

chapter S-4.2, r. 0.01

Regulation respecting the certification of private seniors’ residences

Act respecting health services and social services
(chapter S-4.2, ss. 346.0.1, 346.0.3, 346.0.6, 346.0.7, 346.0.20 and 346.0.20.1).

Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies
(chapter O-7.2, s. 46, 2nd par.).

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CHAPTER I

GENERAL

O.C. 259-2018, c. I.

DIVISION I

SCOPE AND INTERPRETATION

O.C. 259-2018, Div. I.

1. A private seniors' residence referred to in the second paragraph of section 346.0.1 of the Act respecting health services and social services (chapter S-4.2) belongs to one of the following categories:

(1) category 1, comprising private seniors' residences operated on a not-for-profit basis that offer various services for independent elderly persons in at least 2 of the following categories of services: meal services, domestic help services, security services and recreation services;

(2) category 2, comprising private seniors' residences operated on a for-profit basis that offer various services for independent elderly persons in at least 2 of the following categories of services: meal services, domestic help services, security services and recreation services;

(3) category 3, comprising private seniors' residences operated on a for-profit or not-for-profit basis that offer various services for semi-independent elderly persons in at least

(a) one of the following 4 categories of services: meal services, domestic help services, security services and recreation services; and

(b) one of the following 2 categories of services: personal assistance services and nursing care;

(4) category 4, comprising private seniors' residences operated on a for-profit or not-for-profit basis that offer personal assistance services and nursing care for elderly persons with a moderate to severe loss of functional physical or cognitive autonomy, along with services in at least one of the following 4 categories of services: meal services, domestic help services, security services or recreation services.

A residence operated by a natural person is deemed to be operated on a for-profit basis.

O.C. 259-2018, s. 1; O.C. 1574-2022, s. 1.

1.1. Where a congregate residential facility is occupied by the residents of a private seniors' residence and also by users taken in charge by an intermediate resource or family-type resource, users lodged in a facility maintained by a private institution, or other occupants, the rental units of the residents of the residence must be adjacent to each other and form a separate set of resources, facilities and other spaces within the building.

The first paragraph also applies when the building houses more than 1 private seniors' residence. If this provision is not complied with, each residence is subject to the requirements of the highest category.

O.C. 1574-2022, s. 1.

2. For the purposes of the second paragraph of section 346.0.1 of the Act respecting health services and social services (chapter S-4.2) and this Regulation,

(1) "domestic help services" means any of the following services:

(a) housekeeping services in rental units;

(b) laundry services for clothing and bedding;

(c) medication distribution, namely, the physical delivery of medication to a resident who is able to administer it personally;

(2) “personal assistance services” means any of the following services:

(a) feeding, personal hygiene and maintenance of the person, dressing and bathing assistance services;

(b) invasive care involved in assistance with activities of daily living, when required on a long-term basis to maintain a person’s health;

(c) the administration of medication, namely the control of the medication by a staff member at the residence and assistance for the resident in taking the medication;

(3) “recreation services” means organized recreation or entertainment services to promote socialization provided by the operator to the residents, in particular in the form of physical, mental, social or creative activities;

(4) “meal services” means the supply or availability, in the residence and on a daily basis, of one or more meals;

(5) “security services” means the full-time presence in a residence of a person responsible for providing supervision and of equipment to ensure the safety of residents;

(6) “nursing care” means the exercise in a residence, by a nurse or a nursing assistant who is on the residence’s staff, of activities reserved by law to the nursing profession;

(7) *(subparagraph replaced)*.

For the purposes of subparagraph 4 of the first paragraph, the fact that an operator suspends meal services occasionally or sporadically cannot be used to support an inference that it does not offer such services.

O.C. 259-2018, s. 2; O.C. 1574-2022, s. 2.

3. Only the operator of a category 1 or 2 private seniors’ residence may offer residents consultation services.

Despite the first paragraph, the operator of a residence referred to in that paragraph housing fewer than 6 residents or with fewer than 10 rental units may not offer consultation services.

For the purposes of this Regulation, “consultation services” means services dispensed by a nurse or a nursing assistant who is a member of the staff at the residence, in a room at the residence, to residents who wish to obtain a consultation concerning a health problem. Similarly, the supply of such services by an operator does not constitute the supply of nursing care within the meaning of subparagraph 6 of the first paragraph of section 2.

O.C. 259-2018, s. 3; O.C. 1574-2022, s. 3.

4. *(Revoked)*.

O.C. 259-2018, s. 4; O.C. 1574-2022, s. 4.

5. Sections 13, 13.2, 15, 27.1, 37, 39 and 50 and the second and third paragraphs of section 53 do not apply to the operator of a private seniors’ residence housing fewer than 6 residents. However, those provisions apply to the operator if the residence is Part of a congregate residential facility occupied as provided for in the first paragraph of section 1.1.

Section 15 and the second paragraph of section 53 do not apply to the operator of a category 1 residence which, although not covered by the first paragraph, has fewer than 10 rental units.

Section 27.1, the second paragraph of section 39, subparagraph 1 of the third paragraph of section 50 and the second and third paragraphs of section 53 do not apply to the operator of a category 2, 3 or 4 residence which, although not covered by the first paragraph, has fewer than 10 rental units.

O.C. 259-2018, s. 5; O.C. 1574-2022, s. 5.

6. This Regulation and sections 346.0.1 to 346.0.21 of the Act respecting health services and social services (chapter S-4.2) do not apply to the operator of a private seniors' residence housing exclusively fewer than 6 persons who are related to the operator by blood, marriage, civil union or de facto union.

O.C. 259-2018, s. 6; O.C. 1574-2022, s. 6.

DIVISION II

REGISTER

O.C. 259-2018, Div. II.

7. In addition to the information provided for in the third paragraph of section 346.0.1 of the Act respecting health services and social services (chapter S-4.2), an integrated health and social services centre must collect and update the following information for the purposes of constituting and keeping the register of private seniors' residences:

- (1) the name and address of the residence and its opening date;
- (2) the name and address of the operator and, in the case of a legal person or partnership, its name, mode of constitution and the business number assigned by the enterprise registrar in accordance with the Act respecting the legal publicity of enterprises (chapter P-44.1);
- (3) the name and address of the shareholders or, as the case may be, partners;
- (4) the date on which the operator took possession of the residence;
- (5) where applicable,
 - (a) the banner under which a private seniors' residence is operated, when other residences are operated under the same banner;
 - (b) the name and address of each of the other residences operated by that operator;
- (6) where applicable, the name of the associations representing private seniors' residences of which the operator is a member;
- (7) the total number of rental units in the congregate residential facility;
- (8) the total number and the number of the rental units that form the private seniors' residence, also specifying whether they are rooms or apartments;
- (9) the number of residents in each of the determined age groups;
- (10) whether or not consultation services are offered;
- (11) *(subparagraph replaced)*;

(12) where applicable, for each work shift, the number of staff members in charge of providing personal assistance services, the number of nurses and nursing assistants present in the residence and the total number of staff members present in the residence.

For the purposes of the register, the integrated centre must also collect and update the following information on the building pursuant to the third paragraph of section 346.0.1 of the Act respecting health services and social services:

- (1) the number of floors in the residence and whether or not the residence is equipped with elevators;
- (2) the type of construction of the building;
- (3) the characteristics of the building's basement and its use, if applicable;
- (4) whether or not there is an access ramp to the building;
- (5) whether or not the residence is equipped with a sprinkler system and the drinking water supply source;
- (6) whether or not there are hot water mixing valves;
- (7) the presence of an alternative source to the main electric power supply source;
- (8) whether or not the residence is equipped with air conditioning in the common areas or rental units.

O.C. 259-2018, s. 7; O.C. 1574-2022, s. 7.

CHAPTER II

OPERATION OF A PRIVATE SENIORS' RESIDENCE

O.C. 259-2018, c. II.

DIVISION I

GENERAL

O.C. 259-2018, Div. I.

8. The operator of a private seniors' residence must make sure that all the provisions of this Regulation are complied with in the residence.

More specifically, the operator must make sure that the residents and their close relatives are treated with courtesy, fairness and understanding. Similarly, the operator must promote a culture of well-treatment in the residence.

The operator must also, on request by the body recognized by the Minister under the second paragraph of section 346.0.4.1 of the Act respecting health services and social services (chapter S-4.2) or by a person authorized to carry out an inspection in accordance with section 346.0.9 of the Act, provide any document attesting that the provisions of this Regulation are complied with, within no more than 48 hours.

O.C. 259-2018, s. 8; O.C. 1574-2022, s. 8.

9. In addition to the words "private seniors' residence" provided for in section 346.0.20.1 of the Act respecting health services and social services (chapter S-4.2), a congregate residential facility may not be operated under a name including the words listed in Schedule I if the operator does not hold a temporary certificate of compliance or a certificate of compliance.

Likewise, the operator of such a facility may not use a logo or another sign that could lead to believe that the facility is operated as a private seniors' residence if the operator does not hold a certificate of compliance or a temporary certificate of compliance.

O.C. 259-2018, s. 9.

