

**Homes for the Aged and Rest Homes Act**  
**Loi sur les foyers pour personnes âgées et les maisons de repos**

**REGULATION 637**

*Amended to O. Reg. 182/01*

**GENERAL**

*This Regulation is made in English only.*

INTERPRETATION

1. (1) In this Regulation,

“accommodation”, in relation to a home, means basic accommodation in the home or preferred accommodation in the home;

“basic accommodation”, in relation to a home, 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 management of a home established under section 5 or 6 of the Act;

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

“long-stay resident” means a resident who is not a short-stay resident;

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

“medical director” means the legally qualified medical practitioner appointed as physician for the home or joint home under subsection 12 (4) of the Act;

“municipal auditor” means an auditor licensed and appointed in accordance with the *Municipal Act* for one or more of the municipalities maintaining the home or for the board, as the case may be, or, where the home is established under section 5 of the Act, means a public accountant licensed under the *Public Accountancy Act*;

“preferred accommodation”, in relation to a home, means private accommodation in the home or semi-private accommodation in the home;

“private accommodation”, in relation to a home, 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 room with one bed, other than a room that is designated as a standard room by the municipality, municipalities or board maintaining and operating a home;

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

“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 person who is registered as a nurse under Part IV of the *Health Disciplines Act*;

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

“resident classification form” means a form that contains questions designed to measure the functional abilities and care requirements of a resident and that is approved by the Minister for use in the classification process described in section 32;

“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 a home, 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 a home, 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 room with two beds, other than a room that is designated as a standard room by the municipality, municipalities or board maintaining and operating a home;

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

“short-stay resident” means a resident 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 a home, 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) a room with three or more beds, or
- (b) a room with less than three beds that is designated as a standard room by the municipality, municipalities or board maintaining and operating a home;

“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 1, and
- (b) for the years 1999 and following years, the forms approved by the Minister that are set out opposite the year in Table 1;

“vacation absence” means an absence of a resident from a home for a period exceeding forty-eight hours for a purpose other than receiving medical or psychiatric care or undergoing medical or psychiatric assessment;

“veteran” means a veteran as defined in subsection 2 (1) of the *War Veterans’ Allowance Act* (Canada). R.R.O. 1990, Reg. 637, s. 1; O. Reg. 684/92, s. 1; O. Reg. 371/93, s. 1; O. Reg. 237/94, s. 1; O. Reg. 372/94, s. 1 (1, 2); O. Reg. 536/94, s. 1; O. Reg. 342/96, s. 1; O. Reg. 641/98, s. 1; O. Reg. 65/00, s. 1 (1); O. Reg. 182/01, 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. 372/94, s. 1 (3).

(3) For greater certainty, a same-sex partner is a partner for the purposes of this Regulation. O. Reg. 65/00, s. 1 (2).

2. REVOKED: O. Reg. 10/97, s. 1.

2.1 REVOKED: O. Reg. 10/97, s. 1.

#### NURSING AND OTHER STAFF

3. (1) Subject to subsection (2), the municipality, municipalities or board maintaining and operating a home shall ensure that there are nurses with nursing experience on the staff of the home and that at least one of those nurses is a registered nurse. O. Reg. 42/98, s. 1.

(2) There shall be employed such 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. 637, s. 3 (2).

3.1 (1) The municipality, municipalities or board maintaining and operating a home 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. 587/94, s. 4.

(2) The municipality, municipalities or board maintaining and operating a home 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. 587/94, s. 4.

(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. 587/94, s. 4.

(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. 587/94, s. 4.

(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. 587/94, s. 4.

3.2 For the purpose of determining whether section 3.1 is being complied with, a person who holds more than one position at a home or who works at a home in more than one capacity shall be considered to be working in only one capacity at any one moment in time. O. Reg. 587/94, s. 4; O. Reg. 10/97, s. 2.

3.3 The municipality, municipalities or board maintaining and operating a home shall ensure that there are sufficient qualified administrative staff to manage and administer the home. O. Reg. 10/97, s. 3.

STAFF TRAINING

4. The municipality, municipalities or board maintaining and operating a home 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. 587/94, s. 4.

POWERS AND DUTIES OF ADMINISTRATORS

5. An administrator,
- (a) is responsible to the council of the municipality that establishes and maintains the home, the councils of the municipalities that establish and maintain a joint home or to the board, as the case may be, for,
    - (i) the proper performance of his or her duties under the Act and this Regulation,
    - (ii) the efficient management and operation of the home,
    - (iii) keeping the records, completing the forms and making the returns required by the Act and this Regulation, and
    - (iv) maintaining the confidentiality of all records and protecting the privacy and rights of the residents;

. . . . .

- (d) shall, if possible, when making plans regarding the transfer, discharge or restraint of a resident, involve the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident's personal care;
- (e) shall ensure that a written record is kept of clothing, valuables and other personal effects brought by the applicant to the home upon admission or acquired by him or her from time to time after admission;
- (f) shall ensure that a written record is kept of all illnesses, transfers, discharges and deaths of residents;
- (g) is responsible for the receipt from, and the disbursement to, residents of money held for residents in the trust account established under section 53 and for keeping a written record of all those receipts and disbursements;
- (h) shall organize a continuing program of varied and meaningful activities designed to stimulate the interests of residents including handicrafts, continuous learning, activation programs approved by the Director, recreation and entertainment to enhance the residents' lifestyle within the home and, where appropriate, in the community;
- (i) shall encourage the participation of volunteer groups and individuals from the community including a Home Auxiliary in the program of varied and meaningful activities for residents;
- (j) shall allocate proper accommodation to residents taking into consideration the type of care needed;
- (k) shall not relocate any resident without a planned program of counselling and orientation and, where possible, consultation with the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident's personal care;
- (l) shall purchase provisions for the home;
- (m) shall ensure that residents are given sufficient food of good quality and adequate nutritional value;
- (n) shall ensure that a separate written record is kept of special diets for residents prescribed by the physician for the home or the attending physician under subsection 26 (12);
- (o) shall ensure that an adequate supply of books, other published material and current periodicals and newspapers is available for residents at all times;
- (p) shall ensure that there are adequate and regular opportunities in the home for residents who so desire to participate in religious services;
- (q) shall certify all bills and accounts of the home;
- (r) shall establish and follow a regular procedure for the hearing of any grievance of any resident of the home, take such corrective steps as he or she considers necessary in respect of the grievance and maintain a written record of all such hearings;
- (s) shall ensure that adequate supervision is provided at all times for the security and protection of the home and residents;
- (t) in accordance with section 27 of the *Coroners Act*, shall give notice of the death of a resident to a coroner other than a coroner who is the physician for the home in which the deceased resident was residing at the time of his or her death;
- (u) shall co-operate in any program established under the *Elderly Persons Centres Act* which could be of benefit or interest to the residents of the home;
- (v) REVOKED: O. Reg. 587/94, s. 5.
- (w) shall prepare and maintain an organization chart, details of staff benefits and a job description and salary scale for each staff position established under subsection 12 (3) of the Act. R.R.O. 1990, Reg. 637, s. 5; O. Reg. 371/93, s. 2; O. Reg. 372/94, s. 3; O. Reg. 587/94, s. 5.

6. The written records required to be kept under clauses 5 (c), (e), (f), (g) and (n) shall be retained along with the 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. 637, s. 6.

#### ELIGIBILITY FOR ADMISSION

7. In sections 8, 9, 10 and 11,

“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 a home. O. Reg. 372/94, s. 5.

8. (1) An applicant shall be determined to be eligible for admission to a home 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 a home. O. Reg. 372/94, s. 6.

(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. 372/94, s. 6.

(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. 372/94, s. 6.

(4) Despite subsection (1), an applicant shall be determined to be eligible for admission to a home if,

- (a) an extended care certificate was issued to the applicant by the Minister of Health in 1993;
- (b) the applicant applies for the eligibility determination on or before December 31, 1994; and
- (c) the applicant is an insured person under the *Health Insurance Act*. O. Reg. 372/94, s. 6.

(5) Subsection (4) applies whether or not the extended care certificate issued to the applicant by the Minister of Health in 1993 has expired at the time the applicant applies for the eligibility determination. O. Reg. 372/94, s. 6.

(6) This section does not apply to an applicant who is applying for a determination respecting his or her eligibility for admission to a home as a short-stay resident in the respite care or supportive care program. O. Reg. 372/94, s. 6.

9. (1) An applicant shall be determined to be eligible for admission to a home 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 home; and
- (c) the applicant meets the requirements of clauses 8 (1) (a), (b), (c) and (e). O. Reg. 372/94, s. 6.

(2) An applicant shall be determined to be eligible for admission to a home 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 a home;
- (b) it is anticipated that the applicant will be returning to his or her residence within 90 days after admission to the home; and
- (c) the applicant meets the requirements of clauses 8 (1) (a), (b), (c) and (e). O. Reg. 372/94, s. 6.

- 10.** Despite section 8, an applicant shall be determined to be eligible for admission to a home 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 a home 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 a home. O. Reg. 372/94, s. 6.

**11.** Despite section 8, the following applicants shall be determined to be eligible for admission to a home as long-stay residents:

- 1. A long-stay resident requesting a transfer to another home as a long-stay resident.
- 2. A long-stay resident under the *Nursing Homes Act* or the *Charitable Institutions Act* requesting a transfer to a home as a long-stay resident. O. Reg. 372/94, s. 6.

**11.1** Despite section 8, an applicant who is a veteran shall be determined eligible for admission to a home as a long-stay resident if the applicant is an insured person under the *Health Insurance Act*. O. Reg. 641/98, s. 2.

#### APPLICATION FOR DETERMINATION OF ELIGIBILITY

**12.** (1) To apply for a determination respecting his or her eligibility for admission to a home, 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) a medical history of the person and a description of the person's current medications and treatments, in the form provided by the Minister, signed by a legally qualified medical practitioner;
- (d) an up-to-date functional and health 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. 372/94, s. 6.

(1.1) Despite subsection (1), a veteran who wishes to apply for a determination of his or her eligibility for admission to a 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. 641/98, s. 3.

