

1985 BILL 67

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Third Session, 20th Legislature, 34 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 67**

## **NURSING HOMES ACT**

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THE MINISTER OF HOSPITALS AND MEDICAL CARE

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 67

1985

### NURSING HOMES ACT

(Assented to , 1985)

#### TABLE OF CONTENTS

Definitions	1
<b>PART 1</b>	
<b>DISTRICTS</b>	
Application of the Hospitals Act	2
Additional powers	3
Nursing home program	4
District committee	5
<b>PART 2</b>	
<b>NURSING HOME CONTRACTS</b>	
Contracts	6
Disposition of district nursing home property	7
Disposition of non-district nursing home property	8
Corporate operator	9
Termination of a contract	10
Leases and management agreements	11
Committee	12
Purchase by Minister	13
Agreements with operators	14
<b>PART 3</b>	
<b>OPERATION OF NURSING HOMES</b>	
Nursing home care	15
Eligibility for benefits	16
Payments of benefits	17
Grants	18
Inspection	19
Correction plans	20
Order cancelling contract	21
Board of review	22
Official administrator	23
Appeals	24
<b>PART 4</b>	
<b>GENERAL</b>	
Effect of termination of a contract	25
Information to the Minister	26
Records	27
Prohibitions	28
Offence and penalty	29

Regulations	30
Ministerial regulations	31

## PART 5

### TRANSITIONAL, CONSEQUENTIAL, REPEAL AND COMMENCEMENT

Transitional	32
Amends RSA 1980 cA-33	33
Amends RSA 1980 cA-48	34
Amends RSA 1980 cD-22	35
Amends RSA 1980 cD-27	36
Amends RSA 1980 cH-3.5	37
Amends RSA 1980 cH-4	38
Amends RSA 1980 cH-11	39
Amends RSA 1980 cL-27.5	40
Amends RSA 1980 cM-31	41
Amends RSA 1980 cN-13	42
Amends RSA 1980 cS-14	43
Repeal	44
Coming into force	45

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

#### Definitions

#### 1 In this Act,

- (a) “accommodation charge” means the charge in respect of nursing home care payable by a resident for accommodation and meals in a nursing home or an approved hospital referred to in section 17(3);
- (b) “approved program” means a program approved by the Minister in respect of the provision of care in addition to basic care in 1 or more nursing homes;
- (c) “basic care” means the types and levels of basic services prescribed in the regulations to be provided to residents;
- (d) “benefits” means the amounts payable by the Minister in respect of the cost of nursing home care provided to eligible residents;
- (e) “Committee” means the Committee established under section 12;
- (f) “corporation” means an Alberta company, body corporate, corporation or extra-provincial corporation as defined in the *Business Corporations Act*;
- (g) “distributing corporation” means a distributing corporation as defined in the *Business Corporations Act*;
- (h) “district” means a district as defined in the *Hospitals Act* that has been established in respect of 1 or more nursing homes whether or not that district has also been established in respect of 1 or more hospitals;
- (i) “district board” means the board of a district;
- (j) “eligible resident” means a resident in respect of whom benefits are payable under section 16;

- (k) “Minister” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (l) “non-district nursing home” means a nursing home other than a nursing home owned or operated by a district board;
- (m) “nursing home” means a facility for the provision of nursing home care in respect of which the owner or operator has entered into a contract with the Minister;
- (n) “nursing home care” means basic care and care provided under an approved program;
- (o) “nursing home contract” or “contract” means a contract entered into by the Minister under section 6(1);
- (p) “nursing home program” means a nursing home program prepared under this Act or under section 5(3) of the *Hospitals Act*;
- (q) “operator” means a person who has entered into a nursing home contract with the Minister;
- (r) “resident” means a person who has been admitted to a nursing home or an approved hospital referred to in section 17(3) for nursing home care;
- (s) “society” means a society incorporated under the *Societies Act*, a not-for-profit company as defined in section 261(1)(c) of the *Business Corporations Act* or a corporate body all of the members of which are members of a religious order or group.

