

# Charitable Institutions Act Loi sur les établissements de bienfaisance

## REGULATION 69

*Amended to O. Reg. 269/02*

### GENERAL

*This Regulation is made in English only.*

#### INTERPRETATION

1. (1) In this Regulation,

“accommodation”, in relation to an approved charitable home for the aged, means basic accommodation in the home or preferred accommodation in the home;

“architect” means an architect who is a member in good standing of the Ontario Association of Architects;

“basic accommodation”, in relation to an approved charitable home for the aged, means lodging in a standard room in the home, housekeeping services, maintenance and use of the home, dietary services, laundry and linen services, administrative services and raw food;

“board” means the board of directors of an approved corporation or a charitable institution;

“continuum of care applicant”, in relation to a continuum of care approved charitable home for the aged, means a person who resides in a project set out opposite the approved charitable home for the aged in Column 2 of the Continuum of Care Facilities Table and has resided there as of a date earlier than July 1, 1994;

“Continuum of Care Facilities Table” means the table published by the Ministry of Health and Long-Term Care that is titled “Continuum of Care Facilities Table” and that is dated October 24, 1996;

“continuum of care approved charitable home for the aged” means an approved charitable home for the aged set out in Column 1 of the Continuum of Care Facilities Table;

“design manual” means the document entitled “Long-Term Care Facility Design Manual”, published by the Ministry of Health and Long-Term Care and dated May, 1999, and which is available from the Ministry of Health and Long-Term Care;

“interim bed” means a bed that exists in an approved charitable home for the aged for a temporary period of time under the terms of a service agreement for interim beds;

“licensed public accountant” means a public accountant licensed under the *Public Accountancy Act*;

“long-stay resident” means a resident of an approved charitable home for the aged who is not a short-stay resident;

“physician” means a legally qualified medical practitioner;

“preferred accommodation”, in relation to an approved charitable home for the aged, means private accommodation in the home or semi-private accommodation in the home;

“private accommodation”, in relation to an approved charitable home for the aged, means lodging in a private room in the home, housekeeping services, maintenance and use of the home, dietary services, laundry and linen services, administrative services and raw food;

“private room” means,

- (a) in the case of an approved charitable home for the aged to which the design manual or the part of the retrofit manual concerning resident bedrooms and headed “Option A” applies, a room with one bed that has a private ensuite washroom, other than a room that is designated by an approved corporation as a standard room,
- (b) in the case of an approved charitable home for the aged to which the part of the retrofit manual concerning resident bedrooms and headed “Option B” applies, a room with one bed that has an ensuite washroom, other than a room that is designated by an approved corporation as a standard room, or
- (c) in the case of all other approved charitable homes for the aged, a room with one bed, other than a room that is designated by an approved corporation as a standard room;

“professional engineer” means a professional engineer who is a member in good standing of the Association of Professional Engineers of the Province of Ontario;

“red-circled”, in relation to a year, means determined to be red-circled in accordance with the subsidy calculation worksheet for the year;

“registered nurse” means a member of the College of Nurses of Ontario who holds a certificate of registration as a registered nurse under the *Nursing Act, 1991*;

“registered nursing assistant” means a person who is registered as a nursing assistant under Part IV of the *Health Disciplines Act*;

“related temporary approved charitable home for the aged” means, where all or some of the beds in an approved charitable home for the aged are to be temporarily or permanently closed, another approved charitable home for the aged, if any, that is operated by the same approved corporation and is to provide beds to residents of the original approved charitable home for the aged on a temporary basis until beds in the re-opened approved charitable home for the aged or replacement approved charitable home for the aged are available for those residents;

“related temporary home” has the same meaning as in Regulation 637 of the Revised Regulations of Ontario, 1990 made under the *Homes for the Aged and Rest Homes Act*;

“related temporary nursing home” has the same meaning as in Regulation 832 of the Revised Regulations of Ontario, 1990 made under the *Nursing Homes Act*;

“re-opened approved charitable home for the aged” means, where all or some of the beds in an approved charitable home for the aged are to be temporarily closed, the same approved charitable home for the aged once those beds are re-opened;

“re-opened home” has the same meaning as in Regulation 637 of the Revised Regulations of Ontario, 1990 made under the *Homes for the Aged and Rest Homes Act*;

“re-opened nursing home” has the same meaning as in Regulation 832 of the Revised Regulations of Ontario, 1990 made under the *Nursing Homes Act*;

“replacement approved charitable home for the aged” means, where all or some of the beds in an approved charitable home for the aged are to be permanently closed, the new approved charitable home for the aged, if any, to be operated by the same approved corporation and to serve as a replacement for the beds being closed in the original approved charitable home for the aged;

“replacement home” has the same meaning as in Regulation 637 of the Revised Regulations of Ontario, 1990 made under the *Homes for the Aged and Rest Homes Act*;

“replacement nursing home” has the same meaning as in Regulation 832 of the Revised Regulations of Ontario, 1990 made under the *Nursing Homes Act*;

“resident”, in relation to a charitable institution other than an approved charitable home for the aged, means a person admitted to and lodged in the institution;

“resident classification form” means a form that contains questions designed to measure the functional abilities and care requirements of a resident of an approved charitable home for the aged and that is approved by the Minister for use in the classification process described in section 28;

“retrofit manual” means the document entitled “Long-Term Care ‘D’ Facility Retrofit Design Manual”, published by the Ministry of Health and Long-Term Care and dated January, 2002, and which is available from the Ministry of Health and Long-Term Care;

“same-sex partner” means a person of the same sex with whom the person is living, or was living immediately before one of them was admitted to an approved charitable home for the aged, in a conjugal relationship outside marriage, if the two persons,

- (a) have cohabited for at least one year,
- (b) are together the parents of a child, or
- (c) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*;

“semi-private accommodation”, in relation to an approved charitable home for the aged, means lodging in a semi-private room in the home, housekeeping services, maintenance and use of the home, dietary services, laundry and linen services, administrative services and raw food;

“semi-private room” means,

- (a) in the case of an approved charitable home for the aged to which the design manual or the part of the retrofit manual concerning resident bedrooms and headed “Option A” applies, a room with one bed that has an ensuite washroom, other than a room that is designated as a standard room by an approved corporation,
- (b) in the case of an approved charitable home for the aged to which the part of the retrofit manual concerning resident bedrooms and headed “Option B” applies, a room with two beds that affords privacy to each resident, and that has an ensuite washroom, other than a room that is designated as a standard room by an approved corporation, or
- (c) in the case of all other approved charitable homes for the aged, a room with two beds, other than a room that is designated as a standard room by an approved corporation;

“short-stay program” means a program in which a person is admitted to an approved charitable home for the aged for a definite number of days;

“short-stay resident” means a resident of an approved charitable home for the aged who has been admitted to a short-stay program;

“spouse” means a person of the opposite sex,

- (a) to whom the person is married, or
- (b) with whom the person is living, or was living immediately before one of them was admitted to an approved charitable home for the aged, in a conjugal relationship outside marriage, if the two persons,
  - (i) have cohabited for at least one year,
  - (ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*;

“standard room” means,

- (a) in the case of an approved charitable home for the aged to which the design manual or the retrofit manual applies, a room with one or two beds that affords privacy to each resident, that has an ensuite washroom, and that is designated as a standard room by an approved corporation, or
- (b) in the case of all other approved charitable homes for the aged,
  - (i) a room with three or more beds, or
  - (ii) a room with less than three beds that is designated by an approved corporation as a standard room;

“subsidy calculation worksheet” means,

- (a) for the years 1993 to 1998, the documents published by the Ministry of Health that are set out opposite the year in Table 2, and
- (b) for the years 1999 and following years, the forms approved by the Minister that are set out opposite the year in Table 2.

“veterans’ priority access bed” means a bed that has been designated as a veteran’s priority access bed under section 9.8 of the Act. R.R.O. 1990, Reg. 69, s. 1; O. Reg. 368/93, s. 1; O. Reg. 371/94, s. 1 (1, 2); O. Reg. 535/94, s. 1; O. Reg. 341/96, s. 1; O. Reg. 63/00, s. 1 (1); O. Reg. 181/01, s. 1; O. Reg. 119/02, s. 1 (1-5); O. Reg. 269/02, s. 1.

(2) Two persons are partners for the purpose of this Regulation if they have lived together for at least one year and have a close personal relationship that is of primary importance in both persons’ lives. O. Reg. 371/94, s. 1 (3).

(3) For greater certainty, a same-sex partner is a partner for the purposes of this Regulation. O. Reg. 63/00, s. 1 (2).

**1.1** For the purposes of the Act and this Regulation,

“veteran” means a veteran as defined in subsection 2 (1) of the *War Veterans’ Allowance Act* (Canada). O. Reg. 640/98, s. 1.

#### APPROVAL AND SPECIFICATION

**2.** For the purposes of subsection 3 (1) of the Act, the following classes of charitable institutions may be approved by the Minister,

- (a) halfway houses where rehabilitative residential group care may be provided for adult persons;
- (b) homes for the aged;
- (c) homes where residential group care may be provided for handicapped or convalescent adult persons;
- (d) hostels; and
- (e) charitable institutions for miscellaneous purposes. R.R.O. 1990, Reg. 69, s. 2; O. Reg. 368/93, s. 2.

#### **PART I GENERAL**

**3.** (1) REVOKED: O. Reg. 371/94, s. 2.

(2) Except for sections 4, 6, 7, 13, 21, 22, 23 and 24, this Part does not apply to any hostel approved by the Minister under subsection 3 (1) of the Act or to an approved corporation in respect of a hostel that it maintains and operates. R.R.O. 1990, Reg. 69, s. 3.

#### RULES GOVERNING CHARITABLE INSTITUTIONS

**4.** An approved corporation, if requested by the Minister, shall file with the Minister evidence that the whole or any part of a building or buildings used or to be used as a charitable institution complies with,

- (a) the laws affecting the health of inhabitants of the municipality in which the facility is located;
- (b) any rule, regulation, direction or order of the local board of health and any direction or order of the medical officer of health;
- (c) any by-law of the municipality in which the facility is located or other law for the protection of persons from fire hazards;
- (d) any restricted area, standard of housing or building by-law passed by the municipality in which the facility is located under Part III of the *Planning Act* or any predecessor thereof;
- (e) the requirements of Regulation 61 of the Revised Regulations of Ontario, 1990 made under the *Building Code Act*; and
- (f) the requirements of the Electrical Safety Code made under the *Electricity Act, 1998*. R.R.O. 1990, Reg. 69, s. 4; O. Reg. 149/99, s. 1.

**5.** (1) In every charitable institution the board shall provide,

- (a) nourishing meals at regular intervals prepared by or under the supervision of a competent person;
- (b) adequate and sanitary supplies of milk and drinking water; and
- (c) sleeping accommodation for each resident with the beds so placed that no bed overlaps a window or radiator and no bed at any point is nearer to any other bed than 76 centimetres. R.R.O. 1990, Reg. 69, s. 5 (1).

(2) REVOKED: O. Reg. 586/94, s. 1.

**5.1** (1) An approved corporation maintaining and operating a charitable institution other than an approved charitable home for the aged shall ensure that the institution is maintained at a temperature of at least 20 degrees Celsius from October 1 to May 31 in each year. O. Reg. 586/94, s. 2.

(2) An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that the home is maintained at a temperature of at least 22 degrees Celsius at all times. O. Reg. 586/94, s. 2.

**5.2** An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that the temperature of the water serving all bathtubs, showers and hand basins used by residents of the home does not exceed 49 degrees Celsius and that the temperature is regulated by a device inaccessible to the residents. O. Reg. 586/94, s. 2.

**6.** (1) In every charitable institution, the board shall ensure that,

- (a) all fire hazards in the institution are eliminated, the institution is inspected at least once a year by an officer authorized to inspect buildings under the *Fire Marshals Act* and the recommendations of the officer are carried out;
- (b) there is adequate protection from radiators or other heating equipment;
- (c) the water supplies are adequate for all normal needs, including those of fire protection;
- (d) the fire protection equipment, including the sprinkler system, fire extinguishers, hose and stand pipe equipment are visually inspected at least once a month and serviced at least once every year by qualified personnel;
- (e) the fire detection and alarm system is inspected at least once a year by qualified fire alarm maintenance personnel, and tested at least once every month;
- (f) at least once a year the heating equipment is serviced by qualified personnel and the chimneys are inspected and cleaned if necessary;
- (g) a written record is kept of each inspection and test of fire equipment, fire drill, the fire detection and alarm system, the heating system, chimneys and smoke detectors, and each record shall be retained for at least two years from the date of the inspection or test;
- (h) the staff and residents are instructed in the method of sounding the alarm system;
- (i) the staff are trained in the proper use of the fire extinguishing equipment;
- (j) a directive setting out the procedures that must be followed and the steps that must be taken by the staff and residents when a fire alarm is given is drawn up and posted in conspicuous places in the institution;
- (k) the staff and residents are instructed in the procedures set out in the directive referred to in clause (j) and the procedures are practised by staff and residents at least once a month using the fire detection and alarm to initiate the drill;
- (l) where matches are used, only safety matches are issued to the staff and residents;
- (m) an inspection of the building, including the equipment in the kitchen and laundry, is made each night to ensure that there is no danger of fire and that all doors to stairwells, all fire doors and all smoke barrier doors are kept closed;
- (n) adequate supervision is provided at all times for the security of the residents and the institution;
- (o) oxygen is not used or stored in the institution in a pressure vessel;
- (p) combustible rubbish is kept to a minimum;
- (q) all exits are clear and unobstructed at all times;
- (r) combustible draperies, mattresses, carpeting, curtains, decorations and similar materials are suitably treated to render them resistant to the spread of flame and are retreated when necessary;
- (s) receptacles into which electric irons or other small appliances are plugged are equipped with pilot lights that glow when the appliance is plugged in;
- (t) lint traps in the laundry are cleaned out after each use of the equipment;
- (u) flammable liquids and paint supplies are stored in suitable containers in non-combustible cabinets;
- (v) suitable non-combustible ashtrays are provided where smoking is permitted;
- (w) no portable electric heaters are used in the institution that are not in accordance with standards of approval set down by the Canadian Standards Association;
- (x) no vaporizing liquid fire extinguishers are kept or used in the institution; and
- (y) no sprinkler heads, fire or smoke detector heads are painted or otherwise covered with any material or substance that is likely to prevent them from functioning normally. R.R.O. 1990, Reg. 69, s. 6.

(2) Clauses (1) (j) and (o) do not apply to an approved charitable home for the aged. O. Reg. 11/97, s. 1.

**7.** A charitable institution located in a municipality that does not have public fire protection shall be provided with a complete automatic sprinkler system that complies with standards prescribed under the *Building Code Act*. R.R.O. 1990, Reg. 69, s. 7.

**8.** In every charitable institution the board shall,

- (a) arrange for suitable religious services to be available for all residents;
- (b) provide opportunities for the residents to participate in recreational, rehabilitative and hobby-craft activities; and
- (c) ensure that each resident receives, at all times, care adequate for and consistent with his or her individual needs. R.R.O. 1990, Reg. 69, s. 8.

**8.1** Without restricting the generality of clause 8 (c), the nursing staff of each charitable institution shall ensure that proper and sufficient care of each resident's body is provided daily to safeguard the resident's health and to maintain personal hygiene. O. Reg. 235/02, s. 1.

#### QUALIFICATIONS, POWERS AND DUTIES OF STAFFS

**9.** (1) A board shall appoint a person as administrator of the charitable institution maintained and operated by it who shall be approved by the Minister and shall be responsible to the board for the efficient management and operation of the institution. R.R.O. 1990, Reg. 69, s. 9 (1).

(2) Before giving approval under subsection (1) to the appointment of an administrator of an approved charitable home for the aged, the Minister shall be satisfied that the appointee has served satisfactorily as an administrator of the home for a period of at least six months and has successfully completed a course of instruction that is approved by the Minister. R.R.O. 1990, Reg. 69, s. 9 (2); O. Reg. 368/93, s. 3.

(3) REVOKED: O. Reg. 11/97, s. 2.

**10.** (1) The administrator of an approved charitable home for the aged shall be bonded by a bond of a guarantee company approved under the *Guarantee Companies Securities Act* in an amount satisfactory to the board. R.R.O. 1990, Reg. 69, s. 10 (1); O. Reg. 368/93, s. 4.

(2) The board of the institution shall pay the cost of the bond provided under subsection (1). R.R.O. 1990, Reg. 69, s. 10 (2).

**11.** (1) No board shall appoint an administrator or person to act temporarily as an administrator or employ a person on the staff of the charitable institution maintained and operated by it until the person so appointed or employed has obtained from a physician a certificate certifying that he or she is,

- (a) free from active tuberculosis or other communicable or contagious disease; and
- (b) physically fit to undertake his or her duties in the institution. R.R.O. 1990, Reg. 69, s. 11 (1).