(2) 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) (c) and (d):

- 1. A person applying for a determination of his or her eligibility for admission to a home as a long-stay resident who applies for the determination on or before December 31, 1994 and who provides to the placement co-ordinator an extended care certificate, whether expired or unexpired, issued to the person by the Minister of Health in 1993.
- 2. A long-stay resident applying for a determination of eligibility for the purpose of transferring to another home as a long-stay resident.
- 3. A long-stay resident under the *Nursing Homes Act* or the *Charitable Institutions Act* applying for a determination of eligibility for the purpose of transferring to a home as a long-stay resident. O. Reg. 372/94, s. 6.

(3) The persons mentioned in paragraphs 2 and 3 of subsection (2) are not required to comply with clause (1) (b). O. Reg. 372/94, s. 6.

(4) If a person applying for a determination of eligibility is going to be placed in category 1 under section 12.9, the person is not required to comply with clauses (1) (c) and (d) if there is insufficient time to comply with them. O. Reg. 372/94, s. 6.

(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. 372/94, s. 6.

#### APPLICATION FOR AUTHORIZATION OF ADMISSION

**12.1** A person may apply for authorization of his or her admission to a home only after the person has been determined by a placement co-ordinator to be eligible for admission. O. Reg. 372/94, s. 6.

**12.2** (1) To apply for authorization of his or her admission to a home, a person shall provide to the placement co-ordinator designated for the home under subsection 18 (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 12 (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) the committee of management or the board, as the case may be, of the home does not in the opinion of the placement co-ordinator 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 12.8 to 12.14. O. Reg. 372/94, s. 6; O. Reg. 180/95, s. 1.
- (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. 372/94, s. 6.

#### APPROVAL BY COMMITTEE OR BOARD

**12.3** (1) When a person who has been determined by a placement co-ordinator to be eligible for admission to a home applies for authorization of his or her admission to a particular home, the placement co-ordinator designated for the home under subsection 18 (3) of the Act shall,

- (a) give the committee of management or the board, as the case may be, of the home the information possessed by the placement co-ordinator that is relevant to the committee's or board's determination of whether to give or withhold approval for the person's admission to the home; and
  - (b) request the committee of management or the board, as the case may be, of the home to determine whether to give or withhold approval for the person's admission to the home. O. Reg. 372/94, s. 6.
- (2) The committee of management or the board, as the case may be, of a home 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 committee of management or the board, as the case may be, approves the person's admission; or
  - (b) if the committee of management or the board, as the case may be, is withholding approval for the person's admission, give the written notice required under subsection 18 (15) of the Act to the persons mentioned in subsection 18 (15) of the Act. O. Reg. 372/94, s. 6.
- (3) In counting five days for the purpose of subsection (2), holidays shall not be included. O. Reg. 372/94, s. 6.
- (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. 372/94, s. 6.

**12.4** (1) A committee of management or a board, as the case may be, may withdraw its approval of a person's admission to a home 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 18 (14) of the Act exists. O. Reg. 372/94, s. 6.

- (2) A committee of management or a board, as the case may be, that withdraws its approval of a person's admission to a home under subsection (1) shall give to the person, the Director and the placement co-ordinator designated for the home under subsection 18 (3) of the Act a written notice,
- (a) stating that the committee of management or the board, as the case may be, is withdrawing its approval of the person's admission; and
  - (b) setting out the ground or grounds on which the committee of management or the board, as the case may be, is withholding approval and a detailed explanation of the supporting facts. O. Reg. 372/94, s. 6.

#### KEEPING OF WAITING LIST

**12.5** (1) Each placement co-ordinator shall keep a waiting list for each of the homes for which the placement co-ordinator is designated under subsection 18 (3) of the Act. O. Reg. 641/98, s. 4.

(2) The placement co-ordinator shall place on the waiting list, rank for admission and remove from the list, in accordance with sections 12.6 to 12.18, any person described in section 12.6 other than a person who is to be placed on the waiting list for interim beds under section 12.19. O. Reg. 641/98, s. 4.

**12.6** A person shall be placed on the waiting list for a home if, and only if,

- (a) the person is determined by a placement co-ordinator to be eligible for admission to a home;
- (b) the person applies in accordance with this Regulation for authorization of his or her admission to the home; and
- (c) the committee of management or the board, as the case may be, of the home approves the person's admission to the home. O. Reg. 372/94, s. 6.

**12.7** (1) A person applying for authorization of his or her admission to a home as a long-stay resident may be removed from the waiting list for the home if,

- (a) the home is the person's first choice; and
- (b) the placement co-ordinator designated for the home under subsection 18 (3) of the Act offers to authorize the person's admission to the home on two separate occasions and on each occasion the person,
  - (i) refuses to consent to admission,
  - (ii) refuses to enter into the written agreement mentioned in clause 12.21 (1) (e), or
  - (iii) fails to move into the home on or before the third day following the day on which he or she is informed of the availability of accommodation in the home. O. Reg. 372/94, s. 6.

(2) Any other person applying for authorization of his or her admission to a home may be removed from the waiting list for the home if the placement co-ordinator designated for the home under subsection 18 (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. 372/94, s. 6.

(3) A person who is removed from the waiting list for a home under subsection (1) or (2) shall be placed on the waiting list for the home again if, and only if, the person provides to the placement co-ordinator designated for the home under subsection 18 (3) of the Act a new written request for authorization of his or her admission to the home. O. Reg. 372/94, s. 6.

#### PLACEMENT INTO CATEGORIES ON WAITING LIST

**12.8** Sections 12.9 to 12.14 apply only to persons who meet the requirements of section 12.6 or subsection 12.7 (3) for placement on a waiting list. O. Reg. 372/94, s. 6.

**12.9** A person shall be placed in category 1 on the waiting list for a home if the person requires immediate admission as a result of a crisis. O. Reg. 372/94, s. 6.

**12.10** (1) A person shall be placed in category 2 on the waiting list for a home if,

- (a) the person was a long-stay resident of a home, a nursing home under the *Nursing Homes Act* or an approved charitable home for the aged under the *Charitable Institutions Act* and was discharged from the home, nursing home or approved charitable home for the aged because of an absence for the purpose of receiving medical or psychiatric care or undergoing medical or psychiatric assessment; and
- (b) the person does not meet the requirements for placement in category 1. O. Reg. 372/94, s. 6.

(2) A person shall be placed in category 2 on the waiting list for a home if,

- (a) the person was or is a long-stay resident of a home, a nursing home under the *Nursing Homes Act* or an approved charitable home for the aged under the *Charitable Institutions Act* and the person was or will be discharged from the home, nursing home or approved charitable home for the aged because of the inability of the home to meet his or her continuing care requirements; and
- (b) the person does not meet the requirements for placement in category 1. O. Reg. 372/94, s. 6.

(3) A person shall be placed in category 2 on the waiting list for a home if,

- (a) the person,
  - (i) occupies a chronic care bed in a hospital under the *Public Hospitals Act* or receives chronic care in a private hospital licensed under the *Private Hospitals Act*,
  - (ii) occupies a bed in a psychiatric facility listed in Schedule 1 to Regulation 741 of the Revised Regulations of Ontario, 1990 under the *Mental Health Act*,

- (iii) occupies a bed in a facility listed in Schedule 1 or 2 to Regulation 272 of the Revised Regulations of Ontario, 1990 under the *Developmental Services Act*, or
  - (iv) is a long-stay resident of a home, a nursing home under the *Nursing Homes Act* or an approved charitable home for the aged under the *Charitable Institutions Act*;
- (b) the person is the subject of an agreement between the home 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;
- (c) the result of the exchange will be that the person will become a resident of the home to which the person seeks admission and a resident of the home will be discharged; and
- (d) the person does not meet the requirements for placement in category 1. O. Reg. 372/94, s. 6.
- (4) A person shall be placed in category 2 on the waiting list for a home if,
- (a) the person occupies a geriatric assessment, psychogeriatric assessment or geriatric rehabilitation bed in,
    - (i) a hospital under the *Public Hospitals Act*, or
    - (ii) a psychiatric facility listed in Schedule 1 to Regulation 741 of the Revised Regulations of Ontario, 1990 under the *Mental Health Act*;
  - (b) the person was admitted to the bed from his or her residence;
  - (c) the person is receiving geriatric assessment, psychogeriatric assessment or geriatric rehabilitation; and
  - (d) the person does not meet the requirements for placement in category 1. O. Reg. 372/94, s. 6.
- (5) A person shall be placed in category 2 on the waiting list for a home if,
- (a) the person occupies a bed in,
    - (i) a hospital listed under the heading “Group A Hospitals”, “Group B Hospitals”, “Group C Hospitals”, “Group F Hospitals” or “Group G Hospitals” in the Schedule to Regulation 964 of the Revised Regulations of Ontario, 1990 made under the *Public Hospitals Act*, or
    - (ii) a hospital licensed under the *Private Hospitals Act*;
  - (b) the person will be discharged from the hospital as a result of a permanent closure of some or all of the hospital’s beds; and
  - (c) the person does not meet the requirements for placement in category 1. O. Reg. 235/98, s. 1 (1).
- (6) A person shall be placed in category 2 on the waiting list for a home if,
- (a) the person was determined eligible for admission to the home under section 8, 10 or 11;
  - (b) the person’s spouse or partner is a long-stay resident in the home;
  - (c) the person has applied under section 12.2 for authorization of his or her admission to the home; and
  - (d) the person does not meet the requirements for placement in category 1. O. Reg. 235/98, s. 1 (2).

**12.10.1** (1) In this section,

“Continuum of Care Facilities Table” means the table published by the Ministry of Health that is titled “Continuum of Care Facilities Table” and that is dated October 24, 1996. O. Reg. 10/97, s. 4.

(2) A person shall be placed in category 2B on the waiting list for a home set out in Column 1 of the Continuum of Care Facilities Table if the person resides in a project set out opposite the home in Column 2 of that table and has resided there as of a date earlier than July 1, 1994. O. Reg. 223/96, s. 1.

**12.11** A person shall be placed in category 2C on the waiting list for a home if he or she,

- (a) was already on the waiting list for the home on June 30, 1994 and does not meet the requirements for placement in category 1, 2 or 2B; or
- (b) is in category 2A on the waiting list for the home on July 31, 1996. O. Reg. 223/96, s. 2.

**12.12** (1) A person shall be placed in category 3 on the waiting list for a home if the person does not meet the requirements for placement in any other category. O. Reg. 372/94, s. 6; O. Reg. 223/96, s. 3.