DIVISION II

TEMPORARY CERTIFICATE OF COMPLIANCE

O.C. 259-2018, Div. II.

10. In addition to the conditions set out in the Act respecting health services and social services (chapter S-4.2), every person or partnership applying for a temporary certificate of compliance must meet the following conditions:

(1) neither the person or partnership, nor any officer of the residence, may have held a temporary certificate of compliance or a certificate of compliance that, in the 3 years prior to the application, was revoked or was not renewed pursuant to section 346.0.11 of the Act respecting health services and social services;

(2) neither the person or partnership, nor any officer of the residence, may, in the 3 years prior to the application, have been refused the issue of a certificate of compliance pursuant to the Act respecting health services and social services;

(3) neither the person or partnership, nor any officer of the residence, may, in the 3 years prior to the application, have been found guilty of an offence under section 531.1 of the Act respecting health services and social services;

(4) neither the person or partnership, nor any officer of the residence, may have been party to an agreement entered into with a public institution in order to call upon its services as an intermediate resource or family-type resource and that, in the 3 years prior to the application, was cancelled or was not renewed by such an institution for serious reasons.

In addition, a legal person one of the directors of which or whose chief officer acts or has already acted as officer or director of a legal person that does not meet the conditions provided for in any of subparagraphs 1 to 4 of the first paragraph or that would not meet them if it still existed must demonstrate to the integrated health and social services centre that it will take the measures necessary for ensuring compliance with this Regulation.

O.C. 259-2018, s. 10; O.C. 1574-2022, s. 9.

11. Every person or partnership applying for a temporary certificate of compliance must provide the integrated health and social services centre with the following information and documents:

(1) the name and contact information of the person or partnership and the officers of the residence;

(2) the address where the applicant wishes to receive correspondence, if different from the address provided for the applicant under subparagraph 1;

(3) the name and address of the residence for which the application is made;

(4) where applicable, the name and address of any residence for which the applicant holds or has held a temporary certificate of compliance or a certificate of compliance;

(5) where applicable, a copy of the registration declaration filed in the enterprise register pursuant to the Act respecting the legal publicity of enterprises (chapter P-44.1) and the business number assigned to the applicant;

(6) the category to which the residence covered by the application will belong;

(7) a description of the target clientele, of all the services offered in the residence and their cost, and the residence's capacity for providing services and receiving persons with a disability;

(8) the number of planned rental units that will form the private seniors' residence, specifying whether they are rooms or apartments;

(9) a written declaration by the applicant, in the case of a natural person, and by each officer of the residence and, where applicable, by each director, stating that they are aware of all the relevant provisions of the Act respecting health services and social services (chapter S-4.2) and the provisions of this Regulation and that they undertake to comply or ensure compliance with those provisions from the beginning of the period of validity of the temporary certificate of compliance;

(10) a written declaration by the applicant and by each officer of the residence and, where applicable, by each director, who is, or has been, charged with or convicted of an indictable or other offence, unless, in the case of a conviction, a pardon has been obtained, along with all the information required for the verification of the declaration by a police force and written consent, from each person concerned, to the verification and to the disclosure of the results of the verification to the integrated centre by the police force;

(11) an attestation from the municipality where the residence will be situated confirming that the project does not violate any zoning by-law;

(12) an attestation from a professional, such as an architect or engineer, confirming that the building or part of a building that will house the residence complies with the standards applicable to private seniors' residences in the Safety Code (chapter B-1.1, r. 3).

In addition, where the application is made by a legal person or a partnership, the applicant must provide

(1) a certified copy of its constituting act or partnership agreement, as the case may be;

(2) a copy of the initial declaration filed in the enterprise register under the Act respecting the legal publicity of enterprises; and

(3) a certified copy of the resolution authorizing the application.

A copy of the declaration and consent provided for in subparagraph 10 of the first paragraph must be kept for 5 years following the departure of the person concerned by the declaration or consent.

Where a person or partnership wishes to apply for a temporary certificate of compliance in order to operate more than one residence in the same congregate residential facility, a single application must be submitted to the integrated health and social services centre for all the residences concerned. The first, second and third paragraphs apply, with the necessary modifications.

O.C. 259-2018, s. 11; O.C. 1574-2022, s. 10.

DIVISION III

HEALTH AND SOCIAL CRITERIA FOR CERTIFICATION

O.C. 259-2018, Div. III.

§ 1. — *General*

O.C. 259-2018, Sd. 1.

12. The operator of a private seniors' residence must, in order to obtain or renew a certificate of compliance, comply with the health and social criteria provided for in this Division that apply to the operator's residence.

Where more than one residence is operated by the same operator in the same congregate residential facility, the certificates of compliance issued by the integrated health and social services centre concerned must be brought together in a single document, identifying each residence separately.

O.C. 259-2018, s. 12; O.C. 1574-2022, s. 11.

13. Before entering into a lease, the operator of a private seniors' residence must give a person wishing to become a resident or, where applicable, that person's representative, a copy of the code of ethics referred to in section 36 as well as the document containing general information about the residence referred to in section 37.

O.C. 259-2018, s. 13; O.C. 1574-2022, s. 12.

13.1. The operator of a private seniors' residence may, with written consent from a person wishing to become a resident or, where applicable, that person's representative, proceed with or request the identification of the person's loss of autonomy. The identification must be conducted using the Prisma-7 tool for the identification of persons with decreasing autonomy.

The operator may also, in the same manner, proceed with or request an assessment of the person's autonomy to allow the person or, where applicable, the person's representative, first, to identify the care and services required by the person's state of health based on the person's needs and, second, to determine if the person's state of health may require care or services that are not offered by the operator. The assessment must be conducted using the functional autonomy measurement system (*système de mesure de l'autonomie fonctionnelle*, or SMAF) by a professional authorized to do so.

Only the tools referred to in the first and second paragraphs may be used to identify the loss of autonomy of a person wishing to become a resident or assess that person's autonomy. The operator cannot use such tools or any other tool designed to assess the person's needs to require the person or, where applicable, the person's representative, to select a service offered by the operator that is not Part of the services whose costs must be included in the rent, when entering into a lease.

O.C. 1574-2022, s. 12.

13.2. The operator of a private seniors' residence must use the document containing general information about the residence referred to in section 37 to identify, with a person wishing to become a resident or, where applicable, the person's representative, the services selected, other than the services whose costs must be included in the rent, when entering into a lease. The selection of those services must be left to the discretion of the person or, where applicable, the person's representative. The operator of the residence may not, at any time, require that such an offered service be selected by the person when entering into a lease.

The operator must remain available to answer questions from a person wishing to become a resident or, where applicable, that person's representative before a lease is entered into.

O.C. 1574-2022, s. 12.

13.3. The cost of using the call-for-help system referred to in section 15 must be included in the total rent payable under the lease; as a result, such a system may not be billed on a per-use basis.

O.C. 1574-2022, s. 12.

13.4. For the purpose of entering into a lease, the operator of a private seniors' residence must use the form applicable to the situation pursuant to the Regulation respecting mandatory lease forms and the particulars of a notice to a new lessee (chapter T-15.01, r. 3).

O.C. 1574-2022, s. 12.

13.5. The operator of a private seniors' residence is required, in accordance with the Civil Code, to offer and maintain all the services set out in the lease, including those in all the schedules, for the duration of the lease and with no increase in cost or decrease in intensity.

The operator must also maintain sufficient qualified staff in the residence at all times to respond adequately to the services agreed upon and to the commitments made in the leases entered into with residents.

O.C. 1574-2022, s. 12.

13.6. The operator of a private seniors' residence may, with written consent from a resident or, where applicable, the resident's representative, proceed with or request the identification of the resident's loss of autonomy or an assessment of the resident's autonomy. The identification or assessment must be conducted in accordance with section 13.1. The third paragraph of that section applies, with the necessary modifications.

Following the identification or assessment, the resident's new needs must be communicated to the residence staff members providing personal assistance services or nursing care. The results of the identification or assessment must be recorded in the resident's file kept pursuant to section 57.

The resident's lease must be amended only if the resident decides to select extra services offered by the operator. In no case may the operator bill such services following an identification or assessment without consent from the resident or, where applicable, the resident's representative.

For the purposes of the first paragraph, written consent must be obtained specifically for each identification and each assessment.

O.C. 1574-2022, s. 12.

14. The operator of a private seniors' residence must take and maintain liability insurance coverage in a sufficient amount to cover any claim resulting from the operator's general civil or professional liability, the minimum amounts of which are provided for in Schedule II.

If the operator is a legal person, the operator must also take and maintain insurance coverage concerning the liability of the residence's directors and officers, where applicable.

O.C. 259-2018, s. 14.

§ 2. — Residents' health and safety

O.C. 259-2018, Sd. 2.

14.1. The operator of a private seniors' residence and the integrated health and social services centre concerned must enter into an agreement setting out the procedure for dispensing health services and social services to residents in cases requiring a sharing of responsibility, for the purpose of establishing a mechanism for collaboration.

The agreement must stipulate the parties' commitment to promoting concerted and reciprocal actions to achieve its objectives. It must also establish a mechanism for collaboration applicable, in particular, following

- (1) a fall by a resident;
- (2) the return of a resident to the residence after a hospitalization; or
- (3) one of the occurrences referred to in subparagraphs 1 to 3 of the first paragraph of section 51, provided the integrated centre is notified.