## PART 1

### DISTRICTS

Application of the Hospitals Act	<b>2</b> The <i>Hospitals Act</i> and regulations made under it apply to districts and district boards.
Additional powers	<b>3</b> In addition to the rights, powers and responsibilities of a district board under the <i>Hospitals Act</i> , a district board may, subject to this Act and the regulations, <ul style="list-style-type: none"> <li>(a) lease facilities in the district to a person who will operate them as a nursing home to serve residents of the district;</li> <li>(b) enter into an agreement with a person under which that person undertakes to manage on behalf of the district board a nursing home owned by the district board or to provide any managerial services in connection with the operation of that nursing home;</li> <li>(c) lease facilities in the district from a person for the purpose of operating a nursing home to serve residents of the district.</li> </ul>
Nursing home program	<b>4(1)</b> A district board shall furnish to the Minister any information, reports and returns that may be required at the times and in the form prescribed by the Minister.

	<p>(2) At the request of the Minister, a district board shall</p> <ul style="list-style-type: none"> <li>(a) prepare a nursing home program for the district in accordance with the regulations made under Part 1 of the <i>Hospitals Act</i> and submit it to the Minister for approval, or</li> <li>(b) review and reassess the nursing home program for the district and make a report to the Minister thereon, which shall include its recommendations as to the nursing home program.</li> </ul> <p>(3) A nursing home program prepared under this Act or the <i>Hospitals Act</i> is the nursing home program for a district for the purposes of this Act and the <i>Hospitals Act</i>.</p>
District committee	<p><b>5(1)</b> If a district contains 1 or more non-district nursing homes, the district board shall establish a committee to advise the district board in respect of the fulfilment by it of its obligations under section 4.</p> <p>(2) A district board to which this section applies shall, subject to the Minister's approval, enact general by-laws for its district committee under subsection (1) governing membership and terms of reference and governing the calling of meetings and the conduct of business at meetings.</p>
<p><b>PART 2</b></p> <p><b>NURSING HOME CONTRACTS</b></p>	
Contracts	<p><b>6(1)</b> Subject to this Act and the regulations, the Minister may enter into a contract with a person who operates or intends to operate a nursing home for the provision of nursing home care to eligible residents.</p> <p>(2) An application for a contract shall be filed with the Minister and shall be accompanied by</p> <ul style="list-style-type: none"> <li>(a) any information required by the regulations, and</li> <li>(b) any other information required by the Minister.</li> </ul> <p>(3) Subject to this Act and the regulations,</p> <ul style="list-style-type: none"> <li>(a) an operator shall not assign or otherwise dispose of his rights or obligations under a contract,</li> <li>(b) on the application of an operator or the request of the Minister, the Minister and an operator may amend a contract, and</li> <li>(c) a contract may be for a limited term.</li> </ul> <p>(4) Notwithstanding any other law, a contract shall be subject to, governed by and interpreted only in accordance with this Act and the regulations.</p>
Disposition of district nursing home property	<p><b>7(1)</b> A district board shall not sell, lease or otherwise dispose of any real or personal property used for its nursing home except with the Minister's approval or as prescribed in the regulations.</p> <p>(2) When a transaction referred to in subsection (1) is entered into or occurs the district board shall forthwith furnish to the Minister</p>

Disposition  
of non-district  
nursing home  
property

particulars of the transaction and a copy of any document evidencing the transaction.

**8(1)** If an operator of a non-district nursing home sells or otherwise disposes of any interest in the land and buildings used for his nursing home without the Minister's approval, the Minister shall terminate the nursing home contract in respect of that nursing home and the termination is effective on the date of the sale or other disposition or on any later date specified by the Minister.

(2) If an operator of a non-district nursing home is the tenant under a lease of the facilities used for the nursing home and the lease is assigned by the operator, the Minister shall terminate the operator's nursing home contract in respect of that nursing home and the termination is effective on the date of the assignment or on any later date specified by the Minister.

(3) If an operator of a non-district nursing home sells or otherwise disposes of fixtures, equipment or other personal property used for the nursing home to the extent that in the Minister's opinion the health, safety or well-being of residents in the nursing home is or is likely to be prejudiced or the operator is no longer able to provide nursing home care to residents in the nursing home, the Minister shall terminate the operator's nursing home contract on such notice to the operator as the Minister considers appropriate.

(4) When a transaction referred to in subsection (1) or (2) is entered into or occurs the operator shall forthwith furnish to the Minister particulars of the transaction and a copy of any document evidencing the transaction.

(5) If the Minister grants an approval referred to in subsection (1), it is subject to the conditions prescribed in the regulations.