(2) For greater certainty but without limiting the generality of subsection (1), a resident of a home, a nursing home under the *Nursing Homes Act* or an approved charitable home for the aged under the *Charitable Institutions Act* who meets the requirements of section 12.6 or subsection 12.7 (3) for placement on a waiting list and who does not meet the requirements for placement in any other category shall be placed in category 3 on the waiting list. O. Reg. 372/94, s. 6; O. Reg. 223/96, s. 3.

(3) REVOKED: O. Reg. 235/98, s. 2.

**12.13** A person shall be placed in category 4 on the waiting list for a home if,

- (a) the home contains veterans’ priority access beds as required under the terms of the home’s service agreement;

(b) the person is a veteran; and

(c) the person has applied for authorization of his or her admission to a veteran's priority access bed in a home. O. Reg. 641/98, s. 5.

**12.14** (1) Sections 12.9 to 12.12 do not apply to a person applying for authorization of admission to a home as a short-stay resident in the respite care or supportive care program. O. Reg. 372/94, s. 6; O. Reg. 235/98, s. 4.

(2) A person referred to in subsection (1) shall be placed in the short-stay category on the waiting list for the home. O. Reg. 372/94, s. 6.

#### RANKING OF CATEGORIES

**12.15** (1) Persons placed in a category on the waiting list for a home shall be ranked for admission ahead of persons placed on that waiting list in a category bearing a higher number. O. Reg. 372/94, s. 6.

(2) For the purpose of subsection (1), 2B is a higher number than 2, 2C is a higher number than 2B and 3 is a higher number than 2C. O. Reg. 223/96, s. 5.

(3) Despite subsection (1), persons placed in categories 1, 2, 2A, 2B, 2C or 3 on the waiting list for a home shall rank after a person placed in category 4 on the waiting list with respect to their admission to beds within the home that are maintained as veterans' priority access beds under the terms of the home's service agreement. O. Reg. 641/98, s. 6.

#### RANKING WITHIN CATEGORIES

**12.16** Within category 1 on the waiting list for a home, persons shall be ranked according to the urgency of their need for admission. O. Reg. 372/94, s. 6.

**12.17** (1) This section applies to the ranking of persons within categories, other than category 1, on the waiting list for a home. O. Reg. 372/94, s. 6.

(2) Within each category on the waiting list for a home, persons shall be ranked for admission according to the time at which they applied for authorization of their admission to that home, such that a person who applied for authorization of admission to the home before another person is ranked ahead of the other person. O. Reg. 372/94, s. 6.

(3) If, within six weeks after making his or her first application for authorization of admission to one or more homes, nursing homes under the *Nursing Homes Act* or approved charitable homes for the aged under the *Charitable Institutions Act* as a long-stay resident, and before being admitted to one of such homes, a person makes one or more additional applications for authorization of his or her admission to one or more homes as a long-stay resident, the additional applications made within the six-week period shall, for the purpose of subsection (2), be deemed to have been made at the time that the first application was made. O. Reg. 372/94, s. 6.

(4) If a person who was determined by a placement co-ordinator to be ineligible for admission to a home 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 19.1 (2) of the Act or an appeal to the Divisional Court under subsection 19.4 (1) of the Act, and if the person then makes one or more applications for authorization of his or her admission to one or more homes, nursing homes under the *Nursing Homes Act* or approved charitable homes for the aged under the *Charitable Institutions Act* as a long-stay resident, the first such application for authorization made by the person shall, for the purpose of subsections (2) and (3), be deemed to have been made at the time that the placement co-ordinator determined that the person was ineligible for admission. O. Reg. 372/94, s. 6.

(5) Despite subsection (2), if a person was already on the waiting list for a home on June 30, 1994, the person shall, within his or her category, be ranked for admission according to his or her rank on the waiting list on June 30, 1994. O. Reg. 372/94, s. 6.

(6) Subsection (5) does not apply to a person who is removed from the waiting list for a home under subsection 12.7 (1) or (2) and who provides to the placement co-ordinator designated for the home under subsection 18 (3) of the Act a new request for authorization of admission to the home under subsection 12.7 (3). O. Reg. 372/94, s. 6.

(7) Despite subsection (3), if a person provides to the placement co-ordinator designated for a home under subsection 18 (3) of the Act a new request for authorization of admission to the home under subsection 12.7 (3), the person shall, for the purpose of subsection (2), be deemed to have applied for authorization of admission to the home at the time of the provision of the new request. O. Reg. 372/94, s. 6.

(8) Despite subsection (2), veterans who are placed in category 4 on the waiting list for admission to a veterans' priority access bed in a home and who require immediate admission as a result of a crisis shall be ranked in accordance with the following rules:

1. A veteran who requires immediate admission as a result of a crisis shall rank ahead of other veterans placed in category 4 on the waiting list who do not require immediate admission as a result of a crisis, whether or not those veterans applied for authorization of admission before the veteran.
2. Where several veterans who require immediate admission as a result of a crisis are placed in category 4 on the waiting list, they shall be ranked among themselves according to the urgency of their need for admission. O. Reg. 641/98, s. 7.

(9) In subsection (8),

"veterans' priority access bed" means a bed to which veterans are to be given access in priority over other applicants to a home under the terms of the home's service agreement. O. Reg. 641/98, s. 7.

**12.18** If a person applies for authorization of his or her admission to a home, a nursing home under the *Nursing Homes Act* or an approved charitable home for the aged under the *Charitable Institutions 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 be kept on the waiting lists for the

person's preferred homes, in category 3, and the person shall be ranked for admission to such homes in accordance with section 12.17. O. Reg. 372/94, s. 6.

#### WAITING LIST FOR INTERIM BEDS

**12.19** (1) The placement co-ordinator designated under subsection 18 (3) of the Act for a home that has entered into a service agreement for interim beds shall keep a waiting list for admission to the interim beds. O. Reg. 641/98, s. 8.

(2) In subsection (1),

“interim bed” means a bed that exists in a home for a temporary period of time under the terms of a service agreement for interim beds. O. Reg. 641/98, s. 8.

(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 12.5. O. Reg. 641/98, s. 8.

(4) A person shall be placed on the waiting list for interim beds for a home if,

(a) the person meets the requirements of section 12.6 or subsection 12.7 (3);

(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 a home. O. Reg. 641/98, s. 8.

(5) Subsections 12.17 (2), (3), (4) and (7) apply with necessary modifications to the ranking of persons on the waiting list for interim beds. O. Reg. 641/98, s. 8.

#### CHANGE OF CATEGORY

**12.20** 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 and if, as a result of the change, the person should be placed in a different category on the waiting list under sections 12.8 to 12.14, the placement co-ordinator shall place the person in that category. O. Reg. 372/94, s. 6.

#### AUTHORIZATION OF ADMISSION

**12.21** (1) Subject to section 12.23, the placement co-ordinator designated for a home under subsection 18 (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 18 (13) of the Act are met;

(b) the committee of management or the board, as the case may be, of the home has not withdrawn its approval of the person's admission under section 12.4;

(c) the home has available the class of accommodation for which the person has applied;

(d) there is no one on the waiting list for the home who has applied for the class of accommodation that is available, who ranks ahead of the person, and whose admission may be authorized under this section;

(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 municipality, municipalities or board maintaining and operating the home that,

(i) the person will move into the home before noon of the third day following the day on which the person is informed of the availability of accommodation in the home,

(ii) if the person moves into the available accommodation on the second day following the day on which he or she is informed of its availability, the person will pay, in respect of the first day following the day on which he or she is informed of the availability, the amount that the municipality, municipalities or board, as the case may be, would have charged him or her for accommodation for that first day had he or she been a long-stay resident lodged in the available accommodation on that day,

(iii) if the person moves into the available accommodation on the third day following the day on which he or she is informed of its availability, before noon, the person will pay,

(A) in respect of the first and second days following the day on which he or she is informed of the availability, the amount that the municipality, municipalities or board, as the case may be, would have charged him or her for accommodation for those first and second days had he or she been a long-stay resident lodged in the available accommodation on those days, and

(B) in respect of the second day following the day on which he or she is informed of the availability, the daily bed-holding amount determined under section 45, and

(iv) if the person does not move into the available accommodation by noon of the third day following the day on which he or she is informed of its availability, the person will pay,

(A) in respect of the first, second and third days following the day on which he or she is informed of the availability, the amount that the municipality, municipalities or board, as the case may be, would have charged him or her for accommodation for those first, second and third days had he or she been a long-stay resident lodged in the available accommodation on those days, and

(B) in respect of the second day following the day on which he or she is informed of the availability, the daily bed-holding amount determined under section 45; and

(f) in the case of a person who was determined to be eligible for admission under section 10, the person's spouse or partner is a long-stay resident of the home. O. Reg. 372/94, s. 6; O. Reg. 180/95, s. 2 (1).

(2) For the purpose of subsection (1), the following are the classes of accommodation for which a person may apply:

1. Accommodation for a woman in the short-stay category.
2. Accommodation for a man in the short-stay category.
3. Accommodation for a woman in category 1.
4. Accommodation for a man in category 1.
5. Basic accommodation for a woman in any other category.
6. Basic accommodation for a man in any other category.
7. Semi-private accommodation for a woman in any other category.
8. Semi-private accommodation for a man in any other category.
9. Private accommodation for a woman in any other category.
10. Private accommodation for a man in any other category. O. Reg. 372/94, s. 6.

(2.1) Despite subsection (1), a placement co-ordinator designated under subsection 18 (3) of the Act for a 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 12.19 (4). O. Reg. 641/98, s. 9.

(2.2) In subsection (2.1),

“interim bed” means a bed that exists in a home for a temporary period of time under the terms of a service agreement for interim beds. O. Reg. 641/98, s. 9.

(3) A placement co-ordinator who authorizes a person's admission to a home as a long-stay resident shall cancel the authorization if the person does not move into the home before noon of the third day following the day on which the person is informed of the availability of accommodation in the home. O. Reg. 372/94, s. 6; O. Reg. 180/95, s. 2 (2).

(4) A placement co-ordinator who authorizes a person's admission to a home 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. 372/94, s. 6.

**12.22** The placement co-ordinator designated for a home under subsection 18 (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 12.21 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 1 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. 372/94, s. 6.

