



PLEASE NOTE

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For more information concerning the history of these regulations, please see the [Table of Regulations](#).

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CHAPTER C-13

COMMUNITY CARE FACILITIES AND NURSING HOMES ACT

NURSING HOME REGULATIONS

Pursuant to section 13 of the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13 Council made the following regulations:

1. In these regulations
- Interpretation
- (a) "Act" means the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13; Act
- (b) "registered nurse" means a person registered under the Nurses Act R.S.P.E.I. 1988, Cap. N-4. (EC10/88) registered nurse

LICENSE

2. Any applicant for a license shall on initial application
- Application for license
- (a) complete an application form in the form set out in the Schedule;
- (b) furnish such additional information or explanation as the Board may require; and
- (c) on request, provide evidence, in the form of copies of certificates, permits or reports issued by the appropriate provincial authorities, of compliance with the prescribed standards for building construction, electrical, elevator and fire safety, boiler and pressure vessels, and hygiene. (EC10/88)
3. (1) Subject to section 9 of the Act, a license shall be valid for twelve months from the date of issue. License
- (2) A license shall be signed by the chairman of the Board and shall show the name and location of the nursing home, the name of the operator, the maximum number of residents to be accommodated, any conditions attached to the license, the date of expiry and the license number. *Idem*
- (3) The license shall be displayed prominently at the main entrance of the nursing home or at some other location open to the public. Display
- (4) Any advertising of the nursing home shall cite its license number and state any conditions of the license that pertain to that nursing home. Advertising
(EC10/88)

| | |
|-----------------------------------|--|
| Currency of inspections | 4. (1) An operator is responsible for ensuring that all authorizations required by provincial law, in respect of the matters referred to in clause 2(c), are kept up to date. |
| Nursing home inspectors | (2) In addition to the various other specific types of inspection provided for in these regulations, an inspector shall for initial licensure and at least annually thereafter, and may at any reasonable time, inspect a nursing home and may examine, inquire into and give direction on any aspect of the operation of the nursing home. |
| Operator and Board to be informed | (3) An inspector shall, following an inspection of a nursing home, without delay make his findings, recommendations and any directions known in writing to the operator and the Board. (EC10/88) |
| Renewal | 5. (1) An operator seeking renewal of a license shall prior to its expiry, apply to the Board, outlining any alteration in the information required by section 2. |
| <i>Idem</i> | (2) The Board, if it is satisfied that the prescribed standards are met, shall, upon payment of the prescribed fee, renew the license. (EC10/88) |
| License non-transferable | 6. (1) The license of a nursing home is not transferable; a new license shall be required in case of sale, transfer of ownership or change of location of the nursing home and the operator shall, if at all possible, give at least sixty days notice thereof to the residents and to the Board. |
| Exception | (2) Notwithstanding subsection (1) and subsection 3(1), if in the judgment of the Board there is no risk posed to the well-being of residents thereby, the license of a nursing home shall be permitted to continue in effect for one year following sale or transfer of ownership to the licensee's spouse, child or sibling. |
| Notice of closing | (3) An operator intending to close a nursing home shall, if at all possible, give at least sixty days written notice thereof to the residents and their families and to the Board, so that alternative arrangements can be made for the care of residents. |
| Contingency plan | (4) An operator shall have in readiness a plan accepted by the Board to ensure continuity of operation in case of the death of the operator or other comparable disruption. (EC10/88) |
| License | 6.1 Where the operator or a member of the management or staff of a facility has been convicted of an offence of a nature that, in the opinion of the Board, was or would likely be harmful to the safety, welfare or quality of care of a resident, the Board may refuse, refuse to renew, revoke, suspend, or impose conditions on a license. (EC818/90) |

7. (1) Where the Board intends to refuse to issue or renew, to suspend, revoke or impose a restrictive condition on a license, it shall in writing inform the applicant or operator, as the case may be, of the proposed decision and the reasons therefor, and shall offer the applicant or operator an opportunity to appear before the Board to challenge the proposed decision.