(2) At least once a year the administrator and each staff member of the institution shall obtain the certificate prescribed in subsection (1). R.R.O. 1990, Reg. 69, s. 11 (2).

(3) This section does not apply to a charitable institution that is an approved charitable home for the aged. O. Reg. 371/94, s. 4.

**11.1** REVOKED: O. Reg. 11/97, s. 3.

**12.** Where a resident of a charitable institution dies, the administrator shall give notice of the death to a coroner other than a coroner who is the physician appointed under section 14 as the physician for the institution. R.R.O. 1990, Reg. 69, s. 12.

#### STAFF TRAINING

**12.1** An approved corporation maintaining and operating an approved charitable home for the aged shall ensure,

- (a) that when a person becomes a member of the staff of the home, the person is given in-service training to orient him or her to the home; and
- (b) that in-service training programs for the purpose of continuing education are conducted for all of the staff of the home. O. Reg. 586/94, s. 4.

#### ADDITIONAL POWERS AND DUTIES OF PROVINCIAL SUPERVISORS

**13.** (1) Subsection (2) applies only to inspections under section 10 of the Act of charitable institutions other than approved charitable homes for the aged. O. Reg. 368/93, s. 5.

(2) A provincial supervisor shall inspect,

- (a) each charitable institution for the purpose of determining compliance with the Act and this Regulation and for any other purpose as required by the Minister;
- (b) the building or buildings and accommodation, the sanitary and eating facilities, the recreational, rehabilitative and hobby-craft facilities and equipment, the fire equipment and fire precautions; and
- (c) the dietary standards and appraise the nutritional standards for the residents, including those on special diets. R.R.O. 1990, Reg. 69, s. 13 (2).

#### MEDICAL AND RELATED OR ANCILLARY SERVICES

**14.** (1) An approved corporation maintaining and operating a charitable institution shall appoint a physician for the institution to ensure that medical services are provided to each resident of the institution in accordance with his or her needs. O. Reg. 586/94, s. 5.

(2) In the case of the appointment of a physician for a charitable institution that is not an approved charitable home for the aged, the approved corporation shall make the appointment with the approval of the Minister. O. Reg. 586/94, s. 5.

(3) In the case of the appointment of a physician for a charitable institution that is an approved charitable home for the aged, the approved corporation shall not appoint any of its directors or officers as the physician for the institution. O. Reg. 586/94, s. 5.

(4) If, on December 1, 1994, the person who has been appointed as the physician for an approved charitable home for the aged is a director or officer of the approved corporation maintaining and operating the home, the approved corporation shall revoke the appointment of that person as the physician for the institution and shall appoint a new physician for the institution in accordance with subsections (1) and (3). O. Reg. 586/94, s. 5.

(5) An approved corporation maintaining and operating an approved charitable home for the aged shall notify the Director in writing of the name, address, telephone number and date of appointment of the physician for the institution, and whenever there is a change in any of such information provided to the Director relating to the physician for the institution, the approved corporation shall notify the Director in writing of the change. O. Reg. 586/94, s. 5.

**15.** (1) In this section and section 16,

“attending physician” means a legally qualified medical practitioner other than the physician for a charitable institution who is appointed under section 14. R.R.O. 1990, Reg. 69, s. 15 (1).

(2) The physician appointed under section 14 for a charitable institution shall be responsible for the medical, paramedical and nursing care and services, programs and procedures provided for or administered to the residents of the institution, and all medications and drugs provided or used in the institution shall be subject to the approval of such physician. R.R.O. 1990, Reg. 69, s. 15 (2).

(3) At least once a year, or at such other more frequent intervals as the board requires, the physician for the institution shall submit to the board and to the Director, a report summarizing the general health conditions of the residents, the medical, nursing, activational and other therapeutic services provided to them and shall include in the report any recommendations that he or she considers necessary to ensure proper conditions of health and an adequate state of well-being for all residents. R.R.O. 1990, Reg. 69, s. 15 (3).

(4) The physician for the institution shall,

(a) ensure that the sanitary conditions in the institution are inspected at least once a month;

(b) report on such inspections to the board;

(c) take any steps that he or she considers necessary to ensure that any of his or her recommendations for the correction of any unsanitary condition is carried out; and

(d) report any contagious or communicable disease outbreaks to the local medical officer of health in accordance with section 25 of the *Health Protection and Promotion Act*. R.R.O. 1990, Reg. 69, s. 15 (4).

(4.1) Clauses (4) (a), (b) and (c) do not apply to approved charitable homes for the aged. O. Reg. 371/94, s. 5.

(5) The physician for the institution shall attend and prescribe medication or treatment for any resident who has no attending physician of his or her own or who requests that the services of the physician for the institution be made available to him or her. R.R.O. 1990, Reg. 69, s. 15 (5).

(6) At least once a year, each resident of the institution shall be given a complete medical examination by the physician for the institution or the attending physician. R.R.O. 1990, Reg. 69, s. 15 (6).

(7) The physician for the institution or the attending physician shall make a detailed written report of the results of each medical examination of a resident and any recommendations pertaining thereto and the report shall be retained along with other records of the resident for at least twenty years after the last entry in the records with respect to the resident or, where the resident dies, for at least five years after the death of the resident. R.R.O. 1990, Reg. 69, s. 15 (7).

(8) A resident shall be given such special diet as the physician for the institution or the attending physician directs. R.R.O. 1990, Reg. 69, s. 15 (8).

**16.** (1) The administrator of a charitable institution that is approved by the Minister under subsection 3 (1) of the Act as a home for the aged, the physician appointed under section 14 and the nurse in charge shall develop and maintain written policies on the use of restraining devices and agents including the types of devices or agents intended to be used and such policies shall be subject to the approval of the Minister. R.R.O. 1990, Reg. 69, s. 16 (1).

(2) No device or agent for restraining a person shall be applied to a resident unless the device or agent has been ordered in writing by the attending physician and the device or agent is of a type approved under subsection (1). R.R.O. 1990, Reg. 69, s. 16 (2).

**17.** (1) Where an approved corporation maintains and operates an approved charitable home for the aged or a charitable institution approved by the Minister under subsection 3 (1) of the Act as a home where residential group care may be provided for handicapped or convalescent persons, the board shall appoint at least one nurse or person with nursing experience to the staff of the institution and, where there are residents in bed care, at least one nurse so appointed shall be a registered nurse. R.R.O. 1990, Reg. 69, s. 17 (1); O. Reg. 368/93, s. 6.

(2) There shall be employed such additional staff to care for residents in addition to those required under subsection (1) including registered nurses as may be required by the Director. R.R.O. 1990, Reg. 69, s. 17 (2).

**17.1** (1) An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that there is at least one food services supervisor on the staff of the home and that the minimum combined number of hours worked in a week by all of the home’s food services supervisors in their capacity as such is the number obtained by multiplying the number of meal days in the week by 4/105. O. Reg. 586/94, s. 6.

(2) An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that there is at least one food handler on the staff of the home and that the minimum combined number of hours worked in a week by all of the home’s food handlers in their capacity as such is the number obtained by multiplying the number of meal days in the week by 2/5. O. Reg. 586/94, s. 6.

(3) For the purpose of subsections (1) and (2), the number of meal days in a week is the sum of the number of meal days in each day of the week. O. Reg. 586/94, s. 6.

(4) For the purpose of subsection (3), the number of meal days in a day is the number obtained using the formula,

$$A \div B/3$$

in which,

“A” is the number of residents the home has that day; and

“B” is the number of meals and snacks prepared in the home that day for persons who are not residents of the home. O. Reg. 586/94, s. 6.

(5) In this section,

“food handler” means an employee whose function it is to prepare or cook food or to clean kitchen equipment or utensils. O. Reg. 586/94, s. 6.

**17.2** For the purpose of determining whether section 17.1 is being complied with, a person who holds more than one position at an approved charitable home for the aged or who works at an approved charitable home for the aged in more than one capacity shall be considered to be working in only one capacity at any one moment in time. O. Reg. 586/94, s. 6; O. Reg. 11/97, s. 4.

**17.3** An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that there are sufficient qualified administrative staff to manage and administer the home. O. Reg. 11/97, s. 5.

**18.** (1) Before admitting a person to a charitable institution, the administrator or board shall ensure that,

(a) the person has been given a medical examination by a physician who may be a physician appointed under section 14. R.R.O. 1990, Reg. 69, s. 18 (1); O. Reg. 371/94, s. 6 (1).

(2) REVOKED: O. Reg. 371/94, s. 6 (2).

(3) A record of the medical examination of each person admitted to the institution shall be kept therein together with any recommendations made by the physician for medical treatment, immunization or for the special needs of the person. R.R.O. 1990, Reg. 69, s. 18 (3).

(4) REVOKED: O. Reg. 371/94, s. 6 (2).

(5) REVOKED: O. Reg. 371/94, s. 6 (2).

(6) REVOKED: O. Reg. 371/94, s. 6 (2).

(7) The record required to be kept under subsection (3) shall be retained along with other records of the resident for at least twenty years after the last entry in the records with respect to the resident or, where the resident dies, for at least five years after the death of the resident. R.R.O. 1990, Reg. 69, s. 18 (7); O. Reg. 371/94, s. 6 (3).

(8) This section does not apply to approved charitable homes for the aged. O. Reg. 371/94, s. 6 (4).

**18.1** (1) An approved corporation maintaining and operating a charitable institution other than an approved charitable home for the aged shall ensure that each person who is admitted to the institution as a resident is given a skin test for tuberculosis unless the test is medically contra-indicated. O. Reg. 371/94, s. 7.

(2) An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that each person who is admitted to the home as a resident is given a skin test for tuberculosis unless,

(a) the person was given the skin test in an approved charitable home for the aged, a home under the *Homes for the Aged and Rest Homes Act* or a nursing home under the *Nursing Homes Act* less than one year before the date of admission; or

(b) the test is medically contra-indicated. O. Reg. 371/94, s. 7.

(3) The approved corporation shall ensure that the test required under subsection (1) or (2) is given,

(a) within 14 days after the person’s admission, if the person is admitted for a period of at least 14 days; or

(b) within the period for which the person is admitted, if the person is admitted for a period of less than 14 days. O. Reg. 371/94, s. 7.

**18.2** If the Ministry of Health gives an approved corporation maintaining and operating an approved charitable home for the aged a surveillance protocol for a particular communicable disease, the approved corporation shall implement the protocol. O. Reg. 371/94, s. 7.

#### MEDICATIONS

**19.** (1) In this section,

“home” means an approved charitable home for the aged;

“pharmacist” means a person who is licensed as a pharmacist under Part VI of the *Health Disciplines Act*;

“prescription drug” means,

(a) a controlled drug mentioned in Schedule G of the *Food and Drugs Act* (Canada),

(b) a narcotic as defined in the *Narcotic Control Act* (Canada),

- (c) a drug referred to in clause (a) of the definition of “approved drug and pharmaceutical” in section 1. R.R.O. 1990, Reg. 69, s. 19 (1); O. Reg. 368/93, s. 8.
- (2) The administrator of a home shall provide a separate locked cupboard for all drugs, pharmaceuticals and medications and shall keep all drugs referred to in clauses (a) and (b) of the definition of “prescription drug” in subsection (1) in a separate locked container within the locked cupboard, and storage facilities for all drugs, other than drugs requiring refrigeration, shall be located in an area that is conveniently accessible to all nursing staff. R.R.O. 1990, Reg. 69, s. 19 (2).
- (3) The keys to the cupboard referred to in subsection (2) shall be kept in the custody of the registered nurse in charge who is on duty in the home and who shall be responsible for,
- (a) the removal from the cupboard or from the locked container, as the case may be, of all prescription drugs; and
  - (b) the administration of all prescription drugs under the specific direction of a physician or pharmacist and under the general supervision of the physician to the home appointed under section 14. R.R.O. 1990, Reg. 69, s. 19 (3).
- (4) No person shall remove a prescription drug from the receptacle in which it is brought into the home except by or under the supervision of a physician or a pharmacist. R.R.O. 1990, Reg. 69, s. 19 (4).
- (5) Subject to subsection (9), unused portions of a resident’s prescription drugs remaining on the premises of the home after his or her discharge or death shall be destroyed by a registered nurse employed by the home, and,
- (a) the physician for the home;
  - (b) a physician designated by the physician referred to in clause (a); or
  - (c) a pharmacist. R.R.O. 1990, Reg. 69, s. 19 (5).
- (6) A notation of the destruction of any prescription drug prescribed for a resident giving the quantity, description and prescription number shall be made on the resident’s chart and signed by a registered nurse employed by the home. R.R.O. 1990, Reg. 69, s. 19 (6).
- (7) A drug shall be taken by or administered to a resident only on the individual prescription or written direction of a physician or a member of the Royal College of Dental Surgeons of Ontario. R.R.O. 1990, Reg. 69, s. 19 (7).
- (8) A prescription drug shall be administered to a resident only by a physician, a member of the Royal College of Dental Surgeons of Ontario, a registered nurse or, where the Director approves, a registered nursing assistant. R.R.O. 1990, Reg. 69, s. 19 (8).
- (9) Where a resident is discharged or transferred, a prescription drug that has been provided for the resident may be sent with the discharged or transferred resident after an entry is made on the resident’s record, signed by a registered nurse and the legally qualified medical practitioner attending the resident stating,
- (a) the date of the prescription;
  - (b) the prescription number;
  - (c) the name of the pharmacy that prepared the prescription;
  - (d) the resident’s name; and
  - (e) the words “sent with resident”. R.R.O. 1990, Reg. 69, s. 19 (9).

#### DISCHARGE

- 20.** (1) A resident may be discharged from an institution in accordance with the written practice and procedure of the board approved by the Director. R.R.O. 1990, Reg. 69, s. 20.
- (2) Subsection (1) does not apply to a resident of an approved charitable home for the aged. O. Reg. 371/94, s. 8.
- 20.1** (1) No approved corporation shall discharge a resident from an approved charitable home for the aged unless permitted or required to do so by this section or section 48. O. Reg. 178/95, s. 1 (1).
- (2) An approved corporation may discharge a resident from an approved charitable home for the aged if,
- (a) the approved corporation is informed by the inter-disciplinary team providing the resident’s care or, in the case of a resident who is absent from the home, by the resident’s physician, that the home cannot provide a sufficiently secure environment to ensure the safety of the resident or the safety of persons who come into contact with the resident, and other arrangements are made to provide the accommodation, care and secure environment required by the resident;
  - (b) the resident decides to leave the home and signs a request to be discharged;
  - (c) the resident leaves the home and informs the administrator of the home that he or she will not be returning to the home; or
  - (d) the resident is absent from the home for a period exceeding seven days and has not informed the administrator of the home of his or her whereabouts, and the administrator has taken reasonable steps to locate the resident but has not been able to do so. O. Reg. 371/94, s. 9; O. Reg. 119/02, s. 2.
- (2.1) An approved corporation shall discharge a resident from an approved charitable home for the aged when it is aware that the resident has died. O. Reg. 178/95, s. 1 (2).



(3) An approved corporation may discharge a short-stay resident from an approved charitable home for the aged at the end of the period for which the resident was admitted to the home. O. Reg. 371/94, s. 9.

(4) An approved corporation maintaining and operating an approved charitable home for the aged shall use its best efforts to ensure that notice of a resident's discharge is given to the resident, to the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident's personal care and to such other person as they may direct,

(a) as far in advance of the discharge as possible; or

(b) if circumstances do not permit notice to be given before the discharge, as soon as possible after the discharge. O. Reg. 371/94, s. 9.

(5) Before discharging a resident from an approved charitable home for the aged under clause (2) (b) or (c), the approved corporation maintaining and operating the home shall assist the resident and the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident's personal care to plan for the discharge, by identifying alternative accommodation, service organizations and other resources in the community. O. Reg. 371/94, s. 9.

**20.2** (1) An approved corporation maintaining and operating an approved charitable home for the aged shall require the interdisciplinary team providing a resident's care to inform the approved corporation if the team is of the opinion that the home cannot provide a sufficiently secure environment to ensure the safety of the resident or the safety of persons who come into contact with the resident. O. Reg. 119/02, s. 3.

(2) If an approved corporation maintaining and operating an approved charitable home for the aged is informed by the interdisciplinary team providing a resident's care that, in the opinion of the team, the home cannot provide a sufficiently secure environment to ensure the safety of the resident or the safety of persons who come into contact with the resident, the approved corporation shall ensure that arrangements are made for the resident to be admitted to a hospital or other facility better suited to provide the accommodation, care and secure environment required by the resident. O. Reg. 119/02, s. 3.

