

Nursing Homes Act Loi sur les maisons de soins infirmiers

REGULATION 832

Amended to O. Reg. 270/02

GENERAL

This Regulation is made in English only.

INTERPRETATION

1. (1) In this Regulation,

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

“administrator” means a person in charge of a nursing home;

“basic accommodation”, in relation to a nursing 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;

“casual absence” means an absence of a resident from a nursing 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;

“combustible building” means a building that is not a noncombustible building;

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

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

“continuum of care nursing home” means a nursing home set out in Column 1 of the Continuum of Care Facilities Table;

“controlled drug” has the same meaning as in the *Food and Drugs Act* (Canada);

“dentist” means a person who is licensed under Part II of the *Health Disciplines Act* and entitled to practice dentistry in Ontario;

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

“drug” has the same meaning as in subsection 117 (1) of the *Health Disciplines Act*;

“exit” means that part of a means of egress that leads from the floor area it serves, including any doorway heading directly from a floor area, to a public thoroughfare or to an open space;

“fire extinguisher rating” means the rating of an extinguisher for extinguishing capacity and class of fire;

“fire resistance rating” means the rating assigned after a testing of the time of fire resistance of a representative specimen conducted by,

(a) The National Research Council of Canada, or

(b) Underwriters’ Laboratories of Canada;

“fire separation” means a barrier against the spread of fire and smoke;

“in-service training” means a program for staff education and development encompassing orientation, skill development and continuing education;

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

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

“means of egress” means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility or combination thereof, for the escape of persons from any point in a building, floor area, room or contained open space to a public thoroughfare or other open space and includes exits and access to exits;

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

“narcotic” has the same meaning as in section 2 of the *Narcotic Control Act* (Canada);

“noncombustible”, as applied to a material or combination of materials, means material that will pass an approved test for determination of noncombustibility in building materials conducted by,

(a) The Canadian Standards Association Testing Laboratories,

(b) The National Research Council of Canada, or

(c) Underwriters' Laboratories of Canada;

"noncombustible building" means a building in which all load-bearing walls, columns, partitions, floors and roofs are constructed of concrete, brick, tile, steel or other noncombustible material or combination of materials;

"nonprescription drug" means a drug that is not a prescription drug;

"nursing care" means skilled nursing and other personal care given by or under the supervision of a registered nurse or registered nursing assistant under the direction of a physician;

"nursing staff" includes a registered nurse, a registered nursing assistant and a health care aide also known as a non-registered nurses aide;

"pharmacist" means a person who is a member of the Ontario College of Pharmacists and is licensed under Part VI of the *Health Disciplines Act*;

"physician" means a person who is licensed under Part III of the *Health Disciplines Act* and entitled to practice medicine in Ontario;

"preferred accommodation", in relation to a nursing home, means private accommodation in the home or semi-private accommodation in the home;

"prescribed", when used with reference to a drug or mixture of drugs, means that a prescriber has directed the dispensing of the drug or mixture of drugs to a named person;

"prescriber" means a person who is authorized to give a prescription within the scope of the person's practice of a health discipline or profession;

"prescription drug" means a drug that may be dispensed by a pharmacist only upon the direction of a prescriber;

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

"psychiatric absence" means an absence of a resident from a nursing 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 member of the College of Nurses of Ontario who holds a certificate of registration as a registered nurse under the *Nursing Act, 1991*;

"registered nursing assistant" means a person who is the holder of a certificate as a registered nursing assistant under Part IV of the *Health Disciplines Act*, and possesses a current certificate of competence issued by the College of Nurses of Ontario;

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

"related temporary approved charitable home for the aged" has the same meaning as in Regulation 69 of the Revised Regulations of Ontario, 1990 made under the *Charitable Institutions Act*;

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

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

"re-opened approved charitable home for the aged" has the same meaning as in Regulation 69 of the Revised Regulations of Ontario, 1990 made under the *Charitable Institutions Act*;

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

"re-opened nursing home" means, where all or some of the beds in a nursing home are to be temporarily closed, the same nursing home once those beds are re-opened;

"replacement approved charitable home for the aged" has the same meaning as in Regulation 69 of the Revised Regulations of Ontario, 1990 made under the *Charitable Institutions Act*;

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

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

“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 106;

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

“same-sex partner” means a person of the same sex with whom the person is living, or was living immediately before one of them was admitted to a nursing 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 nursing 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) in the case of a nursing home to which the design manual or the part of the retrofit manual concerning resident bedrooms and headed “Option A” applies, a room with one bed that has an ensuite washroom, other than a room that is designated as a standard room by a licensee,
- (b) in the case of a nursing home to which the part of the retrofit manual concerning resident bedrooms and headed “Option B” applies, a room with two beds that affords privacy to each resident, and that has an ensuite washroom, other than a room that is designated as a standard room by a licensee, or
- (c) in the case of all other nursing homes, a room with two beds, other than a room that is designated as a standard room by a licensee;

“short-stay program” means a program in which a person is admitted to a nursing 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 nursing 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) in the case of a nursing home to which the design manual or the retrofit manual applies, a room with one or two beds that affords privacy to each resident, that has an ensuite washroom, and that is designated as a standard room by a licensee, or
- (b) in the case of all other nursing homes,
 - (i) a room with three or more beds, or
 - (ii) a room with less than three beds that is designated by a licensee as a standard room;

“subsidy calculation worksheet” means,

- (a) for the years 1993 to 1998, the documents published by the Ministry of Health that are set out opposite the year in Table 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 nursing home for a period exceeding forty-eight hours for a purpose other than receiving medical or psychiatric care or undergoing medical or psychiatric assessment;

“veterans’ priority access bed” means a bed that has been designated as a veteran’s priority access bed under section 20.3 of the Act. R.R.O. 1990, Reg. 832, s. 1; O. Reg. 378/93, s. 1; O. Reg. 238/94, s. 1; O. Reg. 373/94, s. 1 (2); O. Reg. 537/94, s. 1; O. Reg. 181/95, s. 1; O. Reg. 340/96, s. 1; O. Reg. 64/00, s. 1 (1); O. Reg. 180/01, s. 1; O. Reg. 121/02, s. 1; O. Reg. 270/02, s. 1.

- (2) Two persons are partners for the purpose of this Regulation if they have lived together for at least one year and have a close personal relationship that is of primary importance in both persons’ lives. O. Reg. 373/94, s. 1 (3).
- (3) For greater certainty, a same-sex partner is a partner for the purposes of this Regulation. O. Reg. 64/00, s. 1 (2).

1.1 For the purposes of the Act and this Regulation,

“veteran” means a veteran as defined in subsection 2 (1) of the *War Veterans’ Allowance Act* (Canada). O. Reg. 639/98, s. 1.

LICENCES

2. (1) An application for a licence to establish, operate or maintain a nursing home or a renewal thereof shall be made to the Director in a form provided by the Minister. R.R.O. 1990, Reg. 832, s. 2 (1); O. Reg. 588/94, s. 1.

(2) An application for an initial licence to establish, operate or maintain a nursing home shall be accompanied with evidence satisfactory to the Director that the premises to be used as a nursing home complies with all municipal by-laws, of the municipality in which the proposed nursing home is situate, respecting the establishment or location of a nursing home. R.R.O. 1990, Reg. 832, s. 2 (2).

(3) A licence to establish, operate or maintain a nursing home shall be in a form provided by the Minister. R.R.O. 1990, Reg. 832, s. 2 (3); O. Reg. 378/93, s. 2 (1).

(4) The fee for a licence to establish, operate or maintain a nursing home or a renewal thereof is \$10. R.R.O. 1990, Reg. 832, s. 2 (4).

(5) REVOKED: O. Reg. 373/94, s. 2.

CONDITIONS OF LICENCES

3. Every licence to establish, operate or maintain a nursing home shall be subject to the following conditions:

1. Subject to paragraph 1.1, the bed capacity of the nursing home set out in the licence shall not be exceeded.

1.1 If the Director authorizes an increase of the licensed bed capacity of the nursing home for a specified period of time under section 20 of the Act, the bed capacity authorized by the Director shall not be exceeded during that period of time.

2. No construction, alteration, addition or renovation of a nursing home or the conversion of a building into a nursing home shall be carried out except in compliance with section 4. R.R.O. 1990, Reg. 832, s. 3; O. Reg. 689/92, s. 1; O. Reg. 378/93, s. 3; O. Reg. 373/94, s. 3.

4. (1) Every person who proposes to construct, alter, add to or renovate a nursing home or convert an existing building into a nursing home shall submit plans and specifications thereof to the Director and shall submit such information and other material as may be required by the Director to determine the suitability and adequacy of the plans and specifications of the services that the nursing home intends to provide. R.R.O. 1990, Reg. 832, s. 4 (1).

(2) Before approving any plans or specifications submitted under subsection (1), the Director shall refer the plans and specifications to the Fire Marshal and the Director shall not give his or her approval to the plans and specifications until the Fire Marshal has examined and approved them with respect to fire safety. R.R.O. 1990, Reg. 832, s. 4 (2); O. Reg. 378/93, s. 4.

(3) No construction, alteration, addition, renovation or conversion referred to in subsection (1) shall be carried out except in accordance with the plans and specifications that are approved by the Director. R.R.O. 1990, Reg. 832, s. 4 (3).

(4) Where the Director has approved plans and specifications submitted to him or her under subsection (1), his or her approval expires six months after the date on which it is given unless the construction, alteration, addition, renovation or conversion is commenced within such six-month period. R.R.O. 1990, Reg. 832, s. 4 (4).

(5) No construction, alteration, addition, renovation or conversion shall be commenced where an approval of the Director has expired. R.R.O. 1990, Reg. 832, s. 4 (5).

(6) Every person referred to in subsection (1) shall submit to the Director forthwith after the completion of the construction, alteration, renovation, addition or conversion, as the case may be, a certificate from the Electrical Safety Authority, as defined in the Electricity Act, 1998, certifying that the nursing home has been inspected and that all electrical installations and wiring in the nursing home conform to the Electrical Safety Code made under the Electricity Act, 1998. O. Reg. 147/99, s. 1.

(7) For the purposes of this section, the commencement of work on the land or the building shall be considered to be the commencement of the construction, alteration, renovation, addition or conversion, as the case may be. R.R.O. 1990, Reg. 832, s. 4 (7).

5. (1) Every nursing home shall be so constructed and maintained that there is at all times,

(a) a supply of potable water of sufficient quantity and pressure to serve the needs of the nursing home; and

(b) a sewage and waste disposal system adequate to meet the needs of the nursing home. R.R.O. 1990, Reg. 832, s. 5 (1).

(2) Every nursing home shall be so maintained at all times as to be free from anything that might be hazardous to the health or safety of the residents. R.R.O. 1990, Reg. 832, s. 5 (2).

6. On or after the 27th day of April, 1972, a nursing home that is constructed, altered, added to or renovated or a building that is converted into a nursing home,

(a) shall not have,

(i) a winding stairway, or

(ii) a maximum gradient of more than 1 in 10 on any exterior ramp; and

(b) shall have,

(i) an exit at ground level, and

- (ii) a minimum width of 1.82 metres in all corridors. R.R.O. 1990, Reg. 832, s. 6.

INCREASE IN BED CAPACITY

7. The Director may authorize an increase in the bed capacity of a nursing home, as set out in its licence, to such number of beds, for such period of time and subject to such conditions as the Director specifies,

- (a) to facilitate the admission to the nursing home of residents of a nursing home whose licence has been revoked or residents of a nursing home that is otherwise being operated without a licence;
- (b) to facilitate the admission to the nursing home of residents of any facility which is closing all or some of its beds permanently or temporarily;
- (c) to facilitate the admission to the nursing home of a person who requires immediate admission as a result of a crisis arising from the person's condition or circumstances;
- (d) to facilitate the transfer of beds from a nursing home operated by a licensee to another nursing home operated by the same licensee;
- (e) to facilitate the transfer of beds from a nursing home operated by a licensee to a nursing home operated by another licensee;
- (f) to facilitate the implementation of written undertakings made by the Minister prior to 1995 to licensees of nursing homes to increase the bed capacity of those nursing homes;
- (g) to facilitate the transfer of beds from a home under the *Homes for the Aged and Rest Homes Act* or an approved charitable home for the aged under the *Charitable Institutions Act* to a nursing home that is situated in the same premises as the home or approved charitable home for the aged, as the case may be; or
- (h) to facilitate the admission to the nursing home of persons pursuant to a service agreement for interim beds. O. Reg. 373/94, s. 4; O. Reg. 43/98, s. 1; O. Reg. 639/98, s. 2; O. Reg. 121/02, s. 2.

8. REVOKED: O. Reg. 378/93, s. 5.

9. REVOKED: O. Reg. 373/94, s. 5.

BEDROOMS

10. A bedroom for a resident shall,

- (a) where the nursing home was constructed before the 27th day of April, 1972, provide a minimum of 16.8 cubic metres of air space and 6.96 square metres of floor space for each resident;
- (b) where the nursing home is constructed, renovated, added to or altered or where a building is converted into a nursing home on or after the 27th day of April, 1972, provide despite the Building Code, made under the *Building Code Act* a minimum, exclusive of the space provided for built-in or portable clothes closets and washrooms, of,
 - (i) 10.22 square metres of floor space in a single-bed unit,
 - (ii) 16.72 square metres of floor space in a two-bed unit,
 - (iii) 25.08 square metres of floor space for a three-bed unit,
 - (iv) 29.73 square metres of floor space in a four-bed unit;
- (c) REVOKED: O. Reg. 373/94, s. 6 (3).
- (d) be furnished so that,
 - (i) all beds are at least 0.91 metres apart,
 - (ii) all beds are at least 0.91 metres from every wall except at the head of the bed,
 - (iii) no part of any bed overlaps an unprotected source of heat, a window or a door,
 - (iv) each bed is sheltered from drafts,
 - (v) each bed is not more than two deep from a window, except where the nursing home was constructed, renovated, added to or altered prior to the 27th day of April, 1972, and
 - (vi) each bed is provided with an individual light that is suitable for reading;
- (e) have one or more windows to the outside that,
 - (i) can be opened to provide an open area equal to 5 per cent of the floor area of the rooms,
 - (ii) is or are not less in area than 10 per cent of the floor area of the room,
 - (iii) have the lowest edge of the window glass not higher than 66.04 centimetres from the floor, except in a nursing home that has been constructed, renovated, added to or altered prior to the 27th day of April, 1972, and
 - (iv) is or are screened from the 1st day of May to the 30th day of October and that are equipped with draft deflectors;

- (f) not be part of a lobby, hallway, passageway, closet, bathroom, stairway, basement, attic, kitchen, storage room, boiler room, laundry room, activity room, utility room, chapel, sitting room, administrative office, resident examination room or any other area;
- (g) not be used as a passageway or as a storage, kitchen or general sitting room area;
- (h) not have a lock on the door;
- (i) be at or above ground level;
- (j) not contain more than four beds;
- (k) be so constructed that units of two or more beds are provided with a track-mounted screening device made of a fire-resistant material suitable to provide privacy for an individual resident;
- (l) where the nursing home is constructed on or after the 27th day of April, 1972, have a ceiling height of at least 2.28 metres;
- (m) where the nursing home is constructed on or after the 27th day of April, 1972, have bedroom doors a minimum of 1.12 metres in width; and
- (n) be clearly identified and permanently designated by a letter or number. R.R.O. 1990, Reg. 832, s. 10; O. Reg. 378/93, s. 6; O. Reg. 373/94, s. 6.

BEDROOM FURNISHINGS

11. (1) Every resident's bed shall be of a minimum width of 91.44 centimetres and shall have a firm, comfortable mattress at least 10.16 centimetres thick. R.R.O. 1990, Reg. 832, s. 11 (1); O. Reg. 373/94, s. 7.

(2) Subject to subsection (3), every mattress referred to in subsection (1) shall be provided with a waterproof, flame retardant cover. R.R.O. 1990, Reg. 832, s. 11 (2).

(3) A mattress purchased and used on or after the 1st day of May, 1980 shall be flame retardant and waterproof, or flame retardant and provided with a waterproof cover. R.R.O. 1990, Reg. 832, s. 11 (3).

(4) Every resident who is confined to bed or a chair shall be provided with a hospital-type bed that is capable of being elevated at the head and that has a headboard and a footboard. R.R.O. 1990, Reg. 832, s. 11 (4).

(5) A roll-away bed, day bed, double deck bed or cot shall not be used as sleeping accommodation for a resident. R.R.O. 1990, Reg. 832, s. 11 (5).

(6) A bedside table shall be provided for every resident at his or her bed except where a dresser or other item of furniture that can be used as a table is provided and a comfortable easy chair shall be provided for every resident in the resident's bedroom. R.R.O. 1990, Reg. 832, s. 11 (6).

(7) Every nursing home shall provide sufficient clean bed linen, face cloths and towels for use of the residents so as to permit at least three changes a week and a supply of such items shall be on hand at all times in the nursing home. R.R.O. 1990, Reg. 832, s. 11 (7).

(8) Where, on or after the 27th day of April, 1972, a nursing home is constructed, altered, added to or renovated or a building is converted into a nursing home at least 0.46 square metres of floor space shall be provided as a clothes closet for each resident in the room in which the resident's bed is located. R.R.O. 1990, Reg. 832, s. 11 (8).

(9) Where two or more beds are located in a bedroom, a separate clothes closet for each resident shall be provided in the bedroom. R.R.O. 1990, Reg. 832, s. 11 (9).

NURSES STATIONS

12. (1) A nurses station shall be provided on each floor in a nursing home. R.R.O. 1990, Reg. 832, s. 12 (1).

(2) The nurses station shall be so located as to provide a complete unobstructed view of the nursing corridors on the floor served by the station. R.R.O. 1990, Reg. 832, s. 12 (2).

(3) Where, on or after the 27th day of April, 1972, a nursing home is constructed, altered, added to or renovated or a building is converted into a nursing home, no nursing station shall provide supervision for more than sixty beds. R.R.O. 1990, Reg. 832, s. 12 (3).

PRIVACY AREA

13. REVOKED: O. Reg. 678/00, s. 1 (2).

14. Every nursing home shall contain an area that affords privacy for the examination and treatment of residents. R.R.O. 1990, Reg. 832, s. 14.

DINING ROOM

15. (1) Every nursing home shall have a dining room or rooms that provides a minimum of 1.85 square metres per resident and that accommodates at least 40 per cent of the licensed bed capacity of the nursing home at one time. R.R.O. 1990, Reg. 832, s. 15 (1).

(2) No dining room in a nursing home shall be used as a passageway by residents or staff. R.R.O. 1990, Reg. 832, s. 15 (2).

SITTING ROOM

16. (1) Each floor that is used for the accommodation of residents in a nursing home shall be provided with at least one sitting room. R.R.O. 1990, Reg. 832, s. 16 (1).