Notice of Board's
intent to refuse
license, etc.

(2) Following the hearing provided for in subsection (1) or when the affected applicant or operator has declined or failed without reasonable excuse to attend the hearing, the Board shall make its decision regarding the license and shall so inform the applicant or operator.

Decision of Board

(3) Where the decision is to refuse to issue or renew, to suspend, revoke or impose a restrictive condition on the license, the Board shall advise the Minister in accordance with subsection 10(3) of the Act and recommend whatever action it believes should be taken. (EC10/88)

Notification of
Minister

8. (1) A person wishing to appeal a decision made by the Board with respect to a license shall, within ten days of receiving notice of the decision, notify the Minister in writing of his intent to appeal.

Appeal of licensure
decision

(2) Upon receiving a notice of appeal, the Minister shall arrange for the establishment of an Appeal Panel comprising a nominee of the appellant, a nominee of the Board, and a third person as chairman who shall be chosen jointly by the two nominees or, that failing, appointed by the Minister.

Appeal Panel

(3) The Appeal Panel shall conduct such inquiry as it sees fit, ensuring that each party has an opportunity to be heard and to present evidence in person or with legal counsel if desired.

Inquiry

(4) The Appeal Panel shall render a decision consistent with the Act and the regulations within thirty days of receipt by the Minister of the notice of appeal, and shall inform the Minister, the Board and the appellant of the decision in writing. (EC10/88)

Decision

BUILDING CONSTRUCTION

9. (1) Any building used or intended to be used by a nursing home for the provision of services shall be inspected for initial licensure and annually thereafter by inspectors with respect to conditions of physical structure and electrical safety, and the applicant or operator shall comply with any direction given by an inspector for the remediation of an unsafe condition.

Building inspection

(2) The operator of a nursing home already in operation at the time of the coming into force of these regulations shall satisfy the Board, on the

Idem, operating
building

basis of the inspector's report, with respect to the soundness and safety of any existing building used by the nursing home for the provision of services.

Idem, new facility

(3) Where an application is made to begin operation of a nursing home which was not operating at the time of the coming into force of these regulations or where the operator of a nursing home wishes to begin licensed use of an existing building not previously used by the nursing home for nursing home purposes, the applicant or operator shall

(a) satisfy the Board, on the basis of the inspector's report, with respect to the soundness and safety of any building intended for use in the provision of services; and

(b) satisfy the Board with respect to its appropriateness for the purposes proposed.

Idem, new construction

(4) An operator of an existing nursing home or a person undertaking to establish a nursing home intending new construction or an expansion or structural renovation of an existing building shall submit the plans, prior to construction, to the Board for its approval with respect to appropriateness for the purposes of nursing home services.

Compliance with standards

(5) All new construction, major or structural renovations or additions which are commenced after these regulations come into effect shall comply with the specifications of the National Building Code, all relevant provincial building standards, and building standards for the handicapped as provided under the *Access to Public Buildings Act* R.S.P.E.I. 1988, Cap. A-2.

Corridors

(6) All new construction, structural renovations or additions which are commenced after these regulations come into effect shall have corridors that are at least 7 feet wide. (EC10/88)

Wheelchair access

10. The operator of a nursing home that accommodates a resident who is regularly confined to a wheelchair shall make provision for wheelchair access for that person at the building's entry, to his bedroom, to bathroom and toilet facilities, to dining and lounge areas. (EC10/88)

HYGIENE AND BASIC COMFORT

Public health inspection

11. (1) A nursing home shall, for initial licensure and at least annually thereafter, be inspected by a public health officer appointed under the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30.