#### APPLICATIONS FOR GRANTS AND PAYMENTS UNDER SECTION 6 OR 7 OF THE ACT

**21.** For the purposes of sections 22 and 23,

"actual cost" means the cost of a building project and includes,

(a) fees payable for the services of an architect, professional engineer or other consultant,

(b) the cost of purchasing and installing furnishings and equipment,

(c) the cost of land surveys, soil tests, permits, licences and legal fees,

(d) the cost of paving, sodding and landscaping, and

(e) the cost of acquiring the land necessary for the building project;

"approved cost" means that portion of the actual cost of a building project approved by the Minister;

"building project" means a project composed of one or more of the following elements:

(a) the purchase or other acquisition of all or any part of an existing building or buildings including the land contiguous thereto,

(b) any renovations, alterations or additions to an existing building or buildings,

(c) the purchase or other acquisition of vacant land for the purpose of constructing a building or buildings thereon,

(d) the erection of a new building, or any part thereof,

(e) the demolition of a building,

(f) the installation of public utilities, sewers and items or services necessary for access to the land or building or buildings;

"capital grant" means a grant under section 6 or 7 of the Act. R.R.O. 1990, Reg. 69, s. 21.

**22.** (1) An application for a capital grant shall be made to the Minister on a form provided by the Minister. R.R.O. 1990, Reg. 69, s. 22 (1).

(2) An applicant who applies under subsection (1) shall file with the Minister two copies of a site plan showing the location of the building or buildings, if any, on the site and, in the case of a building project with one or more of the elements referred to in clauses (a), (b), (d) and (f) of the definition of "building project" in section 21,

(a) building plans and specifications prepared by an architect or professional engineer showing the structure, fixtures and arrangements of the building or buildings and describing the areas of the building or buildings to be used for the purposes of the Act; or

(b) where the Minister approves, structural sketches and specifications prepared by a person other than an architect or professional engineer describing the building or buildings and the areas of the building or buildings or contiguous to the building or buildings to be used for the purposes of the Act. R.R.O. 1990, Reg. 69, s. 22 (2).

(3) No plan, specification or structural sketch filed with the Minister shall be amended or altered without the approval of the Minister. R.R.O. 1990, Reg. 69, s. 22 (3).

**23.** (1) The payment of a capital grant for a building project shall be made after the approved cost has been determined. R.R.O. 1990, Reg. 69, s. 23 (1).

(2) A capital grant may be paid as a single payment or in two or more instalments and, except where the Minister directs otherwise, the aggregate of the amounts of the capital grant paid at any point in time shall not exceed,

- (a) an amount that bears the same proportion to the estimated total payment as the amount of progress made at the time towards completion of the project bears to the total estimated amount of work required for completion; or
- (b) an amount that bears the same proportion to the estimated total payment as the amount of cost incurred at the time bears to the total estimated cost of the project,

whichever is the greater. R.R.O. 1990, Reg. 69, s. 23 (2).

(3) A single payment or, in the case of payment in two or more instalments, the final payment of an amount payable for a building project shall be made after,

- (a) an architect or professional engineer certifies, or the Minister is otherwise satisfied, that the building project has been completed in accordance with the plans filed under clause 22 (2) (a) or the sketches thereof approved by the Minister under clause 22 (2) (b) and the building or addition is ready for use and occupancy; and
- (b) the applicant for the payment submits a report containing,
  - (i) a statement of the actual cost of the building project,
  - (ii) a statement indicating that all refundable sales tax has been taken into account,
  - (iii) a statement indicating that the total amount of the unpaid accounts applicable to the building project does not exceed the amount of the grant remaining to be paid, and
  - (iv) an undertaking that the amount of the grant remaining to be paid will be applied first to the payment of the unpaid accounts,

and, in the case of a grant under clause 6 (b) of the Act, after an authorized officer of the board has submitted a report stating that an amount equal to at least 20 per cent of the actual cost of the building project has been paid to the corporation by the council of the municipality in which the building is situated. R.R.O. 1990, Reg. 69, s. 23 (3).

**24.** The board of an approved corporation shall keep and maintain a current inventory of all furnishings and equipment acquired by each charitable institution maintained and operated by it and the inventory shall set forth each addition to or removal from inventory and the reasons therefor and shall be prepared in such manner and contain such additional information as the Director may require. R.R.O. 1990, Reg. 69, s. 24.

#### PAYMENTS UNDER SECTION 8 OF THE ACT

**25.** (1) An application by an approved corporation for a monthly payment under section 8 of the Act in respect of a charitable institution that is approved by the Minister under subsection 3 (1) of the Act as a halfway house where rehabilitative residential group care may be provided for adult persons or as a charitable institution for miscellaneous purposes shall be made in a form provided by the Minister and shall be submitted to the Director not later than the 20th day of the month following the month for which the application is made. R.R.O. 1990, Reg. 69, s. 25 (1).

(2) The amount to be paid by Ontario to an approved corporation under section 8 of the Act in respect of a charitable institution that is approved by the Minister under subsection 3 (1) of the Act as a halfway house where rehabilitative residential group care may be provided for adult persons or as a charitable institution for miscellaneous purposes shall be computed in accordance with the form referred to in subsection (1) and a quarterly expenditure report in a form provided by the Minister. R.R.O. 1990, Reg. 69, s. 25 (2).

(3) For the purpose of a computation referred to in subsection (2), the rate of 80 per cent shall apply to the cost of the care and maintenance of the residents. R.R.O. 1990, Reg. 69, s. 25 (3).

(4) For the purposes of the form referred to in subsection (1), and the quarterly expenditure report referred to in subsection (2),

“total daily cost of care and maintenance” means the daily cost determined in accordance with the form referred to in subsection (1) of providing care and maintenance for each person residing in an approved charitable institution including the portion of the fees, not exceeding \$1.30 per month, for each bed based on the approved bed capacity of the institution, paid to a physician appointed under section 14 for all services prescribed in subsections 15 (2), (3) and (4), but not including any amount that would cause the average daily net operating expenditure to exceed the ceiling in Column 2 of Table 1 set out opposite the date the service was provided in Column 1 of Table 1 for each person residing in the institution. R.R.O. 1990, Reg. 69, s. 25 (4); O. Reg. 368/93, s. 9.

**26.** (1) An application by an approved corporation for a monthly payment under section 8 of the Act in respect of a charitable institution that is approved by the Minister under subsection 3 (1) of the Act as a home where residential group care may be provided for handicapped or convalescent adult persons shall be made in a form provided by the Minister and shall be submitted to the Director not later than the 20th day of the month following the month for which the application is made. R.R.O. 1990, Reg. 69, s. 26 (1); O. Reg. 368/93, s. 10 (1).

(2) The amount to be paid by Ontario to an approved corporation under section 8 of the Act in respect of a charitable institution that is approved by the Minister under subsection 3 (1) of the Act as a home where residential care may be provided for handicapped or convalescent persons shall be computed in accordance with the form referred to in subsection (1) and a quarterly expenditure report in a form provided by the Minister. R.R.O. 1990, Reg. 69, s. 26 (2); O. Reg. 368/93, s. 10 (2).

(3) For the purpose of the computation referred to in subsection (2), the rate of 80 per cent shall apply to the cost of the care and maintenance of the residents. O. Reg. 368/93, s. 10 (3).

(4) For the purposes of the form referred to in subsection (1) and the quarterly expenditure report referred to in subsection (2), the daily cost of care and maintenance includes the portion of fees paid to a physician appointed under section 14 for all services prescribed in subsections 15 (2), (3) and (4) for each bed of a resident receiving the services, based on the approved bed capacity of the institution, where the fees do not exceed,

- (a) \$5.60 per month in respect of costs incurred on and after the 1st day of April, 1991 up to and including the 31st day of March, 1992; and
- (b) \$5.66 per month in respect of costs incurred on and after the 1st day of April, 1992. O. Reg. 224/92, s. 1; O. Reg. 368/93, s. 10 (4).

(5) The daily cost referred to in subsection (4) does not include any amount that would cause the daily cost to exceed the ceiling in Column 2 of Table 1 set out opposite the date the service was provided in Column 1 of Table 1, for any person residing in the institution. R.R.O. 1990, Reg. 69, s. 26 (5); O. Reg. 368/93, s. 10 (5).

**27.** (1) For the purposes of the forms referred to in subsections 25 (1) and (2) and subsections 26 (1) and (2),

“debt retirement payments” means principal and interest paid for any debt approved by the Minister in respect of a building for which a grant has not been paid under section 6 or 7 of the Act. R.R.O. 1990, Reg. 69, s. 27 (1).

(2) Where the Minister approves, there may be paid to an approved corporation, prior to the corporation making application therefor, any part of the estimated monthly amount payable under section 8 of the Act and such amount shall be adjusted upon receipt by the Director of an application under subsection 25 (1) or subsection 26 (1), as the case may be, for any month of the period for which the payment was made. R.R.O. 1990, Reg. 69, s. 27 (2).

(3) In determining the revenue for the purposes of the forms referred to in subsections 25 (1) and (2) and subsections 26 (1) and (2), an amount equal to all or any part of the rent or shelter cost paid by or on behalf of any resident may, with the approval of the Minister, be excluded. R.R.O. 1990, Reg. 69, s. 27 (3).

(4) For the purposes of the forms referred to in subsections 25 (1) and (2) and subsections 26 (1) and (2), the net operating expenditures are subject to the approval of the Minister. R.R.O. 1990, Reg. 69, s. 27 (4).

#### CLASSIFICATION

**28.** (1) The Minister shall ensure that in each year the residents of each approved charitable home for the aged undergo a classification process that includes the following steps:

1. The completion, by a person appointed by the Director, of a resident classification form for each resident of an approved charitable home for the aged who, on the day on which completion of resident classification forms for residents of the home is begun, is a long-stay resident of the home for whom a plan of care has been developed.
2. Based on information taken from the completed resident classification forms, the classification of each resident for whom such a form was completed into one of seven categories, named A through G, each successive category representing a higher level of nursing and other personal care requirements than the preceding category. O. Reg. 368/93, s. 11.

(2) Subsection (1) does not apply to an approved charitable home for the aged in which less than half the number of beds agreed to be operated in the service agreement relating to the home are occupied on the day on which completion of resident classification forms for residents of the home is about to begin. O. Reg. 368/93, s. 11.

#### PAYMENTS UNDER SUBSECTION 9 (1) OF THE ACT

**28.1** (1) For 1996 and following years, the amount payable to an approved corporation in respect of an approved charitable home for the aged under subsection 9 (1) of the Act for a particular year shall be determined in accordance with,

- (a) the subsidy calculation worksheet for the year;
- (b) the semi-annual reports required to be given to the Minister under section 28.5 in respect of the year; and
- (c) the year-end report and auditor’s report required to be given to the Minister under section 28.6 in respect of the year. O. Reg. 341/96, s. 3.

(2) The amount payable to an approved corporation in respect of an approved charitable home for the aged for a particular year pursuant to the subsidy calculation worksheet for the year shall be paid in monthly instalments or in such other instalments as the approved corporation and the Crown in right of Ontario agree to in the service agreement relating to the home. O. Reg. 341/96, s. 3.

**28.2** REVOKED: O. Reg. 341/96, s. 3.

**28.3** REVOKED: O. Reg. 341/96, s. 3.

**28.4** REVOKED: O. Reg. 341/96, s. 3.

#### RECONCILIATION

**28.5** (1) Forthwith after the first six months and the last six months of each year, an approved corporation that maintained and operated an approved charitable home for the aged during the year shall give to the Minister a semi-annual report for the home. O. Reg. 341/96, s. 4.

(2) For the six-month period ending June 30, 1998 and the six-month period ending December 31, 1998, the semi-annual report shall be made on and in accordance with the document published by the Ministry of Health titled “Long-Term Care Facility Semi-Annual Report” and dated December 31, 1998. O. Reg. 181/01, s. 2 (1).

(2.1) For the six-month period ending June 30, 1999 and for each subsequent six-month period, the semi-annual report shall be made on and in accordance with the semi-annual report form approved by the Minister. O. Reg. 181/01, s. 2 (2).

(3) If the amount paid to an approved corporation in respect of an approved charitable home for the aged for the first six months of a year pursuant to the subsidy calculation worksheet for the year exceeds the estimated provincial subsidy for the six-month period, as determined in

accordance with the semi-annual report for the period, the Minister may deduct the excess from subsequent payments to the approved corporation. O. Reg. 341/96, s. 4.

(4) REVOKED: O. Reg. 41/98, s. 1 (2).

**28.6** (1) Forthwith after the end of each year, an approved corporation that maintained and operated an approved charitable home for the aged during the year shall give to the Minister a year-end report for the home together with an auditor's report on the year-end report. O. Reg. 368/93, s. 11.

(2) REVOKED: O. Reg. 341/96, s. 5 (1).

(2.1) REVOKED: O. Reg. 198/97, s. 1 (1).

(2.2) For the year ending December 31, 1995,

(a) the year-end report shall be made on and in accordance with the form published by the Ministry of Health titled "Long-Term Care Facility Annual Report" and dated May 20, 1996; and

(b) the auditor's report on the year-end report shall be made in accordance with the instructions on the form referred to in clause (a). O. Reg. 341/96, s. 5 (2).

(2.3) For the year ending December 31, 1996,

(a) the year-end report shall be made on and in accordance with the form published by the Ministry of Health titled "Long-Term Care Facility Annual Report" and dated April 22, 1997; and

(b) the auditor's report on the year-end report shall be made in accordance with the instructions on the form referred to in clause (a). O. Reg. 198/97, s. 1 (2).

(2.4) For the year ending December 31, 1997,

(a) the year-end report shall be made on and in accordance with the form published by the Minister titled "Long-Term Care Facility Annual Report" and dated October 15, 1998; and

(b) the auditor's report on the year-end report shall be made in accordance with the instructions on the form referred to in clause (a). O. Reg. 640/98, s. 2.

(2.5) For the year ending December 31, 1998, and following years,

(a) the year-end report shall be made on and in accordance with the form approved by the Minister; and

(b) the auditor's report on the year-end report shall be made in accordance with the instructions on the form referred to in clause (a). O. Reg. 181/01, s. 3.

(3) If the amount paid to an approved corporation in respect of an approved charitable home for the aged for a particular year pursuant to the subsidy calculation worksheet for the year exceeds the approved provincial subsidy for the year, the excess is a debt owing by the approved corporation to the Crown in right of Ontario and, in addition to any other methods available to recover the debt, the Minister may deduct the amount of the debt from subsequent payments to the approved corporation. O. Reg. 368/93, s. 11; O. Reg. 178/95, s. 4 (2); O. Reg. 341/96, s. 5 (3).

(4) If the amount paid to an approved corporation in respect of an approved charitable home for the aged for a particular year pursuant to the subsidy calculation worksheet for the year is less than the approved provincial subsidy for the year, the Minister shall pay the difference to the approved corporation. O. Reg. 368/93, s. 11; O. Reg. 178/95, s. 4 (3); O. Reg. 341/96, s. 5 (4).

(5) In this section,

"approved provincial subsidy for the year" means,

(a) in relation to 1995, the approved provincial subsidy for the year as determined in accordance with the last quarterly report for the year, the year-end report for the year and the auditor's report on the year-end report,

(b) in relation to 1996 and following years, the approved provincial subsidy for the year as determined in accordance with the semi-annual report for the last six months of the year, the year-end report for the year and the auditor's report on the year-end report. O. Reg. 41/98, s. 2.

#### RECORDS AND RETURNS

**29.** (1) The administrator of a charitable institution shall keep a written record and file for each resident, and shall retain the record and file for a period of at least twenty years after the last entry in the record with respect to the resident or, where the resident dies, for a period of at least five years after the death of the resident. R.R.O. 1990, Reg. 69, s. 29 (1).

