

No. 126

1st Session, 15th Legislature, Alberta
12 Elizabeth II

BILL 126

A Bill respecting Nursing Home Care

HON. DR. ROSS

Explanatory Note

General. This Bill will establish a nursing home program for the Province and will provide for the giving of financial assistance in respect of eligible patients receiving nursing home care.

2. Definitions.

3. An application may be made to have an auxiliary hospital district established as a nursing home district.

BILL

No. 126 of 1964

An Act respecting Nursing Home Care

(Assented to _____, 1964)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Nursing Homes Act*".

2. (1) In this Act,

- (a) "benefits" means payment by the Province for nursing home care given by a contract nursing home to an eligible patient;
- (b) "contract nursing home" means a nursing home the operator of which has a contract with the Minister under section 10;
- (c) "eligible patient" means a patient in respect of whom benefits are payable under section 12;
- (d) "Minister" means the Minister of Health;
- (e) "nursing home care" means the following services to patients, namely,
 - (i) accommodation, meals and laundry,
 - (ii) personal services such as help and supervision in cleanliness, mobility, safety, feeding and dressing,
 - (iii) special diets when necessary,
 - (iv) routine drugs and dressings as ordered by the attending physician,
 - (v) recreational, diversional and re-activational activities,and such other services as are prescribed by the regulations.

(2) Except where the context otherwise requires, all words used in this Act have the same meaning as they have under *The Alberta Hospitals Act*.

3.(1) The councils of the included municipalities in an auxiliary hospital district may apply to the Minister for the establishment of the district as a nursing home district.

(2) The application shall be accompanied by such information as the Minister may require respecting the need for nursing home facilities in the district.

4. Where an auxiliary hospital district has already been incorporated it may be given the additional power to provide nursing home facilities in accordance with this Bill.

5. Where the auxiliary hospital district has not yet been incorporated, it may be incorporated under The Alberta Hospitals Act

- (a) with the power to provide nursing home facilities in accordance with this Act, but
- (b) unless an auxiliary hospital program is also submitted and approved, the power to operate auxiliary hospitals may be withheld.

6. Powers of a nursing home district generally.

7. Each district is to develop a nursing home program.

4. (1) Where the auxiliary hospital district has previously been incorporated under section 8 of *The Alberta Hospitals Act*, the application shall be made by the district board and the Minister may refer the application to the Lieutenant Governor in Council for an order vesting in the body corporate the power to provide for nursing home facilities in the district as authorized by this Act.

(2) Where an order is made under subsection (1), the Minister shall change the name of the district from an auxiliary hospital district to an auxiliary hospital and nursing home district.

5. (1) Where the auxiliary hospital district in respect of which an application is received has not been incorporated, nominations for membership on the first district board shall be made as provided in section 7 of *The Alberta Hospitals Act*.

(2) After the required nominations have been made, the application may be referred to the Lieutenant Governor in Council for an order under section 8 of *The Alberta Hospitals Act* incorporating the district

(a) with all the powers mentioned in that section, except the power mentioned in clause (d) of subsection (2) thereof, and

(b) with the power to provide for nursing home facilities in the district in accordance with this Act.

(3) Where an order as mentioned in subsection (2) is made, the Minister shall change the name of the district from an auxiliary hospital district to a nursing home district.

(4) If an auxiliary hospital program for a district to which subsection (1) refers is submitted and approved in accordance with *The Alberta Hospitals Act*, the powers to be withheld under subsection (2) may be granted and in that case the name shall be changed to an auxiliary hospital and nursing home district.

6. Subject to this Act, an auxiliary hospital and nursing home district or a nursing home district is a hospital district within the meaning of *The Alberta Hospitals Act* and the board of the district has all the powers, rights and responsibilities with respect to nursing homes that a district board has with respect to auxiliary hospitals under *The Alberta Hospitals Act* and regulations, to the extent that they are applicable to nursing homes.

7. After the making of an order pursuant to section 4 or 5, the board shall, in accordance with the regulations, develop a nursing home program for the district and submit it to the Minister for approval.

8. Powers of a district board with respect to nursing home facilities.

9. Appeal to the Lieutenant Governor in Council where a district board refuses to approve a nursing home.

10. Minister of Health authorized to enter into contracts with approved nursing homes for the payment of benefits with respect to eligible patients.

11. Suspension and cancellation of a contract.

8. After approval of the program and subject to this Act and the regulations, a board has power to

- (a) construct, operate, maintain, manage and control one or more nursing homes in the district,
- (b) lease facilities in the district to a person who will operate them as a nursing home to serve residents of the district,
- (c) enter into an agreement with a person for the provision and operation by that person of a nursing home in the district to serve residents of the district, and
- (d) give its approval to any nursing home within the district that meets the requirements of the regulations, and forms part of the nursing home program of the district.

9. Where a board refuses or fails to approve a nursing home, the operator of the home may appeal to the Lieutenant Governor in Council who may recommend to the district board approval of a nursing home.

10. (1) The Minister may enter into a contract on the approval of the district board with the operator of an approved nursing home for the provision of nursing home care to eligible patients and for the payment to the home by the Province of an amount on a patient day basis, as prescribed by the regulations.