Hygiene and comfort standards

(2) A nursing home shall be kept weatherproof, dry, free of pests, adequately heated, ventilated and lighted, in a state of good repair and sanitation and in general safe, clean and comfortable for residents, to the satisfaction of the public health officer following the standards

prescribed by the Rental Accommodation Regulations under the *Public Health Act*, subject to the standards prescribed in these regulations and to such interpretive policy directions as may be given by the Board. (EC10/88)

12. (1) Each resident, except in a case expressly approved by the Board, shall be provided with a bedroom that Bedroom

- (a) is formed by floor-to-ceiling walls so as to be a distinct room for sleeping and personal use, is not located in nor serving the additional purpose of a basement, attic, kitchen, hallway, bathroom, laundry room, furnace room, closet or storage room, and is accessible directly from a hallway without passage through another room;
- (b) is used to accommodate no more than two persons, except as otherwise provided in this section;
- (c) has a minimum ceiling height of 7.2 feet, a minimum width of 8.2 feet, and a minimum usable floor area, excluding closet, wardrobes and toilet rooms, of 100 square feet for single occupancy or 160 square feet in the case of double occupancy; and
- (d) is furnished, for the personal use of the resident, with
 - (i) a suitable height-adjustable bed, with side-rails if necessary for the safety of the resident, at least 3.2 feet distant from any other bed,
 - (ii) at least 30 cubic feet of closet or wardrobe space,
 - (iii) sufficient clothing drawers,
 - (iv) a bedside table or other such surface,
 - (v) a comfortable armchair,
 - (vi) a privacy curtain, and
 - (vii) a signalling device for summoning help.

(2) Notwithstanding clause (1)(b), the Board may permit a nursing home to place up to 15 per cent of its total bed capacity in bedrooms accommodating up to four persons, subject to the requirement of at least 75 square feet per person. Exemption

(3) Notwithstanding clause (1)(b), a nursing home that is in operation at the time of the coming into force of these regulations may continue to accommodate up to four persons in a bedroom where such arrangement then existed, subject to the requirement of at least 75 square feet per person. Idem

(4) The exemption provided in subsection (3) ceases to apply one year after a license ceases to be held by the person holding the license at the time of the coming into force of these regulations. (EC10/88) Idem

13. (1) All corridors, stairways and ramps shall be equipped with handrails securely mounted along both walls. Passages

| | |
|------------------------|---|
| Floors | (2) The operator of a nursing home shall ensure that covering on floors and stairways have a non-skid finish. (EC10/88) |
| Bathroom | <p>14. A facility shall have toilet and bathroom facilities that</p> <ul style="list-style-type: none"> (a) comprise at least one flush toilet and one washbasin for every ten or fewer persons living there and such facilities shall be accessible to the residents within 40 feet of their bedrooms; (b) are served by a functioning waste-disposal system; (c) have a ready supply of hot and cold potable water under pressure, sufficient for the hygienic needs of all residents; (d) are directly accessible without passage through a bedroom or food area; (e) are ventilated to the outside; (f) have an impervious, sanitary finish on walls and ceiling; (g) have bathing facilities suitable for the needs of the residents as determined by the Board; (h) are equipped with <ul style="list-style-type: none"> (i) a signalling device for summoning help, (ii) a door-lock system which can be opened from outside in case of emergency, (iii) non-slip bottom of bathtub and shower, (iv) grab-bars for toilet and bathtub. (EC10/88) |
| Dining and lounge area | 15. A nursing home shall have dining areas and common-use lounge areas exclusive of space in bedrooms that are accessible to all residents, are furnished with comfortable seating and have a combined total space sufficient to allow at least 15 square feet per resident. (EC10/88) |
| Food service | 16. (1) The operator shall ensure that a nursing home's food preparation and service facilities and procedures comply with the Eating Establishments and Licensed Premises Regulations made under the <i>Public Health Act</i> , except insofar as those standards may be relaxed in certain respects by these regulations and such interpretive policy directions as may be given by the Board. |
| Exceptions | <p>(2) The following requirements of the Eating Establishments and Licensed Premises Regulations are deemed not to apply to a nursing home:</p> <ul style="list-style-type: none"> (a) individualized dispensing of milk {s.19}; (b) single-use laundering of table linen {s.24}; (c) staff uniforms {clause 26(b)}; (d) washrooms for public use {s.28&29}. (EC10/88) |
| Laundry | 17. (1) Any washing or handling of laundry shall be done away from any area in which food is stored, prepared or served. |