(2) The record shall set forth in respect of each resident,

(a) his or her name, age and sex and his or her address prior to admission to the institution;

(b) the names, addresses, telephone numbers and occupations of persons who may be lawfully authorized to make a decision on behalf of the resident concerning the resident's personal care and the names, addresses, telephone numbers and occupations of other interested persons;

(c) his or her personal and family history;

(d) the date and circumstances of and reasons for his or her admission to the institution;

- (e) the current terms of payment for the care and maintenance of the resident;
  - (f) a record of all medical, X-ray, psychiatric, psychological or other similar examinations or tests, together with the findings and recommendations;
  - (g) a record of all illnesses, accidents and admissions to hospitals;
  - (h) observations on the conduct and behaviour of the resident while residing in the institution;
  - (i) in the case of a resident who resides in a charitable institution other than an approved charitable home for the aged and who is unable to pay the full cost of his or her care and maintenance, a complete list of the resident's assets including real property, securities and safety deposit boxes, and all sources of his or her income;
  - (j) an account or history of any other matter that might affect the well-being or progress of the resident;
  - (k) the date and circumstances when the resident is discharged or voluntarily withdraws from the institution;
  - (l) the name and address of the person and relationship, if any, in whose charge the resident was placed at the time of discharge or the name and address of the institution to which the resident was discharged; and
  - (m) where the resident dies, a report of the time, date and circumstances of the death, the name and address of the person, if any, who claims the body, the date that the notice of death is given to the coroner in accordance with section 12 and the name of the coroner. R.R.O. 1990, Reg. 69, s. 29 (2); O. Reg. 368/93, s. 12 (1, 2).
- (3) A person described in subsection (4) may inspect the record and file of a resident of an approved charitable home for the aged and may collect from them information that may be necessary for a purpose for which the person described in subsection (4) was appointed. O. Reg. 465/92, s. 1; O. Reg. 368/93, s. 12 (3).
- (4) The persons referred to in subsection (3) are,
- (a) persons appointed by the Director to collect information for one or both of the following,
    - (i) to assess and classify residents to determine the level of care required by them,
    - (ii) to determine and plan for the care that may be required, in the future, by residents of approved charitable homes for the aged;
  - (b) persons appointed by the Director to collect information to determine the consistency and accuracy of information collected by persons described in clause (a). O. Reg. 465/92, s. 1; O. Reg. 368/93, s. 12 (4).
- (5) A person appointed by the Director to train persons described in clause (4) (a) may, in the course of such training, inspect and receive information from the record and file of a resident. O. Reg. 465/92, s. 1.
- 30.** (1) Each corporation shall keep separate books of account for each charitable institution operated by it. R.R.O. 1990, Reg. 69, s. 30 (1).
- (2) The books of account shall,
- (a) set forth the revenue and expenditures of the institution;
  - (b) contain a separate record of money received by the institution from sources other than under the Act; and
  - (c) be audited at least once a year by a licensed public accountant. R.R.O. 1990, Reg. 69, s. 30 (2).
- (3) Each corporation shall keep a subsidiary ledger of the charges made and the payments received for the care and maintenance of the residents in each charitable institution operated by it. R.R.O. 1990, Reg. 69, s. 30 (3).
- (4) Each book of account and subsidiary ledger shall be retained by a corporation for at least six years from the date of the last entry in a book of account or ledger for a particular year. R.R.O. 1990, Reg. 69, s. 30 (4).
- 31.** (1) Subject to subsection (2), each corporation shall forward to the Minister for each charitable institution maintained and operated by it,
- (a) not later than the last day of the fourth month following the end of each fiscal year, the complete financial statement of the charitable institution for the immediately preceding fiscal year, together with the report of a licensed public accountant stating whether in his or her opinion,
    - (i) the accountant has received all the information and explanations he or she has required,
    - (ii) the financial statement and the claims for provincial subsidy are in accordance with the books and records of the institution, as the case may be,
    - (iii) the calculation of the provincial subsidy is in accordance with the regulations, and
    - (iv) the financial statement has been prepared in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding year; and
  - (b) such other financial and statistical information as the Minister may require. R.R.O. 1990, Reg. 69, s. 31 (1).
- (2) The fiscal year of a corporation is the period designated by the Minister as the fiscal year of the corporation. R.R.O. 1990, Reg. 69, s. 31 (2).
- (3) Clause (1) (a) does not apply to approved charitable homes for the aged in respect of fiscal years ending on or after June 30, 1994. O. Reg. 368/93, s. 13.

**31.1** (1) An approved corporation maintaining and operating an approved charitable home for the aged shall report to the Director in full detail each of the following occurrences in the home:

1. A fire.
2. An assault.
3. An injury in respect of which a person is taken to a hospital.
4. A communicable disease outbreak.
5. A death resulting from an accident or an undetermined cause. O. Reg. 371/94, s. 10.

(2) The approved corporation shall make the report promptly after the occurrence in the form provided by the Minister. O. Reg. 371/94, s. 10.

#### RECOVERY BY A CORPORATION OR THE PROVINCE

**32.** (1) In this section,

“assets” means liquid assets including cash, bonds, debentures, stocks, the beneficial interest in assets held in trust and available to be used for maintenance and any other liquid assets that can be readily converted into cash;

“income” means income received from any source other than,

- (a) donations made by a religious, charitable or benevolent organization, or
- (b) casual gifts of small value. R.R.O. 1990, Reg. 69, s. 32 (1).

(2) Subject to subsection (3), an approved corporation shall recover, out of the income and assets of a resident or former resident or his or her estate, as a debt due to the corporation, the cost incurred by the corporation for the care and maintenance of the resident even if a provincial subsidy has been paid in respect of the cost. R.R.O. 1990, Reg. 69, s. 32 (2).

(3) In determining the income and assets of a resident that are available for payment of the cost of his or her care and maintenance,

- (a) the amount received each month by a resident in a charitable institution that is approved,
  - (i) as a halfway house where rehabilitative residential group care may be provided for adult persons under clause 2 (a), or
  - (ii) REVOKED: O. Reg. 368/93, s. 14 (1).
  - (iii) as a home where residential group care may be provided for handicapped or convalescent adult persons under clause 2 (c), shown as personal needs allowance in Column 3 set out opposite the date the resident was in the institution in Column 1 of Table 1;
- (b) where a resident is being paid an allowance under the *Family Benefits Act* as a blind person, a permanently unemployable person, or a disabled person, any income in addition to any amounts received under clause (a) by the resident under that Act for travel in the community;
- (c) where the resident is in a charitable institution that is approved as a home where residential group care may be provided for handicapped or convalescent adults under clause 2 (c), the amount of income exempted under paragraph 1 of subsection 13 (2) of Regulation 366 of the Revised Regulations of Ontario, 1990, made under the *Family Benefits Act*;
- (d) REVOKED: O. Reg. 414/91, s. 1 (2).
- (e) any income in addition to any amounts received under clauses (a), (b) and (c) by a resident by way of payment or refund under,
  - (i) section 7 of the *Income Tax Act*, and
  - (ii) section 2 or 7 of the *Ontario Pensioners Property Tax Assistance Act*;
- (f) an amount of assets considered reasonable by the board and the Director for the burial expenses of the resident; and
- (g) an amount of assets accumulated from the income retained or deducted for the personal use of the resident under clause (a), (b) or (c),

shall not be included and the resident shall be permitted to retain such income for his or her own personal use despite any assignment thereof or agreement to the contrary made by him or her for the benefit of the institution but after the resident’s death such amounts may be recovered from his or her estate to reimburse the corporation for any unpaid arrears of the cost of the resident’s care and maintenance. R.R.O. 1990, Reg. 69, s. 32 (3); O. Reg. 414/91, s. 1 (1-4); O. Reg. 368/93, s. 14 (1).

(4) Where the income referred to in clause (3) (a) is not received on a monthly basis, an amount shown as personal needs allowance in Column 3 set out opposite the date the resident was in the institution in Column 1 of Table 1 shall be deducted each month for the personal use of the resident before determining the amount available for the cost of his or her care and maintenance. R.R.O. 1990, Reg. 69, s. 32 (4); O. Reg. 414/91, s. 1 (5); O. Reg. 368/93, s. 14 (2).

(5) In determining the revenue for the purposes of the forms referred to in subsections 25 (1) and (2) and subsections 26 (1) and (2), there shall be included any amount that the Minister determines, in accordance with subsections (3) and (4), to be payable by a resident who is not paying the entire cost of his or her care and maintenance and whom the Minister determines is able to pay a greater share of such costs. R.R.O. 1990, Reg. 69, s. 32 (5).

(6) The Crown in right of Ontario is subrogated to the right of the corporation to recover costs under subsection (2). R.R.O. 1990, Reg. 69, s. 32 (6).

(7) Where all or any part of the costs, in respect of which a provincial subsidy has been paid under section 8 of the Act, are recovered under subsection (2) or (6), Ontario is entitled to the same percentage of the amount recovered as the percentage on which the contribution by Ontario to the corporation in respect of the amount recovered is based. R.R.O. 1990, Reg. 69, s. 32 (7).

(8) Any amount recovered from a resident or his or her estate under subsection (2) or (6) shall be applied to such part of the arrears of a resident's cost as the Director may from time to time prescribe. R.R.O. 1990, Reg. 69, s. 32 (8).

#### TRUST ACCOUNTS

**33.** (1) Every board shall establish and maintain a trust account in a bank listed in Schedule I or II to the *Bank Act* (Canada), Province of Ontario Savings Office, a trust corporation registered under the *Loan and Trust Corporations Act* or a credit union incorporated under the *Credit Unions and Caisses Populaires Act* in which all money of residents received by the administrator of the charitable institution for safekeeping shall be deposited. R.R.O. 1990, Reg. 69, s. 33 (1).

(2) Where a resident has money upon admission to an approved charitable institution or receives money while resident therein, he or she may request the administrator to deposit it in the trust account referred to in subsection (1). R.R.O. 1990, Reg. 69, s. 33 (2).

(3) Where a resident has money deposited for him or her in the trust account referred to in subsection (1), the resident may, subject to section 32, request the administrator to make all or any part of it available to him or her at any time. R.R.O. 1990, Reg. 69, s. 33 (3).

(4) The administrator shall keep a separate book of account, that shall be retained for at least six years from the date the trust account referred to in subsection (1) is closed or becomes inactive, showing all deposits to and withdrawals from the trust account, the name of the resident for whom the deposit or withdrawal is made and the date of each deposit or withdrawal. R.R.O. 1990, Reg. 69, s. 33 (4).

(5) The administrator shall provide a resident with a written receipt for all money received from the resident for deposit in the trust account referred to in subsection (1) and the resident shall provide the administrator with a written receipt for all money withdrawn from the account by the administrator for the resident. R.R.O. 1990, Reg. 69, s. 33 (5).

**34.** The trust account established under section 33 shall be audited annually by the licensed public accountant who audits the books of account and ledgers of the charitable institution. R.R.O. 1990, Reg. 69, s. 34.

#### PART II

##### ADDITIONAL RULES GOVERNING CHARITABLE INSTITUTIONS FOR MISCELLANEOUS PURPOSES APPROVED BY THE MINISTER UNDER SUBSECTION 3 (1) OF THE ACT

**35.** This Part applies to the charitable institutions for miscellaneous purposes approved by the Minister under subsection 3 (1) of the Act. R.R.O. 1990, Reg. 69, s. 35.

**36.** (1) Each resident of a charitable institution who is under sixteen years of age shall, with the written permission of his or her parent or guardian, be immunized as required by the local medical officer of health. R.R.O. 1990, Reg. 69, s. 36 (1).

(2) The administrator of a charitable institution shall prepare at six-month intervals a statement of the future plans for the care and maintenance of each resident and shall retain the statement in the resident's file. R.R.O. 1990, Reg. 69, s. 36 (2).

**37.** A board having jurisdiction over any charitable institution to which this Part applies shall, in respect of every school-age resident in the institution,

- (a) provide for his or her educational requirements in a manner most suited to his or her needs;
- (b) provide opportunities for his or her religious education; and
- (c) provide vocational guidance for the resident and shall encourage him or her to develop a vocation. R.R.O. 1990, Reg. 69, s. 37.

#### PART III

##### ADDITIONAL RULES GOVERNING APPROVED CHARITABLE HOMES FOR THE AGED

**38.** This Part applies to approved charitable homes for the aged. O. Reg. 368/93, s. 15.

#### DEFINITIONS

**39.** In this Part,

“casual absence” means an absence of a resident from an approved charitable home for the aged for a period not exceeding forty-eight hours for a purpose other than receiving medical or psychiatric care or undergoing medical or psychiatric assessment;

“medical absence” means an absence of a resident from an approved charitable home for the aged for the purpose of receiving medical care other than psychiatric care or for the purpose of undergoing medical assessment other than psychiatric assessment;

“psychiatric absence” means an absence of a resident from an approved charitable home for the aged for the purpose of receiving psychiatric care or undergoing psychiatric assessment;

“vacation absence” means an absence of a resident from an approved charitable home for the aged for a period exceeding forty-eight hours for a purpose other than receiving medical or psychiatric care or undergoing medical or psychiatric assessment. O. Reg. 236/94, s. 1.

**40.** REVOKED: O. Reg. 341/96, s. 6.

## PREFERRED ACCOMMODATION MAXIMUM

**40.1** An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that no more than 60 per cent of the bed capacity of the home is set aside as preferred accommodation. O. Reg. 371/94, s. 11.

## RESIDENT PAYMENT

**41.** The maximum amounts that may be demanded or accepted by or on behalf of an approved corporation under clauses 9.3 (1) (a) and (b) of the Act shall be determined in accordance with sections 42 to 46.1. O. Reg. 314/94, s. 1.

**42.** (1) The maximum daily amount that may be demanded or accepted by or on behalf of an approved corporation for providing a short-stay resident with accommodation during a period in Column 1 of Table 4 is the amount in Column 2 of Table 4 set out opposite the period. O. Reg. 178/95, s. 5.

(2) The maximum monthly amount that may be demanded or accepted by or on behalf of an approved corporation for providing a long-stay resident with basic accommodation for a full month during a period in Column 1 of Table 4 is the amount in Column 3 of Table 4 set out opposite the period. O. Reg. 178/95, s. 5; O. Reg. 192/95, s. 1 (1).

(3) The maximum daily amount that may be demanded or accepted by or on behalf of an approved corporation for providing a long-stay resident with basic accommodation for less than a full month during a period in Column 1 of Table 4 is the amount in Column 4 of Table 4 set out opposite the period. O. Reg. 178/95, s. 5; O. Reg. 192/95, s. 1 (2).

(4) The maximum monthly amount that may be demanded or accepted by or on behalf of an approved corporation for providing a long-stay resident with semi-private accommodation for a full month during a period in Column 1 of Table 4 is the amount in Column 5 of Table 4 set out opposite the period. O. Reg. 178/95, s. 5.

(5) The maximum daily amount that may be demanded or accepted by or on behalf of an approved corporation for providing a long-stay resident with semi-private accommodation for less than a full month during a period in Column 1 of Table 4 is the amount in Column 6 of Table 4 set out opposite the period. O. Reg. 178/95, s. 5.

(6) The maximum monthly amount that may be demanded or accepted by or on behalf of an approved corporation for providing a long-stay resident with private accommodation for a full month during a period in Column 1 of Table 4 is the amount in Column 7 of Table 4 set out opposite the period. O. Reg. 178/95, s. 5.

(7) The maximum daily amount that may be demanded or accepted by or on behalf of an approved corporation for providing a long-stay resident with private accommodation for less than a full month during a period in Column 1 of Table 4 is the amount in Column 8 of Table 4 set out opposite the period. O. Reg. 178/95, s. 5.

**43.** (1) A long-stay resident of an approved charitable home for the aged may apply to the approved corporation maintaining and operating the home for a reduction in the fee payable by the resident for basic accommodation. O. Reg. 368/94, s. 2.

(2) To apply for a reduction under this section, a long-stay resident shall submit to the administrator of the home,

(a) if the resident's financial affairs are not managed by the Public Guardian and Trustee, a reduction application, together with,

(i) if the resident is required to file with the Minister of National Revenue a return of income for the immediately preceding year, the notice of assessment for that year sent by the Minister of National Revenue to the resident, or

(ii) if the resident is not required to file with the Minister of National Revenue a return of income for the immediately preceding year, proof of the resident's disposable income for that year; or

(b) if the resident's financial affairs are managed by the Public Guardian and Trustee, the PGT reduction application. O. Reg. 220/96, s. 1; O. Reg. 234/98, s. 1 (1).

(3) Despite section 42, if a long-stay resident applies for a reduction under this section, the maximum monthly amount that may be demanded or accepted by or on behalf of the approved corporation for providing the resident with basic accommodation for a full month during the period described in subsection (5) is the greater of the following two amounts:

1. The monthly amount determined in accordance with,

i. the reduction worksheet, if the resident's affairs are not managed by the Public Guardian and Trustee at the time the reduction application is submitted, or

ii. the PGT reduction application, if the resident's affairs are managed by the Public Guardian and Trustee at that time.

2. One of the following amounts, as the case may be:

i. In the case of an application for a reduction made on or after July 1, 2001 but before September 1, 2002, \$919.73.

ii. In the case of an application for a reduction made on or after September 1, 2002, \$939.74.

O. Reg. 220/96, s. 1; O. Reg. 198/97, s. 2 (1); O. Reg. 234/98, s. 1 (2); O. Reg. 371/99, s. 2 (1); O. Reg. 301/00, s. 1 (1); O. Reg. 181/01, s. 4 (1); O. Reg. 231/02, s. 1 (1).

(4) Despite section 42, if a long-stay resident applies for a reduction under this section, the maximum daily amount that may be demanded or accepted by or on behalf of the approved corporation for providing the resident with basic accommodation for less than a full month during the period described in subsection (5) is the greater of the following two amounts:



1. The daily amount determined in accordance with,
  - i. the reduction worksheet, if the resident's affairs are not managed by the Public Guardian and Trustee at the time the reduction application is submitted, or
  - ii. the PGT reduction application, if the resident's affairs are managed by the Public Guardian and Trustee at that time.
2. One of the following amounts, as the case may be:
  - i. In the case of an application for a reduction made on or after July 1, 2001 but before September 1, 2002, \$30.24.
  - ii. In the case of an application for a reduction made on or after September 1, 2002, \$30.90.