(2) The minimum total area in a nursing home to be set aside for sitting rooms shall be calculated at the rate of 1.39 square metres of floor space for each resident. R.R.O. 1990, Reg. 832, s. 16 (2).

(3) Where, on or after the 27th day of April, 1972, a nursing home is constructed, altered, added to or renovated or a building is converted into a nursing home, no sitting room shall have a total floor area of less than 11.14 square metres. R.R.O. 1990, Reg. 832, s. 16 (3).

(4) Where, on or after the 27th day of April, 1972, a nursing home is constructed, altered, added to or renovated or a building is converted into a nursing home, each floor shall be provided with at least one sitting room with windows. R.R.O. 1990, Reg. 832, s. 16 (4).

ACTIVITY AREA

17. (1) In addition to the sitting room or rooms, required under section 16, every nursing home shall provide areas for crafts and activity programs. R.R.O. 1990, Reg. 832, s. 17 (1).

(2) All equipment in craft and activity areas shall be kept in a good state of repair and an adequate supply of such equipment shall be on hand at all times to serve the resident. R.R.O. 1990, Reg. 832, s. 17 (2).

(3) The minimum total floor area in a nursing home to be set aside for crafts and activities shall be calculated at the rate of 0.55 square metres multiplied by the licensed bed capacity of the nursing home. R.R.O. 1990, Reg. 832, s. 17 (3).

STAFF FACILITIES

18. (1) On or after the 27th day of April, 1972, every nursing home that is constructed, altered, added to or renovated and every building that is converted into a nursing home shall be equipped with separate toilet facilities for male and female employees according to the following Table:

TABLE

Item	Number of Male or Female Employees on a Shift	Facilities
1	1 to 9	1 toilet and 1 washbasin
2	10 to 24	2 toilets and 2 washbasins
3	25 to 49	3 toilets and 3 washbasins
4	50 to 74	4 toilets and 4 washbasins
5	75 to 100	5 toilets and 5 washbasins

R.R.O. 1990, Reg. 832, s. 18 (1).

(2) In addition to the number of toilets and washbasins to be provided under subsection (1), where applicable, a nursing home shall be equipped with one additional toilet and one additional washbasin for every additional thirty employees over 100 of each sex. R.R.O. 1990, Reg. 832, s. 18 (2).

(3) Every nursing home shall be equipped at all times with a sufficient supply of disposable paper drinking cups and disposable towels to meet the needs of the employees of the nursing home. R.R.O. 1990, Reg. 832, s. 18 (3).

(4) Every nursing home shall be equipped with,

(a) staff change rooms that provide privacy and space for staff to change clothes; and

(b) staff lockers for personal clothing that can be securely locked. R.R.O. 1990, Reg. 832, s. 18 (4).

19. No common drinking cups or towels shall be used in a nursing home. R.R.O. 1990, Reg. 832, s. 19.

TOILET FACILITIES

20. (1) No toilet room or bathroom in a nursing home shall open directly into any dining room, kitchen, pantry, food preparation room or storage room, or be so located that a resident must pass through such an area to enter or leave a toilet room or bathroom. R.R.O. 1990, Reg. 832, s. 20 (1).

(2) Every floor on which residents are accommodated shall be equipped with toilet facilities in at least the following ratios:

1. One washbasin and one flush toilet for every eight beds where the nursing home was constructed before the 27th day of April, 1972.

2. Where the nursing home is constructed, altered, added to or renovated or where the nursing home is a building that is converted into a nursing home on or after the 27th day of April, 1972 and despite the Building Code, made under the *Building Code Act*, one washbasin and one flush toilet for every four beds.

3. One bathtub or shower for every twelve beds. R.R.O. 1990, Reg. 832, s. 20 (2).

(3) Every floor where residents are accommodated shall be equipped with a utility room for washing bed-pans or be equipped with bed-pan flushing devices installed to each resident's toilet. R.R.O. 1990, Reg. 832, s. 20 (3).

(4) In this section, one urinal shall be deemed to be equivalent to one flush toilet, but urinals shall not exceed 20 per cent of the total flush toilet facilities provided for male residents. R.R.O. 1990, Reg. 832, s. 20 (4).

(5) No bathroom, toilet or shower room in a nursing home shall have a door with a lock unless the lock is of a type that can be readily released from the outside in an emergency. R.R.O. 1990, Reg. 832, s. 20 (5).

(6) The temperature of the water serving all bathtubs, showers and hand basins used by residents shall not exceed 49 degrees Celsius and shall be controlled by a device, inaccessible to the residents, that regulates the temperature. R.R.O. 1990, Reg. 832, s. 20 (6); O. Reg. 588/94, s. 2.

(7) On or after the 27th day of April, 1972, every nursing home that is constructed, altered, added to or renovated and every building that is converted into a nursing home shall have bathrooms, toilets and shower rooms of a type that are easily accessible and that afford manoeuvring room for residents confined to wheelchairs. R.R.O. 1990, Reg. 832, s. 20 (7).

(8) Every washbasin, shower and bathtub used by residents shall be equipped with a style of faucet that is simple to understand and that is easy to use. R.R.O. 1990, Reg. 832, s. 20 (8).

(9) No spring loaded or pressure operated faucet handles shall be used on a washbasin, shower or bathtub that is intended for use by a resident. R.R.O. 1990, Reg. 832, s. 20 (9).

(10) At least one grab bar or similar suitable device of a type that will ensure the safety of a resident shall be provided for each bathtub and each toilet intended for use by a resident. R.R.O. 1990, Reg. 832, s. 20 (10).

(11) At least two grab bars shall be provided in each shower intended for use by a resident with one being located on the faucet side and one on a side adjacent to the faucet. R.R.O. 1990, Reg. 832, s. 20 (11).

HOUSEKEEPING

21. (1) Every nursing home shall be maintained in a clean and sanitary state and in a good state of repair. R.R.O. 1990, Reg. 832, s. 21 (1).

(2) Every nursing home constructed before the 27th day of April, 1972, shall be equipped with one or more locked closets on each floor where residents are accommodated for the purpose of storing housekeeping and cleaning supplies. R.R.O. 1990, Reg. 832, s. 21 (2).

(3) On or after the 27th day of April, 1972, every nursing home that is constructed, altered, added to or renovated and every building that is converted into a nursing home, shall be equipped with,

- (a) one or more locked and vented closets fitted with sinks and shelves and sufficient space to accommodate household cleaning material, utensils and apparatus on each floor where residents are accommodated; and
- (b) a utility room and dirty utility room on each floor. R.R.O. 1990, Reg. 832, s. 21 (3).

LAUNDRY

22. The following rules apply to the handling and storage of linen and laundry in a nursing home:

1. All soiled linen shall be taken to the dirty storage or laundry area in closed hampers or bags.
2. Soiled linen shall not be taken through a food preparation or food storage room.
3. Clean and soiled linen shall be kept separate at all times.
4. Separate laundry carts shall be used for the pick-up of soiled laundry and distribution of clean laundry.
5. Infected laundry shall be kept in separate, identifiable bags.
6. Every laundry worker shall wear a laundry uniform while doing laundry work but shall not wear the laundry uniform at any other time. R.R.O. 1990, Reg. 832, s. 22.

VERTICAL ACCESS

23. (1) Every nursing home that is constructed on or after the 27th day of April, 1972 and that has services or accommodation for residents' use located on more than one floor shall have at least one elevator sufficient in size to accommodate a stretcher and the elevator shall be provided with an on-off key or toggle switch that, when operated, will electrically maintain the doors of the elevator in an open position and prevent movement of the elevator. R.R.O. 1990, Reg. 832, s. 23 (1).

(2) Despite subsection (1), every nursing home that is constructed on or after the 1st day of May, 1980 that has services or accommodation for residents' use located on more than one floor shall have at least one elevator sufficient in size to accommodate a stretcher, and the elevator shall be equipped with,

- (a) handrails on the interior walls;
- (b) an automatic door controlled by a photo electric cell; and
- (c) controls that are located at such a height that residents in wheelchairs will be able to operate the elevator. R.R.O. 1990, Reg. 832, s. 23 (2).

(3) Where a nursing home was constructed before the 27th day of April, 1972 and the nursing home has no elevator, the administrator shall ensure that each non-ambulatory resident is placed in the nursing home so as to have convenient access to and exit from all dining areas, activity areas, craft rooms and the sitting room nearest the bedroom of the resident and the outside grounds. R.R.O. 1990, Reg. 832, s. 23 (3).

24. On or after the 27th day of April, 1972, every nursing home that is constructed, altered, added to or renovated and every building that is converted into a nursing home, shall have part of its grounds laid out and constructed so as to provide a recreational area for use by residents. R.R.O. 1990, Reg. 832, s. 24.

25. (1) Every nursing home shall be equipped with waste receptacles that are,

- (a) durable, leakproof and non-absorbent; and

(b) free from sharp edges. R.R.O. 1990, Reg. 832, s. 25 (1).

(2) The waste receptacles referred to in subsection (1) shall be placed in sufficient numbers throughout the nursing home to adequately serve the needs of the nursing home and shall, notwithstanding the generality of the foregoing, be placed in at least the following locations:

1. The kitchen.
2. Every residents' room.
3. Every food service area.
4. Every service area other than a food service area.
5. Every area to which the public has access. R.R.O. 1990, Reg. 832, s. 25 (2).

(3) Receptacles in residents' rooms shall be emptied at least once each day. R.R.O. 1990, Reg. 832, s. 25 (3).

(4) Every nursing home shall have a main waste storage station located within or adjacent to the nursing home and where the station is located in the nursing home it shall be properly ventilated so as to remove all odours. R.R.O. 1990, Reg. 832, s. 25 (4).

(5) A waste storage station referred to in subsection (4) shall be so constructed as to keep out insects, rodents and other animals. R.R.O. 1990, Reg. 832, s. 25 (5).

26. (1) Where carts are used in a nursing home for collecting solid waste receptacles, the carts shall not be used for any other purpose. R.R.O. 1990, Reg. 832, s. 26 (1).

(2) Where carts are used in a nursing home for clean laundry or for food, the carts shall not be,

- (a) used so as to come into direct contact with;
- (b) used in close proximity to; or
- (c) stored with,

carts used for the collecting or the transporting of waste. R.R.O. 1990, Reg. 832, s. 26 (2).

27. Every nursing home shall have sufficient equipment, supplies and personnel on hand to collect and dispose of all solid wastes. R.R.O. 1990, Reg. 832, s. 27.

28. (1) Subject to subsection (3), every nursing home shall be equipped with an electrical audio visual call system. R.R.O. 1990, Reg. 832, s. 28 (1); O. Reg. 378/93, s. 7 (1).

(2) The system referred to in subsection (1) shall be so constructed and installed that,

- (a) it is on at all times;
- (b) when it is activated, it will ring and show on an annunciator panel at a nurses station or office;
- (c) a call can be cancelled only at the point of activation. R.R.O. 1990, Reg. 832, s. 28 (2).

(3) Where, on or after the 1st day of May, 1980, a nursing home is constructed, altered, added to or renovated or a building converted into a nursing home, the system referred to in subsection (1) shall be equipped with lights in the corridor indicating the calling unit and these lights shall be visible from the nurses station. R.R.O. 1990, Reg. 832, s. 28 (3).

(4) Each nurses station referred to in subsection (3) shall be equipped with a control panel that covers the area served by the nurses station. R.R.O. 1990, Reg. 832, s. 28 (4).

(5) A call station shall be installed at,

- (a) each toilet, bath and shower location used by residents such that the activator is easily accessible to the resident; and
- (b) each residents' bed, within easy reach of the resident. R.R.O. 1990, Reg. 832, s. 28 (5).

(6) REVOKED: O. Reg. 378/93, s. 7 (2).

(7) An alarm annunciator that will indicate that a resident requires assistance shall be installed in the staff working areas on each floor of a nursing home. R.R.O. 1990, Reg. 832, s. 28 (7).

(8) Subject to subsection (11), each door leading to the outside of a nursing home and to which residents have access, shall be equipped with electrically operated door alarms connected to an audio visual annunciator located at the main nurses station and a manual reset switch shall be located at each door so equipped. R.R.O. 1990, Reg. 832, s. 28 (8).

(9) Where on or after the 1st day of May, 1980, a nursing home is constructed, altered, added to or renovated or a building is converted into a nursing home, each door leading to the outside of the nursing home and to which residents have access, shall be equipped with an electrically operated door alarm that is connected to an audio visual annunciator that is located at the nurses station nearest to each door so equipped and a manual reset switch shall be located at each door so equipped. R.R.O. 1990, Reg. 832, s. 28 (9).

(10) Despite subsections (8) and (9), a door in an area that is under constant supervision may have the door alarm shut off provided that the door is being supervised. R.R.O. 1990, Reg. 832, s. 28 (10).

(11) Subsections (8) and (9) do not apply to an exit door that leads to an outside area that is fenced or that otherwise precludes exit by a resident. R.R.O. 1990, Reg. 832, s. 28 (11).

LIGHTING

29. Every nursing home shall have the following minimum levels of illumination:

1. 215.28 lux continuous lighting in all corridors.
2. 322.92 lux continuous lighting in all stairways.
3. 376.73 lux at the bed of each resident when the bed is at the reading position.
4. 1,076.39 lux at each drug cabinet.
5. 215.28 lux in all areas in the nursing home other than those areas referred to in items 1 to 4. R.R.O. 1990, Reg. 832, s. 29.

TEMPERATURE

30. A licensee of a nursing home shall ensure that the home is maintained at a temperature of at least 22 degrees Celsius at all times. O. Reg. 588/94, s. 3.

VENTILATION

31. Every room and corridor in a nursing home shall be provided with adequate natural or mechanical ventilation to ensure,

- (a) the elimination of all odours and noxious gases; and
- (b) the replenishing of the oxygen content of the room. R.R.O. 1990, Reg. 832, s. 31.

GENERAL SAFETY

32. Every administrator shall ensure that all hazards to health and safety are eliminated from the nursing home and that the nursing home is so equipped and constructed as to have,

- (a) handrails installed on each side of every corridor, stairway and ramp with the top of each handrail not less than 81.28 centimetres nor more than 91.44 centimetres above the finished floor or stair level;
- (b) adjustable side rails available at all times for each resident's bed;
- (c) residents' beds that can all be fitted with the adjustable side rails referred to in clause (b);
- (d) floors and stairways with non-skid finishes and coverings; and
- (e) protective guards placed around and over all radiators and heating devices. R.R.O. 1990, Reg. 832, s. 32; O. Reg. 378/93, s. 8.

FIRE SAFETY

33. (1) Where a nursing home was constructed, altered, added to or renovated before the 27th day of April, 1972, every floor of the nursing home shall have two exits that are as far as possible from each other, that are each at least 900 millimetres wide and that are constructed and maintained in accordance with the requirements of subsection (3). R.R.O. 1990, Reg. 832, s. 33 (1).

(2) Despite the Building Code, made under the *Building Code Act* where on or after the 27th day of April, 1972, a nursing home is constructed, altered, added to or renovated and where a building is converted into a nursing home, every exit referred to in subsection (1) shall be at least 1,100 millimetres wide. R.R.O. 1990, Reg. 832, s. 33 (2).

(3) Every exit from a nursing home shall be so constructed and maintained that,

- (a) the distance of travel to an exit from the door of any room or suite or rooms opening on to a corridor does not exceed 30.00 metres;
- (b) all exit doors open in the direction of exit travel;
- (c) no exit door opens immediately to,
 - (i) a flight of stairs, or
 - (ii) a landing that is less in length than the width of the door. R.R.O. 1990, Reg. 832, s. 33 (3).

(4) Every landing and every flight of stairs in a stairwell that is used by residents shall have continuous handrails on both sides of the landing and stairs. R.R.O. 1990, Reg. 832, s. 33 (4).

(5) Despite the Building Code, made under the *Building Code Act*, no exit door in a nursing home shall be equipped with hardware that permits the door to be locked in a manner that prevents immediate egress. R.R.O. 1990, Reg. 832, s. 33 (5).

(6) Despite the Building Code, made under the *Building Code Act*, every exit in a nursing home shall be equipped with internally illuminated exit signs on independent electrical circuits displaying the word "exit" in red letters at least 110 millimetres high on an opaque background. R.R.O. 1990, Reg. 832, s. 33 (6).

(7) Despite the Building Code, made under the *Building Code Act*, every nursing home shall be equipped with signs to indicate the direction of egress in corridors and passageways, and each sign shall have the word "exit" on it at least 110 millimetres high together with an arrow or pointer indicating the direction of egress. R.R.O. 1990, Reg. 832, s. 33 (7).

(8) Every floor that is occupied by residents shall be divided into approximately equal zones by a fire separation having a fire resistance rating of not less than forty-five minutes. R.R.O. 1990, Reg. 832, s. 33 (8).

(9) Despite the Building Code, made under the *Building Code Act*, the fire separation referred to in subsection (8) shall contain doors that are suitable for moving residents in the case of an emergency involving the residents and that have a fire protection rating of not less than forty-five minutes. R.R.O. 1990, Reg. 832, s. 33 (9).

(10) Despite the Building Code, made under the *Building Code Act*, emergency lighting shall be provided in the hallways, corridors and stairwells of every nursing home. R.R.O. 1990, Reg. 832, s. 33 (10).

(11) The emergency lighting referred to in subsection (10) shall be provided from a power source independent of that for the general lighting and shall be controlled by a device that automatically transfers the lighting to the emergency power source in the event of a primary power supply failure. R.R.O. 1990, Reg. 832, s. 33 (11).

STAIRWAYS

34. (1) Every interior stairway that is part of a means of egress from a nursing home shall be enclosed by walls that have a fire resistance rating of not less than,

- (a) forty-five minutes where the nursing home is a combustible building; or
- (b) one hour where the nursing home is a noncombustible building. R.R.O. 1990, Reg. 832, s. 34 (1).

(2) Every stairway in a nursing home that is not part of a means of egress from the nursing home shall be enclosed in such a manner that the enclosure provides a fire separation with a fire resistance rating between floors of not less than,

- (a) forty-five minutes where the nursing home is a combustible building; or
- (b) one hour where the nursing home is a noncombustible building. R.R.O. 1990, Reg. 832, s. 34 (2).

(3) Every door and door frame in a stairway enclosure in a nursing home shall be of a type that has a fire resistance rating of not less than forty-five minutes. R.R.O. 1990, Reg. 832, s. 34 (3).

(4) Every door in a stairway enclosure in a nursing home shall be self-closing. R.R.O. 1990, Reg. 832, s. 34 (4).

(5) Egress for residents in a room located above the second floor shall be provided by way of an interior stairway only. R.R.O. 1990, Reg. 832, s. 34 (5); O. Reg. 378/93, s. 9.