The agreement must also specify the form of and procedure for the notification sent to the integrated centre in accordance with section 51.

In addition, the agreement must specify the procedure and the mechanism for collaboration applicable to fall prevention among residents and the control of infections at the residence, including an obligation for the operator of the residence

- (1) to make staff members aware of the existence of tools to prevent falls and to prevent and control infections, including the Guide de prévention des infections dans les résidences privées pour aînés and the Cadre de référence sur la prévention des chutes dans un continuum de services pour les aînés vivant à domicile, produced by the Minister;
- (2) to provide the necessary explanations concerning the use of the tools referred to in subparagraph 1 by staff members; and
- (3) to make the tools referred to in subparagraph 1 available in a place that is accessible to staff members.

Lastly, the agreement must provide for a mechanism to resolve disputes regarding the interpretation or application of the agreement.

In cases where more than one residence is operated by the same operator in the same congregate residential facility, the operator and the integrated centre concerned may enter into a single agreement concerning each residence. Where one of the residences is a category 4, the agreement must set out the procedure and the mechanism for collaboration applicable specifically to that residence.

O.C. 1574-2022, s. 13.

14.2. In the case of a private seniors' residence where medication distribution or administration services are offered, the agreement referred to in section 14.1 must also set out the procedure for the distribution and administration of medication to the residents by staff members at the residence.

The agreement must set out, in particular,

- (1) the obligation of the operator
 - (a) to designate a staff member at the residence to identify, for each work shift, the staff members responsible for distributing or administering medication, as the case may be;

(b) to take the necessary steps to ensure that the staff members responsible for the distribution or administration of medication, as the case may be, are able, when distributing or administering medication, to verify the identity of the resident and to check that the medication distributed or administered is intended for that resident;

(c) to take the necessary steps to ensure that any incident or accident connected with the distribution or administration of medication to a resident is reported in the register of incidents and accidents referred to in section 50; and

(d) to ensure that staff members comply with the procedure for distributing and administering prescription medication to residents, as set out in the agreement; and

(2) the procedure for

(a) the storage, conservation, distribution or administration of prescription medication to residents;

(b) the management of expired medication or medication no longer needed by residents; and

(c) the administration of prescribed ready-to-administer medication to residents to ensure that every person concerned complies with the Regulation respecting the performance of the activities described in sections 39.7 and 39.8 of the Professional Code (chapter C-26, r. 3.1), if applicable.

O.C. 1574-2022, s. 13.

14.3. The agreement referred to in section 14.1 must also, where applicable, set out the procedure for the invasive care involved in assistance with activities of daily living for residents in a category 3 or 4 private senior's residence to ensure that every person concerned complies with the Regulation respecting the performance of the activities described in sections 39.7 and 39.8 of the Professional Code (chapter C-26, r. 3.1).

O.C. 1574-2022, s. 13.

14.4. In the case of a category 3 or 4 private senior's residence, the agreement referred to in section 14.1 must also set out the process applicable to ensure prior agreement on the use of alternative control measures in accordance with section 56 and an assessment of the resident's condition following the use of alternative measures or control measures in accordance with paragraph 2 of section 55 and subparagraph 2 of the second paragraph of section 56.

O.C. 1574-2022, s. 13.

15. The operator of a private seniors' residence must make a call-for-help system available to each resident, enabling the resident to obtain, quickly and at all times, assistance from a person of full age who is present in the residence and responsible for taking action in case of emergency and for ensuring access inside the residence by the emergency services.

In the case of a category 1 residence, the person of full age present in the residence referred to in the first paragraph may be a staff member, a resident, a supervising lessee or a volunteer at the residence.

The call-for-help system may be fixed or mobile. If it is fixed, it must be usable in each of the private bathrooms or washrooms of the resident's rental unit, as well as in each shared bathroom or washroom of the residence. A fixed call-for-help system must also be accessible from the resident's bed, except if the resident has refused in writing to have access to the system from the bed. However, the operator must ensure that the system is operational at all times.

When the operator offers a mobile call-for-help system a resident or, as the case may be, a resident's representative may refuse its use in writing.

A document expressing a refusal pursuant to this section must be filed in the resident's file kept pursuant to section 57.

O.C. 259-2018, s. 15; O.C. 1574-2022, s. 14.

16. Subject to the application of the second paragraph of section 346.0.7 of the Act respecting health services and social services (chapter S-4.2) or of any other legislative or regulatory provision requiring the presence of a greater number of persons in a residence, the operator of a private seniors' residence must ensure supervision in the residence, in accordance with sections 17 to 20.3. The operator must also make sure that a sufficient number of persons able to ensure the evacuation of the residents in case of emergency is present at all times in the residence.

For the purposes of sections 17 to 20.1, the person responsible for taking action in case of emergency and for ensuring access inside the residence by the emergency services pursuant to the first paragraph of section 15 is the person responsible for supervision.

O.C. 259-2018, s. 16; O.C. 1574-2022, s. 15.

17. In the case of a category 1 private seniors' residence comprising fewer than 100 rental units, a person of full age must be present at all times in the residence to ensure supervision. That person may be a staff member, a resident, a supervising lessee or a volunteer of the residence.

In the case of a category 1 residence comprising 100 to 199 rental units, at least 1 person of full age who is a staff member or, if applicable, 2 other persons of full age referred to in the first paragraph must be present at all times in the residence to ensure supervision. In the case of a residence of 200 rental units or more, those minimum numbers are increased to 2 and 3 persons, respectively.

Despite the second paragraph, in a category 1 residence comprising 200 rental units or more, the supervision may, between 9:00 p.m. on a given day and 8:00 a.m. the next day, be ensured in accordance with the requirements applicable to such a residence comprising 100 to 199 rental units, if the building that shelters it is fully protected by a sprinkler system.

Every person present in the residence to ensure supervision pursuant to this section must hold an attestation of completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28.

O.C. 259-2018, s. 17; O.C. 1574-2022, s. 16.

18. In the case of a category 2 private seniors' residence comprising fewer than 200 rental units, at least 1 person of full age who is a staff member must be present at all times in the residence to ensure supervision. The minimum is increased to 2 persons for a residence comprising 200 rental units or more; between 9:00 p.m. on a given day and 8:00 a.m. the next day, however, one of the 2 staff members may be replaced by a resident, a supervising lessee or a volunteer of the residence if the building sheltering the residence is fully protected by a sprinkler system.

In the case of a residence comprising fewer than 10 rental units, an operator who lives in the residence may occasionally, for periods of less than 8 hours and only between 7:00 a.m. and 11:00 p.m., have the residence supervised by a person of full age other than a resident.

Every person present in the residence to ensure supervision pursuant to this section must hold an attestation of completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28.

O.C. 259-2018, s. 18; O.C. 1574-2022, s. 17.

19. In the case of a category 3 private seniors' residence comprising fewer than 100 rental units, at least 1 person of full age who is a staff member must be present at all times in the residence to ensure supervision. Except in the case of a nurse or a nursing assistant, that person must hold the attestations of completion of the training programs referred to in the first paragraph of section 28 and, in addition, hold the diploma referred to in subparagraph 1 of the first paragraph of section 29 or have obtained one of the documents referred to in subparagraph 2 or 3 of the first paragraph of that section.

In the case of a residence comprising fewer than 10 rental units, an operator who lives in the residence may occasionally, for periods of less than 8 hours and only between 7:00 a.m. and 11:00 p.m., have the residence supervised by a person of full age other than a resident provided that person holds an attestation of completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28.

In the case of a category 3 residence comprising 100 to 199 rental units, at least 2 persons of full age who are staff members must be present at all times in the residence to ensure supervision, including one person holding an attestation of completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28. Unless the other person is a nurse or a nursing assistant, the other person must hold attestations of completion of the training programs referred to in the first paragraph of section 28 and, in addition, hold the diploma referred to in subparagraph 1 of the first paragraph of section 29 or have obtained one of the documents referred to in subparagraph 2 or 3 of the first paragraph of that section.

In the case of a residence comprising 200 to 499 rental units, at least 3 persons of full age who are staff members must be present at all times in the residence to ensure supervision, including 2 persons holding an attestation of completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28. Unless the third person is a nurse or a nursing assistant, the third person must hold attestations of completion of the training programs referred to in the first paragraph of section 28 and, in addition, hold the diploma referred to in subparagraph 1 of the first paragraph of section 29 or have obtained one of the documents referred to in subparagraph 2 or 3 of the first paragraph of that section.

In the case of a residence comprising 500 rental units or more, at least 4 persons of full age who are staff members must be present at all times in the residence to ensure supervision, including 3 persons who hold an attestation of completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28. Unless the fourth person is a nurse or a nursing assistant, the fourth person must hold attestations of completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28 and, in addition, hold the diploma referred to in subparagraph 1 of the first paragraph of section 29 or have obtained one of the documents referred to in subparagraph 2 or 3 of the first paragraph of that section.