O. Reg. 220/96, s. 1; O. Reg. 198/97, s. 2 (2); O. Reg. 234/98, s. 1 (3); O. Reg. 371/99, s. 2 (2); O. Reg. 301/00, s. 1 (2); O. Reg. 181/01, s. 4 (2); O. Reg. 231/02, s. 1 (2).

(5) The period referred to in subsections (3) and (4) begins on the first day of the month in which the reduction application is submitted to the administrator of the home and ends on the earlier of,

- (a) the first June 30 following the day on which the period begins; and
- (b) the last day of the month immediately preceding the month in which the resident's next reduction application is submitted to the administrator of the home under this section. O. Reg. 220/96, s. 1.

(5.1) REVOKED: O. Reg. 220/96, s. 1.

(5.2) REVOKED: O. Reg. 220/96, s. 1.

(5.3) REVOKED: O. Reg. 220/96, s. 1.

(6) REVOKED: O. Reg. 234/98, s. 1 (4).

**43.1** (1) An application may be made to the Director for a reduction in the fee payable by any of the following persons for basic accommodation:

1. A long-stay resident for whom the maximum monthly amount is determined to be \$939.74 under section 43.
2. A long-stay resident whose spouse or same-sex partner lives outside an approved charitable home for the aged, a home under the *Homes for the Aged and Rest Homes Act*, a nursing home under the *Nursing Homes Act* or a hospital or other facility that is government-funded. O. Reg. 220/96, s. 2; O. Reg. 198/97, s. 3 (1); O. Reg. 234/98, s. 2 (1); O. Reg. 371/99, s. 3; O. Reg. 63/00, s. 2 (1); O. Reg. 301/00, s. 2; O. Reg. 181/01, s. 5; O. Reg. 231/02, s. 2.

(2) The application may be made by,

- (a) in the case of an application under paragraph 1 of subsection (1), the resident; or
- (b) in the case of an application under paragraph 2 of subsection (1), the resident or the spouse or same-sex partner. O. Reg. 220/96, s. 2; O. Reg. 63/00, s. 2 (2).

(3) The application shall be made by submitting to the Director the exceptional circumstances application, together with,

- (a) in the case of an application under paragraph 1 of subsection (1),
  - (i) if the resident is required to file with the Minister of National Revenue a return of income for the immediately preceding year, the notice of assessment for that year sent by the Minister of National Revenue to the resident, or
  - (ii) if the resident is not required to file with the Minister of National Revenue a return of income for the immediately preceding year, proof of the resident's disposable income for that year; or
- (b) in the case of an application under paragraph 2 of subsection (1),
  - (i) if the resident is required to file with the Minister of National Revenue a return of income for the immediately preceding year, the notice of assessment for that year sent by the Minister of National Revenue to the resident,
  - (ii) if the resident is not required to file with the Minister of National Revenue a return of income for the immediately preceding year, proof of the resident's disposable income for that year,
  - (iii) if the spouse or same-sex partner is required to file with the Minister of National Revenue a return of income for the immediately preceding year, the notice of assessment for that year sent by the Minister of National Revenue to the spouse or same-sex partner, and
  - (iv) if the spouse or same-sex partner is not required to file with the Minister of National Revenue a return of income for the immediately preceding year, proof of the spouse's or same-sex partner's disposable income for that year. O. Reg. 220/96, s. 2; O. Reg. 63/00, s. 2 (3, 4).

(4) If a person is described in both paragraphs of subsection (1), an application to the Director for a reduction in the fee payable by the person for basic accommodation may be made under one of the paragraphs, but not under both. O. Reg. 220/96, s. 2.

(5) Despite sections 42 and 43, if an application is made under this section for a reduction in the fee payable by a long-stay resident of an approved charitable home for the aged for basic accommodation,

- (a) the maximum monthly amount that may be demanded or accepted by or on behalf of the approved corporation maintaining and operating the home for providing the resident with basic accommodation for a full month during the period described in subsection (6) is the monthly amount determined by the Director in accordance with the exceptional circumstances application; and
  - (b) the maximum daily amount that may be demanded or accepted by or on behalf of the approved corporation maintaining and operating the home for providing the resident with basic accommodation for less than a full month during the period described in subsection (6) is the daily amount determined by the Director in accordance with the exceptional circumstances application. O. Reg. 220/96, s. 2.
- (6) The period referred to in subsection (5) begins on the first day of the month in which the exceptional circumstances application is submitted to the Director and ends on the earliest of,
- (a) the first June 30 following the day on which the period begins;
  - (b) the last day of the month immediately preceding the month in which the next exceptional circumstances application is submitted to the Director under this section in respect of the same resident;
  - (c) if the fee payable by the resident for basic accommodation is reduced based on an application under paragraph 1 of subsection (1), the last day of the month immediately preceding the month in which the next reduction application is submitted to the administrator of the home under section 43 in respect of the same resident;
  - (d) the termination date, if any, specified by the Director on the exceptional circumstances application at the time it is processed; and
  - (e) the date of the termination, if any, by the Director under subsection (7). O. Reg. 220/96, s. 2.

(7) If the fee payable by a long-stay resident for basic accommodation is reduced based on an application under paragraph 2 of subsection (1), the Director shall terminate the reduction if an amount equivalent to the reduction is not transferred to the spouse or same-sex partner. O. Reg. 220/96, s. 2; O. Reg. 63/00, s. 2 (5).

(8) REVOKED: O. Reg. 234/98, s. 2 (2).

(9) REVOKED: O. Reg. 220/96, s. 2.

**44.** If a long-stay resident of an approved charitable home for the aged who is on a medical absence or a psychiatric absence agrees in writing with the approved corporation maintaining and operating the home to pay a bed-holding amount in accordance with section 47, the maximum amount that may be demanded or accepted by or on behalf of the approved corporation for providing the resident with accommodation shall be increased by the bed-holding amount the resident has agreed to pay. O. Reg. 368/93, s. 15; O. Reg. 236/94, s. 2.

**45.** (1) For the purpose of sections 42 to 44,

- (a) each long-stay resident of an approved charitable home for the aged shall be deemed to receive a full day of accommodation in the home on the day the resident is admitted to the home and on the day the resident is discharged from the home;
- (b) each short-stay resident of an approved charitable home for the aged shall be deemed to receive a full day of accommodation in the home on the day the resident is admitted to the home and shall be deemed not to receive accommodation in the home on the day the resident is discharged from the home. O. Reg. 11/97, s. 6.

(2) Despite clause (1) (a), a long-stay resident of an approved charitable home for the aged shall be deemed not to receive accommodation in the home on the day the resident is discharged from the home, if the resident is admitted on the same day to another approved charitable home for the aged, a nursing home under the *Nursing Homes Act* or a home under the *Homes for the Aged and Rest Homes Act*. O. Reg. 11/97, s. 6.

**46.** For the purpose of sections 42 to 44, when a resident of an approved charitable home for the aged is absent from the home but has not been discharged, the approved corporation maintaining and operating the home shall be deemed to be providing the resident with the same class of accommodation that was provided to the resident immediately before the absence. O. Reg. 236/94, s. 3; O. Reg. 178/95, s. 7.

**46.1** (1) Before increasing the fee payable by a resident for accommodation, an approved corporation maintaining and operating an approved charitable home for the aged shall give the resident at least 30 days written notice of the corporation's proposal to increase the fee and the amount of the proposed increase. O. Reg. 314/94, s. 3.

(2) An increase by an approved corporation of the fee payable by a resident for accommodation is void if the corporation has not given the notice required by this section. O. Reg. 314/94, s. 3.

(3) Subsections (1) and (2) do not apply to an increase in the basic accommodation fee payable by a resident who has been charged a reduced fee under section 43 or 43.1 if the increase,

- (a) follows a reapplication by the resident for a reduction; or
- (b) results from the resident's failure to reapply for a reduction at the end of the period for which the original reduction was in effect. O. Reg. 314/94, s. 3; O. Reg. 192/95, s. 4.

#### PAYMENT FOR DAY FOLLOWING DISCHARGE

**46.2** If, at the request of a person who has been discharged from an approved charitable home for the aged as a long-stay resident, at the request of a member of the person's family or at the request of a person notified by the approved corporation of the discharge, the approved corporation allows the discharged person, the family member or the notified person to have access, on the day following the day of discharge, to the room in which the discharged person was lodged before being discharged, the approved corporation may charge the discharged person the amount that it would have charged him or her for accommodation for the day following the day of discharge had he or she been a long-stay resident lodged in the room on that day. O. Reg. 178/95, s. 8.

## ABSENCES

**47.** (1) Subject to subsections 20.1 (2) and (3), if the requirements set out in subsection (2) are met, an approved corporation maintaining and operating an approved charitable home for the aged shall ensure that when a resident of the home returns from a medical absence or a casual absence and when a long-stay resident of the home returns from a psychiatric absence or a vacation absence, the resident receives the same class of accommodation, the same room, and the same bed in the room, that the resident had before the absence. O. Reg. 236/94, s. 3; O. Reg. 371/94, s. 12.

(2) The requirements referred to in subsection (1) are,

(a) in the case of a medical absence of a long-stay resident,

(i) that the length of the medical absence does not exceed twenty-one days, or

(ii) that the length of the medical absence exceeds twenty-one days but does not exceed fifty-one days and, before the end of the first twenty-one days of the medical absence, the resident agrees in writing with the approved corporation maintaining and operating the home that, in addition to any other amounts the resident is required to pay, the resident will pay, for each day in excess of twenty-one that the resident is on the medical absence, the daily bed-holding amount determined under this section;

(b) in the case of a medical absence of a short-stay resident,

(i) that the length of the medical absence does not exceed fourteen days, and

(ii) that the resident returns to the home before the end of the period for which the resident was admitted to the home;

(c) in the case of a psychiatric absence of a long-stay resident,

(i) that the length of the psychiatric absence does not exceed 45 days, or

(ii) that the length of the psychiatric absence exceeds 45 days but does not exceed sixty days and, before the end of the first 45 days of the psychiatric absence, the resident agrees in writing with the approved corporation maintaining and operating the home that, in addition to any other amounts the resident is required to pay, the resident will pay, for each day in excess of 45 that the resident is on the psychiatric absence, the daily bed-holding amount determined under this section;

(d) in the case of a casual absence of a resident during the period between midnight on a Saturday and midnight on the following Saturday,

(i) that the total length of the resident's casual absences during the period does not exceed forty-eight hours, and

(ii) if the resident is a short-stay resident, that the resident returns to the home before the end of the period for which the resident was admitted to the home; and

(e) in the case of a vacation absence of a long-stay resident, that the total length of the resident's vacation absences during the year does not exceed twenty-one days. O. Reg. 236/94, s. 3; O. Reg. 178/95, s. 9 (1, 2); O. Reg. 11/97, s. 7.

(3) REVOKED: O. Reg. 341/96, s. 7.

(4) The daily bed-holding amount for a day after March 31, 1995 is \$53. O. Reg. 178/95, s. 9 (3).

**48.** (1) An approved corporation maintaining and operating an approved charitable home for the aged shall discharge,

(a) a long-stay resident who is on a medical absence for more than twenty-one days and does not, before the end of the first twenty-one days of the medical absence, enter into the written agreement referred to in subclause 47 (2) (a) (ii);

(b) a long-stay resident who is on a medical absence for more than fifty-one days;

(c) a short-stay resident who is on a medical absence for more than fourteen days;

(d) a long-stay resident who is on a psychiatric absence for more than thirty days and does not, before the end of the first thirty days of the psychiatric absence, enter into the written agreement referred to in subclause 47 (2) (c) (ii);

(e) a long-stay resident who is on a psychiatric absence for more than sixty days;

(f) a short-stay resident who is on a psychiatric absence or a vacation absence; and

(g) a long-stay resident if the total length of the resident's vacation absences during the year exceeds twenty-one days. O. Reg. 236/94, s. 3; O. Reg. 178/95, s. 10 (1).

(2) Despite section 47, an approved corporation maintaining and operating an approved charitable home for the aged shall discharge a long-stay resident who does not pay the bed-holding amount that the resident has agreed to pay under subclause 47 (2) (a) (ii) or (c) (ii). O. Reg. 236/94, s. 3; O. Reg. 178/95, s. 10 (2).

(3) An approved corporation maintaining and operating an approved charitable home for the aged may discharge a resident if the total length of the resident's casual absences during the period between midnight on a Saturday and midnight on the following Saturday exceeds forty-eight hours. O. Reg. 236/94, s. 3; O. Reg. 178/95, s. 10 (3).

**49.** (1) When a long-stay resident of an approved charitable home for the aged is on a medical absence, a psychiatric absence or a vacation absence and when a short-stay resident of an approved charitable home for the aged is on a medical absence, the approved corporation maintaining and operating the home shall use its best efforts to maintain contact with the resident in order to determine when the resident will be returning to the home. O. Reg. 236/94, s. 3.

(2) An approved corporation maintaining and operating an approved charitable home for the aged shall use its best efforts to ensure that before a long-stay resident of the home leaves for a casual absence or a vacation absence and before a short-stay resident of the home leaves for a casual absence,

- (a) a physician attending the resident sets out in writing the care required to be given to the resident during the absence; and
- (b) the resident, or the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident's personal care, undertakes to the approved corporation in writing that the person giving the undertaking,
  - (i) will take all reasonable steps to ensure that the care required to be given to the resident is received by the resident during the absence,
  - (ii) assumes full responsibility for the care, safety and well-being of the resident during the absence, and
  - (iii) will notify the administrator of the home if the resident is admitted to a hospital during the absence. O. Reg. 236/94, s. 3.
- (3) An approved corporation maintaining and operating an approved charitable home for the aged shall use its best efforts to ensure that,
  - (a) before a long-stay resident of the home leaves for a medical absence or a psychiatric absence and before a short-stay resident of the home leaves for a medical absence, a physician attending the resident authorizes the absence in writing; and
  - (b) notice of a long-stay resident's medical absence or psychiatric absence and notice of a short-stay resident's medical absence is given to the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident's personal care and to such other person as the resident designates,
    - (i) at least twenty-four hours before the resident leaves the home, or
    - (ii) if circumstances do not permit twenty-four hours notice, as soon as possible. O. Reg. 236/94, s. 3.

**50.** The provisions of this Regulation relating to the care and treatment of a resident of an approved charitable home for the aged do not apply to a resident who is on a medical absence, a psychiatric absence, a casual absence or a vacation absence. O. Reg. 236/94, s. 3.

**51.** An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that each medical absence, psychiatric absence, casual absence and vacation absence of a resident of the home is recorded and that the record is kept for a period of at least two years after the date the absence begins. O. Reg. 236/94, s. 3.

#### POSTING

**52.** An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that the copy of section 3.1 of the Act that it posts in the home, as required under clause 9.18 (1) (a) of the Act, is a copy of both the English and the French versions of section 3.1 and that both versions appear in large print. O. Reg. 371/94, s. 13.

- 53.** (1) An approved corporation maintaining and operating an approved charitable home for the aged shall post in the home,
- (a) a copy of the most recent year-end report and the most recent auditor's report given to the Minister under section 28.6;
  - (b) at the request of the residents' council of the home, a copy of the minutes of the most recent meeting of the residents' council;
  - (c) the procedures for making complaints about the maintenance or operation of the home, the conduct of the staff of the home or the treatment or care received by a resident in the home; and
  - (d) a directive setting out the procedures to be followed and the steps to be taken by the residents and staff of the home when a fire alarm is given. O. Reg. 371/94, s. 13.
- (2) The items mentioned in clauses (1) (b), (c) and (d) shall be posted in large print. O. Reg. 371/94, s. 13.

- 54.** An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that,
- (a) all documents and information required to be posted in the home under section 9.18 of the Act are posted in a prominent place that is easily accessible to the staff of the home, the residents of the home and the persons who are lawfully authorized to make a decision on behalf of a resident of the home concerning the resident's personal care; and
  - (b) the directive mentioned in clause 53 (1) (d) is posted in several prominent places in the home. O. Reg. 371/94, s. 13; O. Reg. 535/94, s. 3.

#### NOTICE

**55.** An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that the matters referred to in clause 9.17 (1) (a) of the Act are set out in both English and French in each notice given under subsection 9.17 (1) of the Act. O. Reg. 371/94, s. 13.