Corporate  
operator

**9(1)** For the purposes of this section,

(a) a corporation is controlled by a person if

(i) shares of the corporation to which are attached more than 50% of the votes that may be cast to elect directors of the distributing corporation are held, other than by way of security only, by or for the benefit of that person, and

(ii) the votes attached to those shares are sufficient, if exercised, to elect a majority of the directors of the corporation;

(b) a distributing corporation is controlled by a person if

(i) shares of the distributing corporation to which are attached more than 20% of the votes that may be cast to elect directors of the corporation are held, other than by way of security only, by or for the benefit of that person, and

(ii) the votes attached to those shares are sufficient, if exercised, to elect a majority of the directors of the distributing corporation.

(2) If an operator that is a corporation or distributing corporation whose shareholders or members sell or otherwise dispose of the beneficial ownership of shares of the corporation or distributing corpo-

ration so that control of it is acquired by other persons without the Minister's approval, the Minister shall terminate the operator's nursing home contract in respect of that nursing home and the termination is effective on the date of the sale or other disposition or on any later date specified by the Minister.

(3) When a transaction occurs resulting in a change in the beneficial ownership of shares of an operator that is a corporation other than a distributing corporation, the operator shall forthwith furnish particulars of the transaction to the Minister.

(4) A distributing corporation shall furnish particulars of a transaction resulting in a change in ownership of its shares as prescribed in the regulations.

(5) If the Minister grants an approval referred to in subsection (2), it is subject to the conditions prescribed in the regulations.

Termination of  
a contract

**10(1)** The Minister may terminate a nursing home contract on the giving of at least 12 months' notice of the termination to the operator and may provide for the payment of compensation to the operator.

(2) An operator may terminate his nursing home contract only on the giving of at least 12 months' notice of the termination to the Minister.

(3) Nothing in this section precludes the termination of a nursing home contract by agreement between the Minister and the operator.

Leases and  
management  
agreements

**11** No operator shall enter into

(a) a lease of any land or buildings to be used by him as tenant for the purposes of a nursing home,

(b) an agreement under which any person undertakes to manage the operator's nursing home on the operator's behalf or to provide any managerial services in connection with the operation of that nursing home, or

(c) any agreement to amend or replace a lease or agreement referred to in clause (a) or (b),

except with the approval of the Minister.

Committee

**12(1)** The Minister may establish a committee to act in an advisory capacity in connection with applications for contracts, applications to amend contracts, or applications for approvals referred to in section 8(1), 9(2) or 11 or any policies, programs, services or other matters relating to nursing home care or nursing homes.

(2) The Minister may, with respect to the Committee,

(a) appoint or provide for the manner of appointment of its members,

(b) prescribe the term of office of any members,

(c) designate a chairman, vice-chairman and secretary, and

(d) authorize, fix and provide for the payment of remuneration and expenses to its members.

(3) The Committee may make rules of procedure, subject to the approval of the Minister, governing the calling of hearings and the conduct of business at hearings.

(4) When the Minister considers it appropriate he may direct the Committee to conduct a hearing in respect of an application or matter referred to in subsection (1) and the Committee shall

(a) give notice of the time and place of the hearing to

(i) each operator who operates a nursing home in the same district,

(ii) the district board of the district if it is not the operator of a nursing home, and

(iii) any other person that the Minister or the Committee considers to have an interest in the outcome of the application or matter,

(b) in the case of an application for a contract, an amendment to a contract or an approval referred to in section 8(1), 9(2) or 11, require the applicant to furnish to the persons referred to in clause (a) a copy of the application and a copy of any particulars and documentation accompanying the application,

(c) hear the application or matter, and

(d) permit any person referred to in clause (a) to appear at the hearing and to make representations to the Committee regarding the application or matter.

(5) At the conclusion of its hearing under subsection (4) the Committee shall make a report to the Minister, which shall include its recommendation as to the application or matter.

(6) The Committee has, with respect to hearings before it under this Act, the powers, privileges and immunities of a commissioner under the *Public Inquiries Act*.

Purchase by  
Minister

**13** Subject to the regulations, the Minister may purchase the land and buildings and personal property used for a nursing home.

Agreements  
with operators

**14** Subject to the regulations, the Minister may enter into agreements with operators for the purpose of this Act and the regulations.

### PART 3

#### OPERATION OF NURSING HOMES

Nursing  
home care

**15(1)** An operator shall provide nursing home care to residents in his nursing home in accordance with this Act and the regulations.