**12.23** (1) When a placement co-ordinator authorizes the admission of a person to a home 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. 372/94, s. 6.

(2) No placement co-ordinator shall authorize the admission of a person to a home as a short-stay resident in the respite care program for a stay exceeding 60 days. O. Reg. 372/94, s. 6.

(3) No placement co-ordinator shall authorize the admission of a person to a home as a short-stay resident in the supportive care program for a stay exceeding 90 days. O. Reg. 372/94, s. 6.

(4) No placement co-ordinator shall authorize the admission of a person to a home 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 a home, a nursing home under the *Nursing Homes Act* or an approved charitable home for the aged under the *Charitable Institutions Act*, exceeds 90 days. O. Reg. 372/94, s. 6.

(5) No placement co-ordinator shall authorize the admission of a person to a home as a short-stay resident under clause 12.22 (b) for a stay exceeding 14 days. O. Reg. 372/94, s. 6.

(6) No person whose admission has been authorized for a stay in the respite care or supportive care program of a home shall apply for authorization of admission to extend the stay, before the last day of the stay. O. Reg. 372/94, s. 6.

#### TRANSFER LIST

**12.24** (1) The committee of management or the board, as the case may be, of a home shall keep a transfer list consisting of 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. O. Reg. 372/94, s. 6.

(2) The committee of management or the board, as the case may be, shall notify each resident on the transfer list monthly of his or her rank on the transfer list. O. Reg. 372/94, s. 6.

#### DISCHARGE

**12.25** (1) No committee of management and no board shall discharge a resident from a home unless permitted or required to do so by this section or section 46. O. Reg. 180/95, s. 3 (1).

(2) The committee of management, or the board, as the case may be, of a home may discharge a resident from the home if,

(a) the committee of management or the board 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 resident's continuing care requirements can no longer be met in the home, and other arrangements are made to provide the accommodation and care 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. 372/94, s. 6.

(2.1) The committee of management or the board, as the case may be, of a home shall discharge a resident from the home when it is aware that the resident has died. O. Reg. 180/95, s. 3 (2).

(3) The committee of management or the board, as the case may be, of a home may discharge a short-stay resident from the home at the end of the period for which the resident was admitted to the home. O. Reg. 372/94, s. 6.

(4) The committee of management or the board, as the case may be, of a home 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. 372/94, s. 6.

(5) Before discharging a resident from a home under clause (2) (b) or (c), the committee of management or the board, as the case may be, of 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. 372/94, s. 6.

**12.26** (1) The committee of management or the board, as the case may be, of a home shall require the inter-disciplinary team providing a resident's care to inform the committee of management or the board if the team is of the opinion that the resident's continuing care requirements can no longer be met in the home. O. Reg. 372/94, s. 6.

(2) If the committee of management or the board, as the case may be, of a home is informed by the inter-disciplinary team providing a resident's care that, in the opinion of the team, the resident's continuing care requirements can no longer be met in the home, the committee of management or the board shall ensure that arrangements are made for the resident to be admitted to a hospital or another facility better suited to meet the resident's care requirements. O. Reg. 372/94, s. 6.

#### RESTRAINT

**13.** (1) Except upon the order of the physician to a home, to be confirmed in writing, who has designated a device or agent approved by the Minister as appropriate for the intended use, a device or agent for restraining a person shall not be applied to a resident. R.R.O. 1990, Reg. 637, s. 13 (1).

(2) The administrator, the physician of a home, and the nurse in charge shall develop and maintain written policies on the use of restraining devices and agents and such policies shall be subject to the approval of the Minister. R.R.O. 1990, Reg. 637, s. 13 (2).

#### MEDICATIONS

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

“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), and

(c) a drug referred to in clause (a) of the definition of “approved drug and pharmaceutical” in section 1. R.R.O. 1990, Reg. 637, s. 14 (1).

(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. 637, s. 14 (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 legally qualified medical practitioner or pharmacist and under the general supervision of the physician to the home appointed under subsection 12 (4) of the Act. R.R.O. 1990, Reg. 637, s. 14 (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 legally qualified medical practitioner or a pharmacist. R.R.O. 1990, Reg. 637, s. 14 (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 legally qualified medical practitioner designated by the physician referred to in clause (a); or
- (c) a pharmacist. R.R.O. 1990, Reg. 637, s. 14 (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. 637, s. 14 (6).

(7) A drug shall be taken by or administered to a resident only on the individual prescription or written direction of a legally qualified medical practitioner or a member of the Royal College of Dental Surgeons of Ontario. R.R.O. 1990, Reg. 637, s. 14 (7).

(8) A prescription drug shall be administered to a resident only by a legally qualified medical practitioner, 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. 637, s. 14 (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. 637, s. 14 (9).

#### RULES GOVERNING HOMES

**15.** Residents of a home shall be under the general supervision of the administrator. R.R.O. 1990, Reg. 637, s. 15.

**16.** REVOKED: O. Reg. 372/94, s. 7.

**17.** (1) No resident shall leave a home at any time without notifying the administrator or his or her representative. R.R.O. 1990, Reg. 637, s. 17 (1).

(2) Residents may smoke only in the areas designated by the administrator and suitable fire resistant receptacles shall be provided in the areas. R.R.O. 1990, Reg. 637, s. 17 (2).

(3) A resident may sell any article he or she makes and retain the proceeds thereof in accordance with a policy to be determined by the council of the municipality or the board operating the home. R.R.O. 1990, Reg. 637, s. 17 (3); O. Reg. 371/93, s. 7.

**17.1** (1) The municipality, municipalities or board maintaining and operating a home shall ensure that the home is maintained at a temperature of at least 22 degrees Celsius at all times. O. Reg. 587/94, s. 6.

(2) The municipality, municipalities or board maintaining and operating a home 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. 587/94, s. 6.

#### FIRE PROTECTION AND FIRE DUTIES

**18.** (1) The board or the committee of management of a home, as the case may be, shall ensure that,

- (a) all fire hazards in the home are eliminated, the home 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 fire detection and alarm system;
  - (i) the staff are trained in the proper use of the fire extinguishing equipment;
  - (j) REVOKED: O. Reg. 372/94, s. 8.
  - (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 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 longer 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 home;
  - (o) REVOKED: O. Reg. 10/97, s. 5.
  - (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 which 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 home 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 home; 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. 637, s. 18 (1); O. Reg. 372/94, s. 8; O. Reg. 10/97, s. 5.
- (2) A home 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. 637, s. 18 (2).

#### FORMS AND RECORDS

- 19. REVOKED: O. Reg. 372/94, s. 9.
- 20. REVOKED: O. Reg. 372/94, s. 9.
- 21. REVOKED: O. Reg. 372/94, s. 9.
- 22. REVOKED: O. Reg. 372/94, s. 9.
- 23. (1) The records of a home shall include,
  - (a) a separate file for the documents of each resident;
  - (b) adequate books or account and ledgers;
  - (c) where the home operates a farm, a record of produce purchased therefrom in accordance with section 55; and
  - (d) a record of the trust account set up by the home under section 53. R.R.O. 1990, Reg. 637, s. 23 (1); O. Reg. 371/93, s. 11 (1).
- (2) REVOKED: O. Reg. 10/97, s. 6.
- (3) Each book of account and ledger shall be retained by the home for at least six years from the date of the last entry in the book or ledger for a particular year, and shall,
  - (a) set out the expenditures of the home;
  - (b) be segregated from the continuing books of account of the municipality;

- (c) contain a separate record of money received by the home from sources other than under the Act; and
- (d) be audited yearly by the municipal auditor. R.R.O. 1990, Reg. 637, s. 23 (3); O. Reg. 371/93, s. 11 (2).

(4) The administrator of a home shall furnish to the Minister not later than the last day of February in each year, for the year ending with the 31st day of December immediately preceding,

- (a) REVOKED: O. Reg. 372/94, s. 10 (1).
- (b) a financial statement of revenue and expenditure in duplicate satisfactory to the Director together with a report of the municipal auditor stating whether in the auditor's opinion,
  - (i) the auditor has received all the information and explanations the auditor has required,
  - (ii) the financial statement is in accordance with the books and records of the home, and
  - (iii) 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
- (c) such other financial and statistical information as the Minister may require. R.R.O. 1990, Reg. 637, s. 23 (4); O. Reg. 372/94, s. 10 (1).

(5) Clause (4) (b) does not apply to a financial statement and auditor's report for a year ending on or after December 31, 1994. O. Reg. 372/94, s. 10 (2).

**24.** (1) A home shall maintain a separate bank account in which shall be deposited the revenues of the home and out of which shall be paid the expenditures of the home. R.R.O. 1990, Reg. 637, s. 24 (1).

(2) Subsection (1) does not apply to a home that is established and maintained by a city and that is not a joint home. R.R.O. 1990, Reg. 637, s. 24 (2).

**25.** (1) A home shall keep a written record or series of records of each resident that shall be maintained in confidence and each record shall be retained by the home for at least twenty years after the last entry in the record 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. 637, s. 25 (1).

(2) The record shall include,

- (a) a detailed report of the social and medical history of a resident before admission and all physical and mental examinations and all illnesses and accidents after admission;
- (b) any agreements approved under section 11 of the Act;
- (c) where a resident is discharged from the home, the name and address of the person or institution to whom or to which he or she goes and the date of discharge;
- (d) where a 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 clause 5 (t) and the name of the coroner;
- (e) a separate statement of account for each resident of the charges made for his or her maintenance in the home, and the amounts paid to the home by the resident or on his or her behalf, other than the amounts paid on his or her behalf by a municipality, except that where a municipality that has an agreement with the home under section 7 of the Act makes a payment on behalf of a resident such payment shall be recorded in his or her statement of account. R.R.O. 1990, Reg. 637, s. 25 (2); O. Reg. 371/93, s. 12.

(3) A person described in subsection (4) may inspect a resident's record and may collect from it information that may be necessary for a purpose for which the person described in subsection (4) was appointed. O. Reg. 466/92, s. 1.

(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 homes;
- (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. 466/92, s. 1.

(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 a resident's record. O. Reg. 466/92, s. 1.

**25.1** (1) The municipality, municipalities or board maintaining and operating a home 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. 372/94, s. 11.