(6) Every exterior stairway in a nursing home that is constructed, altered, added to or renovated or in a building that is converted into a nursing home before the 1st day of May, 1980, shall,

- (a) be of solid and durable construction;
- (b) be securely fastened to the building;
- (c) have treads that are each not less than 111.76 centimetres wide;
- (d) have risers that are each not more than 19.68 centimetres high; and
- (e) not slope more than 40 degrees to the horizontal. R.R.O. 1990, Reg. 832, s. 34 (6).

(7) Where an opening in an exterior wall of a nursing home is,

- (a) adjacent to;
- (b) underneath;
- (c) 3.05 metres or less measured horizontally from; or
- (d) 1.83 metres or less measured vertically above,

any part of an exterior stairway, the opening shall, despite the Building Code, made under the *Building Code Act*, be protected by a closure that,

- (e) has a fire resistance rating of not less than three-quarters of an hour;
- (f) is fixed in the closed position or is equipped with a self-closer. R.R.O. 1990, Reg. 832, s. 34 (7).

35. (1) Every kitchen, furnace room, boiler room, laundry or other hazardous area in a nursing home that is a combustible building, shall be enclosed with material having a fire resistance of not less than one hour. R.R.O. 1990, Reg. 832, s. 35 (1).

(2) Every door and door frame in an enclosure referred to in subsection (1), shall be of a type that has a fire resistance of not less than forty-five minutes. R.R.O. 1990, Reg. 832, s. 35 (2).

(3) Every interior door in an enclosure referred to in subsection (1) shall be equipped with a self-closer. R.R.O. 1990, Reg. 832, s. 35 (3).

(4) Every storage room shall be enclosed with material having a fire resistance rating of not less than three-quarters of an hour and the door to the room shall,

- (a) have a solid wood core with a minimum thickness of 4.44 centimetres;
- (b) be kept locked or equipped with a self-closer; and
- (c) not have a grille, louvre or transom. R.R.O. 1990, Reg. 832, s. 35 (4).

VERTICAL SHAFTS

36. (1) Every shaft in a nursing home including,

- (a) a dumb-waiter shaft;
- (b) a laundry chute; and
- (c) a rubbish chute,

shall be enclosed with material that has a fire resistance of not less than,

- (d) forty-five minutes where the nursing home is a combustible building; or
- (e) one hour where the nursing home is a noncombustible building. R.R.O. 1990, Reg. 832, s. 36 (1).

(2) An opening in a shaft referred to in subsection (1) shall be protected by a closure,

- (a) that has a fire resistance rating of not less than forty-five minutes; and
- (b) that is, except for a dumb-waiter shaft, equipped with a self-closer. R.R.O. 1990, Reg. 832, s. 36 (2).

INTERIOR FINISHES

37. All combustible finishes on walls and ceilings in a nursing home shall be treated with a fire retardant surface coating listed by the Underwriters' Laboratories of Canada. R.R.O. 1990, Reg. 832, s. 37.

SEPARATION OF BEDROOMS

38. (1) Every door of a room used for sleeping accommodation in a nursing home shall be of solid wood core construction, 4.44 centimetres thick and have a latch of a type suitable for keeping the door tightly closed. R.R.O. 1990, Reg. 832, s. 38 (1).

(2) No transom or grille shall be installed in or over any door referred to in subsection (1). R.R.O. 1990, Reg. 832, s. 38 (2).

AUTOMATIC FIRE ALARM SYSTEMS

39. (1) Every nursing home shall be provided with a fire alarm system. R.R.O. 1990, Reg. 832, s. 39 (1).

(2) Every fire alarm system in a nursing home shall be an electrically supervised system, the components of which have been tested and listed by the Underwriters' Laboratories of Canada or The Canadian Standards Association Testing Laboratories. R.R.O. 1990, Reg. 832, s. 39 (2).

(3) Fire alarm stations shall be installed on every floor in a nursing home,

- (a) at every stairwell; and
- (b) at every exit to the outdoors,

- (i) from a corridor or lobby, and
- (ii) from a room that has accommodation for more than sixty persons. R.R.O. 1990, Reg. 832, s. 39 (3).

(4) Despite subsection (3), no manual fire alarm is required to be closer than 9.14 metres to any other manual fire alarm station on the same floor. R.R.O. 1990, Reg. 832, s. 39 (4).

(5) Heat or smoke actuated fire detection devices shall be installed in every area in a nursing home except washrooms. R.R.O. 1990, Reg. 832, s. 39 (5).

(6) A heat or smoke actuated fire detection device referred to in subsection (5) shall be installed in accordance with the conditions of its listing with the Underwriters' Laboratories of Canada. R.R.O. 1990, Reg. 832, s. 39 (6).

(7) For the purpose of this section, a sprinkler head shall be deemed to be a heat actuated fire detection device. R.R.O. 1990, Reg. 832, s. 39 (7).

(8) Fire alarm sounding devices shall have a sound that is readily distinguishable from the sound produced by any other sounding device used in the nursing home and shall be installed in locations that enable them to be easily heard throughout the nursing home. R.R.O. 1990, Reg. 832, s. 39 (8).

(9) Two independent sources of electrical power shall be provided for the fire alarm system in a nursing home and each source of electrical power shall be capable of,

- (a) supplying adequate electrical power to operate the fire alarm system for a period of twenty-four hours under maximum normal operating conditions; and
- (b) sounding the fire alarm signals throughout the nursing home for a period of five consecutive minutes immediately after the twenty-four-hour period set out in clause (a). R.R.O. 1990, Reg. 832, s. 39 (9).

(10) Where batteries are used as a source of electrical power for the fire alarm system in a nursing home, the batteries shall be,

- (a) the secondary source of the electrical power; and
- (b) rechargeable batteries that are recharged by means of a trickle charger connected to the primary source of the electrical power for the fire alarm system,

but shall not be automotive type batteries. R.R.O. 1990, Reg. 832, s. 39 (10).

(11) The fire alarm system shall be electrically supervised in such a manner that,

- (a) a loss of primary power;
- (b) a broken conductor; or
- (c) a leak to ground that prevents the operation of part of the system,

will be indicated by the sounding of an audible trouble signal located in a main nurses station. R.R.O. 1990, Reg. 832, s. 39 (11).

(12) The trouble signal referred to in subsection (11) shall, when in operation, be continuous and its sound shall be clearly distinguishable from the fire alarm signal. R.R.O. 1990, Reg. 832, s. 39 (12).

(13) Subject to subsection (14), a switch for silencing the trouble signal referred to in subsection (11) may be provided if the switch transfers the trouble indication to a trouble light adjacent to the switch and both the switch and the trouble light are located on a control panel in the main nurses station. R.R.O. 1990, Reg. 832, s. 39 (13).

(14) The switch referred to in subsection (13) may be located in an area other than the main nursing station if,

- (a) the switch is so installed that when closed it will transfer the trouble indication to,
 - (i) a trouble lamp on the control panel in the main nurses station, and
 - (ii) a trouble lamp adjacent to the switch; and
- (b) the switch and the trouble lamp adjacent to it are installed in a location that is under continuous supervision. R.R.O. 1990, Reg. 832, s. 39 (14).

(15) Every fire alarm trouble light shall be so installed that when activated it will remain lighted until the trouble indicated by the light is corrected. R.R.O. 1990, Reg. 832, s. 39 (15).

(16) Every fire alarm trouble light shall be conspicuously marked to indicate that when it is lighted there is a fault that requires correction in the fire alarm system. R.R.O. 1990, Reg. 832, s. 39 (16).

(17) The main or primary source of electrical power for a fire alarm system,

- (a) shall consist of alternating current power provided by an individual electrical circuit that is not used for any other purpose;
- (b) shall be connected as close as is practical to and on the load side of the main electrical service panel in the nursing home; and
- (c) shall not be connected to a secondary lighting panel. R.R.O. 1990, Reg. 832, s. 39 (17).

(18) Every control panel for the fire alarm system in a nursing home shall be equipped with a glowing light,

- (a) that ceases to glow when the fire alarm system is shut off; and
- (b) that is conspicuously marked to indicate that the fire alarm system is inactive when the light is not glowing. R.R.O. 1990, Reg. 832, s. 39 (18).

(19) The sprinkler system and the fire alarm system in a nursing home shall be so installed that the sprinkler system is supervised by the fire alarm system. R.R.O. 1990, Reg. 832, s. 39 (19).

(20) Despite the Building Code, made under the *Building Code Act*, in addition to the requirements of this section, a remote audio visual fire alarm trouble signal shall be located at the main nursing station in every nursing home. R.R.O. 1990, Reg. 832, s. 39 (20).

FIRE PROTECTION EQUIPMENT

40. (1) Every floor of a nursing home shall be equipped with fire extinguishers having a 2A fire extinguisher rating so that at least one extinguisher is provided for each 600 square metres of the floor area and within 25 metre travel distance of any point of the floor. R.R.O. 1990, Reg. 832, s. 40 (1).

(2) Where a portable fire extinguisher with a fire extinguisher rating of 8 B.C. has been installed in a nursing home before the 27th day of April, 1972, the extinguisher shall be deemed to have a rating of 10 B.C. for the purpose of this section. R.R.O. 1990, Reg. 832, s. 40 (2).

(3) Every nursing home shall be equipped with at least one fire extinguisher that is rated at least 10 B.C. by the Underwriters' Laboratories of Canada in or adjacent to each of the following locations in the nursing home:

1. The boiler room or furnace room, except where solid fuel-fired appliances are used in the boiler room or furnace room.
2. The kitchen.
3. The maintenance shop.
4. The laundry.
5. The mechanical room.
6. The electrical room. R.R.O. 1990, Reg. 832, s. 40 (3).

(4) No nursing home shall be equipped with a vaporizing liquid fire extinguisher. R.R.O. 1990, Reg. 832, s. 40 (4).

(5) Where a nursing home is equipped with cooking appliances that are used in the preparation of meals for,

- (a) thirty or more persons, the appliances shall be outfitted with fixed extinguishing equipment of suitable design and capacity to extinguish any fire involving the cooking surface; and
- (b) less than thirty persons, the kitchen where the appliances are located shall be equipped with a fire blanket. R.R.O. 1990, Reg. 832, s. 40 (5).

(6) Every nursing home shall be equipped with,

- (a) a standpipe system that serves each floor in the nursing home; and
- (b) a hose and nozzle at each floor level that is connected to the standpipe system referred to in clause (a),

so that a hose stream can be directed to any point in the nursing home. R.R.O. 1990, Reg. 832, s. 40 (6).

(7) Despite subsection (6), a nursing home that was constructed, altered, added to or renovated before the 27th day of April, 1972, may be equipped with continuous flow hose reels,

- (a) on each floor; and
- (b) each fitted with not more than fifteen metres of rubber or plastic hose of 12.7 millimetres inside diameter equipped with an adjustable nozzle. R.R.O. 1990, Reg. 832, s. 40 (7).

FIRE PREVENTION MAINTENANCE AND SAFETY

41. (1) Every administrator of a nursing home shall,

- (a) establish, in writing, a procedure to be followed in the event of a fire in the nursing home in order to provide for,
 - (i) the protection of all persons in the nursing home, and
 - (ii) the evacuation of all persons from the nursing home to areas of refuge;
- (b) instruct the staff of the nursing home in the procedure established under clause (a);
- (c) ensure that the staff of the nursing home are properly trained in methods of moving and carrying residents in an emergency;
- (d) instruct or cause instruction to be given to the staff of the nursing home in,
 - (i) the method of sounding the fire alarm, and
 - (ii) the proper use of the fire extinguishing equipment,in the nursing home;
- (e) ensure that the procedure established in clause (a) is practised in a fire drill that is commenced with a fire alarm at least once each month;
- (f) arrange the times that fire drills are held so that each shift of staff will practise the procedure established in clause (a);
- (g) ensure that a written record of the date and time of each drill is maintained at the nursing home and is available to an inspector;
- (h) cause the fire alarm system to be thoroughly inspected and tested by qualified fire alarm maintenance personnel once every twelve months;
- (i) cause the sprinkler system to be thoroughly inspected and tested once every twelve months by a person qualified to service sprinklers;
- (j) where an inspection is carried out under clause (h) or (i), submit to the Director a certificate in Form 4, completed and signed by the person who conducted the inspection within one week after the inspection certifying that the system has been tested and inspected;
- (k) ensure that at least once each year the heating equipment is serviced by qualified personnel and that the chimneys are inspected and, if considered necessary in the opinion of the person doing the inspection, are cleaned;
- (l) have the fire alarm system, the sprinkler system, fire extinguishers, hoses and standpipes visually inspected at least once a month by the maintenance staff of the nursing home;

- (m) keep written records of inspections and tests of the fire alarm system, the sprinkler system, fire extinguishers, hoses and standpipes and heating equipment, and ensure that these records are available to the inspector;
- (n) have an inspection of the building made each night to ensure that there is no danger of fire;
- (o) ensure that all doors to stairwells and all fire doors are kept closed;
- (p) ensure that the nursing home is kept clean and free from combustible rubbish;
- (q) ensure that exits are clear and unobstructed at all times;
- (r) have combustible draperies, curtains, decorations and similar materials suitably treated to render them resistant to the spread of flame and have them retreated when necessary;
- (s) ensure that receptacles into which electrical irons are plugged are equipped with pilot lights that glow when an appliance is plugged in;
- (t) ensure that lint traps in laundry equipment are cleaned out after each use;
- (u) ensure that flammable liquids used in the nursing home are stored in suitable containers in non-combustible cabinets;
- (v) develop written policies and rules to govern tobacco smoking, including a rule that smoking is prohibited in bedrooms except where supervision is provided in the bedroom by a member of the nursing home staff;
- (w) ensure that large non-combustible ashtrays are provided in each area where tobacco smoking is permitted;
- (x) ensure that fire alarm heat detectors and sprinkler heads are not covered with paint or any other material that is likely to prevent their proper operation. R.R.O. 1990, Reg. 832, s. 41 (1); O. Reg. 373/94, s. 8.

(2) Where there is a defect or malfunction in the fire alarm system, the sprinkler system, fire extinguishers, hoses or standpipes, such defect or malfunction shall be reported to the Director, by telephone, immediately upon discovery of the defect or malfunction, and the administrator shall advise the Director as to the safety precautions that are intended to be taken in the nursing home to deal with the defect or malfunction. R.R.O. 1990, Reg. 832, s. 41 (2).

42. Every nursing home that is located in a municipality that does not have public fire protection shall be provided with a complete automatic sprinkler system of a type that is approved by the Underwriters' Laboratories of Canada. R.R.O. 1990, Reg. 832, s. 42.

43. REVOKED: O. Reg. 373/94, s. 9.

44. REVOKED: O. Reg. 373/94, s. 9.

45. REVOKED: O. Reg. 378/93, s. 11.

46. REVOKED: O. Reg. 378/93, s. 11.

ABSENCES

47. (1) Subject to subsections 48 (2) and (3), if the requirements set out in subsection (2) are met, a licensee of a nursing 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. 238/94, s. 2; O. Reg. 373/94, s. 10.

(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 licensee of 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 licensee of 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. 238/94, s. 2; O. Reg. 181/95, s. 2 (1, 2); O. Reg. 9/97, s. 1.
- (3) REVOKED: O. Reg. 340/96, s. 2.

Note: Despite its revocation by section 2 of Ontario Regulation 340/96, subsection (3), as it read immediately before June 1, 1996, continues to apply in respect of days before April 1, 1995. See O. Reg. 340/96, s. 10 (1).

- (4) The daily bed-holding amount for a day after March 31, 1995 is \$53. O. Reg. 181/95, s. 2 (3).

47.1 (1) A licensee of a nursing 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 47 (2) (a) (ii);
- (b) a long-stay resident who is on a medical absence for more than fifty-one days;
- (c) a short-stay resident who is on a medical absence for more than fourteen days;
- (d) a long-stay resident who is on a psychiatric absence for more than thirty days and does not, before the end of the first thirty days of the psychiatric absence, enter into the written agreement referred to in subclause 47 (2) (c) (ii);
- (e) a long-stay resident who is on a psychiatric absence for more than sixty days;
- (f) a short-stay resident who is on a psychiatric absence or a vacation absence;
- (g) a long-stay resident if the total length of the resident's vacation absences during the year exceeds twenty-one days; and
- (h) despite section 47, a long-stay resident who does not pay the bed-holding amount that the resident has agreed to pay under subclause 47 (2) (a) (ii) or (c) (ii). O. Reg. 238/94, s. 2.

(2) A licensee of a nursing 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. 238/94, s. 2.

47.2 (1) When a long-stay resident of a nursing home is on a medical absence, a psychiatric absence or a vacation absence and when a short-stay resident of a nursing home is on a medical absence, the licensee of the home shall use best efforts to maintain contact with the resident in order to determine when the resident will be returning to the home. O. Reg. 238/94, s. 2.

(2) A licensee of a nursing home shall use 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 licensee 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. 238/94, s. 2.

(3) A licensee of a nursing home shall use best efforts to ensure that,

- (a) before a long-stay resident of the home leaves for a medical absence or a psychiatric absence and before a short-stay resident of the home leaves for a medical absence, a physician attending the resident authorizes the absence in writing; and
- (b) notice of a long-stay resident's medical absence or psychiatric absence and notice of a short-stay resident's medical absence is given to the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident's personal care and to such other person as the resident designates,
 - (i) at least twenty-four hours before the resident leaves the home, or
 - (ii) if circumstances do not permit twenty-four hours notice, as soon as possible. O. Reg. 238/94, s. 2.

47.3 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. 238/94, s. 2.

47.4 A licensee of a nursing 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. 238/94, s. 2.

DISCHARGE

48. (1) No licensee shall discharge a resident from a nursing home unless permitted or required to do so by this section or section 47.1. O. Reg. 181/95, s. 3 (1).

- (2) A licensee may discharge a resident from a nursing home if,

- (a) the licensee is informed by the inter-disciplinary team providing the resident's care or, in the case of a resident who is absent from the nursing home, by the resident's physician, that the nursing home cannot provide a sufficiently secure environment to ensure the safety of the resident or the safety of persons who come into contact with the resident, and other arrangements are made to provide the accommodation, care and secure environment required by the resident;
- (b) the resident decides to leave the home and signs a request to be discharged;
- (c) the resident leaves the home and informs the administrator of the home that he or she will not be returning to the home; or
- (d) the resident is absent from the home for a period exceeding seven days and has not informed the administrator of the home of his or her whereabouts, and the administrator has taken reasonable steps to locate the resident but has not been able to do so. O. Reg. 373/94, s. 11; O. Reg. 121/02, s. 3.