(2) Laundry facilities and procedures shall be designed and equipped so as to ensure the proper separation of soiled and clean items and the proper treatment and disinfection of items soiled with blood, excreta or other human discharge. (EC10/88) *Idem*

SAFETY

18. (1) A nursing home shall, for initial licensure and at least annually thereafter, be inspected by a fire inspector empowered under the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11. *Fire inspection*

(2) The operator shall ensure that a nursing home complies with the said Act, the regulations made and standards established thereunder, and with the directions of a fire inspector so as to prevent or remedy any unsafe condition with respect to protecting residents against fire. (EC10/88) *Idem*

19. (1) The operator of a nursing home shall have, and keep posted in conspicuous locations, an emergency evacuation plan approved by a fire inspector, and the operator shall conduct fire drills periodically so that the residents and staff are familiar with the procedures. *Emergency procedures*

(2) The operator of a nursing home shall maintain a current register of all residents, in which is recorded any information, including urgent medication requirements, vital to the care of the residents and a register of all staff, and these registers shall be kept so as to be available for immediate removal and reference in case of fire or other emergency. *Idem*

(3) A list of emergency telephone numbers, for fire, police, hospital, ambulance and physician, shall be kept current and posted conspicuously at each telephone used for the administration of the nursing home. (EC10/88) *Idem*

20. All nursing homes shall have basic emergency medical equipment and supplies in accordance with such recommendations as may be made by the Board. (EC10/88) *Emergency equipment*

21. All staff on duty shall be free of communicable disease that poses a significant risk to the residents and may be required by an inspector or a public health officer to undergo medical examination. (EC10/88) *Staff health*

22. (1) The operator of a nursing home shall establish, formally record and apply in practice, procedures for the management of medications for residents. *Medications procedures*

(2) All medications shall be stored in a secure manner and narcotics shall be kept in a double-locked storage compartment. *Storage*

- Physician review (3) All medication orders shall be reviewed at least quarterly by a physician.
- Administration by nurse (4) All medications shall be administered, recorded and monitored by a registered nurse.
- Exemption (5) Subject to subsection (6), subsection (4) does not apply to a nursing home that was in operation at the coming into force of these regulations and remains under the same licensee.
- Idem* (6) In a nursing home exempted under subsection (5), the administration of all medications shall be recorded by a supervisory staff person and monitored by a registered nurse.
- Idem* (7) Subsections (5) and (6) expire five years from the date these regulations come into force. (EC10/88)

SOCIAL RIGHTS

- Social activity **23.** The operator and any staff shall provide each resident with
- (a) opportunities, both within the facility and externally in the community as may be possible, for social, leisure, recreational and spiritual activity;
 - (b) access to telephone use and routine opportunity to receive visitors so as to maintain contact with family and people of the community;
 - (c) reasonable opportunity for privacy and independence;
 - (d) opportunity to express any concerns about the operation of the facility and to be involved in any decisions in that regard that may directly affect him. (EC10/88)

RESIDENT CARE

- Resident assessment, care plan **24.** The operator of a nursing home shall ensure that
- (a) at the time of admission and on an ongoing basis
 - (i) there is an appraisal of the medical, mental-emotional and behavioural status of each resident, including prescribed medications, and
 - (ii) the goals and plan for the care of the resident are formulated accordingly;
 - (b) a functional assessment as to level of care required be completed at least every four months in a format acceptable to the Board; and
 - (c) the care provided for the resident is appropriate to his needs as determined in the said appraisal and plan. (EC10/88)
- Medical record **25.** The operator of a nursing home shall

- (a) maintain a medical record satisfactory to the Board for each resident;
- (b) before any person is admitted to a nursing home, ensure the provision of a current medical history and orders for treatment, in writing, signed by the person's physician;
- (c) keep in the nursing home the medical record for each resident for six years after discharge or death;
- (d) ensure that the medical record includes at least monthly nursing notes signed by a registered nurse or licensed nursing assistant, and that the weight and measurements of the resident are recorded quarterly on a special page; and
- (e) record every injury, medication error or treatment error immediately on an incident report as shown in Form 3 of the Schedule, or such other form that is satisfactory to the Board. (EC10/88)