**56.** In addition to complying with clauses 9.17 (1) (a), (b), (c) and (d) of the Act, the notice required to be given under subsection 9.17 (1) of the Act shall,

- (a) set out the rules and procedures of the home in relation to safety and security;
- (b) set out the name and address of the approved corporation and the names and addresses of its directors and officers;
- (c) set out the names of the home's staff members who are responsible for managing the accommodation, care, services, programs and goods provided to residents of the home;

- (d) explain how the residents' council of the home operates and how to become involved in the residents' council;
- (e) explain how the resident and the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident's personal care may participate in planning and evaluating the accommodation, care, services, programs and goods provided to the resident;
- (f) set out the advocacy services available to the resident;
- (g) set out the amounts which the approved corporation charges for accommodation, care, services, programs and goods and describe who may apply, and the process of applying, for a reduction in the amount charged for accommodation;
- (h) describe the accommodation, care, services, programs and goods, other than accommodation, care, services, programs and goods mentioned in clause 9.17 (1) (b) of the Act, that the approved corporation offers to residents or that the approved corporation can arrange for residents;
- (i) set out the resident's right to choose an attending physician and the obligations of the attending physician under this Regulation;
- (j) set out the rights and obligations of the approved corporation under the Act in relation to property it holds in trust for a resident;
- (k) set out the information provided to the home by the Minister of Health regarding financial assistance programs established by the Government of Canada or the Government of Ontario for persons who are at least 60 years old; and
- (l) set out the resident's rights and obligations in relation to medical, psychiatric, vacation and casual absences. O. Reg. 371/94, s. 13.

#### PLAN OF CARE

**57.** An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that the plan of care developed for a resident under clause 9.15 (b) of the Act,

- (a) is in writing;
- (b) reflects the resident's preferences and goals;
- (c) describes clearly the care to be given to the resident including, without limitation,
  - (i) the treatments, medication and diet to be given to the resident,
  - (ii) the assistance to be given to the resident with activities of daily living, and
  - (iii) the safety and security precautions to be taken with respect to the resident; and
- (d) is easily accessible to the persons providing the resident's care. O. Reg. 371/94, s. 13.

**58.** (1) An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that each resident's plan of care is reviewed at least quarterly by at least the following members of the inter-disciplinary team providing the resident's care:

1. The physician providing the resident's care.
2. The nursing staff providing the resident's care.
3. The food services supervisor or dietitian responsible for the resident's meals. O. Reg. 371/94, s. 13.

(2) An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that,

- (a) a conference of the inter-disciplinary team providing the resident's care is held, within six weeks following the resident's admission to the home and at least annually after that, to review the resident's plan of care;
- (b) the resident, the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident's personal care and such other person as they may direct are given an opportunity to participate fully in the conferences held under clause (a); and
- (c) with respect to each conference held under clause (a), a record is kept of the date of the conference, the participants in the conference and the results of the conference. O. Reg. 371/94, s. 13.

#### QUALITY MANAGEMENT

**59.** An approved corporation maintaining and operating an approved charitable home for the aged shall ensure that the quality management system implemented for the home under section 9.16 of the Act includes, without limitation,

- (a) the regular monitoring of the satisfaction of the residents, the members of the residents' families, and the persons who are lawfully authorized to make a decision on behalf of a resident concerning the resident's personal care, with the accommodation, care, services, programs and goods provided to the residents;
- (b) the participation of the members of the staff of the home in quality management activities; and
- (c) the keeping of a record of all of the quality management activities undertaken in relation to the home. O. Reg. 371/94, s. 13.

#### INFORMATION

**59.1** When a person who wishes to seek admission to an approved charitable home for the aged contacts a placement co-ordinator, the placement co-ordinator shall provide the person with information about retirement homes and other alternative services that the person may wish to consider. O. Reg. 119/02, s. 4.

## ELIGIBILITY FOR ADMISSION

**60.** In sections 61, 62, 63 and 64,

“applicant” means a person who applies in accordance with this Regulation for a determination by a placement co-ordinator respecting the person’s eligibility for admission to an approved charitable home for the aged. O. Reg. 371/94, s. 13.

**61.** (1) An applicant shall be determined to be eligible for admission to an approved charitable home for the aged if, and only if,

- (a) the applicant is at least 18 years old;
- (b) the applicant is an insured person under the *Health Insurance Act*;
- (c) the applicant meets at least one of the conditions set out in subsection (2);
- (d) the applicant meets at least one of the conditions set out in subsection (3); and
- (e) the applicant’s care requirements can be met in an approved charitable home for the aged. O. Reg. 371/94, s. 13.

(2) The following are the conditions referred to in clause (1) (c):

- 1. The applicant requires that nursing care be available on-site 24 hours a day.
- 2. The applicant requires assistance each day with activities of daily living.
- 3. The applicant requires, at frequent intervals throughout the day, on-site supervision or on-site monitoring to ensure his or her safety or well-being.
- 4. The applicant is at risk of being financially, emotionally or physically harmed if the applicant lives in his or her residence.
- 5. The applicant is at risk of suffering harm due to environmental conditions that cannot be resolved if the applicant lives in his or her residence.
- 6. The applicant may harm someone if the applicant lives in his or her residence. O. Reg. 371/94, s. 13.

(3) The following are the conditions referred to in clause (1) (d):

- 1. None of the publicly-funded community-based services available to the applicant while the applicant lives in his or her residence and none of the other caregiving, support or companionship arrangements available to the applicant while the applicant lives in his or her residence are sufficient, in any combination, to meet the applicant’s requirements.
- 2. None of the publicly-funded community-based services available to the applicant in the area to which the applicant plans to move and none of the other caregiving, support or companionship arrangements available to the applicant in the area to which the applicant plans to move are sufficient, in any combination, to meet the applicant’s requirements. O. Reg. 371/94, s. 13.

(4) REVOKED: O. Reg. 119/02, s. 5.

(5) REVOKED: O. Reg. 119/02, s. 5.

(6) This section does not apply to an applicant who is applying for a determination respecting his or her eligibility for admission to an approved charitable home for the aged as a short-stay resident in the respite care or supportive care program. O. Reg. 371/94, s. 13.

**62.** (1) An applicant shall be determined to be eligible for admission to an approved charitable home for the aged as a short-stay resident in the respite care program if, and only if,

- (a) the applicant’s caregiver requires temporary relief from his or her caregiving duties;
- (b) it is anticipated that the applicant will be returning to his or her residence within 60 days after admission to the approved charitable home for the aged; and
- (c) the applicant meets the requirements of clauses 61 (1) (a), (b), (c) and (e). O. Reg. 371/94, s. 13.

(2) An applicant shall be determined to be eligible for admission to an approved charitable home for the aged as a short-stay resident in the supportive care program if, and only if,

- (a) the applicant requires a period of time in which to recover strength, endurance or functioning and is likely to benefit from a short stay in an approved charitable home for the aged;
- (b) it is anticipated that the applicant will be returning to his or her residence within 90 days after admission to the approved charitable home for the aged; and
- (c) the applicant meets the requirements of clauses 61 (1) (a), (b), (c) and (e). O. Reg. 371/94, s. 13.

**63.** Despite section 61, an applicant shall be determined to be eligible for admission to an approved charitable home for the aged as a long-stay resident if,

- (a) the applicant’s spouse or partner is,
  - (i) a long-stay resident, or

- (ii) a person who has been determined by a placement co-ordinator to be eligible for admission to an approved charitable home for the aged as a long-stay resident;
- (b) the applicant is at least 18 years old;
- (c) the applicant is an insured person under the *Health Insurance Act*; and
- (d) the applicant's care requirements can be met in an approved charitable home for the aged. O. Reg. 371/94, s. 13.

**64.** Despite section 61, the following applicants shall be determined to be eligible for admission to an approved charitable home for the aged as long-stay residents:

1. A long-stay resident requesting a transfer to another approved charitable home for the aged as a long-stay resident.
2. A long-stay resident under the *Nursing Homes Act* or the *Homes for the Aged and Rest Homes Act* requesting a transfer to an approved charitable home for the aged as a long-stay resident. O. Reg. 371/94, s. 13.

**64.1** Despite section 61, an applicant who is a veteran shall be determined eligible for admission to an approved charitable home as a long-stay resident if the applicant is an insured person under the *Health Insurance Act*. O. Reg. 640/98, s. 3.

#### APPLICATION FOR DETERMINATION OF ELIGIBILITY

**65.** (1) To apply for a determination respecting his or her eligibility for admission to an approved charitable home for the aged, a person shall establish that he or she is at least 18 years old and shall provide to a placement co-ordinator,

- (a) a request by the person for a determination of his or her eligibility, in the form provided by the Minister;
- (b) proof that the person is an insured person under the *Health Insurance Act*;
- (c) an up-to-date health assessment of the person, in the form provided by the Minister, signed by,
  - (i) a member of the College of Physicians and Surgeons of Ontario, or
  - (ii) a registered nurse who holds a general certificate of registration or an extended certificate of registration in accordance with the regulations made under the *Nursing Act, 1991*;
- (d) an up-to-date functional assessment of the person conducted by a health or social service provider approved by the placement co-ordinator; and
- (e) such additional information and documentation as is necessary to enable the placement co-ordinator to determine whether the person meets the eligibility requirements set out in this Regulation. O. Reg. 371/94, s. 13; O. Reg. 119/02, s. 6 (1).

(1.1) Despite subsection (1), a veteran who wishes to apply for a determination of his or her eligibility for admission to an approved charitable home is not required to establish that he or she is 18 years old or to provide his or her request for a determination respecting his or her eligibility in the form provided by the Minister. O. Reg. 640/98, s. 4.

(2) Despite subsection (1), the following persons are not required to establish that they are at least 18 years old and are not required to comply with clauses (1) (b), (c) and (d):

1. A long-stay resident applying for a determination of eligibility for the purpose of transferring to another approved charitable home for the aged as a long-stay resident.
2. A long-stay resident under the *Homes for the Aged and Rest Homes Act* or the *Nursing Homes Act* applying for a determination of eligibility for the purpose of transferring to an approved charitable home for the aged as a long-stay resident. O. Reg. 119/02, s. 6 (2).

(3) Despite subsection (1), a person described in a paragraph of subsection (2) who is applying for a determination of eligibility for the purpose of transferring to a related temporary approved charitable home for the aged, a re-opened approved charitable home for the aged or a replacement approved charitable home for the aged as a long-stay resident is not required to provide his or her request for a determination respecting his or her eligibility in the form provided by the Minister, if he or she is a long-stay resident of the original approved charitable home for the aged or was a long-stay resident of the original approved charitable home for the aged immediately before the closure of his or her bed in the home. O. Reg. 119/02, s. 6 (2).

(4) If a person applying for a determination of eligibility is going to be placed in category 1A under section 74, the person is not required to comply with clauses (1) (c) and (d) if there is insufficient time to comply with them. O. Reg. 371/94, s. 13; O. Reg. 119/02, s. 6 (3).

(5) The placement co-ordinator shall assist the person in obtaining the information and documentation that the person is required to provide to the placement co-ordinator under this section. O. Reg. 371/94, s. 13.

#### APPLICATION FOR AUTHORIZATION OF ADMISSION

**66.** A person may apply for authorization of his or her admission to an approved charitable home for the aged only after the person has been determined by a placement co-ordinator to be eligible for admission. O. Reg. 371/94, s. 13.

**67.** (1) To apply for authorization of his or her admission to an approved charitable home for the aged, a person shall provide to the placement co-ordinator designated for the home under subsection 9.6 (3) of the Act,

- (a) a written request by the person for authorization of his or her admission to the home;
- (b) the items mentioned in clauses 65 (1) (c) and (d) if,

- (i) the person was not required to provide those items when the person applied for the determination of his or her eligibility, and
  - (ii) in the opinion of the placement co-ordinator, the approved corporation maintaining and operating the home does not have sufficient other information about the person to determine whether to give or withhold approval for the person's admission to the home; and
- (c) such additional information and documentation as is necessary to enable the placement co-ordinator to determine the category in which to place the person under sections 74 to 79.4. O. Reg. 371/94, s. 13; O. Reg. 178/95, s. 11; O. Reg. 119/02, s. 7 (1).

(1.1) Despite clause (1) (a), a request for authorization of admission need not be in writing if it is a request for authorization of admission as a long-stay resident with respect to a related temporary approved charitable home for the aged, a re-opened approved charitable home for the aged or a replacement approved charitable home for the aged made by a person who is a long-stay resident of the original approved charitable home for the aged or was a long-stay resident of the original approved charitable home for the aged immediately before the closure of his or her bed in the home. O. Reg. 119/02, s. 7 (2).

(2) The placement co-ordinator shall assist the person in obtaining the information and documentation that the person is required to provide to the placement co-ordinator under this section. O. Reg. 371/94, s. 13.

#### APPROVAL BY APPROVED CORPORATION

**68.** (1) Subject to sections 68.1 and 69.1, when a person who has been determined by a placement co-ordinator to be eligible for admission to an approved charitable home for the aged applies for authorization of his or her admission to a particular approved charitable home for the aged, the placement co-ordinator designated for the home under subsection 9.6 (3) of the Act shall,

- (a) give the approved corporation maintaining and operating the home the information possessed by the placement co-ordinator that is relevant to the approved corporation's determination of whether to give or withhold approval for the person's admission to the home; and
- (b) request the approved corporation to determine whether to give or withhold approval for the person's admission to the home. O. Reg. 371/94, s. 13; O. Reg. 119/02, s. 8.

(2) An approved corporation maintaining and operating an approved charitable home for the aged shall, within five days after receiving the request mentioned in subsection (1),

- (a) give the placement co-ordinator designated for the home and the person applying for authorization of admission to the home a written notice stating that the approved corporation approves the person's admission; or
- (b) if the approved corporation is withholding approval for the person's admission, give the written notice required under subsection 9.6 (15) of the Act to the persons mentioned in subsection 9.6 (15) of the Act. O. Reg. 371/94, s. 13.

(3) In counting five days for the purpose of subsection (2), holidays shall not be included. O. Reg. 371/94, s. 13.

(4) In this section,

"holiday" means,

- (a) Saturday,
- (b) Sunday,
- (c) New Year's Day,
- (d) Good Friday,
- (e) Victoria Day,
- (f) Canada Day,
- (g) Civic Holiday,
- (h) Labour Day,
- (i) Thanksgiving Day,
- (j) Christmas Day,
- (k) Boxing Day,
- (l) any special holiday proclaimed by the Governor General or the Lieutenant Governor,
- (m) if New Year's Day or Canada Day falls on a Saturday or Sunday, the following Monday,
- (n) if Christmas Day falls on a Saturday or Sunday, the following Monday and Tuesday, and
- (o) if Christmas Day falls on a Friday, the following Monday. O. Reg. 371/94, s. 13.

**68.1** (1) A placement co-ordinator shall not provide the information and request referred to in subsection 68 (1) to an approved corporation maintaining and operating an approved charitable home for the aged selected by an applicant if, at that point in time, the total number of approved charitable homes for the aged, nursing homes under the *Nursing Homes Act* and homes under the *Homes for the Aged and Rest Homes Act*, which have approved or are considering the applicant's admission, is three or more. O. Reg. 119/02, s. 9.



(2) If, at a later point in time, the total number of approved charitable homes for the aged, nursing homes under the *Nursing Homes Act* and homes under the *Homes for the Aged and Rest Homes Act*, which have approved or are considering the applicant's admission, is less than three, the placement co-ordinator may then provide the information and request referred to in subsection 68 (1) to an approved corporation maintaining and operating another approved charitable home for the aged selected by the applicant so long as, at any point in time, the total number of approved charitable homes for the aged, nursing homes under the *Nursing Homes Act* and homes under the *Homes for the Aged and Rest Homes Act*, which have approved or are considering the applicant's admission, does not exceed three. O. Reg. 119/02, s. 9.

(3) This section does not apply to a person who will be placed in category 1A or the short-stay category on the waiting list for the approved charitable home for the aged if the approved corporation approves his or her admission to the home. O. Reg. 119/02, s. 9.

**69.** (1) Subject to section 69.1, an approved corporation may withdraw its approval of a person's admission to an approved charitable home for the aged before the person's admission is authorized if, as a result of a change in the person's condition, a ground for withholding approval mentioned in subsection 9.6 (14) of the Act exists. O. Reg. 371/94, s. 13; O. Reg. 119/02, s. 10.

(2) An approved corporation that withdraws its approval of a person's admission to an approved charitable home for the aged under subsection (1) shall give to the person, the Director and the placement co-ordinator designated for the home under subsection 9.6 (3) of the Act a written notice,

- (a) stating that the approved corporation is withdrawing its approval of the person's admission; and
- (b) setting out the ground or grounds on which the approved corporation is withholding approval and a detailed explanation of the supporting facts. O. Reg. 371/94, s. 13.

**69.1** (1) Sections 68 and 69 do not apply to a related temporary approved charitable home for the aged, a re-opened approved charitable home for the aged or a replacement approved charitable home for the aged. O. Reg. 119/02, s. 11.

(2) The approved corporation maintaining and operating a related temporary approved charitable home for the aged, a re-opened approved charitable home for the aged or a replacement approved charitable home for the aged shall be deemed to approve the admission to the home as a long-stay resident of any person who is a long-stay resident of the original approved charitable home for the aged or was a long-stay resident of the original approved charitable home for the aged immediately before the closure of his or her bed in the home. O. Reg. 119/02, s. 11.