(2.1) A licensee shall discharge a resident from a nursing home when the licensee is aware that the resident has died. O. Reg. 181/95, s. 3 (2).

(3) A licensee may discharge a short-stay resident from a nursing home at the end of the period for which the resident was admitted to the home. O. Reg. 373/94, s. 11.

(4) A licensee of a nursing 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. 373/94, s. 11.

(5) Before discharging a resident from a nursing home under clause (2) (b) or (c), the licensee 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. 373/94, s. 11.

49. (1) A licensee of a nursing home shall require the inter-disciplinary team providing a resident's care to inform the licensee if the team is of the opinion that the nursing home cannot provide a sufficiently secure environment to ensure the safety of the resident or the safety of persons who come into contact with the resident. O. Reg. 121/02, s. 4.

(2) If a licensee of a nursing home is informed by the inter-disciplinary team providing a resident's care that, in the opinion of the team, the nursing home cannot provide a sufficiently secure environment to ensure the safety of the resident or the safety of persons who come into contact with the resident, the licensee shall ensure that arrangements are made for the resident to be admitted to a hospital or other facility better suited to provide the accommodation, care and secure environment required by the resident. O. Reg. 121/02, s. 4.

PHYSICIANS

50. (1) A licensee of a nursing home shall appoint a physician as the medical director for the home and shall obtain a written statement signed by the medical director stating that the medical director will advise the administrator of the home on matters relating to medical care in the home, including the quality of medical care provided in the home. O. Reg. 588/94, s. 4.

(2) If the licensee is an individual, the licensee shall not appoint himself or herself as the medical director, and if the licensee is a corporation, the licensee shall not appoint any of its directors or officers as the medical director. O. Reg. 588/94, s. 4.

(3) If, on December 1, 1994, the physician who has been appointed as the medical director for a nursing home is the licensee of the home or a director or officer of the licensee of the home, the licensee shall revoke the appointment of that physician as the medical director for the home and shall appoint a new physician as the medical director for the home in accordance with subsections (1) and (2). O. Reg. 588/94, s. 4.

(4) A licensee of a nursing home shall notify the Director in writing of the name, address, telephone number and date of appointment of the medical director for the home, and whenever there is a change in any of such information provided to the Director relating to the medical director for the home, the licensee shall notify the Director in writing of the change. O. Reg. 588/94, s. 4.

51. (1) REVOKED: O. Reg. 373/94, s. 12.

(2) A resident, or the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident's personal care, may retain a physician to attend the resident and provide the resident with medical care and, if neither of them retains the physician, the administrator shall do so. O. Reg. 378/93, s. 15 (1).

(3) A physician who is retained under subsection (2) shall,

- (a) visit the resident and review the resident's medication and diet at least once every three months;
- (b) make an annual physical examination of the resident and file with the administrator a written report of the examination and the physician's findings on the examination; and
- (c) REVOKED: O. Reg. 378/93, s. 15 (2).
- (d) make such additional attendances, in addition to those referred to in clauses (a) and (b), as the resident's condition requires. R.R.O. 1990, Reg. 832, s. 51 (3); O. Reg. 378/93, s. 15 (2, 3).

52. Where a physician has been retained to provide a person who is or is to be a resident with medical care and the physician does not comply with the requirements of section 51, the administrator shall request the physician to comply with the requirements of section 51 and if the physician does not do so, the administrator, after consultation with the resident and the person who is lawfully authorized to make a decision on behalf of the

resident concerning the resident's personal care, shall retain another physician to provide the resident with the medical care. R.R.O. 1990, Reg. 832, s. 52; O. Reg. 378/93, s. 16.

53. Every administrator shall make arrangements for a physician to be on call to provide emergency services when a resident's physician or substitute physician is not available. R.R.O. 1990, Reg. 832, s. 53.

54. (1) Where a resident suffers an injury, the administrator shall retain a physician as soon as possible,

(a) to examine and report on the condition of the resident; and

(b) to provide any necessary treatment. R.R.O. 1990, Reg. 832, s. 54 (1).

(2) Where a resident suffers an injury that, in the opinion of the physician referred to in subsection (1), is a serious injury, the administrator shall forthwith give notice of the injury 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 may designate. R.R.O. 1990, Reg. 832, s. 54 (2); O. Reg. 378/93, s. 17.

PHYSICAL RESTRAINTS

55. (1) An apparatus for restraining a resident shall be applied to a resident only,

(a) when necessary to protect the resident from injury to himself, herself or others; and

(b) on the written order of a physician who attended the resident and approved the apparatus as appropriate for its intended use in restraining the resident. R.R.O. 1990, Reg. 832, s. 55 (1).

(2) Where it is not possible in a situation set out in clause (1) (a) to obtain an order of a physician referred to in clause (1) (b), an apparatus for restraining a resident may be applied on the order of the registered nurse in charge provided that a physician's order is obtained within twelve hours of the application of the restraint. R.R.O. 1990, Reg. 832, s. 55 (2).

(3) Subject to subsection (4), no order for a restraint under subsection (1) or (2) shall be enforced for a period exceeding twelve hours. R.R.O. 1990, Reg. 832, s. 55 (3).

(4) Where a situation appears to warrant the use of a restraint on a resident for a period exceeding twelve hours, a reassessment of the need for the restraint shall be carried out by the registered nursing staff of the nursing home and where the reassessment indicates that the continued use of the restraint is warranted, the restraint may be used for a further period of up to twelve hours and a further reassessment shall be carried out for each subsequent twelve-hour period. R.R.O. 1990, Reg. 832, s. 55 (4).

(5) Where an apparatus for restraining a person is applied to a resident, the apparatus shall,

(a) be designed so as not to cause physical injury to the resident;

(b) be designed so as to cause the least possible discomfort to the resident; and

(c) be examined and the resident's position changed at least every hour by a registered nurse or a registered nursing assistant. R.R.O. 1990, Reg. 832, s. 55 (5).

(6) Subject to this section, every nursing home shall have written policies and procedures governing the application and use of physical restraints on residents. R.R.O. 1990, Reg. 832, s. 55 (6).

NURSING CARE

56. (1) REVOKED: O. Reg. 340/96, s. 3.

(2) REVOKED: O. Reg. 340/96, s. 3.

(3) REVOKED: O. Reg. 373/94, s. 13.

(4) Where a resident's attending physician so requires, a resident's vital signs shall be observed and recorded regularly by the registered nursing staff and the information shall be reported to the physician as he or she directs. R.R.O. 1990, Reg. 832, s. 56 (4).

(5) The nursing staff shall provide restorative nursing care to a resident who requires such care and in particular to one who requires bladder or bowel training, gait training, care of weak or paralyzed limbs, or maintenance of range of joint movements. R.R.O. 1990, Reg. 832, s. 56 (5).

(6) The nursing staff shall give to a resident who is confined to bed or to a bed-chair, care that includes turning every two hours, positioning and measures to prevent skin disorders or care for skin disorders. R.R.O. 1990, Reg. 832, s. 56 (6).

(7) The nursing staff shall instruct residents in the use of self-care devices. R.R.O. 1990, Reg. 832, s. 56 (7).

(8) The nursing staff shall ensure that proper and sufficient care of each resident's body is provided daily to safeguard the resident's health and to maintain personal hygiene. O. Reg. 237/02, s. 1.

(9) REVOKED: O. Reg. 237/02, s. 1.

(10) Each resident's bed clothing shall be kept clean and free from odours and residents' bed linen shall be changed at least twice a week. R.R.O. 1990, Reg. 832, s. 56 (10).

(11) The nursing staff shall use proper sterile nursing techniques at all times. R.R.O. 1990, Reg. 832, s. 56 (11).

(12) All nursing equipment shall be maintained in a good state of repair, be properly cleaned and be readily available for use and a supply of nursing equipment adequate to meet the needs of the nursing home shall be on hand at all times. R.R.O. 1990, Reg. 832, s. 56 (12).

57. REVOKED: O. Reg. 378/93, s. 20.

58. REVOKED: O. Reg. 378/93, s. 20.

NURSING AND OTHER STAFF

59. (1) A licensee of a nursing home shall ensure that twenty-four hour nursing service is available in the home. O. Reg. 378/93, s. 21 (1).

(2) A licensee of a nursing home shall ensure that the nursing staff of the home is organized into shifts, to be known as the day shift, the afternoon shift and the night shift such that,

(a) the day shift shall not commence earlier than 6 a.m. nor later than 2 p.m.;

(b) the afternoon shift shall not commence earlier than 2 p.m. nor later than 6 p.m.; and

(c) the night shift shall not commence earlier than 10 p.m. or later than 2 a.m. R.R.O. 1990, Reg. 832, s. 59 (2); O. Reg. 378/93, s. 21 (2).

60. (1) A licensee of a nursing home shall ensure that the home has a registered nurse who is designated as the director of nurses, and who is responsible for,

(a) the organization, direction and evaluation of nursing care;

(b) directing the work of the nursing staff in the nursing home; and

(c) the organization and direction of in-service training programs for nursing staff. R.R.O. 1990, Reg. 832, s. 60 (1); O. Reg. 378/93, s. 22 (1).

(2) REVOKED: O. Reg. 588/94, s. 6.

(3) A licensee of a nursing home shall ensure that in addition to any time spent on duty as a registered nurse, the director of nurses works in his or her capacity as director of nurses for at least twenty hours a week if the nursing home has sixty beds or less and at least thirty-seven hours a week if the nursing home has more than sixty beds. O. Reg. 378/93, s. 22 (2).

(4) A licensee of a nursing home shall ensure that when no registered nurse is on duty in the home, a registered nurse who is a member of the regular nursing staff of the home is on call and available to come on duty should the need arise. O. Reg. 340/96, s. 4.

(5) During the hours that a director of nurses works in his or her capacity as director of nurses, he or she shall not be considered to be a registered nurse on duty in the home or a registered nurse on call for the purpose of subsection (4). O. Reg. 340/96, s. 4.

(6) A licensee of a nursing home shall ensure that there is a sufficient number of registered nurses, registered practical nurses and health care aides on duty in the home at all times to provide the nursing care required by the residents of the home. O. Reg. 340/96, s. 4.

61. (1) A licensee of a nursing 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. 588/94, s. 7.

(2) A licensee of a nursing 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. 588/94, s. 7.

(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. 588/94, s. 7.

(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 nursing home has that day; and

“B” is the number of meals and snacks prepared in the nursing home that day for persons who are not residents of the home. O. Reg. 588/94, s. 7.

(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. 588/94, s. 7.

61.1 For the purpose of determining whether sections 60 and 61 are being complied with, a person who holds more than one position at a nursing home or who works at a nursing home in more than one capacity shall be considered to be working in only one capacity at any one moment in time. O. Reg. 588/94, s. 7; O. Reg. 9/97, s. 2.

61.1.1 A licensee of a nursing home shall ensure that there are sufficient qualified administrative staff to manage and administer the home. O. Reg. 9/97, s. 3.

STAFF TRAINING

61.2 A licensee of a nursing 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. 588/94, s. 7.

DENTAL CARE

62. Where a resident, or a physician attending a resident, informs the administrator that the resident is in need of the services of a dentist, the administrator shall arrange for the resident to receive, at the expense of the resident, the services of a dentist. R.R.O. 1990, Reg. 832, s. 62.

ADMINISTRATION OF DRUGS

63. (1) Every administrator is responsible for the administration and enforcement in the nursing home of the provisions of this Regulation relating to drugs. R.R.O. 1990, Reg. 832, s. 63 (1).

(2) No drug shall be taken by or administered to a resident except on the individual prescription or written direction of the prescriber attending the resident. R.R.O. 1990, Reg. 832, s. 63 (2).

(3) No person except a physician, dentist, registered nurse or registered nursing assistant shall administer a drug to a resident. R.R.O. 1990, Reg. 832, s. 63 (3).

(4) No administrator shall permit more than a three months supply of a drug to be stored for a resident. R.R.O. 1990, Reg. 832, s. 63 (4).

(5) Every drug of a resident shall be kept in the original container bearing the original label unless transferred to another container or relabelled on the direction of and under the direct supervision of a prescriber or pharmacist, and when the drug is so transferred the second container shall be labelled in accordance with section 64. R.R.O. 1990, Reg. 832, s. 63 (5).

(6) Where a drug or drug treatment for a resident is to be temporarily discontinued or modified, the prescriber who directs the discontinuation or modification shall so indicate, in writing, on an order sheet kept for that purpose, and where a permanent change in dosage is ordered, the directions for use on the container label shall be changed in accordance with the new directions. R.R.O. 1990, Reg. 832, s. 63 (6).

64. (1) Every resident's individual prescription container shall be marked in accordance with section 156 of the *Health Disciplines Act*. R.R.O. 1990, Reg. 832, s. 64 (1).

(2) Drugs of a resident that are for external use only shall be so labelled. R.R.O. 1990, Reg. 832, s. 64 (2).

(3) All drugs that are transferred under subsection 63 (5) and that are not labelled in accordance with the requirements of subsections (1) and (2) shall be destroyed or removed from the nursing home. R.R.O. 1990, Reg. 832, s. 64 (3).

65. (1) A drug for a resident, other than a drug that requires refrigeration, shall be stored in a drug cabinet or storeroom that is in a convenient location for the nursing staff. R.R.O. 1990, Reg. 832, s. 65 (1).

(2) A drug that requires refrigeration shall be kept in a locked box in a refrigerator. R.R.O. 1990, Reg. 832, s. 65 (2).

(3) Every drug cabinet or storeroom shall be kept locked and the keys shall be under the control of a registered nurse who is on duty, or a registered nursing assistant on duty in the absence of a registered nurse or the administrator in the absence of a registered nurse and registered nursing assistant. R.R.O. 1990, Reg. 832, s. 65 (3).

(4) Every drug shall be stored so that it is protected from heat, light or other environmental conditions that will adversely affect the drug. R.R.O. 1990, Reg. 832, s. 65 (4).

(5) Every drug marked "For External Use Only" shall be stored only in a separate, locked cabinet maintained for this purpose and only within the general drug cabinet or storeroom. R.R.O. 1990, Reg. 832, s. 65 (5).

(6) Every narcotic and every controlled drug shall be stored in a locked box or cabinet to be known as the narcotic cabinet. R.R.O. 1990, Reg. 832, s. 65 (6).

(7) The narcotic cabinet shall be inside the general drug cabinet or storeroom and no other drug or other article shall be kept in the narcotic cabinet. R.R.O. 1990, Reg. 832, s. 65 (7).

(8) No resident shall keep or be permitted to keep a drug on his or her person or in his or her room unless authorized by the resident's attending physician under such conditions as a physician may impose. R.R.O. 1990, Reg. 832, s. 65 (8).

66. Every nursing home shall maintain a book to be known as the drug record book in which shall be recorded the following information concerning drugs that have been requisitioned and received in the nursing home:

1. The date the drug is ordered.
2. The signature of the person placing the order.
3. The name, strength and quantity of the drug.
4. The name of the place from which the drug is ordered.
5. The name of the resident for whom the drug is prescribed, where applicable.

6. The prescription number, where applicable.
7. The date the drug is received.
8. The signature of the person acknowledging receipt of the drug on behalf of the nursing home. R.R.O. 1990, Reg. 832, s. 66.

67. Except as provided in section 68, no prescription drug shall be purchased, kept or used in a nursing home unless it has been prescribed for a resident. R.R.O. 1990, Reg. 832, s. 67.

68. (1) No prescription drug that has not been obtained for a resident on the prescription of a prescriber shall be purchased, kept or used in a nursing home unless the prescription drug is under the direct control of a pharmacist or physician. R.R.O. 1990, Reg. 832, s. 68 (1).

(2) Where a nursing home purchases, keeps or uses a prescription drug referred to in subsection (1), the pharmacist or physician in control shall keep or cause to be kept,

- (a) a record of the name, strength and quantity of the prescription drug; and
- (b) the records required by the *Health Disciplines Act*, the *Food and Drugs Act (Canada)* and the *Narcotic Control Act (Canada)* for the receipt and sale or disposition of the prescription drug. R.R.O. 1990, Reg. 832, s. 68 (2).

(3) A prescription drug referred to in subsection (1) shall be stored in a separate locked drug cabinet or storeroom accessible only to a pharmacist or physician. R.R.O. 1990, Reg. 832, s. 68 (3).

69. (1) A drug that has been provided for a resident by prescription shall be destroyed by the director of nurses in the presence of an inspector or by a pharmacist, or a physician, or removed from the nursing home by an inspector when the physician attending the resident orders that its use be discontinued or when the resident has been discharged or dies. R.R.O. 1990, Reg. 832, s. 69 (1).

(2) Where a resident dies, written approval of the physician who has signed the death certificate shall be obtained before a drug that was provided for the resident is destroyed or removed. R.R.O. 1990, Reg. 832, s. 69 (2).

(3) Where a drug is destroyed or removed, the director of nurses shall make a note in the resident's records and record in the prescription drug record book,

- (a) the date of destruction or removal of the drug;
- (b) the prescription number of the drug;
- (c) the pharmacy name;
- (d) the resident's name;
- (e) the drug name, strength and quantity; and
- (f) the reason for destruction or removal,

and the director of nurses and the inspector or pharmacist referred to in subsection (1) shall sign the record. R.R.O. 1990, Reg. 832, s. 69 (3).

(4) Where a drug is removed from a nursing home the director of nurses shall furnish the inspector referred to in subsection (1) with a copy of the information required in clauses (3) (a), (b), (c), (d) and (e) and such information shall be signed by the director of nurses and the inspector. R.R.O. 1990, Reg. 832, s. 69 (4).

(5) Where a resident is discharged or transferred, a drug that has been provided for the resident by prescription may be sent with the discharged or transferred resident after an entry is made in the drug record book that shall be signed by the resident's physician or dentist, as the case may be, stating,

- (a) the date;
- (b) the prescription number;
- (c) the pharmacy name;
- (d) the resident's name; and
- (e) the words "sent with resident". R.R.O. 1990, Reg. 832, s. 69 (5).

USE OF OXYGEN

70. (1) No oxygen shall be used in a nursing home or be administered to a resident, except in accordance with this section. R.R.O. 1990, Reg. 832, s. 70 (1).

(2) Oxygen shall be given to a resident only on the order of the resident's attending physician, the medical director or a physician called in an emergency. R.R.O. 1990, Reg. 832, s. 70 (2); O. Reg. 588/94, s. 8 (1).

(3) Oxygen shall be administered to a resident only by a physician, a registered nurse or a registered nursing assistant. R.R.O. 1990, Reg. 832, s. 70 (3).

(4) The medical director shall ensure that written instructions are maintained in the nursing home that clearly set out the procedures for dealing with all emergency situations that may require oxygen therapy. R.R.O. 1990, Reg. 832, s. 70 (4); O. Reg. 588/94, s. 8 (2).