(2) Subject to the regulations, an operator shall not charge an eligible resident for nursing home care in excess of the amount prescribed in the regulations for the accommodation charge.

Eligibility  
for benefits

**16(1)** In this section, "resident of Alberta" means a person lawfully entitled to be or to remain in Canada, who makes his home and is ordinarily resident in Alberta and any other person deemed by the



regulations to be a resident of Alberta, but does not include a tourist, transient or visitor to Alberta.

(2) The Minister may pay benefits in respect of a resident

- (a) who has been found by an assessment committee appointed pursuant to the regulations to require nursing home care,
- (b) who is a resident of Alberta and has resided in Alberta for the period prescribed in the regulations, and
- (c) who meets other requirements or conditions prescribed by the regulations.

(3) Benefits may not be paid in respect of a resident

- (a) if payment for his nursing home care is the responsibility of
  - (i) The Workers' Compensation Board,
  - (ii) the Department of Veteran's Affairs (Canada),
  - (iii) the Department of National Defence (Canada), or
  - (iv) the Indian and Northern Health Services of the Department of National Health and Welfare (Canada),or is provided for under any other statute;
- (b) if the assessment committee finds that he is no longer in need of nursing home care or that he no longer meets other requirements or conditions prescribed by the regulations.

(4) Nothing under this Act prevents a person who does not desire any or all of the benefits under this Act from assuming the responsibility for the payment of any or all of the costs of his care in a nursing home.

Payment of  
benefits

**17(1)** Subject to this Act and the regulations, the Minister shall pay benefits to an operator in respect of an eligible resident in his nursing home in the amounts and in the manner prescribed by the regulations.

(2) If the amounts paid as benefits are in excess of the amounts payable to an operator for the level of nursing home care provided to eligible residents in his nursing home, the Minister may recover from the operator an amount equivalent to the excess

- (a) by withholding from the operator benefits payable to the operator in an amount equal to the excess,
- (b) by civil action as though the excess were a debt owing to the Crown in right of Alberta, or
- (c) pursuant to an agreement between the Minister and the operator providing for recovery of the excess.

(3) The Minister may enter into an agreement with the board of an approved hospital as defined in the *Hospitals Act* for the provision of nursing home care to eligible residents in the hospital and for the payment of benefits to the board in the amounts agreed to and to

authorize the board to charge eligible residents the accommodation charge.

**Grants**      **18** The Minister may make grants to an operator or a district board in respect of its operating or capital costs as prescribed by the regulations.

**Inspection**      **19(1)** For the purpose of ensuring that the health, safety or well-being of the residents in a nursing home is being maintained or that the nursing home is being operated in accordance with this Act and the regulations, a person authorized in writing by the Minister to do so may at all reasonable times

(a) enter and inspect any land or buildings used for a nursing home, or

(b) require an operator to furnish any specified information in connection with the operation of the nursing home as soon as is reasonably possible.

(2) When acting under this section, a person referred to in subsection (1) shall carry a copy of the authorization made by the Minister and present it on request to the operator of the nursing home.

(3) A person who makes an inspection or requires information under subsection (1) may inspect, examine and make copies of or temporarily remove any books, records or other documents relating to the operation of the nursing home.

(4) When a person removes any books, records or other documents under subsection (3) he

(a) shall give to the person from whom they were taken a receipt for them, and

(b) may make copies of, take photographs of or otherwise record them

and shall, within a reasonable time, return them to the person to whom the receipt was given.

(5) An operator shall grant the necessary access and accommodate a person who makes an inspection under subsection (1)(a) and shall comply with a requirement under subsection (1)(b).

**Correction plans**      **20** If the Minister or any person authorized by him is of the opinion that a nursing home is or has been operated in contravention of this Act or the regulations, he may order that the operator prepare a correction plan and submit it for the approval of the Minister or authorized person within the time specified in the order.