Despite the fourth and fifth paragraphs, between 9:00 p.m. on a given day and 8:00 a.m. the next day, one of the staff members required to hold only an attestation of completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28 may be replaced by a resident, a supervising lessee or a volunteer of the residence if the building sheltering the residence is fully protected by a sprinkler system.

O.C. 259-2018, s. 19; O.C. 1574-2022, s. 18.

20. In the case of a category 4 private seniors' residence comprising fewer than 50 rental units, at least one person of full age who is a staff member must be present at all times in the residence to ensure supervision.

In the case of a residence comprising 50 to 99 rental units, at least 2 persons of full age who are staff members must be present at all times in the residence to ensure supervision. The minimum is increased to 3 persons for a residence comprising 100 to 199 rental units and to 4 persons for a residence comprising 200 or more rental units.

Every person present in the residence to ensure supervision pursuant to this section must, unless the person is a nurse or a nursing assistant, hold attestations of completion of the training programs referred to in the first paragraph of section 28 and, in addition, hold the diploma referred to in subparagraph 1 of the first paragraph

of section 29 or have obtained one of the documents referred to in subparagraph 2 or 3 of the first paragraph of that section.

O.C. 259-2018, s. 20; O.C. 1574-2022, s. 19.

20.1. Where more than one category 1, 2 or 3 private seniors' residence is operated by the same operator in the same congregate residential facility, the operator may, between 9:00 p.m. on a given day and 8:00 a.m. the next day, ensure the supervision of all the residences based on the total number of rental units in the residences and by complying with the requirements applicable to the residence in the highest category.

If a category 4 residence is operated by that operator in the same residential facility as all the residences referred to in the first paragraph and that operator ensures supervision in accordance with section 20 during the period referred to in the first paragraph, the minimum number of persons present in all the category 1, 2 or 3 private seniors' residences to ensure supervision is provided for in the following paragraphs applicable to the number of rental units in all the residences:

- (1) fewer than 200 rental units, 1 person;
- (2) between 200 and 499 rental units, 2 persons;
- (3) 500 rental units or more, 3 persons.

The persons referred to in subparagraphs 1 to 3 of the second paragraph are of full age, staff members of the residence and holders of an attestation of completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28.

O.C. 1574-2022, s. 19.

20.2. For the purposes of sections 17 to 20.1, the operator of a private seniors' residence may exclude from the number of rental units comprised in the residence rental units that are vacant in order to comply with the requirements applicable to a residence comprising a smaller number of rental units.

The operator that, because of that exclusion, intends to reduce the minimum number of persons to be present in the residence to ensure supervision must send to the integrated health and social services centre concerned a written notice of intention mentioning, in addition to the operator's name, the contact information of the residence concerned and the number of the certificate of compliance,

- (1) the date on which the operator intends to reduce the number of persons;
- (2) the number of vacant rental units; and
- (3) the period during which the operator is of the opinion that the rental units will remain vacant.

The date on which the operator intends to reduce the number of persons to be present in the residence to ensure supervision may not be prior to the date that occurs 10 days after the date on which the notice is sent to the integrated center.

O.C. 1574-2022, s. 19.

20.3. The operator of a private seniors' residence that has availed itself of section 20.2 to reduce the number of persons to be present in the residence to ensure supervision must, as soon as the number of vacant rental units no longer allows the reduction, so notify the integrated health and social services centre concerned in writing.

O.C. 1574-2022, s. 19.

21. The operator of a private seniors' residence must establish a fire safety plan and keep it up-to-date, in particular with reference to recognized principles of risk management in the field of fire safety.

In addition to what is provided by any applicable Act or regulation, the fire safety plan must contain

(1) a list of the residents, specifying for each the measures to be taken to ensure they are evacuated to a safe place;

(2) the telephone numbers of the persons who must be alerted in the event of a fire in order to provide housing for the residents; and

(3) where applicable, the names and contact information of all organizations, establishments institutions or individuals that have undertaken to provide assistance in the event of an evacuation of the residence and to take charge of the persons evacuated, along with a copy of the agreements signed.

The operator must verify the accuracy of the information referred to in subparagraph 1 of the second paragraph on an ongoing basis and update it as required.

The operator must inform residents and make them aware of the drill and instructions to be followed in the field of fire safety.

O.C. 259-2018, s. 21; O.C. 1574-2022, s. 20.

21.1. The operator of a private seniors' residence must ensure that each staff member and each person responsible for supervision receives training on the fire safety plan for the residence as soon as they begin work and thereafter every year.

The training must focus on the safety measures and the evacuation strategies for the residence that must be implemented following a fire alarm. It must also present the tasks that the persons referred to in the first paragraph must carry out to safely evacuate residents from the residence, the tasks that they must carry out to allow residents to safely return to the residence following an evacuation, and the tasks that they must carry out, both inside and outside the residence after the residents have returned to the residence, to ensure that no resident has remained outside, in particular because of an inability to return to the residence. In addition, the training must set out the specific rules to be followed during a fire drill or in the event of a false alarm.

O.C. 1574-2022, s. 21.

21.2. The operator of a private seniors' residence must ensure that following a fire alarm, including a false alarm, a staff member or a person responsible for supervision checks that each resident is safe. For this purpose, the checks conducted must make it possible to confirm that no resident has remained outside the residence, in particular because of an inability to return to the residence.

O.C. 1574-2022, s. 21.

22. The operator of a private seniors' residence must make all staff members and all persons responsible for supervision aware of the procedures in Schedule III that must be followed if the life or integrity of a resident is in danger, if a resident dies, if a resident is absent for unexplained reasons or if a heat wave advisory has been issued by the competent authorities. The operator must make them available in a place that is accessible to such persons.

O.C. 259-2018, s. 22; O.C. 1574-2022, s. 22.

23. The operator of a category 1 or 2 private seniors' residence may not accept an elderly person who, before arriving at the residence, has a cognitive disorder that makes constant supervision necessary, unless the supervision is provided by a third person that does not act on behalf or at the request of the operator.

O.C. 259-2018, s. 23.

24. The operator of a category 3 or 4 private seniors' residence must take all the measures necessary to prevent residents prone to wandering from leaving the residence without the knowledge of the staff members or the persons responsible for providing supervision, including the installation of a security device on each door of the congregate residential facility in which the residence is located that is identified, in the fire safety plan for the residence, as a door that may be used to evacuate the residence, and that, in such a case, alerts a staff member or person responsible for providing supervision, and also including the establishment of a procedure for staff members regarding their course of action in the event of an alert.

Where more than one residence is operated in the same building, one of which is a category 4 residence, a specific security device to monitor the arrivals and departures of residents of the category 4 residence must be installed.

The operator must also complete an information sheet, with a resident prone to wandering or the resident's representative, if applicable, describing the resident's general profile and physical characteristics, and accompanied by a recent photograph.

Once completed, the information sheet must be kept in the file referred to in section 57.

The security devices referred to in the first and second paragraphs may be deactivated when there is no resident prone to wandering in the residence.

O.C. 259-2018, s. 24; O.C. 1574-2022, s. 24; O.C. 1751-2023, s. 1.

25. *(Revoked).*

O.C. 259-2018, s. 25; O.C. 1574-2022, s. 25.

26. *(Revoked).*

O.C. 259-2018, s. 26; O.C. 1574-2022, s. 25.

§ 3. — *Persons working in the residence*

O.C. 259-2018, Sd. 3.

27. For the purposes of this Regulation, a care attendant for personal assistance services is any person, including the operator if applicable, who, in performing duties in the residence, provides personal assistance services, except any member of a professional order in the field of health.

O.C. 259-2018, s. 27; O.C. 1574-2022, s. 26.

27.1. The operator of a category 2, 3 or 4 private seniors' residence must draw up and apply a reception and job induction process for all new staff members to familiarize them with their new work environment and the tasks inherent to their duties.

The process must cover

- (1) the fire safety plan referred to in section 21.1;
- (2) the code of ethics referred to in section 36;
- (3) the procedures referred to in Schedule III;
- (4) in the case of a residence where personal assistance services are offered, the rules for the safe use of the devices and equipment required to dispense the services;

(5) in the case of a residence where medication distribution or administration services are offered, the procedure for the services set out in the agreement referred to in section 14.1.

The process may include several modules provided that the modules, as a whole, cover the content set out in the second paragraph.

The operator must ensure that all new staff members complete the process or, where applicable, all modules in the process within a reasonable time after beginning work.

The operator must remain available to answer any questions from staff members about the content planned for the process.

A document dated and signed by each new staff member, confirming that the staff member has received and understood the contents of the process provided for in the second paragraph, must be placed in the staff member's file pursuant to section 58. When the process comprises several modules, a document must be placed in the file for each module.

O.C. 1574-2022, s. 27.

28. Every care attendant for personal assistance services must, not later than 1 year after the date on which the care attendant begins work, have successfully completed the following training:

- (1) one of the first aid training programs listed in section 1 of Schedule IV;
- (2) the training on the safe movement of persons referred to in section 2 of Schedule IV.

The care attendant must in addition, not later than 1 year after the date on which the care attendant begins work, have obtained an attestation of completion of the training programs, issued by an organization, educational institution or instructor referred to in Schedule IV.