- (5) Where the use of oxygen has been ordered,

- (a) all flammable solvents, cleaning fluids, ether, matches, lighters, candles and other like materials shall be removed from the room where the oxygen is to be used;
 - (b) signs bearing the printed words "DANGER — NO SMOKING — OXYGEN IN USE" shall be placed in the room and at the entrance to the room where the oxygen is to be used;
 - (c) oil or grease shall not be used at any time on oxygen equipment; and
 - (d) the oxygen equipment shall be securely anchored. R.R.O. 1990, Reg. 832, s. 70 (5).
- (6) All oxygen equipment, together with accessories, including the "DANGER — NO SMOKING — OXYGEN IN USE" signs shall be stored in a readily accessible place so as to be available for immediate use when required. R.R.O. 1990, Reg. 832, s. 70 (6).
- (7) When oxygen storage containers are not in use, they shall be stored in,
- (a) a ventilated locked closet in the nursing home and the closet shall be lined with non-combustible material and shall not be used for any other purpose; or
 - (b) a locked closet outside the nursing home. R.R.O. 1990, Reg. 832, s. 70 (7).
- (8) Every administrator shall establish and include in the fire safety procedures for nursing homes, a written set of instructions on the storage, handling and special hazards of oxygen, including the clear labelling of oxygen storage containers. R.R.O. 1990, Reg. 832, s. 70 (8).

71. REVOKED: O. Reg. 588/94, s. 9.

ACTIVITY PROGRAMS

- 72.** (1) Every administrator of a nursing home shall designate members of the nursing home staff who shall establish and implement on a regularly organized basis, social, physical and recreational activities and programs suitable for residents in a nursing home. R.R.O. 1990, Reg. 832, s. 72 (1).
- (2) Every administrator shall ensure that residents,
- (a) are involved in the planning of activities, outings and social functions; and
 - (b) are consulted when decisions are being made regarding menu planning, timing of meals, interior decorating, changes in routine related to resident care, use of volunteers and volunteer programs, and any other matter affecting residents' life-style. R.R.O. 1990, Reg. 832, s. 72 (2).
- (3) Every nursing home shall provide and maintain, without charge to the residents, supplies and equipment appropriate for the activities and programs referred to in subsection (1). R.R.O. 1990, Reg. 832, s. 72 (3).

RESIDENTS' COUNCIL

- 73.** (1) REVOKED: O. Reg. 378/93, s. 24 (2).
- (2) REVOKED: O. Reg. 378/93, s. 24 (2).
- (3) REVOKED: O. Reg. 378/93, s. 24 (2).
- (4) REVOKED: O. Reg. 378/93, s. 24 (2).
- (5) REVOKED: O. Reg. 378/93, s. 24 (2).
- (6) The assistance referred to in clause 29 (1) (b) of the Act shall include but not be limited to,
- (a) informing the residents and the persons who are lawfully authorized to make a decision on behalf of a resident concerning the resident's personal care of their right to establish a resident's council and who may be a member of the resident's council;
 - (b) providing accommodation with seating that is suitable according to the size of the residents' council either inside the nursing home or, where suitable space is not available inside the nursing home, outside the nursing home; and
 - (c) providing interested residents with copies of the Ministry of Health guidelines on how to form and operate a residents' council. R.R.O. 1990, Reg. 832, s. 73 (6); O. Reg. 378/93, s. 24 (3, 4).
- (7) Where a residents' council is established in a nursing home the administrator shall only attend meetings of the council when requested by the council. R.R.O. 1990, Reg. 832, s. 73 (7).
- (8) Where a residents' council is in existence in a nursing home, the administrator shall make himself or herself available to hear suggestions or complaints from the residents' council with respect to matters in the nursing home and the administrator shall, where practicable, act on the suggestions or complaints and respond to the residents' council in writing as to how he or she intends to act on the suggestion or complaint within twenty-one days of receiving the suggestion or complaint. R.R.O. 1990, Reg. 832, s. 73 (8).
- (9) REVOKED: O. Reg. 378/93, s. 24 (5).

NUTRITIONAL CARE

- 74.** (1) Every administrator shall ensure that the nursing home has food services staff on duty daily to attend to the nutritional needs of the residents. R.R.O. 1990, Reg. 832, s. 74 (1).

(2) Every administrator shall employ a person who shall be responsible for the planning of menus and the management of food services in the nursing home and such person shall have knowledge of nutrition and experience in quantity preparation of food. R.R.O. 1990, Reg. 832, s. 74 (2).

(3) Every nursing home shall have on staff a food services supervisor who shall be a person who is eligible for membership in the Canadian Food Service Supervisors Association. R.R.O. 1990, Reg. 832, s. 74 (3).

75. (1) Every administrator shall ensure that,

(a) a minimum of three meals is served to each resident daily and that the meals provide sufficient caloric value to maintain each resident's average weight;

(b) there is an alternate choice of food of equal nutrient value for each meal;

(c) where modified and therapeutic diets and nutritional supplements are ordered in writing by a physician attending a resident, the diets and supplements ordered are provided to the resident;

(d) a full breakfast is available to residents up to 8.30 a.m. in the morning, and the evening meal is not served before 5.00 p.m. in the evening;

(e) snacks and fluids are served to residents between meals and at bedtime; and

(f) each resident is supplied with an adequate amount of fluids throughout the day to prevent dehydration. R.R.O. 1990, Reg. 832, s. 75 (1).

(2) Regular menus and therapeutic modifications of menus for residents for the whole of a current week shall be dated and posted in advance of the current week for reference by persons serving food and for residents, and any change to a meal shall be marked on the posted menu before the preparation of the meal is commenced. R.R.O. 1990, Reg. 832, s. 75 (2).

(3) All menus referred to in subsection (2) shall be kept on file in the nursing home for three months. R.R.O. 1990, Reg. 832, s. 75 (3).

(4) The same foods shall not be served in the same form on the same day, or on consecutive days nor shall the same food in the same form be served on the same day of consecutive weeks except where a majority of the residents indicate the contrary to the administrator. R.R.O. 1990, Reg. 832, s. 75 (4).

76. (1) Each resident shall be provided with at least the following food each day:

1. Milk and Milk Products.

500 millilitres.

2. Fruits and Vegetables.

i. Two 125 millilitres servings of vegetables,

ii. Two 125 millilitres servings of fruits, or fruit juices fresh, frozen or canned, and

iii. One 125 millilitre serving of potatoes.

3. Bread and Cereals.

Three to five servings of whole grain or enriched bread and cereals.

4. Meat and Meat Alternates.

Two servings one of which is meat, fish, poultry or liver weighing sixty to ninety grams cooked and containing seven grams of protein for each thirty gram serving, and a second serving the same as the first or a meat alternate serving of equivalent protein content. R.R.O. 1990, Reg. 832, s. 76 (1); O. Reg. 373/94, s. 15.

(2) In paragraph 1 of subsection (1), whiteners shall not be counted as milk or milk products. R.R.O. 1990, Reg. 832, s. 76 (2).

(3) In paragraph 2 of subsection (1), fruit flavoured beverages shall not be counted as fruit or fruit juice. R.R.O. 1990, Reg. 832, s. 76 (3).

77. (1) Every nursing home shall have an adequate supply of perishable foods to meet the needs of the residents for at least a twenty-four-hour period, and an adequate supply of non-perishable foods to meet the needs of the residents for at least a three-day period. R.R.O. 1990, Reg. 832, s. 77 (1).

(2) All food shall be stored in a sanitary manner and at proper temperature and humidity to prevent contamination or spoilage. R.R.O. 1990, Reg. 832, s. 77 (2).

(3) Food that is stored in a freezer in a nursing home shall be freezer wrapped, and labelled to show the identity, amount or weight and the date received. R.R.O. 1990, Reg. 832, s. 77 (3).

(4) No powdered eggs shall be given to a resident unless the powdered eggs have been cooked. R.R.O. 1990, Reg. 832, s. 77 (4).

(5) Food delivery receipts for food received in the nursing home shall be kept on file in the nursing home for six months from the date of the delivery of the food. R.R.O. 1990, Reg. 832, s. 77 (5).

(6) Where there is a conflict between the provisions of Regulation 562 of the Revised Regulations of Ontario, 1990 and the provisions of this Regulation, the provisions of this Regulation shall prevail. R.R.O. 1990, Reg. 832, s. 77 (6).

(7) Every nursing home shall keep a copy of Canada's Food Guide, Revised 1977, posted,

- (a) in the kitchen; and
- (b) in a location in the nursing home where it is most likely to be seen by residents of the nursing home. R.R.O. 1990, Reg. 832, s. 77 (7).

COMMUNICABLE DISEASES

77.1 (1) A licensee of a nursing 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 nursing home, 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* less than one year before the date of admission; or
 - (b) the test is medically contra-indicated. O. Reg. 373/94, s. 16.
- (2) The licensee 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. 373/94, s. 16.

77.2 If the Ministry of Health gives the licensee of a nursing home a surveillance protocol for a particular communicable disease, the licensee shall implement the protocol. O. Reg. 373/94, s. 16.

DEATHS

78. (1) Where a resident dies in a nursing home the resident's death shall be reported immediately to,

- (a) a coroner by the person in charge in the nursing home at the time of the resident's death; and
- (b) the resident's physician. R.R.O. 1990, Reg. 832, s. 78 (1).

(2) Where the attending physician is satisfied that the death referred to in subsection (1) was from natural causes and the coroner has been notified of the resident's death, the body of the deceased resident may be moved to a private area in the nursing home. R.R.O. 1990, Reg. 832, s. 78 (2).

(3) The attending physician shall make a written report indicating the cause and time of death of the resident and the report shall be retained in the deceased resident's file. R.R.O. 1990, Reg. 832, s. 78 (3).

(4) A report of the time, date and circumstances of the death of a resident, the name and address of the person, if any, who claims the body and the date that notice of death is given to the coroner shall be attached to the deceased resident's records. R.R.O. 1990, Reg. 832, s. 78 (4).

ADMINISTRATORS

79. Every nursing home shall have an administrator for the home who shall be responsible for its administration who shall be deemed to be an employee of the nursing home for the purposes of this Regulation. R.R.O. 1990, Reg. 832, s. 79.

80. (1) No person shall be employed as an administrator in a nursing home unless,

- (a) he or she is eighteen years of age or over; and
- (b) REVOKED: O. Reg. 373/94, s. 17.
- (c) where he or she has not been employed as an administrator in a nursing home in Ontario prior to the 27th day of April, 1972,
 - (i) he or she produces an Ontario Secondary School Graduation Diploma or evidence that the Minister considers equivalent thereto, or
 - (ii) he or she produces evidence satisfactory to the licensee of employment experience in work comparable to the administration of the nursing home for which his or her employment is contemplated. R.R.O. 1990, Reg. 832, s. 80 (1); O. Reg. 373/94, s. 17.

(2) Despite subsection (1) and subject to subsection (4), on and after the 1st day of January, 1984, every nursing home shall only employ as an administrator a person who is enrolled in the "Long Term Care Organization and Management Course" given by the Canadian Hospital Association. R.R.O. 1990, Reg. 832, s. 80 (2).

(3) The employment of the person referred to in subsection (2) is conditional on successful completion of the course referred to within three years of the enrolment of the person in the course. R.R.O. 1990, Reg. 832, s. 80 (3).

(4) A nursing home may, on and after the 1st day of January, 1984, employ as an administrator a person who has, in the opinion of the Minister, equivalent qualifications to those set out in subsections (2) and (3). R.R.O. 1990, Reg. 832, s. 80 (4).

80.1 REVOKED: O. Reg. 9/97, s. 4.

81. REVOKED: O. Reg. 9/97, s. 4.

82. REVOKED: O. Reg. 373/94, s. 18.

83. REVOKED: O. Reg. 373/94, s. 18.

84. REVOKED: O. Reg. 373/94, s. 18.

85. REVOKED: O. Reg. 588/94, s. 11.

CLOSING OF A NURSING HOME

86. (1) A licensee of a nursing home who intends to close all or some of the beds in the home permanently or temporarily shall, no later than 16 weeks before the date of the closure, give written notice of the licensee's intention to,

- (a) the Director;
- (b) the administrator of the nursing home;
- (c) the placement co-ordinator designated for the nursing home under subsection 20.1 (3) of the Act; and
- (d) each resident who will be affected by the closure and the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident's personal care. O. Reg. 121/02, s. 5.

(2) Forthwith after receiving a notice under subsection (1), the placement co-ordinator shall contact each resident who will be affected by the closure and the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident's personal care, in order to begin the process of authorizing the resident's admission to another nursing home, 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. 121/02, s. 5.

87. Where the licensee of a nursing home ceases to operate a nursing home, the licensee shall forthwith on such cessation deliver every resident's personal file that is kept or maintained in the nursing home to the Director or to such person as the Director may require in writing. R.R.O. 1990, Reg. 832, s. 87.

RECORDS AND REPORTS

88. Every administrator of a nursing home shall,

- (a) maintain a separate personal file with respect to each resident; and
- (b) maintain in each resident's personal file,
 - (i) the medical and drug record of the resident; and
 - (ii) a written record of all other matters that are relevant to the resident including a copy of any incident report relating to the resident. R.R.O. 1990, Reg. 832, s. 88.

89. The medical record of a resident shall include,

- (a) REVOKED: O. Reg. 378/93, s. 26.
- (b) a written report of,
 - (i) the resident's medical history,
 - (ii) each physical examination of the resident by a physician,
 - (iii) diagnoses of the resident's condition,
 - (iv) orders for treatment of the resident, including,
 - (A) orders for the administration of drugs,
 - (B) orders for medication, and
 - (C) follow-up notes indicating the resident's condition at each visit, signed by the physician attending the resident;
- (c) a written copy of every telephone order for treatment of the resident given by a physician, together with the signature of the registered nurse or registered nursing assistant to whom the telephone order was given and the counter-signature of the physician who gave the telephone order;
- (d) daily nursing notes that are signed by the nurse in charge of the resident and that record every change in the resident's condition considered significant in the opinion of the nurse in charge of the resident; and
- (e) any records required to be kept under the provisions of the *Narcotic Control Act* (Canada) or Part III of the *Food and Drugs Act* (Canada). R.R.O. 1990, Reg. 832, s. 89; O. Reg. 378/93, s. 26.

90. Except as provided in section 87, the medical records of a resident shall be retained,

- (a) where the resident is discharged from the nursing home for a period of twenty years after the date of the discharge; or
- (b) where the resident dies in the nursing home, for a period of five years after the date of the death. R.R.O. 1990, Reg. 832, s. 90.

91. Every administrator of a nursing home shall maintain general records for the nursing home that shall include,

- (a) with respect to each person who is or was a resident in the nursing home, particulars of admission, transfer, notification of admission to a hospital, discharge, accident or death;
- (b) the date of each inspection by an inspector;
- (c) any written recommendations made by an inspector; and

(d) particulars of each fire drill held in the nursing home. R.R.O. 1990, Reg. 832, s. 91.

92. Every administrator of a nursing home shall maintain personnel records for the nursing home that include for each person employed in the nursing home,

- (a) a written application for employment,
 - (i) signed by the employee,
 - (ii) stating the occupation of the employee,
 - (iii) the qualifications of the employee, including the employee's educational standing, occupational training and previous employment;
- (b) a health record; and
- (c) a record of daily hours of work. R.R.O. 1990, Reg. 832, s. 92.

93. Every administrator of a nursing home shall ensure that,

- (a) the medical record and written record in the personal file of each resident;
- (b) the personnel records; and
- (c) the general records,

in the nursing home are kept up-to-date at all times. R.R.O. 1990, Reg. 832, s. 93.

94. Except as provided in section 87,

- (a) the personal file of a resident; or
- (b) the personnel records of the nursing home,

shall not be removed from a nursing home by any person other than an inspector. R.R.O. 1990, Reg. 832, s. 94.

95. (1) The following persons may inspect and receive information from a resident's medical or drug record and may reproduce and retain copies therefrom:

1. The resident's attending physician or dentist.
2. A member of the nursing staff or the pharmacist in the nursing home.
3. The administrator of another nursing home to which the resident has been transferred.
4. A person 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 nursing homes.
5. A person appointed by the Director to collect information to determine the consistency and accuracy of information collected by persons described in paragraph 4. R.R.O. 1990, Reg. 832, s. 95 (1); O. Reg. 467/92, s. 1 (1).

(1.1) A person described in paragraph 4 or 5 of subsection (1) may collect only such information that may be necessary for the purpose for which that person was appointed. O. Reg. 467/92, s. 1 (2).

(1.2) A person appointed by the Director to train persons described in paragraph 4 of subsection (1) may, in the course of such training, inspect and receive information from a resident's medical or drug record. O. Reg. 467/92, s. 1 (2).

(2) No person other than a person referred to in subsection (1) may inspect or receive information from a resident's medical or drug record and may reproduce and retain copies therefrom. R.R.O. 1990, Reg. 832, s. 95 (2).

96. (1) A licensee of a nursing 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. 373/94, s. 20.

(2) The licensee shall make the report promptly after the occurrence in the form provided by the Minister. O. Reg. 373/94, s. 20.

97. Where an administrator receives a notice of non-compliance from an inspector that sets out that there has been a contravention of the Act or the regulations with respect to the nursing home, the administrator shall deliver to the Director within seven days of receipt of the notice, a response to the notice that shall set out the proposed steps that will be taken by the administrator to correct the matter and the time within which the corrective action will be taken. R.R.O. 1990, Reg. 832, s. 97; O. Reg. 378/93, s. 27.

98. (1) REVOKED: O. Reg. 378/93, s. 28 (1).

(2) A licensee who receives an inspection report under subsection 24 (13) of the Act shall,

(a) REVOKED: O. Reg. 378/93, s. 28 (3).

(b) make a copy of the report available to any person other than a resident of the nursing home to which the report refers on request during normal business hours of the nursing home at a cost not to exceed 25 cents per page;

(c) make a copy of the report available without charge to any resident of the nursing home on request;

(d) where the licensee wishes to post a comment in writing on the contents of the report in the nursing home, cause a copy of the comment to be delivered to the Director on or before the date when the comments are posted; and

(e) where a residents' council representing the residents wishes to post a comment in writing on the contents of the report in the nursing home, post the comments and send a copy of the comments forthwith to the Director. R.R.O. 1990, Reg. 832, s. 98 (2); O. Reg. 378/93, s. 28 (2-5).