**Order cancelling contract**      **21(1)** Notwithstanding anything in this Act, the Minister may make an order cancelling the nursing home contract of an operator effective on the date of the order or on any later date specified in the order, if the Minister is satisfied that

(a) the operator has failed to comply with section 6(3)(a), 7(1), 8(4), 9(3) or (4), 15(2) or 19(5);

(b) a lease or agreement referred to in section 11 is made or amended or replaced without the Minister's approval;

(c) a correction plan referred to in section 20 is not prepared to the satisfaction of the Minister or is not complied with;

(d) an approval of the Minister given under this Act or the regulations was obtained fraudulently or by reason of a material misrepresentation made by or on behalf of the operator;

(e) the operator has contravened any other provision of this Act or the regulations or the operator has done or failed to do anything in connection with the operation of his nursing home or with respect to residents in it if the act or omission, by its nature and gravity, in the opinion of the Minister, has prejudicially affected or is likely to affect prejudicially the health, safety or well-being of residents;

(f) the operator has become bankrupt or, if the operator is a corporation or a society, has been wound up or dissolved.

(2) The Minister may make an order

(a) suspending the contract of an operator,

(b) prohibiting or restricting the admission of residents to an operator's nursing home, or

(c) suspending or reducing payments that are payable to an operator under this Act or the regulations,

for any of the reasons referred to in subsection (1).

(3) An order under subsection (2)

(a) may be of indefinite duration or for a stated period,

(b) may be made effective on a date stated in it up to 90 days after the date of the order, and

(c) may contain conditions that, if fulfilled to the Minister's satisfaction, will result in cancellation of the order.

(4) The Minister shall furnish a copy of the order to the operator concerned.

(5) Nothing in this Act or the regulations limits the Minister's power to reduce the amount of benefits payable to an operator in respect of an eligible resident or his nursing home to correspond with the level of nursing home care being provided by the operator, if the Minister is satisfied that the operator is not providing nursing home care at the level for which he is being paid.

Board of review

**22(1)** If an order under section 21(2) is made effective on a date after the date of the order, the Minister may, at the operator's request, establish a board of review to hold a hearing of the matter giving rise to the order.

(2) A board of review established under this section shall

(a) consist of the members appointed by the Minister and include a nominee of the district board of the district in which the operator's nursing home is located and of each association of nursing home operators in Alberta recognized by the Minister,

Official  
administrator

- (b) give notice of the time and place of the hearing and of the subject matter of the hearing to the operator concerned and any other person that the board of review considers appropriate, and
  - (c) permit any person referred to in clause (b) to appear at the hearing and to make representations to the board of review regarding the subject matter of the hearing.
- (3) On concluding its hearing, the board of review shall make a report to the Minister, which shall include its recommendation as to whether the order should be confirmed, cancelled or varied.
- (4) After receiving the report referred to in subsection (3), the Minister shall confirm, cancel or vary the order in the manner he considers appropriate.
- (5) A board of review established under this section
- (a) may make rules of procedure, subject to the approval of the Minister, governing the calling of hearings and the conduct of business at hearings;
  - (b) has, with respect to hearings before it under this Act, the powers, privileges and immunities of a commissioner under the *Public Inquiries Act*.
- (6) If a board of review appointed under this section has not made its report under this section before the original effective date of the order being reviewed, the Minister shall extend the effective date of the order to a date he considers appropriate.
- 23(1)** The Minister may appoint a person to be an official administrator of a nursing home if,
- (a) in the Minister's opinion,
    - (i) there has been a contravention of this Act or the regulations or the operator has done or failed to do anything in connection with the operation of the nursing home that, by its nature and gravity, has prejudicially affected or is likely to affect prejudicially the health, safety or well-being of residents, or
    - (ii) it is in the public interest to do so,
  - (b) an order is made under section 21(2) suspending a contract, or
  - (c) a contract is to be terminated under section 8, 9, 10 or 21(1).
- (2) An official administrator appointed under subsection (1) is entitled to possession of the nursing home and all records, supplies and equipment in it that in his opinion are necessary for the continued operation of the nursing home, to the exclusion of the operator or any person claiming through the operator.
- (3) An official administrator may pay
- (a) the salaries, wages and fringe benefits of persons employed in the nursing home, and

(b) the costs of goods and services that are, in his opinion, necessary for the continued operation of the nursing home,

out of funds due to the operator under this Act or the regulations or, with the approval of the Minister, from funds voted by the Legislature for the purpose of this Act.

(4) Any payment made pursuant to subsection (3) out of funds payable by the Minister and due to an operator under this Act or the regulations constitutes a discharge of the liability of the Minister to pay the funds to the extent of the payment.