Thereafter, every care attendant is required to keep the attestations up-to-date.

O.C. 259-2018, s. 28; O.C. 1574-2022, s. 28; O.C. 1751-2023, s. 2.

29. Every care attendant for personal assistant services must, before beginning work,

(1) hold a vocational education diploma awarded by the Ministère de l'Éducation et de l'Enseignement supérieur in the fields of assistance in health care facilities or home care assistance;

(2) have received care attendant training from or through a school service centre or school board and hold an official document issued by the school service centre or the school board certifying competency in

(a) identifying the responsibilities and obligations of a care attendant and behaving and intervening in a manner consistent with professional ethics with regard to residents' rights;

(b) identifying the needs of elderly persons, recognizing the physical and physiological changes associated with normal aging, and taking into account the functional consequences of vision and hearing problems and expression problems such as aphasia, as well as their impact on those needs, in particular as part of the activities of daily living;

(c) applying basic practices to prevent infection and contamination;

(d) applying basic care procedures, in particular as part of the activities of daily living; and

(e) taking into account the functional consequences of illness, physical and mental disability and cognitive impairment and their impact on the needs of the elderly person, in particular as part of the activities of daily living; or

(3) hold from a school service centre or a school board a document confirming that

(a) the care attendant has completed a number of courses equivalent to 1 year of full-time studies in a program leading to the title of nurse or nursing assistant; or

(b) the care attendant has 3 or more years of full-time experience in providing assistance in direct interventions obtained as

i. a beneficiary care attendant or equivalent in a community organization or private seniors' residence;

ii. a beneficiary care attendant in an institution or intermediate resource, or as the person responsible for an intermediate resource or family-type resource, provided the resource housed elderly persons and the care attendant performed tasks in the resource that involved providing assistance and support services; or

iii. a family and social auxiliary or a home care auxiliary in an institution operating a local community service centre or rehabilitation centre, or in a social economy enterprise.

For the purposes of subparagraph 3 of the first paragraph, 1 year of full-time experience corresponds to 1,664 hours of paid work.

O.C. 259-2018, s. 29; O.C. 816-2021, s. 97; O.C. 1574-2022, s. 29.

30. The staff members of a private seniors' residence must not be charged with or have been convicted of an indictable or other offence related to the abilities and conduct required to work in the residence, unless, in the case of a conviction, a pardon has been obtained.

The foregoing also applies to volunteers working in the residence on a regular basis and who, as part of their duties, are required to come in contact directly with the residents.

O.C. 259-2018, s. 30.

31. Every person wishing to join the staff of a private seniors' residence or to work there as a volunteer in accordance with the second paragraph of section 30 must, before beginning work, provide the operator with a declaration concerning any charge or conviction referred to in the first paragraph of that section unless, in the case of a conviction, a pardon has been obtained.

The declaration must contain all the information necessary for verification and include written consent to the verification and to the disclosure of the results of the verification to the operator.

The operator must have the accuracy of the declaration referred to in the first paragraph verified before the staff member or volunteer referred to in the second paragraph of section 30 begins work. The verification must be made for all Canadian provinces and the results obtained must describe the charges or convictions, where applicable.

However, the operator may hire a person as staff member subject to the verification of the person's judicial record if the person has declared no judicial record and insofar as the hiring is necessary to maintain sufficient qualified staff in the residence at all times to adequately provide the services agreed upon and meet the commitments made in the leases entered into with residents.

O.C. 259-2018, s. 31; O.C. 1574-2022, s. 30.

32. The verification of a judicial record referred to in section 31 must be repeated when

- (1) a staff member or a volunteer referred to in the second paragraph of section 30 is charged with or convicted of an indictable or other offence; or
- (2) the operator or the integrated health and social services centre concerned so requires.

Similarly, when a new director or officer is appointed, the operator must, before that person takes office, provide the integrated centre concerned with the declaration and consent of the director or officer, as described in subparagraph 10 of the first paragraph of section 11.

O.C. 259-2018, s. 32.

33. The operator of a private seniors' residence must, without delay, inform the integrated health and social services centre concerned of any indictment for an indictable or other offence brought against the operator or one of the directors or officers, and of any conviction for such offence pronounced against the operator or one of the directors or officers.

The integrated centre concerned may also, where it deems it appropriate, require that the operator provide the integrated centre with the information provided for in the first paragraph.

O.C. 259-2018, s. 33.

34. The operator of a private seniors' residence who provides services to the residents through subcontractors or who uses the services of third persons to fill the operator's needs for personnel, in particular the services of a placement agency, must obtain from the subcontractors or other third persons a guarantee that

- (1) the persons that may be chosen to work in the residence have been verified to determine if they have been charged with or convicted of an indictable or other offence for which a pardon has not been obtained;
- (2) the verification referred to in subparagraph 1 has been conducted for all Canadian provinces and the results show all such charges or convictions;
- (3) they will not permit a person charged with an indictable or other offence relating to the abilities and conduct required for the duties the person may perform in the residence, or having been convicted of such an indictable or other offence, to work in the residence unless, in the case of a conviction, a pardon has been obtained; and
- (4) persons selected to work in the residence as care attendants for personal assistance services meet the training requirements set out in sections 28 and 29.

The operator must provide the persons selected to work in residence, as soon as possible after they begin work, with the information they need to provide services safely, including a general description of the fire safety plan and of the procedures referred to in Schedule III. In addition, the operator must, where applicable, bring to their attention the rules on the safe use of devices and equipment for dispensing personal assistance services and the procedures for the distribution and administration of prescription medication to residents.

O.C. 259-2018, s. 34; O.C. 1574-2022, s. 31.

DIVISION IV

OPERATING STANDARDS

O.C. 259-2018, Div. IV.

§ 1. — *General*

O.C. 259-2018, Sd. 1.

35. The operator of a private seniors' residence must, in the course of operating the residence, comply with the standards provided for in this Division that are applicable. Failing that, the provisions of section 346.0.11 of the Act respecting health services and social services (chapter S-4.2) apply.

O.C. 259-2018, s. 35.

36. The operator of a private seniors' residence must adopt, for the residence's directors, staff members, volunteers and any other person working in the residence, a code of ethics that the operator must enforce and that sets out expected practices and behaviour toward residents and their close relatives. The code of ethics must specify, as a minimum,

(1) the residents' right to be treated with courtesy, fairness and understanding in the respect of their dignity and autonomy, and on the basis of their needs;

(2) the affirmation of the philosophy of well-treatment, according to which the actions carried out towards the residents must favour their well-being, fulfilment and decision-making power;

(3) the right to information and freedom of expression;

(4) the right to confidentiality and discretion; and

(5) the prohibition preventing the operator, staff members, volunteers and any other person working in the residence from accepting donations or bequests from a resident made while the resident is or was housed at the residence, or, subject to the second paragraph, from soliciting residents in any way.

In the case of a private seniors' residence constituted for non-profit purposes or as a cooperative under a statute of Québec, the code of ethics may provide that residents may be solicited for purposes determined by the board of directors.

The persons subject to the code of ethics must undertake, in writing, to comply with the code of ethics. In the case of a staff member or a volunteer responsible for supervision in the residence, the undertaking must be placed in the file kept for the person pursuant to section 58.

The operator must post the code of ethics visibly, in a place accessible to the residents.

O.C. 259-2018, s. 36; O.C. 1574-2022, s. 32.

37. The operator of a private seniors' residence must produce a document containing general information about the residence, written in clear and plain language, to allow it to be distributed and used pursuant to sections 13 and 13.2, containing in particular

(1) a detailed list of the services offered by the operator, which must include the following information:

(a) the personal services in the following categories: meal services, personal assistance services, nursing care and domestic help services;

(b) services other than those referred to in subparagraph a;

(c) an indication that the cost of the service must be included in the rent or that a resident is required to assume the cost of the service only if the resident chooses to make use of it;

(d) the cost of each service, other than those whose cost must be included in the rent, the period during which the cost applies, and any cost at which the services were offered by the operator over the last 12 months;

(2) the operating rules in the residence and, where applicable, the rules of the congregate residential facility in which it is located;

(3) the conditions for receiving persons with a disability and the limits of the residence's capacity for receiving such persons;

(4) the fact that the operator cannot supply medication for a resident in any way, even free of charge;

(5) the fact that a resident has a right to select a professional from whom to receive health services or social services;

(6) the fact that a resident has a right to file a complaint with the local service quality and complaints commissioner at the integrated health and social services centre concerned with respect to the services received, or that ought to have been received, from the residence, and to be assisted by the commissioner;

(7) the fact that the resident is responsible for obtaining insurance covering the resident's personal property and civil liability, if needed; and

(8) the fact that the resident's wish not to receive cardiopulmonary resuscitation will be respected, taking all the circumstances into account.

In the case of a category 1 or 2 residence, the document referred to in the first paragraph must, in addition, state that the operator does not offer personal assistance services or nursing care services and, where applicable, offers consultation services. Where consultation services are offered, the document must specify if those services are provided by a nurse or a nursing assistant, as well as the schedule for providing those services.