(2) The municipality, municipalities or board shall make the report promptly after the occurrence in the form provided by the Minister. O. Reg. 372/94, s. 11.

#### MEDICAL AND RELATED SERVICES

**26.** (1) In this section and in section 28,

“attending physician” means a legally qualified medical practitioner other than the medical director. R.R.O. 1990, Reg. 637, s. 26 (1); O. Reg. 372/94, s. 12 (1, 2).

(2) All medical and paramedical services, programs, procedures and medications provided or used in a home are subject to the approval of the medical director. R.R.O. 1990, Reg. 637, s. 26 (2).

(3) At least once a year, or at such other more frequent intervals as the board or committee of management of a home or the council of the band requires, the medical director shall submit to the board or committee or the council of the band, as the case may be, 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. 637, s. 26 (3).

(4) The medical director shall,

(a) REVOKED: O. Reg. 372/94, s. 12 (3).

(b) REVOKED: O. Reg. 372/94, s. 12 (3).

(c) REVOKED: O. Reg. 372/94, s. 12 (3).

(d) report any incidence of reportable or communicable disease outbreaks to the local medical officer of health in accordance with sections 25 and 26 of the *Health Protection and Promotion Act*. R.R.O. 1990, Reg. 637, s. 26 (4); O. Reg. 372/94, s. 12 (3).

(5) REVOKED: O. Reg. 372/94, s. 12 (4).

(6) REVOKED: O. Reg. 372/94, s. 12 (4).

(7) REVOKED: O. Reg. 372/94, s. 12 (4).

(8) At least once a year, each resident shall be given a complete medical examination by the attending physician or the medical director. R.R.O. 1990, Reg. 637, s. 26 (8).

(9) REVOKED: O. Reg. 372/94, s. 12 (4).

(10) REVOKED: O. Reg. 372/94, s. 12 (4).

(11) REVOKED: O. Reg. 372/94, s. 12 (4).

(12) Where the medical director or the attending physician directs, a resident of a home shall be given a special diet. R.R.O. 1990, Reg. 637, s. 26 (12).

**27.** REVOKED: O. Reg. 372/94, s. 13.

**28.** The medical director shall attend and prescribe medication or medical care for any resident of the home who has no attending physician of his or her own or who requests that the services of the medical director be made available. R.R.O. 1990, Reg. 637, s. 28.

**28.1** (1) The municipality, municipalities or board maintaining and operating a home 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 a home, a nursing home under the *Nursing Homes Act* or an approved charitable home for the aged under the *Charitable Institutions Act* less than one year before the date of admission; or

(b) the test is medically contra-indicated. O. Reg. 372/94, s. 14.

(2) The municipality, municipalities or board shall ensure that the test required under subsection (1) 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. 372/94, s. 14.

**28.2** If the Ministry of Health gives the municipality, municipalities or board maintaining and operating a home a surveillance protocol for a particular communicable disease, the municipality, municipalities or board, as the case may be, shall implement the protocol. O. Reg. 372/94, s. 14.

**29.** (1) REVOKED: O. Reg. 372/94, s. 15.

(2) REVOKED: O. Reg. 371/93, s. 13 (2).

#### MANNER OF COMPUTING THE PROPORTION OF THE COST OF CONSTRUCTION ALLOCATED TO UNORGANIZED PARTS OF DISTRICTS

**30.** (1) Under subsection 25 (2) of the Act, the proportion of the cost of construction of a home in a territorial district that shall be allocated to the unorganized portions of the district shall be in the same proportion as the assessment allowance for the unorganized portions of the district as determined under subsection (2) bears to the total assessment referable to the entire district as determined under subsection (3). R.R.O. 1990, Reg. 637, s. 30 (1).

(2) The assessment allowance for the unorganized portions of the district shall be determined by multiplying the per capita assessment for the organized municipalities in the district by the population of the unorganized portions of the district, according to the last published census of Canada. R.R.O. 1990, Reg. 637, s. 30 (2).

(3) The total assessment referable to the entire district shall be determined by adding the assessment allowance for the unorganized portions of the district as determined under subsection (2) to the total assessment for the organized municipalities in the district. R.R.O. 1990, Reg. 637, s. 30 (3).

(4) For the purpose of this section, the assessment for an organized municipality shall be the assessment as shown on the last revised assessment rolls as equalized. R.R.O. 1990, Reg. 637, s. 30 (4).

**31.** Under subsection 27 (2) of the Act, the proportion of the capital expenditure of a home in a territorial district that shall be allocated to the unorganized parts of the district shall equal the proportion last allocated to those parts in accordance with the determination made under section 30 in respect of the cost of construction. R.R.O. 1990, Reg. 637, s. 31.

#### CLASSIFICATION

**32.** (1) The Minister shall ensure that in each year the residents of each home 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 a home 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. 371/93, s. 14.

(2) Subsection (1) does not apply to a home 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. 371/93, s. 14.

#### PAYMENTS UNDER SUBSECTION 28 (1) OF THE ACT

**33.** (1) For 1996 and following years, the amount payable in respect of a home under subsection 28 (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 38 in respect of the year; and
- (c) the year-end report and auditor's report required to be given to the Minister under section 39 in respect of the year. O. Reg. 342/96, s. 3.

(2) The amount payable in respect of a home 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 parties to the service agreement relating to the home agree to in the service agreement. O. Reg. 342/96, s. 3.

**34.** REVOKED: O. Reg. 342/96, s. 3.

**35.** REVOKED: O. Reg. 342/96, s. 3.

**36.** REVOKED: O. Reg. 342/96, s. 3.

**37.** REVOKED: O. Reg. 342/96, s. 3.

#### RECONCILIATION

**38.** (1) Forthwith after the first six months and the last six months of each year, the municipality, municipalities or board that maintained and operated a home during the year shall give to the Minister a semi-annual report for the home. O. Reg. 342/96, 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. 182/01, 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. 182/01, s. 2 (2).

(3) If the amount paid in respect of a home 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 municipality, municipalities or board, as the case may be. O. Reg. 342/96, s. 4.

(4) REVOKED: O. Reg. 42/98, s. 2 (2).

**39.** (1) Forthwith after the end of each year, the municipality, municipalities or board that maintained and operated a home 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. 371/93, s. 14.

(2) REVOKED: O. Reg. 342/96, s. 5 (1).

(2.1) REVOKED: O. Reg. 199/97, 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. 342/96, 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. 199/97, 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. 641/98, s. 10.

(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. 182/01, s. 3.

(3) If the amount paid in respect of a home 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 municipality, municipalities or board, as the case may be, 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 municipality, municipalities or board, as the case may be. O. Reg. 371/93, s. 14; O. Reg. 180/95, s. 6 (2); O. Reg. 342/96, s. 5 (3).

(4) If the amount paid in respect of a home 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 municipality, municipalities or board, as the case may be. O. Reg. 371/93, s. 14; O. Reg. 180/95, s. 6 (3); O. Reg. 342/96, 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. 42/98, s. 3.

#### PREFERRED ACCOMMODATION MAXIMUM

**39.0.1** The municipality, municipalities or board maintaining and operating a home shall ensure that no more than 60 per cent of the bed capacity of the home is set aside as preferred accommodation. O. Reg. 372/94, s. 16.

#### RESIDENT PAYMENTS

**39.1** The maximum amounts that may be demanded or accepted under clauses 30.1 (1) (a) and (b) of the Act by or on behalf of the municipality, municipalities or board maintaining and operating a home shall be determined in accordance with sections 39.2 to 39.7. O. Reg. 315/94, s. 1.

**39.2** (1) The maximum daily amount that may be demanded or accepted for providing a short-stay resident with accommodation during a period in Column 1 of Table 3 is the amount in Column 2 of Table 3 set out opposite the period. O. Reg. 180/95, s. 7.

(2) The maximum monthly amount that may be demanded or accepted for providing a long-stay resident with basic accommodation for a full month during a period in Column 1 of Table 3 is the amount in Column 3 of Table 3 set out opposite the period. O. Reg. 180/95, s. 7; O. Reg. 193/95, s. 1 (1).

(3) The maximum daily amount that may be demanded or accepted for providing a long-stay resident with basic accommodation for less than a full month during a period in Column 1 of Table 3 is the amount in Column 4 of Table 3 set out opposite the period. O. Reg. 180/95, s. 7; O. Reg. 193/95, s. 1 (2).

(4) The maximum monthly amount that may be demanded or accepted for providing a long-stay resident with semi-private accommodation for a full month during a period in Column 1 of Table 3 is the amount in Column 5 of Table 3 set out opposite the period. O. Reg. 180/95, s. 7.

(5) The maximum daily amount that may be demanded or accepted for providing a long-stay resident with semi-private accommodation for less than a full month during a period in Column 1 of Table 3 is the amount in Column 6 of Table 3 set out opposite the period. O. Reg. 180/95, s. 7.

(6) The maximum monthly amount that may be demanded or accepted for providing a long-stay resident with private accommodation for a full month during a period in Column 1 of Table 3 is the amount in Column 7 of Table 3 set out opposite the period. O. Reg. 180/95, s. 7.

(7) The maximum daily amount that may be demanded or accepted for providing a long-stay resident with private accommodation for less than a full month during a period in Column 1 of Table 3 is the amount in Column 8 of Table 3 set out opposite the period. O. Reg. 180/95, s. 7.

**39.3** (1) A long-stay resident of a home may apply to the municipality, municipalities or board maintaining and operating the home for a reduction in the fee payable by the resident for basic accommodation. O. Reg. 369/94, 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. 221/96, s. 1; O. Reg. 235/98, s. 5 (1).

(3) Despite section 39.2, 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 municipality, municipalities or board, as the case may be, 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, 2000 but before July 1, 2001, \$890.89.

ii. In the case of an application for a reduction made on or after July 1, 2001, \$919.73. O. Reg. 221/96, s. 1; O. Reg. 199/97, s. 2 (1); O. Reg. 235/98, s. 5 (2); O. Reg. 372/99, s. 2 (1); O. Reg. 303/00, s. 1 (1); O. Reg. 182/01, s. 4 (1).

