the protocols.

O.C. 1168-2006, s. 16.

17. A residence for the elderly is to have first-aid kits conspicuously marked for rapid identification that must be kept clean, fully stocked and in good condition, and that are readily accessible and available at all times.

O.C. 1168-2006, s. 17.

18. Devices and equipment furnished by the residence to provide health care and services to residents are to be maintained in good working order.

O.C. 1168-2006, s. 18.

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

The fire safety plan must contain the following information:

- (1) a list of the residents, specifying for each the measure or measures to be taken to ensure they are evacuated to a safe place;
- (2) a list of the staff members designated to apply the evacuation measures;
- (3) instructions to the person in charge;
- (4) instructions to the supervisory staff members;
- (5) the location of portable extinguishers and other fire protection equipment and evacuation routes to outside meeting places;
- (6) a list of agreements with organizations, establishments, institutions or individuals concerning assistance in the event of evacuation of the residence or the taking of evacuees in charge; and
- (7) a list of all emergency telephone numbers.

A copy of the fire safety plan must be kept near the main entrance for the person in charge of the emergency services. The evacuation instructions must be posted on every floor in the residence in a place accessible to the public. All staff members must be informed of the content of the plan and of the specific tasks they are to perform in the event of an evacuation.

O.C. 1168-2006, s. 19.

§ 4. Food and medication

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

O.C. 1168-2006, s. 20.

21. The operator must encourage self-administration.

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

- (1) a person in charge must be designated to supervise the distribution of medication;
- (2) medication in the name of each resident must be stored under lock and key, in a cupboard reserved for that purpose or, if required, in a refrigerated area; and
- (3) the person distributing medication must ensure that the person to whom the medication is distributed is the person to whom the medication is intended.

O.C. 1168-2006, s. 21.

22. The operator or a staff member must, when administering medication, comply with the rules in section 21 and do so in accordance with section 39.8 of the Professional Code (R.S.Q., c. C-26) or a regulation made under section 39.9 of that Code.

O.C. 1168-2006, s. 22.

23. An operator may make available to its residents the commonly used over-the-counter medications listed in Schedule III to the Regulation respecting the terms and conditions for the sale of medications (O.C. 712-98, 98-05-27). The medications must be kept as provided in subparagraph 2 of the second paragraph of section 21 of this Regulation.

A list of the medications and the rules governing their use must be determined, on the operator's request, by a pharmacist. The list and rules must be reviewed at least once every 2 years and not more than 6 months before each renewal application for a certificate of compliance.

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

O.C. 1168-2006, s. 23.

§ 5. Requirements

24. The operator must ensure that

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

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

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

O.C. 1168-2006, s. 24.

§ 6. *Liability insurance*

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

O.C. 1168-2006, s. 25.

§ 7. *Exemption*

26. Subparagraphs 3 to 6 of the first paragraph of section 6, sections 13, 14, 18, 21 and 22 do not apply to the operator of a residence for the elderly that offers no personal assistance service.

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

O.C. 1168-2006, s. 26.

27. (*Omitted*).

O.C. 1168-2006, s. 27.

O.C. 1168-2006, 2006 G.O. 2, 57