The operator must update the document referred to in the first paragraph annually.

O.C. 259-2018, s. 37; O.C. 1574-2022, s. 33.

38. The operator of a private seniors' residence must allow the residents to receive visits from visitors at all times.

The operator must ensure that the layout of the residence allows visits to take place in a way that respect the residents' privacy.

O.C. 259-2018, s. 38.

38.1. The operator of a private seniors' residence must allow all service providers selected by residents to have access to the residence at all reasonable times to provide services.

O.C. 1574-2022, s. 34.

39. To promote the socialization of residents and to prevent their isolation, the operator of a category 2, 3 or 4 private seniors' residence must offer them various activities, including organized recreation and entertainment activities that are varied and adapted to the client profile for the residence.

The operator must post visibly a schedule of activities in a place accessible to the residents, for consultation by residents and close relatives.

O.C. 259-2018, s. 39; O.C. 1574-2022, s. 35.

40. *(Revoked).*

O.C. 259-2018, s. 40; O.C. 1574-2022, s. 36.

§ 2. — *Residents' health and safety*

O.C. 259-2018, Sd. 2.

41. *(Revoked).*

O.C. 259-2018, s. 41; O.C. 1574-2022, s. 36.

42. The operator of a private seniors' residence must allow health or social services professionals chosen by the residents and employees of a health and social services institution to have access to residents at all times, in particular to assess their psychosocial needs, monitor their state of health or provide care or services.

O.C. 259-2018, s. 42.

43. Professional activities carried out in a residence, within the framework of the services provided by the operator, must be carried out by members in good standing of the professional order concerned or by persons who, even if they are not members of the professional order concerned, are authorized to carry out such activities pursuant to an Act or a regulation.

O.C. 259-2018, s. 43.

44. The operator of a private seniors' residence must inform the residents that they are entitled to address a complaint to the local service quality and complaints commissioner at the integrated health and social services centre concerned concerning the services they received or ought to have received from the residence, and to be assisted by the commissioner.

The operator must make available, in a place accessible to residents and their visitors, the information about the exercise of the right and the information they need to file a complaint, including the contact information for the local commissioner.

O.C. 259-2018, s. 44; O.C. 1574-2022, s. 37.

45. The operator of a private seniors' residence must ensure the health and safety of residents by offering and maintaining a living environment that complies with the provisions of any Act or regulation, including a municipal by-law, that are applicable to the operator or to the operator's residence, in particular any standards in matters of hygiene, sanitation, construction, building, food products or safety, including fire safety.

An operator that offers services through subcontractors must ensure that they comply with the applicable legislative and regulatory provisions.

The operator must keep in the residence, for at least 5 years, the orders, remedial notices or other documents issued to the operator by any authority in charge of applying any applicable legislative or regulatory provisions, as well as proof showing that the operator has complied with them by taking the appropriate remedial action, where applicable.

O.C. 259-2018, s. 45.

45.1. The operator of a private seniors' residence must ensure that the residence and the land on which it is located are maintained in a satisfactory state and must perform all necessary repairs and maintenance quickly to protect residents' health and safety.

In the case of a residence where personal assistance services are offered, the operator must also ensure that the devices and equipment required to dispense the personal assistance services are maintained in proper operating condition.

O.C. 1574-2022, s. 38.

46. The operator of a private seniors' residence must perform housekeeping in the residence regularly, in particular in the common areas, in a way that does not compromise residents' health and safety. The operator must also take the measures necessary to ensure that any flammable, toxic or explosive product is not accessible to residents.

O.C. 259-2018, s. 46; O.C. 1574-2022, s. 39.

47. Every private seniors' residence must have mobile first aid kits in good condition and readily accessible by staff members and volunteers.

The content of the kits must be adapted to the number and types of residents, in particular as regards the nature and quantity of the items included in the kit.

O.C. 259-2018, s. 47.

48. *(Revoked).*

O.C. 259-2018, s. 48; O.C. 1574-2022, s. 40.

49. The operator of a private seniors' residence cannot supply medication for a resident in any way, even free of charge.

The first paragraph may not be interpreted as preventing a nurse or a nursing assistant from performing an act that the legislative or regulatory provisions applicable to them allow them to perform.

O.C. 259-2018, s. 49; O.C. 1574-2022, s. 41.

50. The operator of a private seniors' residence must disclose any accident involving a resident to that resident and, where applicable, to the resident's representative. The operator must also, with consent from the resident, disclose the accident to the person to be contacted for that resident in case of emergency. The operator must inform the staff members and persons responsible for supervision in the residence about the rules for disclosure.

The operator of a category 2, 3 or 4 residence must, in addition, establish a procedure for reporting known incidents and accidents that occur in the residence and involve a resident.

The procedure must include, as a minimum,

(1) the keeping of a register to record the names of witnesses, the time and place of the incident or accident, a description of the facts observed, the circumstances of the incident or accident and, where applicable, the immediate consequences for the resident; and

(2) the means used by the operator to prevent the occurrence of other incidents or accidents.

Following an accident, the information in subparagraph 1 of the third paragraph must be filed in the resident's file kept pursuant to section 57.

For the purposes of this Regulation,

(1) “accident” means an action or situation in which a risk is realized that has, or could have, consequences for the state of health or well-being of a resident;

(2) “incident” means an action or situation that has no consequences for the health or well-being of a resident but that has an unusual outcome and could, in other circumstances, have had consequences.

O.C. 259-2018, s. 50; O.C. 1574-2022, s. 42.

51. The operator of a private seniors' residence must notify the person to be contacted in case of emergency and, with the resident's consent or, as the case may be, that of his or her representative, the integrated health and social services centre concerned when the operator notices that

(1) a resident is behaving unusually or unexpectedly in a way that may harm the resident or another person;

(2) a resident shows a loss of cognitive autonomy associated with behavioral disorders;

(3) a state of health that presents a risk for a resident's safety in case of emergency or that requires care or services beyond the services offered by the operator.

The form of and procedure for sending a notice to the integrated centre must be established in the agreement referred to in section 14.1.

A notice given pursuant to this section must be filed in the resident's file kept pursuant to section 57.

O.C. 259-2018, s. 51; O.C. 1574-2022, s. 43.

52. *(Revoked).*

O.C. 259-2018, s. 52; O.C. 1574-2022, s. 44.

53. The operator of a private seniors' residence who provides meal services for the residents must offer varied menus that conform to Canada's Food Guide, published by Health Canada, and are adapted to the specific nutritional needs of elderly persons.

The operator must update and post visibly a list of menus in a place accessible to the residents for consultation by residents and close relatives. However, the operator may modify the menu of a posted meal provided that the residents are so informed the day before the day the meal is to be served.

The operator of a category 2, 3 or 4 residence must keep, for verification purposes, a record of the meals served or made available to residents.

O.C. 259-2018, s. 53; O.C. 1574-2022, s. 45.

54. The operator of a private seniors' residence may not use control measures involving force, isolation or mechanical means on a resident. In addition, the operator may not use any chemical substance as a control measure.

Despite the first paragraph, as a last resort, the operator of a category 3 or 4 residence may use control measures involving force, isolation or mechanical means in an emergency situation, when alternative control measures have been ineffective in reducing the danger or may not be applied in due time and it is imperative to protect the resident or another person from a serious and imminent danger of injury. In such a case, the operator must apply the control measures temporarily and in the least constraining way possible. The operator

must also record in the resident's file the reasons for which the alternative measures proved ineffective or could not be applied in due time. The operator may not use any chemical substance as a control measure.

O.C. 259-2018, s. 54.

55. The operator of a category 3 or 4 private seniors' residence who applies control measures in accordance with the second paragraph of section 54 must

(1) notify without delay the resident's representative, if applicable, and the person to be contacted in case of emergency; if that person cannot be reached in time, the operator must notify a close relative;

(2) ask immediately the integrated health and social services centre concerned to assess the resident's condition without delay and identify and implement the measures appropriate to ensure the resident's security; and

(3) ensure that the following information is recorded in the resident's file:

(a) the date and time of the intervention;

(b) the measures applied, the reason for applying the measures, and the time and duration of their application;

(c) the measures taken to ensure the resident's safety, including supervision measures, and the resident's reaction to the measures;

(d) the names of the persons who have been informed of the situation, the date and time when they were informed, and the information provided to them.

O.C. 259-2018, s. 55.

56. Alternative control measures on the resident may only be applied in a category 3 or 4 private seniors' residence to reduce the danger. Those measures must have been the subject of a prior agreement with a provider of the integrated health and social services centre concerned.

When such measures are applied, the operator of a seniors' residence must

(1) notify without delay the persons referred to in paragraph 1 of section 55;

(2) ask the integrated health and social services centre concerned to assess the resident's condition; and

(3) ensure that the alternative measures applied, the reason for applying those measures and their effectiveness are recorded in the resident's file, in addition to the information listed in subparagraphs *a* and *d* of paragraph 3 of section 55.

O.C. 259-2018, s. 56.

§ 2.1. — *Residence life committee*

O.C. 1574-2022, s. 47.