(4) Despite section 39.2, 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 municipality, municipalities or board, as the case may be, 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, 2000 but before July 1, 2001, \$29.29.

ii. In the case of an application for a reduction made on or after July 1, 2001, \$30.24. O. Reg. 221/96, s. 1; O. Reg. 199/97, s. 2 (2); O. Reg. 235/98, s. 5 (3); O. Reg. 372/99, s. 2 (2); O. Reg. 303/00, s. 1 (2); O. Reg. 182/01, s. 4 (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. 221/96, s. 1.

(5.1) REVOKED: O. Reg. 221/96, s. 1.

(5.2) REVOKED: O. Reg. 221/96, s. 1.

(5.3) REVOKED: O. Reg. 221/96, s. 1.

(6) REVOKED: O. Reg. 235/98, s. 5 (4).

**39.3.1** (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 \$919.73 under section 39.3.
  2. A long-stay resident whose spouse or same-sex partner lives outside a home, an approved charitable home for the aged under the *Charitable Institutions Act*, a nursing home under the *Nursing Homes Act* or a hospital or other facility that is government-funded. O. Reg. 221/96, s. 1; O. Reg. 199/97, s. 3 (1); O. Reg. 235/98, s. 6 (1); O. Reg. 372/99, s. 3; O. Reg. 65/00, s. 2 (1); O. Reg. 302/00, s. 2; O. Reg. 182/01, s. 5.
- (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. 221/96, s. 2; O. Reg. 65/00, 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. 221/96, s. 2; O. Reg. 65/00, 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. 221/96, s. 2.
- (5) Despite sections 39.2 and 39.3, if an application is made under this section for a reduction in the fee payable by a long-stay resident of a home for basic accommodation,
- (a) the maximum monthly amount that may be demanded or accepted by or on behalf of the municipality, municipalities or board, as the case may be, 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 municipality, municipalities or board, as the case may be, 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. 221/96, 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 39.3 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. 221/96, s. 2.
- (7) If the fee payable by a 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. 221/96, s. 2; O. Reg. 65/00, s. 2 (5).
- (8) REVOKED: O. Reg. 235/98, s. 6 (2).

**39.4** If a long-stay resident of a home who is on a medical absence or a psychiatric absence agrees in writing with the municipality, municipalities or board maintaining and operating the home to pay a bed-holding amount in accordance with section 45, the maximum amount that may be demanded or accepted by or on behalf of the municipality, municipalities or board, as the case may be, for providing the resident with accommodation shall be increased by the bed-holding amount the resident has agreed to pay. O. Reg. 371/93, s. 14; O. Reg. 237/94, s. 2.

**39.5** (1) For the purpose of sections 39.2 to 39.4,

- (a) each long-stay resident of a home 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 a home 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. 10/97, s. 7.

(2) Despite clause (1) (a), a long-stay resident of a home 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 home, an approved charitable home for the aged under the *Charitable Institutions Act* or a nursing home under the *Nursing Homes Act*. O. Reg. 10/97, s. 7.

**39.6** For the purpose of sections 39.2 to 39.4, when a resident of a home is absent from the home but has not been discharged, the municipality, municipalities or board 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. 237/94, s. 3; O. Reg. 180/95, s. 9.

**39.7** (1) Before increasing the fee payable by a resident for accommodation, the municipality, municipalities or board maintaining and operating a home shall give the resident at least 30 days written notice of the proposal to increase the fee and the amount of the proposed increase. O. Reg. 315/94, s. 3.

(2) An increase in the fee payable by a resident for accommodation is void if the municipality, each of the municipalities or the board maintaining and operating the home has not given the notice required by this section. O. Reg. 315/94, 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 39.3 or 39.3.1 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. 315/94, s. 3; O. Reg. 193/95, s. 4.

#### PAYMENT FOR DAY FOLLOWING DISCHARGE

**39.8** If, at the request of a person who has been discharged from a home as a long-stay resident, at the request of a member of the person's family or at the request of a person notified of the discharge by the committee of management or the board, as the case may be, of the home, the committee of management or the board 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 municipality, municipalities or board maintaining and operating the home may charge the discharged person the amount that he or she would have been charged 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. 180/95, s. 10.

#### CAPITAL EXPENDITURES

**40.** (1) Expenditures incurred by a home for furnishings or equipment, or for repairs to or maintenance of a capital asset, that,

- (a) are approved by the Minister as capital expenditures;
- (b) are, in the opinion of the Minister, necessary for the efficient operation of the home and the cost of which is not excessive for the purpose; and
- (c) are in excess of \$1,000,

are a class of payment for which a grant may be paid under subsection 27 (1) of the Act. R.R.O. 1990, Reg. 637, s. 40 (1).

(2) Where a home intends to make or makes application for a payment under this section, the Director shall conduct a capital budgetary review and report the results thereof to the Minister prior to the proposed expenditures being submitted to the Minister for approval. R.R.O. 1990, Reg. 637, s. 40 (2).

**41.** For the purposes of sections 42 and 43,

“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;

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

“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 subsection 27 (1) of the Act;

“professional engineer” means a professional engineer who is a member in good standing of the Association of Professional Engineers of the Province of Ontario. R.R.O. 1990, Reg. 637, s. 41.

**42.** (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. 637, s. 42 (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 clause (a), (b), (d) or (f) of the definition of “building project” in section 41,

- (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. 637, s. 42 (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. 637, s. 42 (3).

**43.** (1) The payment of a capital grant for a building project shall be made after,

- (a) the building project has been approved by the Minister; and
- (b) the approved cost has been determined. R.R.O. 1990, Reg. 637, s. 43 (1).

(2) An approval of a building project by the Minister referred to in subsection (1) expires on the first anniversary of the date upon which the approval is given unless the building project has been commenced before such anniversary date. R.R.O. 1990, Reg. 637, s. 43 (2).

(3) 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 or cost incurred at the time bears to the total estimated cost of the project,

whichever is the greater. R.R.O. 1990, Reg. 637, s. 43 (3).

(4) 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 42 (2) (a) or the sketches thereof approved by the Minister under clause 42 (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. R.R.O. 1990, Reg. 637, s. 43 (4).

**44.** The board or the committee of management, as the case may be, of a home shall, if requested by the Minister, file with the Minister evidence that all or any part of a building or buildings used or to be used as a home complies with,

- (a) the laws affecting the health of inhabitants of the municipality in which the home 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 home is located or other law for the protection of persons from fire hazards;
- (d) any zoning or property standards by-law passed by the municipality in which the home is located under the *Planning Act* or any predecessor thereof;
- (e) the requirements of the Building Code 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. 637, s. 44; O. Reg. 146/99, s. 1.

#### ABSENCES

**45.** (1) Subject to subsections 12.25 (2) and (3), if the requirements set out in subsection (2) are met, the committee of management or the board, as the case may be, of a home 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. 237/94, s. 4; O. Reg. 372/94, s. 17.

(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 municipality, municipalities or board 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 municipality, municipalities or board 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. 237/94, s. 4; O. Reg. 180/95, s. 11 (1, 2); O. Reg. 10/97, s. 8.

(3) REVOKED: O. Reg. 342/96, s. 6.

(4) The daily bed-holding amount for a day after March 31, 1995 is \$53. O. Reg. 180/95, s. 11 (3).

**46.** (1) The committee of management or the board, as the case may be, of a home 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 45 (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 45 (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. 237/94, s. 4; O. Reg. 180/95, s. 12 (1).

(2) Despite section 45, the committee of management or the board, as the case may be, of a home shall discharge a long-stay resident who does not pay the bed-holding amount that the resident has agreed to pay under subclause 45 (2) (a) (ii) or (c) (ii). O. Reg. 237/94, s. 4; O. Reg. 180/95, s. 12 (2).

(3) The committee of management or the board, as the case may be, of a home 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. 237/94, s. 4; O. Reg. 180/95, s. 12 (3).

47. (1) When a long-stay resident of a home is on a medical absence, a psychiatric absence or a vacation absence and when a short-stay resident of a home is on a medical absence, the committee of management or the board, as the case may be, of 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. 237/94, s. 4.

(2) The committee of management or the board, as the case may be, of a home 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 committee of management or the board, as the case may be, 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. 237/94, s. 4.

(3) The committee of management or the board, as the case may be, of a home 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 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. 237/94, s. 4.

48. The provisions of this Regulation relating to the care and treatment of a resident do not apply to a resident who is on a medical absence, a psychiatric absence, a casual absence or a vacation absence. O. Reg. 237/94, s. 4.

49. The committee of management or the board, as the case may be, of a home 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. 237/94, s. 4.

50. REVOKED: O. Reg. 371/93, s. 15.

51. REVOKED: O. Reg. 371/93, s. 15.

52. REVOKED: O. Reg. 371/93, s. 15.

#### TRUST ACCOUNTS

53. (1) A board, municipality or municipalities, as the case may be, maintaining a home shall establish and maintain a trust account in a bank listed in Schedule I to the *Bank Act* (Canada), Province of Ontario Savings Office, trust corporation registered under the *Loan and Trust Corporations Act*, or credit union incorporated under the *Credit Unions and Caisses Populaires Act*, in which all money of residents received by the administrator for safekeeping shall be deposited. R.R.O. 1990, Reg. 637, s. 53 (1).

(2) Where a resident has money upon admission to a home or receives money while resident in a home he or she may request the administrator to deposit it in the trust account. R.R.O. 1990, Reg. 637, s. 53 (2).

(3) Where a resident has money deposited for him or her in the trust account referred to in subsection (1) he or she may request the administrator to make all or any part of it available to him or her at any time. R.R.O. 1990, Reg. 637, s. 53 (3); O. Reg. 371/93, s. 16.

(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. 637, s. 53 (4).

(5) The administrator shall provide a resident with a written receipt for all money received for deposit in the trust account and a 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. 637, s. 53 (5).

54. The trust account established under section 53 shall be audited annually by the municipal auditor who audits the books of account and ledgers of the home. R.R.O. 1990, Reg. 637, s. 54.

#### PURCHASE OF PRODUCE FROM HOME FARM

55. (1) Where a home operates and maintains a farm in connection with the home and uses its produce, the home shall be charged with the current monthly wholesale price of the produce in the locality in which the home is situate. R.R.O. 1990, Reg. 637, s. 55 (1).

(2) All produce from the farm used by the home shall be invoiced by the administrator and the invoices shall be submitted each month during the year to the municipality or board for approval. R.R.O. 1990, Reg. 637, s. 55 (2).