26. (1) The operator of a nursing home shall ensure that it is staffed sufficiently, as determined by the Board with respect to numbers and capabilities and arrangement, so as to provide for the residents' safety, comfort, nursing and other care in a manner appropriate to their state of health and degree of activity. Staffing

(2) The operator of a nursing home shall ensure that a plan is in readiness for provision of essential services whenever there is a reduction in the number of staff available occasioned by or as a result of a labour-management dispute or other cause. Contingency plan

(3) The operator of a nursing home shall ensure that all regular staff who provide food services or nursing care directly to residents have been trained in and are kept familiar with use of the manoeuvre for freeing a choking person's obstructed airway. (EC10/88; 446/89) Anti-choke training

27. (1) A registered nurse shall be on duty in a nursing home at all times. Registered nurse

(2) Subject to subsection (3), subsection (1) does not apply to a nursing home that was in operation at the coming into force of these regulations and remains under the same licensee. Exemption

(3) The operator of a nursing home exempted under subsection (2) shall, without reducing professional staffing from the level existing at the coming into force of these regulations, *Idem*

- (a) make and faithfully implement a plan, acceptable to the Board, for attaining compliance with subsection (1);
- (b) ensure as a minimum that, within one year of the coming into force of these regulations, a registered nurse is on duty for the day shift; and

(c) ensure that a registered nurse is on call and directly available during any time when a registered nurse is not present on duty in the nursing home.

Idem

(4) Subsections (2) and (3) expire five years from the date these regulations come into force. (EC10/88)

Dietary
requirements

28. The operator shall ensure that

(a) a minimum of three meals and two nutrition breaks are served daily to each resident;

(b) meals and nutrition breaks are reasonably spaced so that there is no more than a 15 hour span between a substantial supper one day and a breakfast the next;

(c) meals are planned at least one week in advance, using Canada's Food Guide and that dated menus, cyclic menus, changes in menus and records of food purchased are kept for annual inspection;

(d) meals offer variety and are appealing;

(e) meals are nutritious and of adequate caloric value, as specified in the current Recommended Nutrient Intake for Canadians, to meet the requirements of each resident depending on his age, sex, level of activity or other particular factors;

(f) meals are provided, as much as is practical, in a manner which recognizes each resident's personal food preferences, religious or cultural customs;

(g) a food history and food preference questionnaire is completed by each resident on admission;

(h) meals fulfil the requirement of any therapeutic diet ordered for a resident by his physician. (EC10/88)

Medical care

29. (1) Each nursing home shall have a consulting physician.

Idem

(2) Where a resident requires medical services and his personal physician is not available, the operator shall be responsible for obtaining medical services for the resident. (EC10/88)

Dental care

30. Where a resident is in need of the services of a dentist, the operator shall arrange opportunity for the resident to receive the services of a dentist. (EC10/88)

Assistance to obtain
health care

31. The operator of a nursing home is responsible to give, as the resident may reasonably request or obviously appear to require, assistance to a resident, such as in arranging appointments and transportation to obtain health-care services. (EC10/88)