#### KEEPING OF WAITING LIST

**70.** (1) Each placement co-ordinator shall keep a waiting list for each of the approved charitable homes for which the placement co-ordinator is designated under subsection 9.6 (3) of the Act. O. Reg. 640/98, s. 5.

(2) The placement co-ordinator shall place on the waiting list, rank for admission and remove from the list, in accordance with sections 71 to 81, any person described in section 71 other than a person who is to be placed on the waiting list for interim beds under section 84. O. Reg. 640/98, s. 5; O. Reg. 119/02, s. 12 (1).

(3) Each placement co-ordinator shall also keep a refusal list for the purposes of section 72. O. Reg. 119/02, s. 12 (2).

**71.** (1) The placement co-ordinator designated for an approved charitable home for the aged under subsection 9.6 (3) of the Act shall place a person on the waiting list for the home if, and only if,

- (a) the person is determined by a placement co-ordinator to be eligible for admission to an approved charitable home for the aged;
- (b) the person applies in accordance with this Regulation for authorization of his or her admission to the home;
- (c) the approved corporation maintaining and operating the home approves the person's admission to the home; and
- (d) placing the person on the waiting list for the home will not result in the total number of waiting lists for approved charitable homes for the aged, nursing homes under the *Nursing Homes Act* and homes under the *Homes for the Aged and Rest Homes Act* on which the person is placed exceeding three. O. Reg. 119/02, s. 13.

(2) Clause (1) (d) does not apply to a person who will be placed in category 1A or the short-stay category on the waiting list. O. Reg. 119/02, s. 13

**72.** (1) A person shall be removed from the waiting list for each approved charitable home for the aged to which the person is awaiting admission as a long-stay resident and shall be placed on the refusal list if,

- (a) the person,
  - (i) is a long-stay resident of another approved charitable home for the aged, a nursing home under the *Nursing Homes Act* or a home under the *Homes for the Aged and Rest Homes Act*, or
  - (ii) is not described in subclause (i) and does not occupy a bed in,
    - (A) a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,
    - (B) a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and that is not exempt under that section from the requirement to provide in-patient services in paragraph 1 of subsection 4 (1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act, or
    - (C) a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*; and

- (b) a placement co-ordinator offers to authorize the person's admission to an approved charitable home for the aged, a nursing home under the *Nursing Homes Act* or a home under the *Homes for the Aged and Rest Homes Act* as a long-stay resident, and the person,
  - (i) refuses to consent to admission,
  - (ii) refuses to enter into the written agreement mentioned in clause 86 (1) (e) of this Regulation, clause 155 (1) (e) of Regulation 832 of the Revised Regulations of Ontario, 1990 made under the *Nursing Homes Act* or clause 12.21 (1) (e) of Regulation 637 of the Revised Regulations of Ontario, 1990 made under the *Homes for the Aged and Rest Homes Act*, as applicable, or
  - (iii) fails to move into the facility on or before the fifth day following the day on which he or she is informed of the availability of accommodation. O. Reg. 119/02, s. 13.
- (2) Subsection (1) does not apply if the reason the person acts in the manner described in subclause (1) (b) (i), (ii) or (iii) is that the person has a short-term illness or injury which,
  - (a) prevents the person from moving into the facility at that time; or
  - (b) would make moving into the facility at that time detrimental to the person's health. O. Reg. 119/02, s. 13.
- (3) If a person described in subclause (1) (a) (i) is removed from the waiting list for an approved charitable home for the aged under subsection (1), the person shall be placed on the waiting list for the home again to await admission as a long-stay resident if,
  - (a) the person provides to the placement co-ordinator designated for the home under subsection 9.6 (3) of the Act a new written request for authorization of his or her admission to the home as a long-stay resident; and
  - (b) placing the person on the waiting list for the home will not result in the total number of waiting lists for approved charitable homes for the aged, nursing homes under the *Nursing Homes Act* and homes under the *Homes for the Aged and Rest Homes Act* on which the person is placed exceeding three. O. Reg. 119/02, s. 13.
- (4) If a person described in subclause (1) (a) (ii) is removed from the waiting list for an approved charitable home for the aged under subsection (1), the person shall be placed on the waiting list for the home again to await admission as a long-stay resident if,
  - (a) the person provides to the placement co-ordinator designated for the home under subsection 9.6 (3) of the Act a new written request for authorization of his or her admission to the home as a long-stay resident and,
    - (i) the request is provided 24 weeks or more after the day the person was removed from the waiting list, or
    - (ii) the request is provided less than 24 weeks after the day the person was removed from the waiting list but there has been a deterioration in the person's condition or circumstances; and
  - (b) placing the person on the waiting list for the home will not result in the total number of waiting lists for approved charitable homes for the aged, nursing homes under the *Nursing Homes Act* and homes under the *Homes for the Aged and Rest Homes Act* on which the person is placed exceeding three. O. Reg. 119/02, s. 13.
- (5) Clause (4) (b) does not apply to a person who will be placed in category 1A on the waiting list for the home. O. Reg. 119/02, s. 13.

**72.1** (1) A person may be removed from the waiting list for an approved charitable home for the aged to which the person is awaiting admission as a short-stay resident if the placement co-ordinator designated for the home under subsection 9.6 (3) of the Act offers to authorize the person's admission to the home and the person,

- (a) refuses to consent to admission; or
- (b) fails to move into the home on the day agreed to by the person. O. Reg. 119/02, s. 13.

(2) A person who is removed from the waiting list for an approved charitable home for the aged under subsection (1) shall be placed on the waiting list for the home again to await admission as a short-stay resident if the person provides to the placement co-ordinator designated for the home under subsection 9.6 (3) of the Act a new written request for authorization of his or her admission to the home as a short-stay resident. O. Reg. 119/02, s. 13.

#### PLACEMENT INTO CATEGORIES ON WAITING LIST

**73.** Sections 74 to 79.4 apply only to persons who meet the requirements of section 71 or subsection 72 (3) or (4) or 72.1 (2) for placement on a waiting list. O. Reg. 119/02, s. 13.

**74.** (1) A person shall be placed in category 1A on the waiting list for an approved charitable home for the aged if the person requires immediate admission as a result of a crisis arising from the person's condition or circumstances. O. Reg. 119/02, s. 13.

- (2) A person shall be placed in category 1A on the waiting list for an approved charitable home for the aged if,
  - (a) the person occupies a bed in,
    - (i) a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,
    - (ii) a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and is not exempt under that section from the requirement to provide in-patient services in paragraph 1 of subsection 4 (1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act, or

- (iii) a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*; and
- (b) there will be no bed for the person in the hospital or facility within six weeks as a result of,
  - (i) a permanent closure of all or some of the beds in the hospital or facility, or
  - (ii) a temporary closure of all or some of the beds in the hospital or facility due to an emergency or redevelopment. O. Reg. 119/02, s. 13.
- (3) A person shall be placed in category 1A on the waiting list for an approved charitable home for the aged if,
  - (a) the person is a long-stay resident of another approved charitable home for the aged, a nursing home under the *Nursing Homes Act* or a home under the *Homes for the Aged and Rest Homes Act*; and
  - (b) there will be no bed for the person in the facility within six weeks as a result of a permanent or temporary closure of all or some of the beds in the facility. O. Reg. 119/02, s. 13.
- 75.** A person shall be placed in category 1B on the waiting list for an approved charitable home for the aged if,
  - (a) the person does not meet the requirements for placement in category 1A;
  - (b) the home is primarily engaged in serving the interests of persons of a particular religion, ethnic origin or linguistic origin; and
  - (c) the person is of the religion, ethnic origin or linguistic origin primarily served by the home. O. Reg. 119/02, s. 13.
- 75.1** REVOKED: O. Reg. 119/02, s. 13.
- 75.2** REVOKED: O. Reg. 119/02, s. 13.
- 76.** (1) A person shall be placed in category 2 on the waiting list for an approved charitable home for the aged if,
  - (a) the person does not meet the requirements for placement in category 1A or 1B; and
  - (b) the person occupies a bed in,
    - (i) a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,
    - (ii) a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and is not exempt under that section from the requirement to provide in-patient services in paragraph 1 of subsection 4 (1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act, or
    - (iii) a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*. O. Reg. 119/02, s. 13.
- (2) A person shall be placed in category 2 on the waiting list for an approved charitable home for the aged if,
  - (a) the person does not meet the requirements for placement in category 1A or 1B;
  - (b) the person is a long-stay resident of another approved charitable home for the aged, a nursing home under the *Nursing Homes Act* or a home under the *Homes for the Aged and Rest Homes Act*; and
  - (c) there will be no bed for the person in the facility within 16 weeks as a result of a permanent or temporary closure of all or some of the beds in the facility. O. Reg. 119/02, s. 13.
- (3) A person shall be placed in category 2 on the waiting list for an approved charitable home for the aged if,
  - (a) the person does not meet the requirements for placement in category 1A or 1B;
  - (b) the person was or is a long-stay resident of another approved charitable home for the aged, a nursing home under the *Nursing Homes Act* or a home under the *Homes for the Aged and Rest Homes Act*; and
  - (c) the person was or will be discharged from the facility,
    - (i) because the facility cannot provide a sufficiently secure environment to ensure the safety of that person or the safety of persons who come into contact with that person, or
    - (ii) because of an absence for the purpose of receiving medical or psychiatric care or undergoing medical or psychiatric assessment. O. Reg. 119/02, s. 13.
- (4) A person shall be placed in category 2 on the waiting list for an approved charitable home for the aged if,
  - (a) the person does not meet the requirements for placement in category 1A or 1B; and
  - (b) the person requires admission within three months because,
    - (i) should there be any change in the person's condition or circumstances, the person would require immediate admission as a result of a crisis arising from the person's condition or circumstances, or
    - (ii) attending to the person's care needs is jeopardizing the health and well-being of the person's caregiver. O. Reg. 119/02, s. 13.

- (5) A person shall be placed in category 2 on the waiting list for an approved charitable home for the aged if,
- (a) the person does not meet the requirements for placement in category 1A or 1B; and
  - (b) the person's spouse or partner is a long-stay resident of the approved charitable home for the aged or neither the person nor his or her spouse or partner is a long-stay resident of the approved charitable home for the aged but both wish to reside in the approved charitable home for the aged. O. Reg. 119/02, s. 13.
- (6) If a person applies for authorization of his or her admission to an approved charitable home for the aged, a home under the *Homes for the Aged and Rest Homes Act* or a nursing home under the *Nursing Homes Act* as a long-stay resident and a placement co-ordinator, with the consent of the person, authorizes the person's admission to a facility that is not the person's first choice, the person shall, if he or she wishes, be kept on the waiting lists for the person's preferred approved charitable homes for the aged and shall be placed in category 2. O. Reg. 119/02, s. 13.
- 77.** Despite sections 74 to 76, a person shall be placed in the veteran category on the waiting list for an approved charitable home for the aged if,
- (a) the home contains veterans' priority access beds;
  - (b) the person has applied for authorization of his or her admission to a veteran's priority access bed; and
  - (c) the person is a veteran. O. Reg. 119/02, s. 13.
- 78.** Despite sections 74 to 76, a person shall be placed in the exchange category on the waiting list for an approved charitable home for the aged if,
- (a) the person,
    - (i) occupies a bed in a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,
    - (ii) occupies a bed in a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and is not exempt under that section from the requirement to provide in-patient services in paragraph 1 of subsection 4 (1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act,
    - (iii) occupies a bed in a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*, or
    - (iv) is a long-stay resident of another approved charitable home for the aged, a nursing home under the *Nursing Homes Act* or a home under the *Homes for the Aged and Rest Homes Act*;
  - (b) the person is the subject of an agreement between the approved charitable home for the aged to which the person seeks admission, at least one hospital or facility mentioned in subclause (a) (i), (ii) or (iii) and possibly one or more other hospitals, facilities or homes, to exchange identified residents or patients, in order to meet the specialized requirements of any of the exchanged residents or patients; and
  - (c) the result of the exchange will be that the person will become a resident of the approved charitable home for the aged to which the person seeks admission and a resident of the approved charitable home for the aged will be discharged. O. Reg. 119/02, s. 13.
- 79.** Despite sections 74 to 76 and section 78 but subject to section 77, a person shall be placed in the related temporary approved charitable home for the aged category on the waiting list for an approved charitable home for the aged if,
- (a) the approved charitable home for the aged is or will be a related temporary approved charitable home for the aged; and
  - (b) the person is a long-stay resident of the original approved charitable home for the aged or was a long-stay resident of the original approved charitable home for the aged immediately before the closure of his or her bed in the home. O. Reg. 119/02, s. 13.
- 79.1** Despite sections 74 to 76 and section 78 but subject to section 77, a person shall be placed in the re-opened approved charitable home for the aged category on the waiting list for an approved charitable home for the aged if,
- (a) the approved charitable home for the aged is or will be a re-opened approved charitable home for the aged; and
  - (b) the person is a long-stay resident of the original approved charitable home for the aged or was a long-stay resident of the original approved charitable home for the aged immediately before the temporary closure of his or her bed in the home. O. Reg. 119/02, s. 13.
- 79.2** Despite sections 74 to 76 and section 78 but subject to section 77, a person shall be placed in the replacement approved charitable home for the aged category on the waiting list for an approved charitable home for the aged if,
- (a) the approved charitable home for the aged is or will be a replacement approved charitable home for the aged; and
  - (b) the person is a long-stay resident of the original approved charitable home for the aged or was a long-stay resident of the original approved charitable home for the aged immediately before the permanent closure of his or her bed in the home. O. Reg. 119/02, s. 13.
- 79.3** A person shall be placed in category 3 on the waiting list for an approved charitable home for the aged if the person does not meet the requirements for placement in any other category. O. Reg. 119/02, s. 13.
- 79.4** (1) Sections 74 to 79.3 do not apply to a person applying for authorization of admission to an approved charitable home for the aged as a short-stay resident in the respite care or supportive care program. O. Reg. 119/02, s. 13.
- (2) A person referred to in subsection (1) shall be placed in the short-stay category on the waiting list for the approved charitable home for the aged. O. Reg. 119/02, s. 13.

#### RANKING OF CATEGORIES

**80.** For each class of beds set out in a column of Table 5, the categories on the waiting list shall be ranked in the order set out in the rows below that class of beds, such that a category mentioned in a higher row ranks ahead of a category mentioned in a lower row. O. Reg. 119/02, s. 13.

#### RANKING WITHIN CATEGORIES

**81.** (1) Within a waiting list category set out in Column 1 of Table 6, persons shall be ranked for admission in accordance with the rules set out opposite the category in Column 2 of Table 6. O. Reg. 119/02, s. 13.

(2) If, within six weeks after making his or her first application for authorization of admission to one or more approved charitable homes for the aged, nursing homes under the *Nursing Homes Act* or homes under the *Homes for the Aged and Rest Homes Act* as a long-stay resident, and before being admitted to one of such facilities, a person makes one or more additional applications for authorization of his or her admission to one or more approved charitable homes for the aged as a long-stay resident, the additional applications made within the six-week period shall, for the purpose of Table 6, be deemed to have been made at the time that the first application was made. O. Reg. 119/02, s. 13.

(3) If a person who was determined by a placement co-ordinator to be ineligible for admission to an approved charitable home for the aged as a long-stay resident is determined to be eligible for admission as a long-stay resident as a result of an application to the Appeal Board under subsection 9.10 (2) of the Act or an appeal to the Divisional Court under subsection 9.13 (1) of the Act, and if the person then makes an application for authorization of his or her admission to one or more approved charitable homes for the aged, homes under the *Homes for the Aged and Rest Homes Act* or nursing homes under the *Nursing Homes Act* as a long-stay resident,

(a) that application for authorization shall, for the purposes of Table 6, be deemed to have been made at the time that the placement co-ordinator determined that the person was ineligible for admission; and

(b) all additional applications for authorization of admission to one or more approved charitable homes for the aged as a long-stay resident, made by the person within six weeks after making the first application and before being admitted to one of such facilities shall, for the purpose of Table 6, be deemed to have been made at the time that the first application is deemed under clause (a) to have been made. O. Reg. 119/02, s. 13.

(4) Despite subsection (2), if a person provides to the placement co-ordinator designated for an approved charitable home for the aged under subsection 9.6 (3) of the Act a new request for authorization of admission to the home under subsection 72 (3) or (4) or 72.1 (2), the person shall, for the purpose of Table 6, be deemed to have applied for authorization of admission to the home at the time of the provision of the new request. O. Reg. 119/02, s. 13.