FINANCIAL RECORDS

99. REVOKED: O. Reg. 378/93, s. 29.

100. A nursing home shall keep,

(a) complete current books of account for all transactions relating to the nursing home;

(b) a separate account of transactions with the licensee's associates that relate to the nursing home;

(c) complete financial statements for the nursing home for the preceding year;

(d) the report of the auditor respecting the audit of the accounts of the nursing home for the preceding year;

(e) records indicating the amounts residents have been charged for accommodation, care, services, programs and goods; and

(f) records that are sufficient to substantiate that residents have received the accommodation, care, services, programs and goods for which they have been charged. R.R.O. 1990, Reg. 832, s. 100; O. Reg. 378/93, s. 30.

101. A licensee shall ensure that the accounts of the nursing home are audited by a person licensed under the *Public Accountancy Act*. R.R.O. 1990, Reg. 832, s. 101.

102. A licensee shall furnish such information and accounts as the Minister may require. R.R.O. 1990, Reg. 832, s. 102.

TRUST ACCOUNTS

103. (1) Every administrator of a nursing home shall,

(a) establish and maintain a trust account in a bank listed in Schedule I or II to the *Bank Act* (Canada) or trust corporation in which the administrator shall deposit all money entrusted to his or her care by a resident in the nursing home or by any trustee acting on behalf of a resident;

(b) provide a resident, or a trustee acting on behalf of a resident, with a written receipt for all money received by the administrator for deposit in the trust account to the credit of such resident;

(c) maintain a separate book of account showing all deposits to and withdrawals from the trust account, the name of the resident for whom such deposit or withdrawal is made and the date of each deposit or withdrawal;

(d) where the administrator has deposited in the trust account money received from a resident, make part or all of the money available to such resident upon the resident providing him or her with a written receipt therefor;

(e) where the administrator has deposited in the trust account money received from a trustee on behalf of a resident, make part or all of the money available to such resident only in accordance with the written instructions of the trustee;

(f) with respect to each resident on whose behalf money is deposited in the trust account to the credit of such resident, retain in his or her possession for a period of not less than six years,

(i) the deposit books, deposit slips, pass-books, monthly bank statements, cheque books and cancelled cheques applicable to the trust account referred to in clause (a),

(ii) the book of account referred to in clause (c),

(iii) the written receipts referred to in clause (d), and

(iv) the written instructions of the trustee referred to in clause (e); and

(g) on the written demand of a resident, or his or her authorized agent, or a trustee acting on behalf of a resident, make the material referred to in this subsection available for inspection by the resident, his or her agent or his or her trustee, at reasonable hours during any business day. R.R.O. 1990, Reg. 832, s. 103 (1); O. Reg. 9/97, s. 5.

(2) The trust account established under subsection (1) shall be audited annually by a public accountant licensed under the *Public Accountancy Act*. R.R.O. 1990, Reg. 832, s. 103 (2).

RECORD RETENTION

104. (1) A record required to be kept under section 41, subsection 68 (2) and section 91 shall be retained for a period of two years from the date of the making of the record. R.R.O. 1990, Reg. 832, s. 104 (1).

(2) A personnel record required to be kept under section 92 shall be retained for a period of two years after termination of the employment of the employee. R.R.O. 1990, Reg. 832, s. 104 (2).

(3) A record required to be kept under section 100 shall be retained for a period of six years from the date of the making of the record. R.R.O. 1990, Reg. 832, s. 104 (3); O. Reg. 378/93, s. 31.

EXEMPTION

105. (1) The nursing homes set out in Schedule 1 are exempt from subsection 4 (2) of the Act and sections 20.13 and 20.15 of the Act. O. Reg. 378/93, s. 32.

(2) The nursing homes set out in Schedule 1 are exempt from all of the provisions of this Regulation except the provisions set out in Schedule 2. O. Reg. 378/93, s. 32.

(3) The nursing homes set out in Schedule 3 are exempt from section 20.1 of the Act. O. Reg. 373/94, s. 21 (2).

CLASSIFICATION

106. (1) The Minister shall ensure that in each year the residents of each nursing 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 nursing 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. 378/93, s. 33.

(2) Subsection (1) does not apply to a nursing 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. 378/93, s. 33.

PAYMENTS UNDER SUBSECTION 20.13 (1) OF THE ACT

107. (1) For 1996 and following years, the amount payable to a licensee in respect of a nursing home under subsection 20.13 (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 112 in respect of the year; and
- (c) the year-end report and auditor's report required to be given to the Minister under section 113 in respect of the year. O. Reg. 340/96, s. 6.

(2) The amount payable to a licensee in respect of a nursing 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 licensee and the Crown in right of Ontario agree to in the service agreement relating to the home. O. Reg. 340/96, s. 6.

108. REVOKED: O. Reg. 340/96, s. 6.

109. REVOKED: O. Reg. 340/96, s. 6.

110. REVOKED: O. Reg. 340/96, s. 6.

111. REVOKED: O. Reg. 340/96, s. 6.

RECONCILIATION

112. (1) Forthwith after the first six months and the last six months of each year, a licensee who maintained and operated a nursing home during the year shall give to the Minister a semi-annual report for the home. O. Reg. 340/96, s. 7.

(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. 180/01, 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. 180/01, s. 2 (2).

(3) If the amount paid to a licensee in respect of a nursing 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 licensee. O. Reg. 340/96, s. 7.

(4) REVOKED: O. Reg. 43/98, s. 2 (2).

113. (1) Forthwith after the end of each year, a licensee who maintained and operated a nursing 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. 378/93, s. 33; O. Reg. 340/96, s. 8 (1).

(2) REVOKED: O. Reg. 340/96, s. 8 (2).

(2.1) REVOKED: O. Reg. 196/97, 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. 340/96, s. 8 (3).

(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. 196/97, 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. 639/98, s. 3.

(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. 180/01, s. 3.

(3) If the amount paid to a licensee in respect of a nursing 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 licensee 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 licensee. O. Reg. 378/93, s. 33; O. Reg. 181/95, s. 6 (2); O. Reg. 340/96, s. 8 (4).

(4) If the amount paid to a licensee in respect of a nursing 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 licensee. O. Reg. 378/93, s. 33; O. Reg. 181/95, s. 6 (3); O. Reg. 340/96, s. 8 (5).

(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. 43/98, s. 3.

PREFERRED ACCOMMODATION MAXIMUM

113.1 A licensee of a nursing home shall ensure that no more than 60 per cent of the licensed bed capacity of the home is set aside as preferred accommodation. O. Reg. 373/94, s. 22.

RESIDENT PAYMENTS

114. The maximum amounts that may be demanded or accepted by or on behalf of a licensee under clauses 21 (1) (a) and (b) of the Act shall be determined in accordance with sections 115 to 120. O. Reg. 316/94, s. 1.

115. (1) The maximum daily amount that may be demanded or accepted by or on behalf of a licensee 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. 181/95, s. 7.

(2) The maximum monthly amount that may be demanded or accepted by or on behalf of a licensee 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. 181/95, s. 7; O. Reg. 194/95, s. 1 (1).

(3) The maximum daily amount that may be demanded or accepted by or on behalf of a licensee 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. 181/95, s. 7; O. Reg. 194/95, s. 1 (2).

(4) The maximum monthly amount that may be demanded or accepted by or on behalf of a licensee 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. 181/95, s. 7.

(5) The maximum daily amount that may be demanded or accepted by or on behalf of a licensee 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. 181/95, s. 7.

(6) The maximum monthly amount that may be demanded or accepted by or on behalf of a licensee 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. 181/95, s. 7.

(7) The maximum daily amount that may be demanded or accepted by or on behalf of a licensee 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. 181/95, s. 7.

116. (1) A long-stay resident of a nursing home may apply to the licensee of the home for a reduction in the fee payable by the resident for basic accommodation. O. Reg. 370/94, 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. 219/96, s. 1; O. Reg. 233/98, s. 1 (1).

(3) Despite section 115, 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 licensee for providing the resident with basic accommodation for a full month during the period described in subsection (5) is the greater of the following two amounts:

1. The monthly amount determined in accordance with,

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

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

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

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

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

O. Reg. 219/96, s. 1; O. Reg. 196/97, s. 2 (1); O. Reg. 233/98, s. 1 (2); O. Reg. 373/99, s. 2 (1); O. Reg. 302/00, s. 1 (1); O. Reg. 180/01, s. 4 (1); O. Reg. 233/02, s. 1 (1).

Note: Despite its revocation by section 1 of Ontario Regulation 219/96, subsection (3), as it read immediately before July 1, 1996, continues to apply in respect of applications for reduction submitted to the administrator of a nursing home on or after July 1, 1994 but before July 1, 1995. See: O. Reg. 219/96, s. 4 (3).

(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 licensee for providing the resident with basic accommodation for less than a full month during the period described in subsection (5) is the greater of the following two amounts:

1. The daily amount determined in accordance with,

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

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

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

i. In the case of an application for a reduction made on or after July 1, 2001 but before September 1, 2002, \$30.24.

ii. In the case of an application for a reduction made on or after September 1, 2002, \$30.90.

O. Reg. 219/96, s. 1; O. Reg. 196/97, s. 2; O. Reg. 233/98, s. 1 (3); O. Reg. 373/99, s. 2 (2); O. Reg. 302/00, s. 1 (2); O. Reg. 180/01, s. 4 (2); O. Reg. 233/02, s. 1 (2).

Note: Despite its revocation by section 1 of Ontario Regulation 219/96, subsection (4), as it read immediately before July 1, 1996, continues to apply in respect of applications for reduction submitted to the administrator of a nursing home on or after July 1, 1994 but before July 1, 1995. See O. Reg. 219/96, s. 4 (3).

(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. 219/96, s. 1.

Note: Despite its revocation by section 1 of Ontario Regulation 219/96, subsection (5), as it read immediately before July 1, 1996, continues to apply in respect of applications for reduction submitted to the administrator of a nursing home on or after July 1, 1994 but before July 1, 1995. See O. Reg. 219/96, s. 4 (3).

(5.1) REVOKED: O. Reg. 219/96, s. 1.

(5.2) REVOKED: O. Reg. 219/96, s. 1.

(5.3) REVOKED: O. Reg. 219/96, s. 1.

Note: Despite their revocation by section 1 of Ontario Regulation 219/96, subsections (5.1), (5.2) and (5.3), as they read immediately before July 1, 1996, continue to apply in respect of applications for reduction submitted to the administrator of a nursing home on or after July 1, 1995 but before July 1, 1996. See O. Reg. 219/96, s. 4 (4).

(6) REVOKED: O. Reg. 233/98, s. 1 (4).

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

- 1. A long-stay resident for whom the maximum monthly amount is determined to be \$939.74 under section 116.
- 2. A long-stay resident whose spouse or same-sex partner lives outside a nursing home, a home under the *Homes for the Aged and Rest Homes Act*, an approved charitable home for the aged under the *Charitable Institutions Act* or a hospital or other facility that is government-funded.

O. Reg. 219/96, s. 2; O. Reg. 196/97, s. 3 (1); O. Reg. 233/98, s. 2 (1); O. Reg. 373/99, s. 3; O. Reg. 64/00, s. 2 (1); O. Reg. 302/00, s. 2; O. Reg. 180/01, s. 5; O. Reg. 233/02, s. 2.

(2) The application may be made by,

- (a) in the case of an application under paragraph 1 of subsection (1), the resident; or
- (b) in the case of an application under paragraph 2 of subsection (1), the resident or the spouse or same-sex partner. O. Reg. 219/96, s. 2; O. Reg. 64/00, 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. 219/96, s. 2; O. Reg. 64/00, 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. 219/96, s. 2.

(5) Despite sections 115 and 116, if an application is made under this section for a reduction in the fee payable by a long-stay resident of a nursing home for basic accommodation,

- (a) the maximum monthly amount that may be demanded or accepted by or on behalf of the licensee of the nursing 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 licensee of the nursing 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. 219/96, 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 116 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. 219/96, s. 2.

Note: Despite its revocation by section 2 of Ontario Regulation 219/96, subsection (6), as it read immediately before July 1, 1996, continues to apply in respect of applications for reduction submitted to the Director on or after July 1, 1995 but before July 1, 1996. See O. Reg. 219/96, s. 4 (5).

(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. 219/96, s. 2; O. Reg. 64/00, s. 2 (5).

Note: Despite its revocation by section 2 of Ontario Regulation 219/96, subsection (7), as it read immediately before July 1, 1996, continues to apply in respect of applications for reduction submitted to the Director on or after July 1, 1995 but before July 1, 1996. See O. Reg. 219/96, s. 4 (5).

(8) REVOKED: O. Reg. 233/98, s. 2 (2).

Note: Despite its revocation by section 2 of Ontario Regulation 219/96, subsection 116.1 (9), as it read immediately before July 1, 1996, continues to apply in respect of applications for reduction submitted to the Director on or after July 1, 1995 but before July 1, 1996. See O. Reg. 219/96, s. 4 (5).

117. If a long-stay resident of a home who is on a medical absence or a psychiatric absence agrees in writing with the licensee of the home to pay a bed-holding amount in accordance with section 47, the maximum amount that may be demanded or accepted by or on behalf of the licensee for providing the resident with accommodation shall be increased by the bed-holding amount that the resident has agreed to pay. O. Reg. 378/93, s. 33; O. Reg. 238/94, s. 3.

118. (1) For the purpose of sections 115 to 117,

- (a) each long-stay resident of a nursing 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 nursing 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. 9/97, s. 6.

(2) Despite clause (1) (a), a long-stay resident of a nursing 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 nursing home, 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. 9/97, s. 6.

119. For the purpose of sections 115 to 117, when a resident of a nursing home is absent from the home but has not been discharged, the licensee of 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. 238/94, s. 4; O. Reg. 181/95, s. 9.

120. (1) Before increasing the fee payable by a resident for accommodation, the licensee of a nursing home shall give the resident at least 30 days written notice of the licensee's proposal to increase the fee and the amount of the proposed increase. O. Reg. 316/94, s. 3.

(2) An increase by a licensee of the fee payable by a resident for accommodation is void if the licensee has not given the notice required by this section. O. Reg. 316/94, 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 116 or 116.1 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. 316/94, s. 3; O. Reg. 194/95, s. 4.

PAYMENT FOR DAY FOLLOWING DISCHARGE

120.1 If, at the request of a person who has been discharged from a nursing 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 by the licensee of the discharge, the licensee 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 licensee may charge the discharged person the amount that the licensee would have charged him or her for accommodation for the day following the day of discharge had he or she been a long-stay resident lodged in the room on that day. O. Reg. 181/95, s. 10.

POSTING

121. A licensee of a nursing home shall ensure that the copy of section 2 of the Act that it posts in the home, as required under clause 20.17 (1) (a) of the Act, is a copy of both the English and the French versions of section 2 and that both versions appear in large print. O. Reg. 373/94, s. 23.

122. (1) A licensee of a nursing home shall post in the home,

- (a) the licence to establish, operate or maintain the home issued to the licensee under subsection 4 (1) of the Act;
- (b) a copy of the most recent year-end report and the most recent auditor's report given to the Minister under section 113;
- (c) at the request of the residents' council of the home, a copy of the minutes of the most recent meeting of the residents' council;
- (d) 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
- (e) the procedure established under clause 41 (1) (a). O. Reg. 373/94, s. 23.

(2) The items mentioned in clauses (1) (c), (d) and (e) shall be posted in large print. O. Reg. 373/94, s. 23.

123. A licensee of a nursing home shall ensure that,

- (a) all documents and information required to be posted in the home under section 20.17 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 procedure established under clause 41 (1) (a) is posted in several prominent places in the home. O. Reg. 373/94, s. 23.

NOTICE

124. A licensee of a nursing home shall ensure that the matters referred to in clause 20.16 (1) (a) of the Act are set out in both English and French in each notice given under subsection 20.16 (1) of the Act. O. Reg. 373/94, s. 23.

125. In addition to complying with clauses 20.16 (1) (a), (b), (c) and (d) of the Act, the notice required to be given under subsection 20.16 (1) of the Act shall,

- (a) set out the rules and procedures of the home in relation to safety and security;
- (b) set out the name and address of the licensee and the names and addresses of the directors and officers of the licensee;
- (c) set out the names of the home's staff members who are responsible for managing the accommodation, care, services, programs and goods provided to residents of the home;
- (d) explain how the residents' council of the home operates and how to become involved in the residents' council;
- (e) explain how the resident and the person who is lawfully authorized to make a decision on behalf of the resident concerning the resident's personal care may participate in planning and evaluating the accommodation, care, services, programs and goods provided to the resident;
- (f) set out the advocacy services available to the resident;
- (g) set out the amounts which the licensee charges for accommodation, care, services, programs and goods and describe who may apply, and the process of applying, for a reduction in the amount charged for accommodation;
- (h) describe the accommodation, care, services, programs and goods, other than accommodation, care, services, programs and goods mentioned in clause 20.16 (1) (b) of the Act, that the licensee offers to residents or that the licensee 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 licensee 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 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. 373/94, s. 23.

PLAN OF CARE

126. A licensee of a nursing home shall ensure that the plan of care developed for a resident under clause 20.10 (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. 373/94, s. 23.

127. (1) A licensee of a nursing 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. 373/94, s. 23.

(2) A licensee of a nursing 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. 373/94, s. 23.

QUALITY MANAGEMENT

128. A licensee of a nursing home shall ensure that the quality management system implemented for the home under section 20.11 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. 373/94, s. 23.

INFORMATION

128.1 When a person who wishes to seek admission to a nursing home contacts a placement co-ordinator, the placement co-ordinator shall provide the person with information about retirement homes and other alternative services that the person may wish to consider. O. Reg. 121/02, s. 6.

ELIGIBILITY FOR ADMISSION

129. In sections 130, 131, 132 and 133,

"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 nursing home. O. Reg. 373/94, s. 23.

130. (1) An applicant shall be determined to be eligible for admission to a nursing 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 nursing home. O. Reg. 373/94, s. 23.

(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. 373/94, s. 23.

(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. 373/94, s. 23.

(4) REVOKED: O. Reg. 121/02, s. 7.

(5) REVOKED: O. Reg. 121/02, s. 7.

(6) This section does not apply to an applicant who is applying for a determination respecting his or her eligibility for admission to a nursing home as a short-stay resident in the respite care or supportive care program. O. Reg. 373/94, s. 23.

131. (1) An applicant shall be determined to be eligible for admission to a nursing 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 nursing home; and
- (c) the applicant meets the requirements of clauses 130 (1) (a), (b), (c) and (e). O. Reg. 373/94, s. 23.

(2) An applicant shall be determined to be eligible for admission to a nursing 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 nursing home;
- (b) it is anticipated that the applicant will be returning to his or her residence within 90 days after admission to the nursing home; and
- (c) the applicant meets the requirements of clauses 130 (1) (a), (b), (c) and (e). O. Reg. 373/94, s. 23.

132. Despite section 130, an applicant shall be determined to be eligible for admission to a nursing 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 nursing 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 nursing home. O. Reg. 373/94, s. 23.