ADMINISTRATION AND OPERATION

- 32.** Every nursing home shall have a registered nurse who is designated as the director of nursing or resident care and who is responsible for Director of nursing
- (a) the organization, direction and evaluation of nursing care;
 - (b) directing the work of the nursing care staff in the home; and
 - (c) the organization and direction of in-service training programs for nursing care staff. (EC10/88)
- 33.** All staff shall be provided with the opportunity to attend in-service training courses, both inside and outside the home, based on availability and need as assessed by the operator. Staff training (EC10/88)
- 34.** The operator shall keep an accurate account of any financial transactions managed or conducted with or on behalf of a resident, which record shall be given or available at any reasonable time to the resident or his authorized representative. Resident account (EC10/88)
- 35.** When a resident of a nursing home suffers an injury, a serious change in his condition, or dies, the operator shall ensure that the next of kin, guardian or a friend is notified immediately. Notification of next of kin (EC10/88)
- 36.** The operator shall keep current written accounts of the operation of the nursing home outlining all revenues and expenditures, in such manner and degree of detail as to enable him to demonstrate the calculation of rates charged to residents. Financial accounts (EC10/88)
- 37.** The operator shall keep current personnel records for the nursing home including at least the following information: Personnel records
- (a) number and types of staff;
 - (b) outline of organizational structure and relationships;
 - (c) description of each staff person's duties;
 - (d) work schedule; and
 - (e) each individual's qualifications, at time of employment and subsequently acquired. (EC10/88)
- 38.** Where an operator plans to be or is on vacation or sick leave or otherwise away from his duties as operator for more than four consecutive weeks, he shall formally delegate his responsibilities as operator to another person Operator on leave
- (a) for the full period of absence where it is known that this will exceed four weeks; or
 - (b) for the remainder of the period of unplanned absence beyond four weeks,
- and shall so notify the Board. (EC10/88)

FEES

Fees

39. The following fees shall be payable by an applicant or operator to the Provincial Treasurer, whether initial or license renewal, including processing of application, inspection and consultation by a nursing home inspector:

- (a) for one year \$25.00
- (b) for a part year ... as determined by the Board
for the particular case, but not exceeding 25.00

(EC10/88; 639/93)

GENERAL

Transitional

40. (1) A nursing home that was in operation when these regulations came into force and remains under the original licensee shall comply with them in the manner and to the extent required by the Board.

Waiver

(2) The Board may waive the requirement of compliance with any aspect of the regulations on the part of the person holding the license for an existing nursing home's operation at the time the Act came into force, if in the Board's judgment the residents of the home are receiving a high standard of care and the relaxation of requirements will not be detrimental to their well-being. (EC10/88)

SCHEDULE

FORM 1

**DEPARTMENT OF HEALTH
COMMUNITY CARE FACILITIES AND
NURSING HOMES BOARD**

PRINCE EDWARD ISLAND

BOX 2000,
CHARLOTTETOWN,
PRINCE EDWARD ISLAND
C1A 7N8

APPLICATION FOR LICENSE

- 1. Applicant's Name Phone No.
- 2. Applicant's Address Postal Code
- 3. Operator's Name (if different than applicant)
- 4. Operator's Address
Postal Code Phone No.
- 5. Facility Name Phone No.
- 6. Facility Address Postal Code
- 7. Is Property Owned By Applicant? Yes No
- Is Property Leased By Applicant? Yes No
- Duration Of Lease

- 8. Residents to be admitted
 - Level 1 Level 3
 - Level 2 Level 4
 - Level 5
- Give details

- 9. List the services which are available to residents

- 10. List the number of each type of proposed staff and their qualifications

- 11. Attach a proposed work schedule of staff.
- 12. Attach a physical description of premises, including type of construction, general condition, site, number and size of rooms, number of storeys, and a sketch of the floor plan.

13. The following inspections have been completed:

| | Yes | No | Date Completed |
|------------------------------------|--------------------------|--------------------------|----------------|
| Building Construction Standards | <input type="checkbox"/> | <input type="checkbox"/> | |
| Electrical Standards | <input type="checkbox"/> | <input type="checkbox"/> | |
| Elevator Standards (if applicable) | <input type="checkbox"/> | <input type="checkbox"/> | |
| Fire Safety Standards | <input type="checkbox"/> | <input type="checkbox"/> | |
| Hygiene Standards | <input type="checkbox"/> | <input type="checkbox"/> | |
| Boiler and Pressure Vessel | <input type="checkbox"/> | <input type="checkbox"/> | |

This is to certify that the information contained herein and in the attachments as required is true and correct to the best of my knowledge and belief.

.....
Signature of Applicant

.....
Date Signed

(EC10/88; 605/05)

