

**Long-Term Care Act, 1994**  
**Loi de 1994 sur les soins de longue durée**

**ONTARIO REGULATION 386/99**

*Amended to O. Reg. 2/02*

**PROVISION OF COMMUNITY SERVICES**

*This Regulation is made in English only.*

DEFINITIONS

1. In this Regulation,

“acquired brain injury” means any injury to the brain that is not related to damage that occurred during the birthing process, to a congenital disorder or to a degenerative disorder;

“community care access centre” means an approved agency that provides, or arranges for the provision of, homemaking services, personal support services and professional services to persons but does not include an approved agency that provides such services exclusively to persons who suffer from acquired brain injuries. O. Reg. 386/99, s. 1.

ELIGIBILITY FOR HOMEMAKING SERVICES

2. (1) A community care access centre shall not provide homemaking services to a person unless the community care access centre determines that the person is an insured person under the *Health Insurance Act* and is eligible under this section to receive homemaking services. O. Reg. 2/02, s. 1.

(2) A person is eligible to receive homemaking services if,

- (a) the person requires personal support services along with the homemaking services;
- (b) the person receives personal support and homemaking services from a caregiver who requires assistance with the homemaking services in order to continue providing the person with all the required care; or
- (c) the person requires constant supervision as a result of a cognitive impairment or acquired brain injury and the person’s caregiver requires assistance with the homemaking services. O. Reg. 386/99, s. 2 (2).

(3) In this section,

“caregiver” means a family member, friend or other person who,

- (a) has primary responsibility for the care of an applicant for homemaking or personal support services or of a person who receives such services, and
- (b) provides that care without remuneration. O. Reg. 386/99, s. 2 (3).

(4) A person is not eligible to receive homemaking services if the person is a tenant in a care home within the meaning of the *Tenant Protection Act, 1997* or is a resident in a nursing home under the *Nursing Homes Act*, an approved charitable home for the aged under the *Charitable Institutions Act* or a home under the *Homes for the Aged and Rest Homes Act*. O. Reg. 386/99, s. 2 (4).

ELIGIBILITY FOR PERSONAL SUPPORT SERVICES

2.1 A community care access centre shall not provide personal support services to a person unless the community care access centre determines that the person is an insured person under the *Health Insurance Act*. O. Reg. 2/02, s. 2.

MAXIMUM AMOUNT OF HOMEMAKING AND  
PERSONAL SUPPORT SERVICES

3. (1) A community care access centre shall not provide a person with more than the following number of hours of homemaking and personal support services:

- 1. 80 hours, in the first 30 days that follow the first day of service.
- 2. 60 hours, in any subsequent 30-day period. O. Reg. 386/99, s. 3 (1).

(2) The maximum amounts referred to in subsection (1) apply only with respect to homemaking services and personal support services that,

- (a) are provided by or arranged by a community care access centre; and
- (b) are provided to a person at his or her place of residence. O. Reg. 386/99, s. 3 (2).

(3) Despite subsection (1), a community care access centre may provide more than the maximum number of hours of homemaking and personal support services set out in that subsection for a period of up to 30 days if the community care access centre determines that there exists extraordinary circumstances that justify the provision of additional services. O. Reg. 386/99, s. 3 (3).

(4) In determining the maximum amount of personal support services that may be provided to a person under this section, a community care access centre shall not include any personal support school services provided under section 7. O. Reg. 677/00, s. 1.

#### MAXIMUM AMOUNT OF NURSING SERVICES

4. (1) A community care access centre shall not provide a person with more than the lesser of the following amounts of nursing services:

1. 28 visits from a registered nurse or a registered practical nurse in a seven-day period.
2. The following number of hours of service in a seven-day period:
  - i. if services are provided by registered nurses, 43 hours of service,
  - ii. if services are provided by registered practical nurses, 53 hours of service, or
  - iii. if the services are provided by both registered nurses and registered practical nurses, 48 hours of service. O. Reg. 386/99, s. 4 (1).

(2) In this section,

“registered nurse” means a person who holds a general certificate of registration as a registered nurse under the *Nursing Act, 1991*;

“registered practical nurse” means a person who holds a general certificate of registration as a registered practical nurse under the *Nursing Act, 1991*. O. Reg. 386/99, s. 4 (2).