133. Despite section 130, the following applicants shall be determined to be eligible for admission to a nursing home as long-stay residents:

1. A long-stay resident requesting a transfer to another nursing home as a long-stay resident.
2. A long-stay resident under the *Homes for the Aged and Rest Homes Act* or the *Charitable Institutions Act* requesting a transfer to a nursing home as a long-stay resident. O. Reg. 373/94, s. 23.

133.1 Despite section 130, an applicant who is a veteran shall be determined eligible for admission to a nursing home as a long-stay resident if the applicant is an insured person under the *Health Insurance Act*. O. Reg. 639/98, s. 4.

APPLICATION FOR DETERMINATION OF ELIGIBILITY

134. (1) To apply for a determination respecting his or her eligibility for admission to a nursing 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) an up-to-date health assessment of the person, in the form provided by the Minister, signed by,
 - (i) a member of the College of Physicians and Surgeons of Ontario, or
 - (ii) a registered nurse who holds a general certificate of registration or an extended certificate of registration in accordance with the regulations made under the *Nursing Act, 1991*;
- (d) an up-to-date functional assessment of the person conducted by a health or social service provider approved by the placement co-ordinator; and

(e) such additional information and documentation as is necessary to enable the placement co-ordinator to determine whether the person meets the eligibility requirements set out in this Regulation. O. Reg. 373/94, s. 23; O. Reg. 121/02, s. 8 (1).

(1.1) Despite subsection (1), a veteran who wishes to apply for a determination of his or her eligibility for admission to a nursing 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. 639/98, s. 5.

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

1. A long-stay resident applying for a determination of eligibility for the purpose of transferring to another nursing home as a long-stay resident.
2. A long-stay resident under the *Homes for the Aged and Rest Homes Act* or the *Charitable Institutions Act* applying for a determination of eligibility for the purpose of transferring to a nursing home as a long-stay resident. O. Reg. 121/02, s. 8 (2).

(3) Despite subsection (1), a person described in a paragraph of subsection (2) who is applying for a determination of eligibility for the purpose of transferring to a related temporary nursing home, a re-opened nursing home or a replacement nursing home as a long-stay resident is not required to provide his or her request for a determination respecting his or her eligibility in the form provided by the Minister, if he or she is a long-stay resident of the original nursing home or was a long-stay resident of the original nursing home immediately before the closure of his or her bed in the home. O. Reg. 121/02, s. 8 (2).

(4) If a person applying for a determination of eligibility is going to be placed in category 1A under section 143, the person is not required to comply with clauses (1) (c) and (d) if there is insufficient time to comply with them. O. Reg. 373/94, s. 23; O. Reg. 121/02, s. 8 (3).

(5) The placement co-ordinator shall assist the person in obtaining the information and documentation that the person is required to provide to the placement co-ordinator under this section. O. Reg. 373/94, s. 23.

APPLICATION FOR AUTHORIZATION OF ADMISSION

135. A person may apply for authorization of his or her admission to a nursing home only after the person has been determined by a placement co-ordinator to be eligible for admission. O. Reg. 373/94, s. 23.

136. (1) To apply for authorization of his or her admission to a nursing home, a person shall provide to the placement co-ordinator designated for the home under subsection 20.1 (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 134 (1) (c) and (d) if,
 - (i) the person was not required to provide those items when the person applied for the determination of his or her eligibility, and
 - (ii) in the opinion of the placement co-ordinator, the licensee of the home does not have sufficient other information about the person to determine whether to give or withhold approval for the person's admission to the home; and
- (c) such additional information and documentation as is necessary to enable the placement co-ordinator to determine the category in which to place the person under sections 142 to 148.4 O. Reg. 373/94, s. 23; O. Reg. 181/95, s. 11; O. Reg. 121/02, s. 9 (1).

(1.1) Despite clause (1) (a), a request for authorization of admission need not be in writing if it is a request for authorization of admission as a long-stay resident with respect to a related temporary nursing home, a re-opened nursing home or a replacement nursing home made by a person who is a long-stay resident of the original nursing home or was a long-stay resident of the original nursing home immediately before the closure of his or her bed in the home. O. Reg. 121/02, s. 9 (2).

(2) The placement co-ordinator shall assist the person in obtaining the information and documentation that the person is required to provide to the placement co-ordinator under this section. O. Reg. 373/94, s. 23.

APPROVAL BY LICENSEE

137. (1) Subject to sections 137.1 and 138.1, when a person who has been determined by a placement co-ordinator to be eligible for admission to a nursing home applies for authorization of his or her admission to a particular nursing home, the placement co-ordinator designated for the home under subsection 20.1 (3) of the Act shall,

- (a) give the licensee of the home the information possessed by the placement co-ordinator that is relevant to the licensee's determination of whether to give or withhold approval for the person's admission to the home; and
- (b) request the licensee to determine whether to give or withhold approval for the person's admission to the home. O. Reg. 373/94, s. 23; O. Reg. 121/02, s. 10.

(2) A licensee of a nursing 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 licensee approves the person's admission; or
- (b) if the licensee is withholding approval for the person's admission, give the written notice required under subsection 20.1 (15) of the Act to the persons mentioned in subsection 20.1 (15) of the Act. O. Reg. 373/94, s. 23.

(3) In counting five days for the purpose of subsection (2), holidays shall not be included. O. Reg. 373/94, s. 23.

(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. 373/94, s. 23.

137.1 (1) A placement co-ordinator shall not provide the information and request referred to in subsection 137 (1) to a licensee of a nursing home selected by an applicant if, at that point in time, the total number of nursing homes, approved charitable homes for the aged under the *Charitable Institutions Act* and homes under the *Homes for the Aged and Rest Homes Act*, which have approved or are considering the applicant’s admission, is three or more. O. Reg. 121/02, s. 11.

(2) If, at a later point in time, the total number of nursing homes, approved charitable homes for the aged under the *Charitable Institutions Act* and homes under the *Homes for the Aged and Rest Homes Act*, which have approved or are considering the applicant’s admission, is less than three, the placement co-ordinator may then provide the information and request referred to in subsection 137 (1) to a licensee of another nursing home selected by the applicant so long as, at any point in time, the total number of nursing homes, approved charitable homes for the aged under the *Charitable Institutions Act* and homes under the *Homes for the Aged and Rest Homes Act*, which have approved or are considering the applicant’s admission, does not exceed three. O. Reg. 121/02, s. 11.

(3) This section does not apply to a person who will be placed in category 1A or the short-stay category on the waiting list for the nursing home if the licensee approves his or her admission to the home. O. Reg. 121/02, s. 11.

138. (1) Subject to section 138.1, a licensee may withdraw an approval of a person’s admission to a nursing 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 20.1 (14) of the Act exists. O. Reg. 373/94, s. 23; O. Reg. 121/02, s. 12.

(2) A licensee who withdraws an approval of a person’s admission to a nursing home under subsection (1) shall give to the person, the Director and the placement co-ordinator designated for the home under subsection 20.1 (3) of the Act a written notice,

- (a) stating that the licensee is withdrawing the approval of the person’s admission; and
- (b) setting out the ground or grounds on which the licensee is withholding approval and a detailed explanation of the supporting facts. O. Reg. 373/94, s. 23.

138.1 (1) Sections 137 and 138 do not apply to a related temporary nursing home, a re-opened nursing home or a replacement nursing home. O. Reg. 121/02, s. 13.

(2) The licensee of a related temporary nursing home, a re-opened nursing home or a replacement nursing home shall be deemed to approve the admission to the home as a long-stay resident of any person who is a long-stay resident of the original nursing home or was a long-stay resident of the original nursing home immediately before the closure of his or her bed in the home. O. Reg. 121/02, s. 13.

KEEPING OF WAITING LIST

139. (1) Each placement co-ordinator shall keep a waiting list for each of the nursing homes for which the placement co-ordinator is designated under subsection 20.1 (3) of the Act. O. Reg. 639/98, s. 6.

(2) The placement co-ordinator shall place on the waiting list, rank for admission and remove from the list, in accordance with sections 140 to 150, any person described in section 140 other than a person who is to be placed on the waiting list for interim beds under section 153. O. Reg. 639/98, s. 6; O. Reg. 121/02, s. 14 (1).

(3) Each placement co-ordinator shall also keep a refusal list for the purposes of section 141. O. Reg. 121/02, s. 14 (2).

- 140.** (1) The placement co-ordinator designated for a nursing home under subsection 20.1 (3) of the Act shall place a person on the waiting list for the nursing home if, and only if,
- (a) the person is determined by a placement co-ordinator to be eligible for admission to a nursing home;
 - (b) the person applies in accordance with this Regulation for authorization of his or her admission to the home;
 - (c) the licensee of the home approves the person's admission to the home; and
 - (d) placing the person on the waiting list for the home will not result in the total number of waiting lists for nursing homes, approved charitable homes for the aged under the *Charitable Institutions Act* and homes under the *Homes for the Aged and Rest Homes Act* on which the person is placed exceeding three. O. Reg. 121/02, s. 15.
- (2) Clause (1) (d) does not apply to a person who will be placed in category 1A or the short-stay category on the waiting list. O. Reg. 121/02, s. 15.
- 141.** (1) A person shall be removed from the waiting list for each nursing home to which the person is awaiting admission as a long-stay resident and shall be placed on the refusal list if,
- (a) the person,
 - (i) is a long-stay resident of another nursing home, 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*, or
 - (ii) is not described in subclause (i) and does not occupy a bed in,
 - (A) a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,
 - (B) a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and that is not exempt under that section from the requirement to provide in-patient services in paragraph 1 of subsection 4 (1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act, or
 - (C) a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*; and
 - (b) a placement co-ordinator offers to authorize the person's admission to a nursing home, 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* as a long-stay resident, and the person,
 - (i) refuses to consent to admission,
 - (ii) refuses to enter into the written agreement mentioned in clause 155 (1) (e) of this Regulation, clause 86 (1) (e) of Regulation 69 of the Revised Regulations of Ontario, 1990 made under the *Charitable Institutions Act* or clause 12.21 (1) (e) of Regulation 637 of the Revised Regulations of Ontario, 1990 made under the *Homes for the Aged and Rest Homes Act*, as applicable, or
 - (iii) fails to move into the facility on or before the fifth day following the day on which he or she is informed of the availability of accommodation. O. Reg. 121/02, s. 15.
- (2) Subsection (1) does not apply if the reason the person acts in the manner described in subclause (1) (b) (i), (ii) or (iii) is that the person has a short-term illness or injury which,
- (a) prevents the person from moving into the facility at that time; or
 - (b) would make moving into the facility at that time detrimental to the person's health. O. Reg. 121/02, s. 15.
- (3) If a person described in subclause (1) (a) (i) is removed from the waiting list for a nursing home under subsection (1), the person shall be placed on the waiting list for the home again to await admission as a long-stay resident if,
- (a) the person provides to the placement co-ordinator designated for the home under subsection 20.1 (3) of the Act a new written request for authorization of his or her admission to the home as a long-stay resident; and
 - (b) placing the person on the waiting list for the home will not result in the total number of waiting lists for nursing homes, approved charitable homes for the aged under the *Charitable Institutions Act* and homes under the *Homes for the Aged and Rest Homes Act* on which the person is placed exceeding three. O. Reg. 121/02, s. 15.
- (4) If a person described in subclause (1) (a) (ii) is removed from the waiting list for a nursing home under subsection (1), the person shall be placed on the waiting list for the home again to await admission as a long-stay resident if,
- (a) the person provides to the placement co-ordinator designated for the home under subsection 20.1 (3) of the Act a new written request for authorization of his or her admission to the home as a long-stay resident and,
 - (i) the request is provided 24 weeks or more after the day the person was removed from the waiting list, or
 - (ii) the request is provided less than 24 weeks after the day the person was removed from the waiting list but there has been a deterioration in the person's condition or circumstances; and
 - (b) placing the person on the waiting list for the home will not result in the total number of waiting lists for nursing homes, approved charitable homes for the aged under the *Charitable Institutions Act* and homes under the *Homes for the Aged and Rest Homes Act* on which the person is placed exceeding three. O. Reg. 121/02, s. 15.

(5) Clause (4) (b) does not apply to a person who will be placed in category 1A on the waiting list for the home. O. Reg. 121/02, s. 15.

141.1 (1) A person may be removed from the waiting list for a nursing home to which the person is awaiting admission as a short-stay resident if the placement co-ordinator designated for the home under subsection 20.1 (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. 121/02, s. 15.

(2) A person who is removed from the waiting list for a nursing home under subsection (1) shall be placed on the waiting list for the home again to await admission as a short-stay resident if the person provides to the placement co-ordinator designated for the home under subsection 20.1 (3) of the Act a new written request for authorization of his or her admission to the home as a short-stay resident. O. Reg. 121/02, s. 15.

PLACEMENT INTO CATEGORIES ON WAITING LIST

142. Sections 143 to 148.4 apply only to persons who meet the requirements of section 140 or subsection 141 (3) or (4) or 141.1 (2) for placement on a waiting list. O. Reg. 121/02, s. 15.

143. (1) A person shall be placed in category 1A on the waiting list for a nursing home if the person requires immediate admission as a result of a crisis arising from the person's condition or circumstances. O. Reg. 121/02, s. 15.

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

(a) the person occupies a bed in,

(i) a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,

(ii) a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and is not exempt under that section from the requirement to provide in-patient services in paragraph 1 of subsection 4 (1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act, or

(iii) a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*; and

(b) there will be no bed for the person in the hospital or facility within six weeks as a result of,

(i) a permanent closure of all or some of the beds in the hospital or facility, or

(ii) a temporary closure of all or some of the beds in the hospital or facility due to an emergency or redevelopment. O. Reg. 121/02, s. 15.

(3) A person shall be placed in category 1A on the waiting list for a nursing home if,

(a) the person is a long-stay resident of another nursing home, 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*; and

(b) there will be no bed for the person in the facility within six weeks as a result of a permanent or temporary closure of all or some of the beds in the facility. O. Reg. 121/02, s. 15.

144. A person shall be placed in category 1B on the waiting list for a nursing home if,

(a) the person does not meet the requirements for placement in category 1A;

(b) the home is primarily engaged in serving the interests of persons of a particular religion, ethnic origin or linguistic origin; and

(c) the person is of the religion, ethnic origin or linguistic origin primarily served by the home. O. Reg. 121/02, s. 15.

144.1 REVOKED: O. Reg. 121/02, s. 15.

144.2 REVOKED: O. Reg. 121/02, s. 15.

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

(a) the person does not meet the requirements for placement in category 1A or 1B; and

(b) the person occupies a bed in,

(i) a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,

(ii) a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and is not exempt under that section from the requirement to provide in-patient services in paragraph 1 of subsection 4 (1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act, or

(iii) a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*. O. Reg. 121/02, s. 15.

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

(a) the person does not meet the requirements for placement in category 1A or 1B;

- (b) the person is a long-stay resident of another nursing home, 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*; and
 - (c) there will be no bed for the person in the facility within 16 weeks as a result of a permanent or temporary closure of all or some of the beds in the facility. O. Reg. 121/02, s. 15.
- (3) A person shall be placed in category 2 on the waiting list for a nursing home if,
- (a) the person does not meet the requirements for placement in category 1A or 1B;
 - (b) the person was or is a long-stay resident of another nursing home, 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*; and
 - (c) the person was or will be discharged from the facility,
 - (i) because the facility cannot provide a sufficiently secure environment to ensure the safety of that person or the safety of persons who come into contact with that person, or
 - (ii) because of an absence for the purpose of receiving medical or psychiatric care or undergoing medical or psychiatric assessment. O. Reg. 121/02, s. 15.
- (4) A person shall be placed in category 2 on the waiting list for a nursing home if,
- (a) the person does not meet the requirements for placement in category 1A or 1B; and
 - (b) the person requires admission within three months because,
 - (i) should there be any change in the person's condition or circumstances, the person would require immediate admission as a result of a crisis arising from the person's condition or circumstances, or
 - (ii) attending to the person's care needs is jeopardizing the health and well-being of the person's caregiver. O. Reg. 121/02, s. 15.
- (5) A person shall be placed in category 2 on the waiting list for a nursing home if,
- (a) the person does not meet the requirements for placement in category 1A or 1B; and
 - (b) the person's spouse or partner is a long-stay resident of the nursing home or neither the person nor his or her spouse or partner is a long-stay resident of the nursing home but both wish to reside in the nursing home. O. Reg. 121/02, s. 15.
- (6) If a person applies for authorization of his or her admission to a nursing home, a home under the *Homes for the Aged and Rest 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, if he or she wishes, be kept on the waiting lists for the person's preferred nursing homes and shall be placed in category 2. O. Reg. 121/02, s. 15.

146. Despite sections 143 to 145, a person shall be placed in the veteran category on the waiting list for a nursing home if,

- (a) the home contains veterans' priority access beds;
- (b) the person has applied for authorization of his or her admission to a veteran's priority access bed; and
- (c) the person is a veteran. O. Reg. 121/02, s. 15.

147. Despite sections 143 to 145, a person shall be placed in the exchange category on the waiting list for a nursing home if,

- (a) the person,
 - (i) occupies a bed in a hospital under the *Public Hospitals Act* or a private hospital licensed under the *Private Hospitals Act*,
 - (ii) occupies a bed in a facility that is designated as a psychiatric facility under section 80.2 of the *Mental Health Act* and is not exempt under that section from the requirement to provide in-patient services in paragraph 1 of subsection 4 (1) of Regulation 741 of the Revised Regulations of Ontario, 1990 made under that Act,
 - (iii) occupies a bed in a facility listed in Schedule 1 to Regulation 272 of the Revised Regulations of Ontario, 1990 made under the *Developmental Services Act*, or
 - (iv) is a long-stay resident of another nursing home, 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*;
- (b) the person is the subject of an agreement between the nursing 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; and
- (c) the result of the exchange will be that the person will become a resident of the nursing home to which the person seeks admission and a resident of the nursing home will be discharged. O. Reg. 121/02, s. 15.

148. Despite sections 143 to 145 and section 147 but subject to section 146, a person shall be placed in the related temporary nursing home category on the waiting list for a nursing home if,

- (a) the nursing home is or will be a related temporary nursing home; and

(b) the person is a long-stay resident of the original nursing home or was a long-stay resident of the original nursing home immediately before the closure of his or her bed in the home. O. Reg. 121/02, s. 15.

148.1 Despite sections 143 to 145 and section 147 but subject to section 146, a person shall be placed in the re-opened nursing home category on the waiting list for a nursing home if,

(a) the nursing home is or will be a re-opened nursing home; and

(b) the person is a long-stay resident of the original nursing home or was a long-stay resident of the original nursing home immediately before the temporary closure of his or her bed in the home. O. Reg. 121/02, s. 15.