56.1. The operator of a category 2 or 3 private seniors' residence comprising more than 99 rental units must establish a residence life committee in accordance with this subdivision. The same applies to the operator of a category 4 residence comprising more than 50 rental units.

Where more than one residence is operated by the same operator in the same congregate residential facility, if the total number of rental units in the residences exceeds 99, the operator must establish one residence life committee for all the residences or one committee for each residence, as decided by the operator.

The operator of a residence that is not referred to in the first paragraph may not prevent the residents of that residence from establishing such a committee or a committee of the same nature.

O.C. 1574-2022, s. 47.

56.2. A residence life committee comprises 3 to 7 members elected by the residents of a private seniors' residence. Most of the members must be residents at the residence. However, if it is impossible to have a majority of residents on the committee, the residents may elect any other person of their choice, provided the person is not a staff member or a person responsible for supervision at the residence.

In addition to the rules set out in the first paragraph, the committee in a category 4 residence must include at least one representative of a resident at the residence.

The operator of a residence cannot be a member of a committee the operator is required to establish; the same applies to a shareholder, officer or director of an operator that is a legal person.

O.C. 1574-2022, s. 47.

56.3. The duties of a residence life committee are to

- (1) disseminate information about residents' rights and obligations;
- (2) promote improvements in the quality of residents' living conditions;
- (3) defend the rights and collective interests of residents; and

(4) provide, at the request of a resident, the information needed to file a complaint with the local service quality and complaints commissioner at the integrated health and social services centre concerned, or to submit an application to the Administrative Housing Tribunal.

O.C. 1574-2022, s. 47.

56.4. The term of the members of the residence life committee cannot exceed 3 years.

O.C. 1574-2022, s. 47.

56.5. The operator must promote the proper operation of the committee and inform residents in writing of its existence. The operator must also allow the committee to use a room for its activities and give it the possibility of keeping its records in a confidential manner.

O.C. 1574-2022, s. 47.

56.6. The residence life committee defines its operating rules, including the frequency of its meetings.

O.C. 1574-2022, s. 47.

§ 3. — Keeping of files and confidentiality of information

O.C. 259-2018, Sd. 3.

57. The operator of a private seniors' residence must keep a file for each resident containing, in particular,

- (1) the resident's name and date of birth;
- (2) the name and contact information of a person to be contacted in case of emergency;

(3) where applicable, the name and contact information of the resident's representative and a description of the acts that the representative is authorized to perform for the resident;

(4) a copy of the lease, including all its schedules, signed with the resident or, as the case may be, the resident's representative;

(5) a description of the resident's health problems and specific needs, including any allergies; and

(6) where applicable, any document dated and signed by the resident in which the resident expresses his or her wish not to receive cardiopulmonary resuscitation.

In addition to the information provided for in the first paragraph, the operator of a category 2, 3, or 4 residence must enter into the resident's file

(1) the particulars concerning the resident's health condition that must be taken into account in case of emergency and in the services offered to the resident in the residence;

(2) the distribution procedure for the resident's medications, where applicable;

(3) the name and contact information of the resident's attending physician, where applicable; and

(4) the name and contact information of the resident's pharmacist, where applicable.

The operator of a residence must also include in the file, in accordance with this Regulation,

(1) the resident's consent obtained by the operator for each disclosure of personal information concerning the resident;

(1.1) the result of an identification of a resident's loss of autonomy or an assessment of a resident's autonomy carried out in accordance with section 13.6;

(2) the resident's written refusals referred to in the third and fourth paragraphs of section 15;

(3) a record of any disclosure concerning the resident made in accordance with the first paragraph of section 50;

(4) a copy of any accident report concerning the resident made under the fourth paragraph of section 50; and

(5) the indication that a notice provided for in section 51 has been given, where applicable;

(6) *(subparagraph revoked)*.

The operator of a category 3 or 4 residence must also include in the file the following documents in accordance with this Regulation, where applicable:

(1) the resident's information sheet referred to in the third paragraph of section 24; and

(2) the information provided for in paragraph 3 of section 55 and subparagraph 3 of the second paragraph of section 56 regarding the application on the resident of a control or alternative measure.

If a person refuses to provide information required under this section, the operator must have the person sign a declaration to that effect. The declaration must be kept in the file.

In order to comply with the provisions of the first paragraph of section 60, an operator may keep the elements provided for in subparagraphs 1 to 6 of the first paragraph in a separate physical file.

O.C. 259-2018, s. 57; O.C. 1574-2022, s. 48; O.C. 1751-2023, s. 3.

58. The operator of a private seniors' residence must keep a file for each staff member containing, as a minimum,

(1) a description of the tasks to be performed;

(1.1) any document in which the staff member confirms having received and understood the contents of the reception and job induction process referred to in section 27.1;

(2) proof that the staff member holds the attestations and diploma or one of the documents required under sections 28 and 29;

(3) in the case of a professional, the number of the professional's permit and annual proof of the professional's registration on the roll of the professional order concerned;

(4) a copy of the declaration and consent provided for in section 31 and the result of the verifications made in respect of the declarations referred to in that section;

(5) the undertaking provided for in the third paragraph of section 36.

The operator of a category 1 residence must also keep a file for each volunteer responsible for supervision. The file must contain

(1) proof that the volunteer holds an attestation of completion of one of the training programs referred to in subparagraph 1 of the first paragraph of section 28;

(2) a copy of the declaration and consent provided for in section 31 and the result of the verifications made in respect of the declarations referred to in that section; and

(3) the undertaking provided for in the third paragraph of section 36.

O.C. 259-2018, s. 58; O.C. 1574-2022, s. 49.

59. The files referred to in sections 57 and 58 must be quickly accessible in case of emergency or upon request by a person authorized to consult them.

O.C. 259-2018, s. 59.

60. The operator of a private seniors' residence must protect the confidentiality of the personal information held pursuant to this Regulation and give access to them only in accordance with the Act respecting the protection of personal information in the private sector (chapter P-39.1).

The operator must keep the file of a resident for at least 5 years after the departure or death of the resident and the file of a staff member or a person responsible for supervision in the residence for at least 5 years after his or her departure from the residence.

O.C. 259-2018, s. 60; O.C. 1574-2022, s. 50.

CHAPTER III

RENEWAL AND TRANSFER

O.C. 259-2018, c. III.

61. As soon as the integrated health and social services centre concerned starts the renewal process of his or her certificate of compliance, the operator of a private seniors' residence must provide the centre with the documents and information listed in subparagraphs 1 to 10 of the first paragraph of section 11 and the second paragraph of that section, if applicable, except for documents and information previously provided to the

integrated centre if the operator certifies that they are still complete and accurate. That exception does not apply to the declarations referred to in subparagraphs 9 and 10 of the first paragraph of that section.

The operator must also provide the integrated centre with any information it requires concerning compliance with the conditions set out in section 10 and complete the form for self-assessment of compliance with the conditions of the Act respecting health services and social services (chapter S-4.2) and of this Regulation provided by the centre.

O.C. 259-2018, s. 61.

62. Every person who, in accordance with section 346.0.20 of the Act respecting health services and social services (chapter S-4.2), requests from an integrated health and social services centre permission to become the transferee of the rights conferred by a temporary certificate of compliance or a certificate of compliance must meet the conditions set out in section 10 and provide the documents and information listed in section 11, except those listed in subparagraphs 11 and 12 of the first paragraph of that section.

O.C. 259-2018, s. 62; O.C. 1574-2022, s. 51.

CHAPTER IV

OTHER APPLICATION

O.C. 259-2018, c. IV.

63. For the purposes of this Regulation, a reference to an integrated health and social services centre is, if applicable, a reference to the Centre régional de santé et de services sociaux de la Baie-James.

O.C. 259-2018, s. 63.

CHAPTER V

OFFENCES

O.C. 259-2018, c. V.

64. A contravention of the third paragraph of section 8, section 13.1, the first paragraph of section 13.2, sections 13.4 to 14, section 15, the first paragraph of section 16, the first and second paragraphs of sections 20.1 and 20.2, sections 20.3, 21 and 21.2, section 22, the first and third paragraphs of section 24, section 27.1, the third paragraph of section 31, the second paragraph of section 32, the first paragraph of section 33, section 34, the fourth paragraph of section 36, the first paragraph of section 37, sections 38 to 39, section 42, the second paragraph of section 44, the third paragraph of section 45, section 46, the first paragraph of section 50, the first paragraph of section 51, the second and third paragraphs of section 53, sections 54 and 55, the second paragraph of section 56, the first, second, third, fourth and fifth paragraphs of section 57, section 58 and section 60 constitutes an offence.

A failure by the operator of a private seniors' residence to ensure compliance with section 13.3, sections 17 to 20, the third paragraph of sections 20.1 and 20.2, the second and fourth paragraphs of section 24, sections 28 and 29, the first paragraph of section 32, the third paragraph of section 36, the second paragraph of section 37, the first paragraph of section 47, the third paragraph of section 51, the first paragraph of section 56 and of section 59 also constitutes an offence.

O.C. 259-2018, s. 64; O.C. 1574-2022, s. 52.

CHAPTER VI

TRANSITIONAL AND FINAL

O.C. 259-2018, c. VI.