(2) Notwithstanding anything contained in this Act or the regulations or a contract entered into pursuant to subsection (1), during the first year after the establishment of the nursing home program of a district the number of contract nursing home beds in the district shall not exceed approximately three for every one thousand of population in the district.

11. (1) A contract with the Minister is automatically cancelled upon a change of ownership or control of a nursing home, unless the district board and the Minister give their approval of the change before the change is effected.

(2) The Minister may, upon ninety days' notice in writing, suspend or cancel a contract with the operator of a nursing home.

(3) The operator of a nursing home may, within thirty days of receiving a notice of suspension or cancellation of his contract, appeal to the Lieutenant Governor in Council who may, in his discretion,

- (a) confirm the suspension or cancellation of the contract, or
- (b) order that the contract be reinstated, either unconditionally or subject to such conditions as he may prescribe.

12. Patients who are eligible for benefits.

13. Inspection of contract nursing homes.

14. Prohibitions.

12. (1) Benefits may be paid only in respect of a patient in a contract nursing home

- (a) who has been found by an assessment committee appointed pursuant to the regulations to require care in a nursing home,
- (b) who has established his home in Alberta and has resided in Alberta for the three consecutive years immediately preceding the application for benefits, and
- (c) who meets other requirements or conditions prescribed by the regulations.

(2) Benefits may not be paid in respect of a patient where payment for his care in a nursing home

- (a) is the responsibility of
 - (i) the Department of Public Welfare,
 - (ii) the Workmen's Compensation Board,
 - (iii) the Department of Veterans' Affairs (Canada),
 - (iv) the Department of National Defence (Canada),
or
 - (v) the Indian and Northern Health Services of the Department of National Health and Welfare (Canada),
- or
- (b) is provided for under any other statute.

(3) Nothing under this Act shall be construed to prevent a person who does not desire to receive benefits as provided pursuant to this Act from assuming the entire responsibility for the payment of the costs of his care in a nursing home.

13. The Minister or any person authorized by him or a visiting team authorized by the Lieutenant Governor in Council may at all times enter any buildings and grounds of a contract nursing home and may examine the premises and any books and records kept in connection with the operation of the nursing home and request any other information they require and the operator of the nursing home shall provide all the information so required as soon as is reasonably possible.

14. (1) The term "contract nursing home" may only be used to describe a nursing home the operator of which has a contract with the Minister pursuant to this Act and no person shall

- (a) hold himself out as the operator of a contract nursing home, or
- (b) use the term contract nursing home to describe a nursing home or other place operated by him,

unless he holds such a contract.

15. Offence and penalty.

16. Regulations may be made by the Lieutenant Governor in Council.

(2) No person shall make or submit a false statement or falsify any report that he is required to make or submit to any person under this Act or the regulations.

15. (1) A person who contravenes this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not more than five hundred dollars and in default of payment to a term of imprisonment not exceeding ninety days.

(2) When the operator of a contract nursing home is convicted under subsection (1), his contract is subject to immediate cancellation.

16. The Lieutenant Governor in Council may make regulations

- (a) prescribing the information to be contained in the nursing home program of a district,
- (b) prescribing the basis upon which the Minister may enter into contracts with the operators of approved nursing homes and the terms of such contracts,
- (c) prescribing the terms and conditions upon which a district board may approve a nursing home,
- (d) prescribing standards applicable to contract nursing homes, including but not limited to standards relating to the location, size, rated capacity, type of construction, equipment, accommodation and facilities of the homes and the care, services, drugs and medical supplies to be provided in the homes,
- (e) prescribing other services that are to be provided as nursing home care,
- (f) prescribing the records to be kept and the reports to be made by the operators of contract nursing homes,
- (g) respecting the employment of staff in contract nursing homes,
- (h) prescribing the number of semi-private or private rooms for which extra charges may be made to patients,
- (i) prescribing the maximum amount that may be charged patients in contract nursing homes for accommodation in single and multiple bed wards,
- (j) prescribing the admission policies to be followed by contract nursing homes and limiting the number of non-eligible patients that may be in a contract nursing home at any one time,
- (k) providing for the establishment, composition and operation of assessment committees to determine the need for nursing home care,
- (l) setting the amount payable per day by the Province with respect to eligible patients in contract

17. Contract nursing homes are not required to be licensed or regulated under The Welfare Homes Act.

18. Commencement of Act.

nursing homes and the amount payable by patients and providing for payment by the Province of all or any part of the charges of eligible patients under certain conditions to be prescribed in the regulations,

- (m) authorizing the Minister to develop home care projects, and
- (n) concerning any other matter he considers necessary to carry out the purpose and objects of this Act.

17. *The Welfare Homes Act* is amended as to section 4 by adding the following subsection :

(3) This Act does not apply to a contract nursing home under *The Nursing Homes Act*.

18. This Act comes into force on the first day of April, 1964.

No. 126

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12 ELIZABETH II
1964

BILL

An Act respecting Nursing Home
Care

Received and read the

First time

Second time

Third time

HON. DR. ROSS