(5) An official administrator shall administer the nursing home only until

- (a) the residents are removed from it,
- (b) in the opinion of the Minister, the event or circumstance referred to in subsection (1)(a) no longer exists,
- (c) an order suspending a contract under section 21(2) lapses or is cancelled by the Minister or on appeal,
- (d) the contract is terminated or cancelled, or
- (e) a period of 90 days has expired from the day the administrator was appointed unless that period is extended by the Minister.

(6) In addition to the powers granted by this section, the Minister may confer on an official administrator those powers that, in the opinion of the Minister, are reasonably necessary for the efficient administration of the nursing home.

(7) An official administrator shall within 15 days after the end of each month give to the operator of a nursing home under his administration a written statement in a form prescribed by the Minister setting forth the financial transactions relating to the nursing home undertaken by the administrator during that month.

(8) An official administrator shall report to the Minister on the operation of a nursing home under his administration at the time and in the manner prescribed by the Minister.

#### Appeals

**24(1)** Subject to subsection (5), when the Minister makes an order under section 21 or confirms or varies an order under section 22(4), the operator concerned may, within 60 days after being served with the order, appeal by originating notice to the Court of Queen's Bench.

(2) When the Minister makes an appointment under section 23(1)(a) that remains in effect for more than 90 days, the operator concerned may, within 60 days after the expiry of the 90-day period, appeal by originating notice to the Court of Queen's Bench.

(3) The Court of Queen's Bench may

- (a) confirm, cancel or vary the order made by the Minister, or
- (b) make any other order the Court considers appropriate.

(4) An appeal under this section does not operate as a stay of the order being appealed.

(5) If an operator who is the subject of an order under section 21(2) requests the Minister to establish a board of review under section 22 and the Minister establishes the board of review, the operator's right of appeal under this section in respect of the order is suspended until the Minister deals with the order under section 22(4).

#### **PART 4 GENERAL**

Effect of  
termination  
of a contract

#### **25(1) On the termination or cancellation of a contract**

(a) the Minister may remove all residents from the nursing home under the contract to another nursing home or facility;

(b) the operator shall account to a resident for all money and property of the resident held by the operator and pay or deliver to the resident the money and property then held by the operator;

(c) the operator shall deliver to the Minister all records in respect of the care and property of residents in the nursing home;

(d) subject to clauses (b) and (c), the rights and obligations of an operator under the contract and this Act and the regulations terminate as of the effective date of the termination or cancellation of the contract, and the operator has no claim against the Minister thereafter except

(i) for the payment of money due to him under this Act or the regulations to that date, or

(ii) under any other agreement entered into between the Minister and the operator under this Act or the regulations;

(e) subject to clauses (a), (b) and (c), the rights and obligations of the Minister under the contract and this Act and the regulations terminate as of the effective date of the termination or cancellation of the contract, and the Minister has no claim against the operator thereafter except

(i) to recover any overpayment by the Minister to the operator under this Act or the regulations to that date, or

(ii) under any other agreement entered into between the Minister and the operator under this Act or the regulations.

Information to  
the Minister

**26** An operator shall furnish to the Minister any information, reports and returns that may be required at the times and in the form prescribed by the Minister.

Records

**27(1)** An operator shall cause to be kept a record in respect of each resident and his property as prescribed by the regulations.

(2) Information in a resident's record shall be treated as private and confidential information and, except as prescribed by the regulations, shall not be published, released or disclosed in any manner that would be detrimental to the personal interest, reputation or privacy of a resident or person caring for a resident.

(3) A person who knowingly and wilfully releases or discloses information obtained from a resident's record to a person not authorized