148.2 Despite sections 143 to 145 and section 147 but subject to section 146, a person shall be placed in the replacement nursing home category on the waiting list for a nursing home if,

(a) the nursing home is or will be a replacement nursing home; and

(b) the person is a long-stay resident of the original nursing home or was a long-stay resident of the original nursing home immediately before the permanent closure of his or her bed in the home. O. Reg. 121/02, s. 15.

148.3 A person shall be placed in category 3 on the waiting list for a nursing home if the person does not meet the requirements for placement in any other category. O. Reg. 121/02, s. 15.

148.4 (1) Sections 143 to 148.3 do not apply to a person applying for authorization of admission to a nursing home as a short-stay resident in the respite care or supportive care program. O. Reg. 121/02, s. 15.

(2) A person referred to in subsection (1) shall be placed in the short-stay category on the waiting list for the nursing home. O. Reg. 121/02, s. 15.

RANKING OF CATEGORIES

149. For each class of beds set out in a column of Table 4, the categories on the waiting list shall be ranked in the order set out in the rows below that class of beds, such that a category mentioned in a higher row ranks ahead of a category mentioned in a lower row. O. Reg. 121/02, s. 15.

RANKING WITHIN CATEGORIES

150. (1) Within a waiting list category set out in Column 1 of Table 5, persons shall be ranked for admission in accordance with the rules set out opposite the category in Column 2 of Table 5. O. Reg. 121/02, s. 15.

(2) If, within six weeks after making his or her first application for authorization of admission to one or more nursing homes, homes under the *Homes for the Aged and Rest 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 facilities, a person makes one or more additional applications for authorization of his or her admission to one or more nursing homes as a long-stay resident, the additional applications made within the six-week period shall, for the purpose of Table 5, be deemed to have been made at the time that the first application was made. O. Reg. 121/02, s. 15.

(3) If a person who was determined by a placement co-ordinator to be ineligible for admission to a nursing 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 20.5 (2) of the Act or an appeal to the Divisional Court under subsection 20.8 (1) of the Act, and if the person then makes an application for authorization of his or her admission to one or more nursing homes, homes under the *Homes for the Aged and Rest Homes Act* or approved charitable homes for the aged under the *Charitable Institutions Act* as a long-stay resident,

(a) that application for authorization shall, for the purposes of Table 5, be deemed to have been made at the time that the placement co-ordinator determined that the person was ineligible for admission; and

(b) all additional applications for authorization of admission to one or more nursing homes as a long-stay resident, made by the person within six weeks after making the first application and before being admitted to one of such facilities shall, for the purpose of Table 5, be deemed to have been made at the time that the first application is deemed under clause (a) to have been made. O. Reg. 121/02, s. 15.

(4) Despite subsection (2), if a person provides to the placement co-ordinator designated for a nursing home under subsection 20.1 (3) of the Act a new request for authorization of admission to the home under subsection 141 (3) or (4) or 141.1 (2), the person shall, for the purpose of Table 5, be deemed to have applied for authorization of admission to the home at the time of the provision of the new request. O. Reg. 121/02, s. 15.

151. REVOKED: O. Reg. 121/02, s. 15.

152. REVOKED: O. Reg. 121/02, s. 15.

WAITING LIST FOR INTERIM BEDS

153. (1) The placement co-ordinator designated under subsection 20.1 (3) of the Act for a nursing home that has entered into a service agreement for interim beds shall keep a waiting list for admission to the interim beds. O. Reg. 639/98, s. 10.

(2) REVOKED: O. Reg. 121/02, s. 16 (1).

(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 139. O. Reg. 639/98, s. 10.

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

- (a) the person meets the requirements of section 140;
 - (b) the person is a patient in a hospital that is a public hospital as defined in section 1 of the *Public Hospitals Act*;
 - (c) a physician has determined that the person does not require the acute care services provided by the hospital; and
 - (d) the person has applied for authorization of his or her admission to an interim bed in the nursing home. O. Reg. 639/98, s. 10; O. Reg. 121/02, s. 16 (2, 3).
- (5) Persons on a waiting list for interim beds for a nursing home shall be ranked for admission according to the time at which they applied for authorization of their admission to an interim bed in that home. O. Reg. 121/02, s. 16 (4).
- (6) Subsections 150 (2) and (3) apply with necessary modifications to the ranking of persons on a waiting list for interim beds for a nursing home. O. Reg. 121/02, s. 16 (4).

CHANGE OF CATEGORY

- 154.** (1) If a placement co-ordinator knows of a change in the condition or circumstances of a person who is on a waiting list kept by the placement co-ordinator or knows of a change in a nursing home for which the person is on the waiting list, and if the person should be placed in a different category on the waiting list under sections 142 to 148.4 as a result of the change in his or her condition or circumstances or as a result of the change in the home, the placement co-ordinator shall place the person in the different category. O. Reg. 186/95, s. 6; O. Reg. 121/02, s. 17 (1).
- (2) If a person who is on the waiting list for a nursing home should be placed in a different category on the waiting list as a result of amendments made to this Regulation by Ontario Regulation 121/02, the placement co-ordinator keeping the waiting list shall place the person in the different category. O. Reg. 121/02, s. 17 (2).

AUTHORIZATION OF ADMISSION

- 155.** (1) Subject to section 156, the placement co-ordinator designated for a nursing home under subsection 20.1 (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 20.1 (13) of the Act are met;
 - (b) the licensee of the home has not withdrawn the approval of the person's admission under section 138;
 - (c) the home has available the class of accommodation for which the person is recorded to be waiting;
 - (d) there is no one on the waiting list for the home who is recorded to be waiting for the class of accommodation that is available, who ranks ahead of the person, and whose admission may be authorized under this section; and
 - (e) in the case of a person who is applying for authorization of his or her admission to the home as a long-stay resident, the person agrees in writing with the licensee of the home that,
 - (i) the person will move into the home before noon of the fifth day following the day on which he or she is informed of the availability of accommodation in the home,
 - (ii) if the person moves into the home before noon of the fifth day following the day on which he or she is informed of the availability of accommodation in the home, the person will pay,
 - (A) for each day following the day on which the person is informed of the availability of accommodation in the home and preceding the day on which the person moves into the home, the amount that the licensee would have charged him or her for accommodation for that day had he or she been a long-stay resident lodged in the available accommodation on that day, and
 - (B) if the person moves into the home on or after the third day following the day on which he or she is informed of the availability of accommodation in the home, the daily bed-holding amount as determined under section 47 for each day from and including the second day following the day on which the person is informed of the availability of accommodation in the home and preceding the day on which the person moves into the home, and
 - (iii) if the person does not move into the home before noon of the fifth day following the day on which he or she is informed of the availability of accommodation in the home, the person will pay,
 - (A) for each of the five days following the day on which the person is informed of the availability of accommodation in the home, the amount that the licensee would have charged him or her for accommodation for that day had he or she been a long-stay resident lodged in the available accommodation on that day, and
 - (B) for each of the second, third, fourth and fifth days following the day on which the person is informed of the availability of accommodation in the home, the daily bed-holding amount as determined under section 47.
 - (f) REVOKED: O. Reg. 121/02, s. 18 (2).

O. Reg. 373/94, s. 23; O. Reg. 181/95, s. 12 (1); O. Reg. 121/02, s. 18 (1, 2).

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

1. Accommodation for a woman in a respite care or supportive care program.
2. Accommodation for a man in a respite care or supportive care program.

3. Basic accommodation for a woman other than in a respite care or supportive care program.
4. Basic accommodation for a man other than in a respite care or supportive care program.
5. Semi-private accommodation for a woman other than in a respite care or supportive care program.
6. Semi-private accommodation for a man other than in a respite care or supportive care program.
7. Private accommodation for a woman other than in a respite care or supportive care program.
8. Private accommodation for a man other than in a respite care or supportive care program. O. Reg. 121/02, s. 18 (3).

(2.1) Despite subsection (1), a placement co-ordinator designated under subsection 20.1 (3) of the Act for a nursing 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 153 (4). O. Reg. 639/98, s. 11.

(2.2) REVOKED: O. Reg. 121/02, s. 18 (4).

(3) A placement co-ordinator who authorizes a person's admission to a nursing home as a long-stay resident shall cancel the authorization if the person does not move into the home before noon of the fifth day following the day on which the person is informed of the availability of accommodation in the home. O. Reg. 373/94, s. 23; O. Reg. 181/95, s. 12 (2); O. Reg. 121/02, s. 18 (5).

(4) A placement co-ordinator who authorizes a person's admission to a nursing 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. 373/94, s. 23.

(5) A licensee of a nursing home shall inform the placement co-ordinator designated for the home under subsection 20.1 (3) of the Act of available accommodation in the home within 24 hours after the accommodation becomes available. O. Reg. 121/02, s. 18 (6).

156. The placement co-ordinator designated for a nursing home under subsection 20.1 (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 155 and,

- (a) the person applied for authorization of his or her admission to the home's respite care or supportive care program; or
- (b) the person did not apply for authorization of his or her admission to the home's respite care or supportive care program, the person is in category 1A on the waiting list for the home at the time of authorization of his or her admission, and the person's condition or circumstances are such that the placement co-ordinator believes that the person will be able to return to his or her residence within 14 days after admission to the home. O. Reg. 373/94, s. 23; O. Reg. 121/02, s. 19.

157. (1) When a placement co-ordinator authorizes the admission of a person to a nursing 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. 373/94, s. 23.

(2) No placement co-ordinator shall authorize the admission of a person to a nursing home as a short-stay resident in the respite care program for a stay exceeding 60 days. O. Reg. 373/94, s. 23.

(3) No placement co-ordinator shall authorize the admission of a person to a nursing home as a short-stay resident in the supportive care program for a stay exceeding 90 days. O. Reg. 373/94, s. 23.

(4) No placement co-ordinator shall authorize the admission of a person to a nursing 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 nursing home, a home under the *Homes for the Aged and Rest Homes Act* or an approved charitable home for the aged under the *Charitable Institutions Act*, exceeds 90 days. O. Reg. 373/94, s. 23.

(5) No placement co-ordinator shall authorize the admission of a person to a nursing home as a short-stay resident under clause 156 (b) for a stay exceeding 14 days. O. Reg. 373/94, s. 23; O. Reg. 537/94, s. 3.

(6) No person whose admission has been authorized for a stay in the respite care or supportive care program of a nursing home shall apply for authorization of admission to extend the stay, before the last day of the stay. O. Reg. 373/94, s. 23.

TRANSFER LIST

- 158.** (1) A licensee of a nursing home shall keep a transfer list consisting of,
- (a) the names of the residents of the home who are requesting a transfer from preferred accommodation in the home to basic accommodation in the home; and
 - (b) the names of the residents of the home who are requesting a transfer from private accommodation in the home to semi-private accommodation in the home. O. Reg. 121/02, s. 20.
- (2) The licensee shall notify each resident on the transfer list monthly of his or her rank on the transfer list. O. Reg. 373/94, s. 23.

TABLE 1

SUBSIDY CALCULATION WORKSHEET

ITEM	COLUMN 1	COLUMN 2
	Year	Documents and Forms
1.	1993 and 1994	The document titled "Long-Term Care Facility Subsidy Calculation"

		Worksheet — Nursing Homes” 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. 340/96, s. 9; O. Reg. 9/97, s. 8; O. Reg. 43/98, s. 4; O. Reg. 639/98, s. 12; O. Reg. 180/01, s. 6; O. Reg. 121/02, s. 21.

TABLE 2 REVOKED: O. Reg. 340/96, s. 9.

TABLE 3

RESIDENT PAYMENTS

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7	COLUMN 8
	Period	Short-Stay Daily Maximum	Long-Stay Basic Monthly Maximum	Long-Stay Basic Daily Maximum	Long-Stay Semi-Private Monthly Maximum	Long-Stay Semi-Private Daily Maximum	Long-Stay Private Monthly Maximum	Long-Stay Private Daily Maximum
1.	From and including July 1, 1993 to and including June 30, 1994	\$26.64	\$1,182.30	\$38.87	\$1,425.63	\$46.87	\$1,729.80	\$56.87
2.	From and including July 1, 1994 to and including June 30, 1995	26.94	1,198.53	39.40	1,441.72	47.40	1,745.88	57.40
3.	From and including July 1, 1995 to and including June 30, 1996	27.00	1,201.23	39.49	1,444.56	47.49	1,748.73	57.49
4.	From and including July 1, 1996 to and including June 30, 1997	27.51	1,225.62	40.29	1,468.95	48.29	1,773.12	58.29
5.	From and including July 1, 1997 to and including June 30, 1998	28.08	1,252.04	41.16	1,495.37	49.16	1,799.54	59.16
6.	From and including July 1, 1998 to and including July 31, 1999	28.34	1,264.01	41.56	1,507.34	49.56	1,811.51	59.56
7.	From and 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	29.29	1,308.89	43.03	1,552.22	51.03	1,856.39	61.03

	1, 2000 to and including June 30, 2001							
9.	From and including July 1, 2001 to and including August 31, 2002	30.24	1,353.73	44.51	1,597.06	52.51	1,901.23	62.51
10.	From and including September 1, 2002	30.90	1,445.71	47.53	1,689.04	55.53	1,993.21	65.53

O. Reg. 181/95, s. 14; O. Reg. 219/96, s. 3; O. Reg. 196/97, s. 4; O. Reg. 233/98, s. 7; O. Reg. 373/99, s. 4; O. Reg. 302/00, s. 3; O. Reg. 180/01, s. 7; O. Reg. 121/02, s. 22; O. Reg. 233/02, s. 3 (2).

TABLE 4
RANKING OF WAITING LIST CATEGORIES

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

O. Reg. 121/02, s. 23.

TABLE 5
RULES FOR RANKING WITHIN CATEGORIES

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

		authorization of their admission to the nursing home.
3.	1A	Persons shall be ranked according to the urgency of their need for admission.
4.	All categories, other than those in items 1, 2, 3 and 5	(a) Persons who are continuum of care applicants on the waiting list for the continuum of care nursing home shall rank ahead of all other persons in the same category. (b) As among themselves, persons in the same category who are continuum of care applicants shall be ranked according to the time at which they applied for authorization of their admission to the nursing home. (c) As among themselves, persons in the same category who are not continuum of care applicants shall be ranked according to the time at which they applied for authorization of their admission to the nursing home.
5.	Short-stay	Persons shall be ranked according to the time at which they applied for authorization of their admission to the nursing home.

O. Reg. 121/02, s. 23.

Schedule 1

- | | |
|-------------|---------------------|
| <i>Item</i> | <i>Nursing Home</i> |
|-------------|---------------------|
1. Atikokan General Hospital (nursing home unit)
 2. Dryden District General Hospital (nursing home unit)
 3. Espanola Nursing Home (nursing home unit)
 4. Geraldton District Hospital (nursing home unit)
 5. Hornepayne Community Hospital (nursing home unit)
 6. Nipigon District Memorial Hospital (nursing home unit)
 7. Smooth Rock Falls Hospital (nursing home unit)
 8. Bingham Memorial Hospital, The Rosedale Centre (nursing home unit)
 9. Sioux Lookout District Health Centre, William A. "Bill" George (nursing home unit)
 10. St. Joseph's Health Centre, Golden Birches Terrace (nursing homes unit)

O. Reg. 378/93, s. 35.

Schedule 2

- | | |
|-------------|------------------|
| <i>Item</i> | <i>Provision</i> |
|-------------|------------------|
1. Section 1
 2. Subsections 2 (1) to (4)
 3. Section 3
 4. Clauses 10 (h) and (l)
 5. Subsections 11 (1), (2), (3), (6), (8) and (9)
 6. Section 17
 7. Subsection 20 (5)
 8. REVOKED: O. Reg. 373/94, s. 24 (1).
 9. Subsection 47 (1), subclause 47 (2) (a) (i), clause 47 (2) (b), subclause 47 (2) (c) (i) and clauses 47 (2) (d) and (e)
 10. Sections 47.2, 47.3, 47.4, 48 and 49
 11. Subsections 51 (2) and (3)
 12. Sections 52 and 55
 13. Subsections 56 (4) to (12) and 60 (1) and (3)
 14. Sections 62, 72, 77.1, 78, 79, 80, 86 and 87
 15. Paragraphs 4 and 5 of subsection 95 (1)
 16. Subsections 95 (1.1) and (1.2) and 98 (2)
 17. Sections 103, 114 to 116.1 and 118 to 158

O. Reg. 378/93, s. 35; O. Reg. 316/94, s. 5; O. Reg. 373/94, s. 24; O. Reg. 537/94, s. 5; O. Reg. 181/95, s. 16; O. Reg. 194/95, s. 5.

Schedule 3

- | | |
|-------------|---------------------|
| <i>Item</i> | <i>Nursing Home</i> |
|-------------|---------------------|
1. Iroquois Lodge Nursing Home, Ohswéken
 2. Wikwemikong Nursing Home, Wikwemikong
 3. Akwesasne Adult Care Centre, Cornwall

O. Reg. 373/94, s. 25.

Form 1 REVOKED: O. Reg. 588/94, s. 12.

Form 2 REVOKED: O. Reg. 378/93, s. 37.

Form 3 REVOKED: O. Reg. 373/94, s. 27.

Form 4

Nursing Homes Act

FIRE ALARM SYSTEM INSPECTION CERTIFICATE

Name of Nursing Home

1. Were all circuits tested electronically?

Yes No

2. i. Are all detectors, circuits, sounding devices and manual stations properly wired and electrically supervised?

Yes No

ii. If not, list any deficiencies found.....

3. i. Were any components replaced?

Yes No

ii. If so, identify components replaced and their location

4. Were all manual stations checked?

Yes No

5. Are batteries approved for fire alarm systems?

Yes No

6. i. Is standby power other than batteries?

Yes No

ii. Specify:

7. Are all components U.L.C. or C.S.A. approved and installed according to their listing?

Yes No

8. Was fire department transmission line tested, if any?

Yes No

9. Does the system incorporate?

- i. air expansion detection devices Yes..... No.....
- ii. sprinklers..... Yes..... No.....
- iii. products of combustion detectors..... Yes..... No.....

10. Is the visible and audible remote control alarm in operating condition?

Yes No

11. Are the "Power On" and "Trouble" signals in operating condition?

Yes No

12. Was the sprinkler system, if any, flow tested?

Yes No

13. i. Are there any other deficiencies in the fire alarm system?

Yes No

ii. Specify:

14. What action is being taken to correct the deficiencies?

.....

15. Describe any work done on the fire alarm system.....

Date Signed.....

Company represented

R.R.O. 1990, Reg. 832, Form 4.

Form 6 REVOKED: O. Reg. 378/93, s. 37.

Form 7 REVOKED: O. Reg. 378/93, s. 37.