(3) In determining the maximum amount of nursing services that may be provided to a person under this section, a community care access centre shall not include any nursing services that are provided as school services under sections 5 and 6. O. Reg. 494/00, s. 1.

#### ELIGIBILITY FOR SCHOOL SERVICES

5. (1) In this section,

“school” means a school as defined in subsection 1 (1) of the *Education Act* and includes a private school as defined in subsection 1 (1) of that Act;

“school services” means the following professional services that are provided to a person who is enrolled as a pupil at a school on the school premises or while the pupil is being transported to or from the school on a school bus or other school vehicle or participating in a school trip or activity outside the school premises or that are provided to a person who is receiving satisfactory instruction at home in accordance with clause 21 (2) (a) of the *Education Act* and are necessary in order for the person to be able to receive instruction:

1. Nursing services.
2. Occupational therapy services.
3. Physiotherapy services.
4. Speech-language pathology services.
5. Dietetics services.
6. Training of school personnel to provide the services referred to in paragraphs 1 to 5 to persons enrolled as a pupil at the school.
7. The provision of medical supplies, dressings and treatment equipment necessary to the provision of the services referred to in paragraphs 1 to 5. O. Reg. 494/00, s. 2.

(2) A community care access centre shall not provide school services to a person unless the person meets the following eligibility criteria:

1. The person must be enrolled as a pupil at a school or be receiving satisfactory instruction at home in accordance with clause 21 (2) (a) of the *Education Act*.
2. The person must require the services,
  - i. in order to be able to attend school, participate in school routines and receive instruction, or
  - ii. in order to be able to receive satisfactory instruction at home in accordance with clause 21 (2) (a) of the *Education Act*.
3. The person must be an insured person under the *Health Insurance Act*.
4. The school or home in which the service is to be provided must have the physical features necessary to enable the service to be provided.
5. The risk that a service provider who provides the school service to the person who requires the service will suffer serious physical harm while providing the service,
  - i. must not be significant, or
  - ii. if it is significant, the service provider must be able to take reasonable steps to reduce the risk so that it is no longer significant. O. Reg. 494/00, s. 2.

#### MAXIMUM AMOUNT OF SCHOOL SERVICES

6. A community care access centre that provides school services to a person who is receiving satisfactory instruction at home in accordance with clause 21 (2) (a) of the *Education Act* shall not provide more than six hours of school services a day to that person, five days a week. O. Reg. 494/00, s. 2.

## ELIGIBILITY FOR PERSONAL SUPPORT SCHOOL SERVICES

7. (1) In this section,

“school” means a private school as defined in subsection 1 (1) of the *Education Act*;

“personal support school services” means the following personal support services that are provided to a person who is enrolled as a pupil at a school on the school premises or during a school trip or activity outside the school premises or that are provided to a person who is receiving satisfactory instruction at home in accordance with clause 21 (2) (a) of the *Education Act* and are necessary in order for the person to be able to receive instruction:

1. Personal hygiene activities.
2. Routine personal activities of living.
3. Training of school personnel to provide the services referred to in paragraphs 1 and 2 to persons enrolled as pupils at the school and assisting the personnel in providing them.
4. The provision of medical and personal equipment necessary to the provision of the services referred to in paragraphs 1 and 2. O. Reg. 677/00, s. 2.

(2) A community care access centre shall not provide personal support school services to a person unless the person meets the following eligibility criteria:

1. The person must be enrolled as a pupil at a school or be receiving satisfactory instruction at home in accordance with clause 21 (2) (a) of the *Education Act*.
2. The person must require the services,
  - i. in order to be able to attend school, participate in school routines and receive instruction, or
  - ii. in order to be able to receive satisfactory instruction at home in accordance with clause 21 (2) (a) of the *Education Act*.
3. The person must be an insured person under the *Health Insurance Act*.
4. The school or home in which the service is to be provided must have the physical features necessary to enable the service to be provided.
5. The risk that a service provider who provides the service to the person who requires it will suffer serious physical harm while providing the service,
  - i. must not be significant, or
  - ii. if it is significant, the service provider must be able to take reasonable steps to reduce the risk so that it is no longer significant. O. Reg. 677/00, s. 2.

(3) A community care access centre that provides personal support school services under this section to a person who is receiving satisfactory instruction at home in accordance with clause 21 (2) (a) of the *Education Act* shall not provide more than six hours of those services a day to that person, five days a week. O. Reg. 677/00, s. 2.