**82.** REVOKED: O. Reg. 119/02, s. 13.

**83.** REVOKED: O. Reg. 119/02, s. 13.

#### WAITING LIST FOR INTERIM BEDS

**84.** (1) The placement co-ordinator designated under subsection 9.6 (3) of the Act for an approved charitable home for the aged that has entered into a service agreement for interim beds shall keep a waiting list for admission to the interim beds. O. Reg. 640/98, s. 9; O. Reg. 119/02, s. 14 (1).

(2) REVOKED: O. Reg. 119/02, s. 14 (2).

(3) The waiting list for interim beds shall be kept in addition to and separately from the waiting list required to be kept under section 70. O. Reg. 640/98, s. 9.

(4) A person shall be placed on the waiting list for interim beds for an approved charitable home for the aged if,

(a) the person meets the requirements of section 71;

(b) the person is a patient in a hospital that is a public hospital as defined in section 1 of the *Public Hospitals Act*;

(c) a physician has determined that the person does not require the acute care services provided by the hospital; and

(d) the person has applied for authorization of his or her admission to an interim bed in the approved charitable home for the aged. O. Reg. 640/98, s. 9; O. Reg. 119/02, s. 14 (3-5).

(5) Persons on a waiting list for interim beds for an approved charitable home for the aged shall be ranked for admission according to the time at which they applied for authorization of their admission to an interim bed in that home. O. Reg. 119/02, s. 14 (6).

(6) Subsections 81 (2) and (3) apply with necessary modifications to the ranking of persons on a waiting list for interim beds for an approved charitable home for the aged. O. Reg. 119/02, s. 14 (6).

#### CHANGE OF CATEGORY

**85.** (1) If a placement co-ordinator knows of a change in the condition or circumstances of a person who is on a waiting list kept by the placement co-ordinator or knows of a change in an approved charitable home for the aged for which the person is on the waiting list, and if the person should be placed in a different category on the waiting list under sections 73 to 79.4 as a result of the change in his or her condition or circumstances or as a result of the change in the home, the placement co-ordinator shall place the person in the different category. O. Reg. 185/95, s. 6; O. Reg. 119/02, s. 15 (1).

(2) If a person who is on the waiting list for an approved charitable home for the aged should be placed in a different category on the waiting list as a result of amendments made to this Regulation by Ontario Regulation 119/02, the placement co-ordinator keeping the waiting list shall place the person in the different category. O. Reg. 119/02, s. 15 (2).

AUTHORIZATION OF ADMISSION

86. (1) Subject to section 87, the placement co-ordinator designated for an approved charitable home for the aged under subsection 9.6 (3) of the Act shall authorize the admission of a person to the home if, and only if,

- (a) the requirements set out in subsection 9.6 (13) of the Act are met;
- (b) the approved corporation maintaining and operating the home has not withdrawn its approval of the person's admission under section 69;
- (c) the home has available the class of accommodation for which the person is recorded to be waiting;
- (d) there is no one on the waiting list for the home who is recorded to be waiting for the class of accommodation that is available, who ranks ahead of the person, and whose admission may be authorized under this section; and
- (e) in the case of a person who is applying for authorization of his or her admission to the home as a long-stay resident, the person agrees in writing with the approved corporation maintaining and operating the home that,
  - (i) the person will move into the home before noon of the fifth day following the day on which he or she is informed of the availability of accommodation in the home,
  - (ii) if the person moves into the home before noon of the fifth day following the day on which he or she is informed of the availability of accommodation in the home, the person will pay,
    - (A) for each day following the day on which the person is informed of the availability of accommodation in the home and preceding the day on which the person moves into the home, the amount that the approved corporation would have charged him or her for accommodation for that day had he or she been a long-stay resident lodged in the available accommodation on that day, and
    - (B) if the person moves into the home on or after the third day following the day on which he or she is informed of the availability of accommodation in the home, the daily bed-holding amount as determined under section 47 for each day from and including the second day following the day on which the person is informed of the availability of accommodation in the home and preceding the day on which the person moves into the home, and
  - (iii) if the person does not move into the home before noon of the fifth day following the day on which he or she is informed of the availability of accommodation in the home, the person will pay,
    - (A) for each of the five days following the day on which the person is informed of the availability of accommodation in the home, the amount that the approved corporation would have charged him or her for accommodation for that day had he or she been a long-stay resident lodged in the available accommodation on that day, and
    - (B) for each of the second, third, fourth and fifth days following the day on which the person is informed of the availability of accommodation in the home, the daily bed-holding amount as determined under section 47.
- (f) REVOKED: O. Reg. 119/02, s. 16 (2).

O. Reg. 371/94, s. 13; O. Reg. 178/95, s. 12 (1); O. Reg. 119/02, s. 16 (1, 2).

(2) For the purposes of clauses (1) (c) and (d), the following are the classes of accommodation for which a person may be recorded to be waiting:

1. Accommodation for a woman in a respite care or supportive care program.
2. Accommodation for a man in a respite care or supportive care program.
3. Basic accommodation for a woman other than in a respite care or supportive care program.
4. Basic accommodation for a man other than in a respite care or supportive care program.
5. Semi-private accommodation for a woman other than in a respite care or supportive care program.
6. Semi-private accommodation for a man other than in a respite care or supportive care program.
7. Private accommodation for a woman other than in a respite care or supportive care program.
8. Private accommodation for a man other than in a respite care or supportive care program. O. Reg. 119/02, s. 16 (3).

(2.1) Despite subsection (1), a placement co-ordinator designated under subsection 9.6 (3) of the Act for an approved charitable home that has entered into a service agreement for interim beds shall not authorize the admission of a person to an interim bed unless the person meets the requirements for placement on a waiting list for interim beds set out in subsection 84 (4). O. Reg. 640/98, s. 10.

(2.2) REVOKED: O. Reg. 119/02, s. 16 (4).

(3) A placement co-ordinator who authorizes a person's admission to an approved charitable home for the aged as a long-stay resident shall cancel the authorization if the person does not move into the home before noon of the fifth day following the day on which the person is informed of the availability of accommodation in the home. O. Reg. 371/94, s. 13; O. Reg. 178/95, s. 12 (2); O. Reg. 119/02, s. 16 (5).

(4) A placement co-ordinator who authorizes a person's admission to an approved charitable home for the aged as a short-stay resident may cancel the authorization if the person does not move into the home on the day agreed to by the person. O. Reg. 371/94, s. 13.

(5) An approved corporation maintaining and operating an approved charitable home for the aged shall inform the placement co-ordinator designated for the home under subsection 9.6 (3) of the Act of available accommodation in the home within 24 hours after the accommodation becomes available. O. Reg. 119/02, s. 16 (6).

**87.** The placement co-ordinator designated for an approved charitable home for the aged under subsection 9.6 (3) of the Act shall authorize a person's admission to the home as a short-stay resident if, and only if, the person's admission may be authorized under section 86 and,

- (a) the person applied for authorization of his or her admission to the home's respite care or supportive care program; or
- (b) the person did not apply for authorization of his or her admission to the home's respite care or supportive care program, the person is in category 1A on the waiting list for the home at the time of authorization of his or her admission, and the person's condition or circumstances are such that the placement co-ordinator believes that the person will be able to return to his or her residence within 14 days after admission to the home. O. Reg. 371/94, s. 13; O. Reg. 119/02, s. 17.

**88.** (1) When a placement co-ordinator authorizes the admission of a person to an approved charitable home for the aged as a short-stay resident, the placement co-ordinator shall indicate the length of the stay being authorized and the first day and last day of the stay. O. Reg. 371/94, s. 13.

(2) No placement co-ordinator shall authorize the admission of a person to an approved charitable home for the aged as a short-stay resident in the respite care program for a stay exceeding 60 days. O. Reg. 371/94, s. 13.

(3) No placement co-ordinator shall authorize the admission of a person to an approved charitable home for the aged as a short-stay resident in the supportive care program for a stay exceeding 90 days. O. Reg. 371/94, s. 13.

(4) No placement co-ordinator shall authorize the admission of a person to an approved charitable home for the aged as a short-stay resident in the respite care or supportive care program for a stay which, when added to the person's other stays during the year in the respite care or supportive care program of an approved charitable home for the aged, a nursing home under the *Nursing Homes Act* or a home under the *Homes for the Aged and Rest Homes Act*, exceeds 90 days. O. Reg. 371/94, s. 13.

(5) No placement co-ordinator shall authorize the admission of a person to an approved charitable home for the aged as a short-stay resident under clause 87 (b) for a stay exceeding 14 days. O. Reg. 371/94, s. 13.

(6) No person whose admission has been authorized for a stay in the respite care or supportive care program of an approved charitable home for the aged shall apply for authorization of admission to extend the stay, before the last day of the stay. O. Reg. 371/94, s. 13.

TRANSFER LIST

- 89.** (1) An approved corporation maintaining and operating an approved charitable home for the aged shall keep a transfer list consisting of,
- (a) the names of the residents of the home who are requesting a transfer from preferred accommodation in the home to basic accommodation in the home; and
  - (b) the names of the residents of the home who are requesting a transfer from private accommodation in the home to semi-private accommodation in the home. O. Reg. 119/02, s. 18.
- (2) The approved corporation shall notify each resident on the transfer list monthly of his or her rank on the transfer list. O. Reg. 371/94, s. 13.

CLOSING OF AN APPROVED CHARITABLE HOME FOR THE AGED

**90.** (1) If an approved corporation maintaining and operating an approved charitable home for the aged intends to close all or some of the beds in the home permanently or temporarily, the approved corporation shall, no later than 16 weeks before the date of the closure, give written notice of that intention to,

- (a) the Director;
- (b) the administrator of the home;
- (c) the placement co-ordinator designated for the home under subsection 9.6 (3) of the Act; and
- (d) each resident who will be affected by the closure and the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident's personal care. O. Reg. 119/02, s. 19.

(2) Forthwith after receiving a notice under subsection (1), the placement co-ordinator shall contact each resident who will be affected by the closure and the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident's personal care, in order to begin the process of authorizing the resident's admission to another approved charitable home for the aged, a nursing home under the *Nursing Homes Act* or a home under the *Homes for the Aged and Rest Homes Act*. O. Reg. 119/02, s. 19.

TABLE 1

COLUMN 1	COLUMN 2	COLUMN 3
Period	Ceiling (Daily)	Personal Needs Allowance (Monthly)
From and including July 1, 1993	\$44.42	\$112.00

O. Reg. 368/93, s. 16.

TABLE 2

SUBSIDY CALCULATION WORKSHEET

ITEM	COLUMN 1	COLUMN 2
	Year	Documents and Forms
1.	1993 and 1994	The document titled "Long-Term Care Facility Subsidy Calculation Worksheet — Approved Charitable Homes for the Aged" and dated July 6, 1994.
2.	1995	The document titled "Long-Term Care Facility Subsidy Calculation Worksheet" and dated March 20, 1995.
3.	1996	The document titled "Long-Term Care Facility Subsidy Calculation Worksheet" and dated May 20, 1996.
4.	1997	The document titled "Long-Term Care Facility Subsidy Calculation Worksheet" and dated April 26, 1997.
5.	1998	The document titled "Long-Term Care Facility Subsidy Calculation Worksheet" and dated November 15, 1998.
6.	1999 and following years	The form titled "Long-Term Care Facility Subsidy Calculation Worksheet".

O. Reg. 341/96, s. 8; O. Reg. 11/97, s. 9; O. Reg. 41/98, s. 3; O. Reg. 640/98, s. 11; O. Reg. 181/01, s. 6; O. Reg. 119/02, s. 20.

TABLE 3 REVOKED: O. Reg. 341/96, s. 8.

TABLE 4  
RESIDENT PAYMENTS

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7	COLUMN 8
	Period	Short-Stay Daily Maximum	Long-Stay Basic Monthly Maximum	Long-Stay Basic Daily Maximum	Long-Stay Semi-Private Monthly Maximum	Long-Stay Semi-Private Daily Maximum	Long-Stay Private Monthly Maximum	Long-Stay Private Daily Maximum
1.	From and including July 1, 1993 to and including June 30, 1994	\$26.64	\$1,182.30	\$38.87	\$1,425.63	\$46.87	\$1,729.80	\$56.87
2.	From and including July 1, 1994 to and including June 30, 1995	26.94	1,198.53	39.40	1,441.72	47.40	1,745.88	57.40
3.	From and including July 1, 1995 to and including June 30, 1996	27.00	1,201.23	39.49	1,444.56	47.49	1,748.73	57.49
4.	From and including July 1, 1996 to and including June 30, 1997	27.51	1,225.62	40.29	1,468.95	48.29	1,773.12	58.29
5.	From and including July 1, 1997 to and including June 30, 1998	28.08	1,252.04	41.16	1,495.37	49.16	1,799.54	59.16
6.	From and including July 1, 1998 to and including July 31, 1999	28.34	1,264.01	41.56	1,507.34	49.56	1,811.51	59.56
7.	From and	28.63	1,277.95	42.01	1,521.28	50.01	1,825.45	60.01



	including August 1, 1999 to and including June 30, 2000							
8.	From and including July 1, 2000 to and including June 30, 2001	29.29	1,308.89	43.03	1,552.22	51.03	1,856.39	61.03
9.	From and including July 1, 2001 to and including August 31, 2002	30.24	1,353.73	44.51	1,597.06	52.51	1,901.23	62.51
10.	From and including September 1, 2002	30.90	1,445.71	47.53	1,689.04	55.53	1,993.21	65.53

O. Reg. 178/95, s. 14; O. Reg. 220/96, s. 3; O. Reg. 198/97, s. 4; O. Reg. 234/98, s. 7; O. Reg. 371/99, s. 4; O. Reg. 301/00, s. 3; O. Reg. 181/01, s. 7; O. Reg. 119/02, s. 21; O. Reg. 231/02, s. 3.

TABLE 5  
RANKING OF WAITING LIST CATEGORIES

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
Class of Beds	Beds in a related temporary approved charitable home for the aged, other than veterans' priority access beds	Beds in a re-opened approved charitable home for the aged, other than veterans' priority access beds	Beds in a replacement approved charitable home for the aged, other than veterans' priority access beds	Veterans' priority access beds in an approved charitable home for the aged, other than a related temporary, re-opened or replacement approved charitable home for the aged	Veterans' priority access beds in a related temporary, re-opened or replacement approved charitable home for the aged	All other beds in an approved charitable home for the aged
Waiting List Categories	Related temporary	Re-opened	Replacement	Veteran	Veteran	Exchange
	Exchange	Exchange	Exchange	Exchange	Related temporary, re-opened or replacement, as applicable	1A
	1A	1A	1A	1A	Exchange	1B
	1B	1B	1B	1B	1A	2
	2	2	2	2	1B	3
	3	3	3	3	2	
				3		

O. Reg. 119/02, s. 22.

TABLE 6  
RULES FOR RANKING WITHIN CATEGORIES

ITEM	COLUMN 1	COLUMN 2
	Category	Rules
1.	Related temporary, re-opened and replacement approved charitable home for the aged	Persons shall be ranked according to the date of their admission to the original approved charitable home for the aged.
2.	Veteran	<p>(a) Veterans who require immediate admission as a result of a crisis arising from their condition or circumstances shall rank ahead of all other veterans.</p> <p>(b) As among themselves, veterans who require immediate admission as a result of a crisis arising from their condition or circumstances shall be ranked according to the urgency of their need for admission.</p> <p>(c) Veterans who do not require immediate admission as a result of a crisis arising from their condition or circumstances but are continuum of care applicants on the waiting list</p>

ITEM	COLUMN 1	COLUMN 2
	Category	Rules
		<p>for the continuum of care approved charitable home for the aged shall rank ahead of all other veterans who do not require immediate admission as a result of a crisis arising from their condition or circumstances.</p> <p>(d) As among themselves, veterans who do not require immediate admission as a result of a crisis arising from their condition or circumstances but are continuum of care applicants shall be ranked according to the time at which they applied for authorization of their admission to the approved charitable home for the aged.</p> <p>(e) As among themselves, veterans who do not require immediate admission as a result of a crisis arising from their condition or circumstances and are not continuum of care applicants shall be ranked according to the time at which they applied for authorization of their admission to the approved charitable home for the aged.</p>
3.	1A	Persons shall be ranked according to the urgency of their need for admission.
4.	All categories, other than those in items 1, 2, 3 and 5	<p>(a) Persons who are continuum of care applicants on the waiting list for the continuum of care approved charitable home for the aged shall rank ahead of all other persons in the same category.</p> <p>(b) As among themselves, persons in the same category who are continuum of care applicants shall be ranked according to the time at which they applied for authorization of their admission to the approved charitable home for the aged.</p> <p>(c) As among themselves, persons in the same category who are not continuum of care applicants shall be ranked according to the time at which they applied for authorization of their admission to the approved charitable home for the aged.</p>
5.	Short-stay	Persons shall be ranked according to the time at which they applied for authorization of their admission to the approved charitable home for the aged.

O. Reg. 119/02, s. 22.

**Form 1** REVOKED: O. Reg. 368/93, s. 17.