64.1. Section 17 does not apply to the operator of a private seniors' residence where

- (1) the residence is a category 1 residence and comprises fewer than 50 rental units;
- (2) the operator holds, on 31 October 2022, a certificate of compliance; and
- (3) the residents are sufficiently independent to evacuate the premises by themselves.

The operator may put at the disposal of residents a call-for-help system that, despite the first and second paragraphs of section 15, only makes it possible to obtain assistance from a person of full age who is not present in the residence, provided that person can be reached, at all times and without delay, to take action in case of emergency.

O.C. 1574-2022, s. 53.

65. Despite section 29, a care attendant who, on 4 April 2018, is a staff member of a private seniors' residence, has until 5 April 2019 to complete his or her training and to comply with the provisions of that section.

O.C. 259-2018, s. 65.

66. This Regulation replaces the Regulation respecting the conditions for obtaining a certificate of compliance and the operating standards for a private seniors' residence (chapter S-4.2, r. 5.01).

O.C. 259-2018, s. 66.

67. *(Omitted).*

O.C. 259-2018, s. 67.

SCHEDULE I

(s. 9)

Residential centre for seniors or for the elderly

Retirement centre for seniors or for the elderly

Long-term care centre for seniors or for the elderly

Living centre for seniors or for the elderly

Centre for seniors or for the elderly

Private housing and residential establishment for seniors or for the elderly

Home for seniors or for the elderly

Foster home for seniors or for the elderly

Evolutionary housing for the retired, for seniors or for the elderly

Asylum for seniors or for the elderly

Retirement home for seniors or for the elderly

Residential home for seniors or for the elderly

Residence for seniors or for the elderly

Residence for the aged

O.C. 259-2018, Sch. I.

SCHEDULE II

(s. 14)

- 1.** For every residence, regardless of the category, general civil liability coverage of at least
 - Residence with 1 to 9 rental units: \$2,000,000;
 - Residence with 10 to 50 rental units: \$3,000,000;
 - Residence with 51 to 100 rental units: \$5,000,000;
 - Residence with more than 100 rental units: \$8,000,000.
- 2.** For every category 1 or 2 residence, professional liability coverage of at least \$500,000.
- 3.** *(Revoked).*
- 4.** For every category 3 or 4 residence, professional liability coverage of at least \$2,000,000.

O.C. 259-2018, Sch. II; O.C. 1574-2022, s. 54.

SCHEDULE III

(s. 22)

1. Procedure to follow if the life or physical integrity of a resident is in danger:

- (1) ensure the resident's safety and provide first aid; perform cardiopulmonary resuscitation if required, considering the resident's wishes;
- (2) call the emergency 911 service and provide all relevant information concerning the emergency;
- (3) notify the resident's representative, if applicable, and the person to be contacted in case of emergency identified in the resident's file kept pursuant to section 57;
- (4) prepare the information required by the ambulance technicians;
- (5) record in the resident's file, kept pursuant to section 57, a description of the circumstances and facts of the event;
- (6) notify the person responsible at the residence of the situation and nature of the emergency.

2. Procedure to follow in the event of a resident's death:

- (1) call the emergency 911 service immediately;
- (2) give the authorities all the required information and follow the instructions of the emergency services;
- (3) notify the resident's representative, if applicable, and the person to be contacted in case of emergency.

3. Procedure to follow if a resident is absent without reason, in particular when the absence is noticed at meal time:

- (1) question staff members and any person who is considered useful to question about possible reasons for the resident's absence and places where the resident may possibly be found;
- (2) inspect all rooms in the residence, the resident's dwelling, the grounds and the surrounding area;
- (3) notify the resident's representative, if applicable, and the person to be contacted in case of emergency, and ask them about places where the resident may possibly be found;
- (4) call the emergency 911 service;
- (5) give the police the information sheet referred to in the third paragraph of section 24;
- (6) notify the resident's representative, if applicable, the person to be contacted in case of emergency and the police if the resident is found;
- (7) complete the incident or accident report referred to in section 50;
- (8) take all necessary measures, working with the resident, the resident's close relatives and, if the person is prone to wandering, the integrated health and social services centre concerned, to prevent a reoccurrence of the event.

4. Procedure to follow in the event of a heat wave advisory:

- (1) place a sufficient number of fans in the common areas and, where possible, in rental units;

- (2) distribute cold drinks and water frequently during the day;
- (3) cancel all physical activities in the recreation schedule and advise residents to stay in the shade or go outside late in the day, wear a hat and apply sunscreen;
- (4) ask residents to stay in air-conditioned rooms in the residence, where applicable;
- (5) early in the morning, for the common areas, close windows, drapes and blinds, especially on the sides of the building exposed to the sun; keep them closed until the outdoor temperature drops and educate residents to do the same in their respective rental unit;
- (6) when the outdoor temperature drops, open windows as wide as possible to create drafts and educate residents to do the same in their respective rental unit;
- (7) conduct inspection tours of rental units;
- (8) call the emergency 911 service if any residents have symptoms that point to a deterioration in their physical condition.

O.C. 259-2018, Sch. III; O.C. 1574-2022, s. 55.

SCHEDULE IV

(s. 28)

(1) A first aid training program is a first aid program dispensed by a body referred to in the following subparagraphs:

(1) any body recognized as a provider of first aid training in the workplace by the Commission des normes, de l'équité, de la santé et de la sécurité du travail;

(2) any other body providing first aid training of at least 16 hours in compliance with CSA Standard Z1210-17, First aid training for the workplace — Curriculum and quality management for training agencies, of the Canadian Standards Association, including subsequent amendments.

A body identified in one of the subparagraphs of the first paragraph is accredited to issue attestations of completion of a training program referred to in the same subparagraph.

(2) A training program on the safe movement of persons is a training program recognized by the Association paritaire pour la santé et la sécurité du travail du secteur affaires sociales (ASSTSAS) for the acquisition of the necessary skills, when provided by an instructor accredited by that association or by an educational institution.

The instructor or educational institution referred to in the first paragraph is accredited to issue attestations completion of the training program referred to in that paragraph.

O.C. 259-2018, Sch. IV; O.C. 1574-2022, s. 56.

TRANSITIONAL

2023

(O.C. 1751-2023) SECTION 4. Section 24, as it read on 14 December 2023, continues to apply to every operator of a category 3 private seniors' residence until 15 July 2024.

2022

(O.C. 1574-2022) SECTION 57. A certificate of compliance issued to the operator of a private seniors' residence before 15 December 2022 remains valid until its expiry even if the category of the residence changes pursuant to section 1 of the Regulation respecting the certification of private seniors' residences (chapter S-4.2, r. 0.01), replaced by section 1 of this Regulation.

SECTION 58. The operator of a private seniors' residence holding a certificate of compliance issued before 15 December 2022 is not required to comply with section 1.1 of the Regulation respecting the certification of private seniors' residences (chapter S-4.2, r. 0.01), enacted by section 1 of this Regulation, before 15 June 2023.

SECTION 59. The operator of a private seniors' residence holding a certificate of compliance issued before 15 December 2022 and the integrated health and social services centre concerned are not required to enter into the agreement referred to in section 14.1 of the Regulation respecting the certification of private seniors' residences (chapter S-4.2, r. 0.01), enacted by section 13 of this Regulation,

(1) before 15 June 2023 when the agreement concerns a category 1 or 2 residence;

(2) before 15 September 2023 when the agreement concerns a category 3 or 4 residence.

An agreement entered into pursuant to section 41 of the Regulation respecting the certification of private seniors' residences, as it read on 14 December 2022, continues to apply, despite the revocation of that section by section 36 of this Regulation, until it is replaced by the agreement entered into pursuant to section 14.1 of the Regulation respecting the certification of private seniors' residences, enacted by section 13 of this Regulation.

SECTION 60. The procedure regarding the medications prescribed to residents referred to in section 26 of the Regulation respecting the certification of private seniors' residences (chapter S-4.2, r. 0.01), as it read on 14 December 2022, continues to apply, despite the revocation of that section by section 25 of this Regulation, until the entering into of the agreement referred to in section 14.1 of the Regulation respecting the certification of private seniors' residences, enacted by section 13 of this Regulation.

SECTION 61. A personal assistance services care attendant who begins working before 15 December 2023 is not required to comply with section 28 of the Regulation respecting the certification of private seniors' residences (chapter S-4.2, r. 0.01), amended by section 28 of this Regulation, until the first of the following dates:

- (1) the date which follows by 1 year the date on which the care attendant begins working;
- (2) 15 December 2023.

SECTION 62. A personal assistance services care attendant who begins working before 15 December 2025 is not required to comply with section 29 of the Regulation respecting the certification of private seniors' residences (chapter S-4.2, r. 0.01), amended by section 29 of this Regulation, until the first of the following dates:

- (1) the date which follows by 1 year the date on which the care attendant begins working;
- (2) 15 December 2025.

UPDATES

O.C. 259-2018, 2018 G.O. 2, 1270
O.C. 816-2021, 2021 G.O. 2, 2103
O.C. 1574-2022, 2022 G.O. 2, 3472
O.C. 1751-2023, 2023 G.O. 2, 3174