#### BONDING OF ADMINISTRATOR

**56.** (1) The administrator of a home shall be bonded by a bond of a guarantee company approved under the *Guarantee Companies Securities Act* in an amount or amounts satisfactory to the municipality or the board, as the case may be, that appointed him or her. R.R.O. 1990, Reg. 637, s. 56 (1).

(2) The municipality or the board, as the case may be, shall pay the cost of the bond. R.R.O. 1990, Reg. 637, s. 56 (2).

#### DISTRICT OF NIPISSING

**57.** For the purposes of the Act, the Territorial District of Nipissing is divided into two parts as follows:

1. Nipissing East composed of that part of the Territorial District of Nipissing lying east of the easterly boundary of the geographic Townships of Commanda, Blyth, Notman, Hammel, Gooderham, Flett, Hartle and Eldridge, or its projection.
2. Nipissing West composed of that part of the Territorial District of Nipissing lying west of the line described in paragraph 1. R.R.O. 1990, Reg. 637, s. 57.

#### DISTRICT OF PARRY SOUND

**58.** For the purposes of the Act, the Territorial District of Parry Sound is divided into two parts as follows:

1. Parry Sound East composed of that part of the Territorial District of Parry Sound lying within the boundaries of the geographic Townships of Armour, Bethune, Chapman, Croft, Gurd, Hardy, Himsworth North, Himsworth South, Joly, Laurier, Lount, Machar, McConkey, Mills, Nipissing, Patterson, Perry, Pringle, Proudfoot, Ryerson, Spence, Strong and Wilson.
2. Parry Sound West composed of that part of the Territorial District of Parry Sound lying within the boundaries of the geographic Townships of Blair, Brown, Burpee, Burton, Carling, Christie, Conger, Cowper, Ferguson, Ferrie, Foley, Harrison, Hagerman, Henvey, Humphrey, McDougall, McKellar, McMurrich, Monteith, Mowatt, Shawanaga and Wallbridge. R.R.O. 1990, Reg. 637, s. 58.

#### BOARDS OF MANAGEMENT

**59.** (1) For the purpose of determining the membership of a board, the districts for which the boards have been established are divided into the areas set out in the Schedules. R.R.O. 1990, Reg. 637, s. 59 (1).

(2) For each board named in the heading of a Schedule, the number of members, the areas in a district that they represent and the manner of their appointment shall be that set out in the Schedule. R.R.O. 1990, Reg. 637, s. 59 (2).

(3) A member at large of a board shall hold office for a term not to exceed three years. R.R.O. 1990, Reg. 637, s. 59 (3).

(4) Subject to subsection (6), the term of office of each member of a board who is not a member at large shall commence on the 1st day of April next following the commencement of the term of office of the council that the member represents or the 1st day of April in any subsequent year and shall not exceed three years. R.R.O. 1990, Reg. 637, s. 59 (4).

(5) A member of a board is eligible for reappointment at the expiration of his or her term of office. R.R.O. 1990, Reg. 637, s. 59 (5).

(6) When the office of a member of a board becomes vacant before the end of the term of office of the member, a new member may be appointed for the remainder of the unexpired term. R.R.O. 1990, Reg. 637, s. 59 (6).

(7) No person shall be a member of a board unless he or she is a resident of the district in which the home is located. R.R.O. 1990, Reg. 637, s. 59 (7).

(8) A board shall, after its first meeting, notify the Director and the administrator of the names of each member of the board and the area that the member represents. R.R.O. 1990, Reg. 637, s. 59 (8).

(9) A board shall notify the Director and the administrator forthwith after the appointment of a member under subsection (6). R.R.O. 1990, Reg. 637, s. 59 (9).

#### CHAIRS OF BOARDS

**60.** (1) A board shall, at its first meeting in each year, appoint one of its members as chair of the board. R.R.O. 1990, Reg. 637, s. 60 (1).

(2) A member of the board who is appointed under subsection (1) shall serve as chair for twelve consecutive months following his or her appointment and, subject to subsection (3), may be reappointed as chair for the next year. R.R.O. 1990, Reg. 637, s. 60 (2).

(3) No member of the board shall serve for more than three consecutive terms as chair. R.R.O. 1990, Reg. 637, s. 60 (3).

(4) Where the chair resigns or dies or his or her office becomes vacant before his or her term as chair has expired, the board shall appoint another member of the board as chair thereof to complete the unexpired portion of the term of the chair. R.R.O. 1990, Reg. 637, s. 60 (4).

#### COMMITTEES OF MANAGEMENT

**61.** A committee of management appointed under section 8 of the Act shall, in the case of a home, be composed of not fewer than three members and not more than one-half of the members of the council of the municipality and, in the case of a joint home, shall be composed of not fewer than two members of the council of each of the participating municipalities. R.R.O. 1990, Reg. 637, s. 61.

#### POSTING

**62.** The municipality, municipalities or board maintaining and operating a home shall ensure that the copy of section 1.1 of the Act that it posts in the home, as required under clause 30.5 (a) of the Act, is a copy of both the English and the French versions of section 1.1 and that both versions appear in large print. O. Reg. 372/94, s. 18.

**63.** (1) The municipality, municipalities or board maintaining and operating a home 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 39;
- (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. 372/94, s. 18.

(2) The items mentioned in clauses (1) (b), (c) and (d) shall be posted in large print. O. Reg. 372/94, s. 18.

**64.** The municipality, municipalities or board maintaining and operating a home shall ensure that,

- (a) all documents and information required to be posted in the home under section 30.5 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 63 (1) (d) is posted in several prominent places in the home. O. Reg. 372/94, s. 18.

#### NOTICE

**65.** The municipality, municipalities or board maintaining and operating a home shall ensure that the matters referred to in clause 30.4 (1) (a) of the Act are set out in both English and French in each notice given under subsection 30.4 (1) of the Act. O. Reg. 372/94, s. 18.

**66.** In addition to complying with clauses 30.4 (1) (a), (b), (c) and (d) of the Act, the notice required to be given under subsection 30.4 (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 names and addresses of the members of the committee of management or the board, as the case may be, of the home;
- (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 charged by the municipality, municipalities or board maintaining and operating the home 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 30.4 (1) (b) of the Act, that the municipality, municipalities or board offers to residents or that the municipality, municipalities or board 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 municipality, municipalities or board under the Act in relation to property held 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. 372/94, s. 18.

#### PLAN OF CARE

**67.** The municipality, municipalities or board maintaining and operating a home shall ensure that the plan of care developed for a resident under clause 19.5 (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. 372/94, s. 18.

**68.** (1) The municipality, municipalities or board maintaining and operating a home 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. 372/94, s. 18.

(2) The municipality, municipalities or board maintaining and operating a home 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. 372/94, s. 18.

#### QUALITY MANAGEMENT

**69.** The municipality, municipalities or board maintaining and operating a home shall ensure that the quality management system implemented for the home under section 19.6 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. 372/94, s. 18.

TABLE 1

ITEM	COLUMN 1	COLUMN 2
	Year	Documents and Forms
1.	1993 and 1994	The document titled "Long-Term Care Facility Subsidy Calculation Worksheet - Municipal 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. 342/96, s. 7; O. Reg. 10/97, s. 9; O. Reg. 42/98, s. 4; O. Reg. 641/98, s. 11; O. Reg. 182/01, s. 6.

TABLE 2 REVOKED: O. Reg. 342/96, s. 7.

TABLE 3

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7	COLUMN 8
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ITEM	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 including August 1, 1999 to and including June 30, 2000	28.63	1,277.95	42.01	1,521.28	50.01	1,825.45	60.01
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	30.24	1,353.73	44.51	1,597.06	52.51	1,901.23	62.51

O. Reg. 180/95, s. 14; O. Reg. 221/96, s. 3; O. Reg. 199/97, s. 4; O. Reg. 235/98, s. 7; O. Reg. 372/99, s. 4; O. Reg. 303/00, s. 3; O. Reg. 182/01, s. 7.

TABLE 4 REVOKED: O. Reg. 342/96, s. 7.

TABLE 5 REVOKED: O. Reg. 342/96, s. 7.

#### Schedule 1

#### THE BOARD OF MANAGEMENT FOR THE DISTRICT OF ALGOMA

The board of management for the District of Algoma shall consist of nine members and the areas they represent and the manner of their appointment shall be as follows:

1. Two members at large to be appointed by the Lieutenant Governor in Council.
2. Area 1, represented by three members to be appointed by the municipal council of The Corporation of the City of Sault Ste. Marie.
3. Area 2, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Township of Elliot Lake, and
  - ii. The Corporation of the Improvement District of the North Shore.

4. Area 3, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Town of Blind River,
  - ii. The Corporation of the Township of Thompson,
  - iii. The Corporation of the Village of Iron Bridge, and
  - iv. The Corporation of the Township of Day and Bright Additional.
5. Area 4, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Township of Michipicoten,
  - ii. The Corporation of the Improvement District of White River,
  - iii. The Corporation of the Township of Wicksteed, and
  - iv. The Corporation of the Improvement District of Dubreuilville.
6. Area 5, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Town of Bruce Mines,
  - ii. The Corporation of the Town of Thessalon,
  - iii. The Corporation of the Village of Hilton Beach,
  - iv. The Corporation of the Township of Jocelyn,
  - v. The Corporation of the Township of Johnson,
  - vi. The Corporation of the Township of Laird,
  - vii. The Corporation of the Township of Macdonald, Meredith and Aberdeen Additional,
  - viii. The Corporation of the Township of Plummer Additional,
  - ix. The Corporation of the Township of Prince,
  - x. The Corporation of the Township of St. Joseph,
  - xi. The Corporation of the Township of Tarbutt and Tarbutt Additional,
  - xii. The Corporation of the Township of Thessalon, and
  - xiii. The Corporation of the Township of Hilton.

R.R.O. 1990, Reg. 637, Sched. 1.

## **Schedule 2**

### THE BOARD OF MANAGEMENT FOR THE DISTRICT OF COCHRANE

The board of management for the District of Cochrane shall consist of ten members and the areas they represent and the manner of their appointment shall be as follows:

1. Two members at large to be appointed by the Lieutenant Governor in Council.
2. Area 1, represented by two members to be appointed by the municipal council of The Corporation of the Town of Kapuskasing.
3. Area 2, represented by two members to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Town of Iroquois Falls, and
  - ii. The Corporation of the Township of Black River-Matheson.
4. Area 3, represented by two members to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Town of Hearst,
  - ii. The Corporation of the Township of Eilber-Devitt,
  - iii. The Corporation of the Improvement District of Opatatika, and
  - iv. The Corporation of the Township of Owens, Williamson and Idington.
5. Area 4, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Township of Fauquier,
  - ii. The Corporation of the Township of Shackleton and Machin, and

- iii. The Corporation of the Town of Smooth Rock Falls.
6. Area 5, represented by one member to be appointed jointly by the municipal councils of,
- i. The Corporation of the Town of Cochrane,
  - ii. The Corporation of the Township of Glackmeyer, and
  - iii. The Moosonee Development Area Board.

R.R.O. 1990, Reg. 637, Sched. 2.

### **Schedule 3**

#### THE BOARD OF MANAGEMENT FOR THE DISTRICT OF KENORA

The board of management for the District of Kenora shall consist of nine members and the areas they represent and the manner of their appointment shall be as follows:

1. Three members at large to be appointed by the Lieutenant Governor in Council.
2. Area 1, represented by three members to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Town of Kenora,
  - ii. The Corporation of the Town of Keewatin,
  - iii. The Corporation of the Improvement District of Sioux Narrows, and
  - iv. The Corporation of the Township of Jaffray and Melick.
3. Area 2, represented by two members to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Town of Dryden,
  - ii. The Corporation of the Township of Machin,
  - iii. The Corporation of the Improvement District of Barclay,
  - iv. The Corporation of the Township of Ignace,
  - v. The Corporation of the Town of Sioux Lookout, and
  - vi. The Corporation of the Improvement District of Pickle Lake.
4. Area 3, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Township of Ear Falls,
  - ii. The Corporation of the Improvement District of Balmertown, and
  - iii. The Corporation of the Township of Red Lake.

R.R.O. 1990, Reg. 637, Sched. 3.

### **Schedule 4**

#### THE BOARD OF MANAGEMENT FOR THE DISTRICT OF MANITOULIN

The board of management for the District of Manitoulin shall consist of seven members and the areas they represent and the manner of their appointment shall be as follows:

1. Two members at large to be appointed by the Lieutenant Governor in Council.
2. Area 1, represented by two members to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Town of Little Current,
  - ii. The Corporation of the Township of Howland,
  - iii. The Corporation of the Township of Rutherford and George Island, and
  - iv. The Corporation of the Township of Assiginack.
3. Area 2, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Township of Carnarvon,
  - ii. The Corporation of the Township of Sandfield, and
  - iii. The Corporation of the Township of Tehkummah.

4. Area 3, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Town of Gore Bay,
  - ii. The Corporation of the Township of Gordon, and
  - iii. The Corporation of the Township of Billings.
5. Area 4, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Township of Barrie Island,
  - ii. The Corporation of the Township of Burpee, and
  - iii. The Corporation of the Township of Cockburn Island.

R.R.O. 1990, Reg. 637, Sched. 4.

#### **Schedule 5**

##### THE BOARD OF MANAGEMENT FOR THE DISTRICT OF NIPISSING EAST

The board of management for the District of Nipissing East shall consist of seven members and the areas they represent and the manner of their appointment shall be as follows:

1. Two members at large to be appointed by the Lieutenant Governor in Council.
2. Area 1, represented by three members to be appointed by the municipal council of The Corporation of the City of North Bay.
3. Area 2, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Town of Mattawa,
  - ii. The Corporation of the Township of Airy,
  - iii. The Corporation of the Township of Calvin,
  - iv. The Corporation of the Township of Papineau, and
  - v. The Corporation of the Improvement District of Cameron.
4. Area 3, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Town of Bonfield,
  - ii. The Corporation of the Township of Bonfield,
  - iii. The Corporation of the Township of Chisholm,
  - iv. The Corporation of the Township of East Ferris, and
  - v. The Corporation of the Township of Mattawan.

R.R.O. 1990, Reg. 637, Sched. 5.

#### **Schedule 6**

##### THE BOARD OF MANAGEMENT FOR THE DISTRICT OF NIPISSING WEST

The board of management for the District of Nipissing West shall consist of seven members and the areas they represent and the manner of their appointment shall be as follows:

1. Two members at large to be appointed by the Lieutenant Governor in Council.
2. Area 1, represented by two members to be appointed jointly by the municipal council of The Corporation of the Town of Sturgeon Falls.
3. Area 2, represented by one member to be appointed by the municipal council of The Corporation of the Improvement District of Temagami.
4. Area 3, represented by two members to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Town of Cache Bay,
  - ii. The Corporation of the Township of Caldwell,
  - iii. The Corporation of the Township of Field, and
  - iv. The Corporation of the Township of Springer.

R.R.O. 1990, Reg. 637, Sched. 6.

#### **Schedule 7**

#### THE BOARD OF MANAGEMENT FOR THE DISTRICT OF PARRY SOUND EAST

The board of management for the District of Parry Sound East shall consist of seven members and the areas they represent and the manner of their appointment shall be as follows:

1. Two members at large to be appointed by the Lieutenant Governor in Council.
2. Area 1, represented by two members to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Town of Powassan,
  - ii. The Corporation of the Town of Trout Creek,
  - iii. The Corporation of the Township of Nipissing,
  - iv. The Corporation of the Township of North Himsworth, and
  - v. The Corporation of the Township of South Himsworth.
3. Area 2, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Village of South River,
  - ii. The Corporation of the Village of Sundridge, and
  - iii. The Corporation of the Township of Machar.
4. Area 3, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Village of Magnetawan,
  - ii. The Corporation of the Township of Chapman,
  - iii. The Corporation of the Township of Joly,
  - iv. The Corporation of the Township of Strong, and
  - v. The Corporation of the Village of Burk's Falls.
5. Area 4, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Township of Armour,
  - ii. The Corporation of the Town of Kearney,
  - iii. The Corporation of the Township of Perry, and
  - iv. The Corporation of the Township of Ryerson.

R.R.O. 1990, Reg. 637, Sched. 7.

#### Schedule 8

#### THE BOARD OF MANAGEMENT FOR THE DISTRICT OF PARRY SOUND WEST

The board of management for the District of Parry Sound West shall consist of seven members and the areas they represent and the manner of their appointment shall be as follows:

1. Two members at large to be appointed by the Lieutenant Governor in Council.
2. Area 1, represented by two members to be appointed by the municipal council of The Corporation of the Town of Parry Sound.
3. Area 2, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Township of The Archipelago,
  - ii. The Corporation of the Township of Carling, and
  - iii. The Corporation of the Township of McDougall.
4. Area 3, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Township of Christie,
  - ii. The Corporation of the Township of Humphrey, and
  - iii. The Corporation of the Village of Rosseau.
5. Area 4, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Township of Foley,

- ii. The Corporation of the Township of Hagerman,
- iii. The Corporation of the Township of McKellar, and
- iv. The Corporation of the Township of McMurrich.

R.R.O. 1990, Reg. 637, Sched. 8.

#### **Schedule 9**

##### THE BOARD OF MANAGEMENT FOR THE DISTRICT OF RAINY RIVER

The board of management for the District of Rainy River shall consist of seven members and the areas they represent and the manner of their appointment shall be as follows:

1. Two members at large to be appointed by the Lieutenant Governor in Council.
2. Area 1, represented by two members to be appointed by the municipal council of The Corporation of the Town of Fort Francis.
3. Area 2, represented by one member to be appointed by the municipal council of The Corporation of the Township of Atikokan.
4. Area 3, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Township of Chapple,
  - ii. The Corporation of the Township of Emo,
  - iii. The Corporation of the Township of La Vallee,
  - iv. The Corporation of the Township of Morley,
  - v. The Corporation of the Improvement District of Kingsford, and
  - vi. The Corporation of the Township of Alberton.
5. Area 4, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Town of Rainy River,
  - ii. The Corporation of the Township of Atwood,
  - iii. The Corporation of the Township of Blue,
  - iv. The Corporation of the Township of Dilke,
  - v. The Corporation of the Township of McCrosson and Tovell,
  - vi. The Corporation of the Township of Morson, and
  - vii. The Corporation of the Township of Worthington.

R.R.O. 1990, Reg. 637, Sched. 9.

#### **Schedule 10**

##### THE BOARD OF MANAGEMENT FOR THE DISTRICT OF THUNDER BAY

The board of management for the District of Thunder Bay shall consist of seven members and the areas they represent and the manner of their appointment shall be as follows:

1. Two members at large to be appointed by the Lieutenant Governor in Council.
2. Area 1, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Town of Geraldton,
  - ii. The Corporation of the Township of Longlac,
  - iii. The Corporation of the Improvement District of Beardmore, and
  - iv. The Corporation of the Improvement District of Nakina.
3. Area 2, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Improvement District of Manitouwadge, and
  - ii. The Corporation of the Township of Marathon.
4. Area 3, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Township of Schreiber, and

- ii. The Corporation of the Township of Terrace Bay.
- 5. Area 4, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Township of Dorion,
  - ii. The Corporation of the Township of Nipigon, and
  - iii. The Corporation of the Improvement District of Red Rock.
- 6. Area 5, represented by one member to be appointed jointly by the municipal councils of,
  - i. The Corporation of the Township of Conmee,
  - ii. The Corporation of the Township of Gillies,
  - iii. The Corporation of the Township of O'Connor,
  - iv. The Corporation of the Township of Oliver,
  - v. The Corporation of the Township of Paipoonge, and
  - vi. The Corporation of the Municipality of Neebing.

R.R.O. 1990, Reg. 637, Sched. 10.

- Form 1** REVOKED: O. Reg. 372/94, s. 19.
- Form 2** REVOKED: O. Reg. 372/94, s. 19.
- Form 3** REVOKED: O. Reg. 371/93, s. 19.
- Form 4** REVOKED: O. Reg. 372/94, s. 19.
- Form 5** REVOKED: O. Reg. 372/94, s. 19.
- Form 6** REVOKED: O. Reg. 372/94, s. 19.
- Form 7** REVOKED: O. Reg. 371/93, s. 21.