	to receive the information is guilty of an offence and liable to a fine of not more than \$500.
Prohibitions	<p><b>28</b> The term “nursing home” may be used to describe only a nursing home the operator of which has a contract with the Minister pursuant to this Act, and no person shall</p> <ul style="list-style-type: none"> <li>(a) hold himself out as the operator of a nursing home, or</li> <li>(b) use the term “nursing home” to describe a facility operated by him,</li> </ul> <p>unless he holds a contract.</p>
Offence and penalty	<p><b>29(1)</b> Subject to section 27(3), a person who contravenes this Act or the regulations is guilty of an offence and liable to a fine of not more than \$5000.</p> <p>(2) Notwithstanding anything in this Act, the Minister may cancel a nursing home contract on such notice to the operator as the Minister considers appropriate if the Minister is satisfied</p> <ul style="list-style-type: none"> <li>(a) that the operator has been convicted of an offence under subsection (1), and</li> <li>(b) that the time for appealing the conviction has expired without an appeal having been taken or that all appeals from the conviction have been concluded and the conviction was upheld.</li> </ul>
Regulations	<p><b>30</b> The Lieutenant Governor in Council may make regulations</p> <ul style="list-style-type: none"> <li>(a) prescribing the types of services that are basic care;</li> <li>(b) prescribing the amount of the accommodation charge;</li> <li>(c) prescribing the basis on which and circumstances under which the Minister may deem a person to be a resident of Alberta;</li> <li>(d) prescribing the period during which a person must reside in Alberta to qualify as an eligible resident;</li> <li>(e) prescribing the circumstances under which a district board may sell, lease or otherwise dispose of any real or personal property used for its nursing home without the Minister’s approval;</li> <li>(f) governing revenues and deficits of nursing homes owned or operated by district boards and the manner of accounting for them by district boards;</li> <li>(g) prescribing the information regarding a change in ownership of the shares of a distributing corporation that is to be provided to the Minister;</li> <li>(h) prescribing the conditions that the Minister shall attach to an approval under section 8(1) or 9(2);</li> <li>(i) prescribing the basis on which and circumstances under which the Minister may purchase the land and buildings and personal property used for a nursing home;</li> <li>(j) prescribing the other requirements or conditions for the admission or continued stay of a resident in a nursing home;</li> </ul>

- (k) prescribing the basis on which and circumstances under which the Minister may enter into agreements with operators;
- (l) prescribing the kinds of operating and capital costs and operators or district boards or categories of operators or district boards eligible for grants;
- (m) prescribing the conditions on which a grant is made and requiring the repayment of the grant to the Government if the conditions are not met;
- (n) providing for the payment of a grant in a lump sum or by instalments and prescribing the time or times at which the grant or the instalments may be paid;
- (o) requiring an operator to account for the way in which a grant is spent in whole or in part;
- (p) authorizing the Minister to enter into an agreement with respect to any matter relating to the payment of a grant;
- (q) governing any matter pertaining to hearings held by the Committee or the board of review referred to in section 22;
- (r) governing the determination of the continued need for nursing home care of a resident and the discharge of a resident from a nursing home;
- (s) governing the removal of a resident from a nursing home and the liability of a resident for the cost of his nursing home care after he has been found no longer to be in need of nursing home care;
- (t) providing for the establishment of specific programs for the provision of care to a resident in a nursing home, of the level and kind and on the basis prescribed in the regulations;
- (u) prescribing the basis for the sharing of the cost of the care referred to in clause (t) by the Government and the resident and the basis for including the care in nursing home care;
- (v) providing for payment by the Government of all or any part of the accommodation charge of eligible residents under certain conditions to be prescribed in the regulations;
- (w) prescribing the persons to whom and the circumstances under which information contained in a resident's record referred to in section 27(2) may be disclosed.

Ministerial  
regulations

### **31 The Minister may make regulations**

- (a) specifying, within the types prescribed by the Lieutenant Governor in Council, the services that are basic care;
- (b) prescribing the rates of benefits and prescribing formulas for arriving at rates of benefits in respect of levels of basic care and care provided under approved programs;
- (c) prescribing the information to accompany an application for a nursing home contract or an amendment to a contract;



- (d) prescribing the admission policies to be followed by nursing homes and limiting the number of residents who are not eligible residents that may be cared for in a nursing home at any one time;
- (e) providing for the establishment, composition and operation of assessment committees to determine the need of a resident for nursing home care;
- (f) governing the operation and staffing of nursing homes;
- (g) providing for the preparation and adoption by an operator of medical by-laws governing the organization and conduct of physicians practising in the nursing home;
- (h) prescribing the number of semi-private or private rooms for which extra charges may be made to residents;
- (i) prescribing the maximum amount that and circumstances under which an operator may charge an eligible resident for preferred accommodation in his nursing home;
- (j) limiting the amount of money that may be held in trust for a resident and governing trust accounts maintained for residents and interest in respect of money held in trust;
- (k) governing property of a resident at or coming to a nursing home and the obligation of an operator in connection with that property;
- (l) governing standards applicable to nursing homes, including but not limited to standards relating to the programming, design and construction of nursing homes and the care, services, drugs and medical supplies to be provided in nursing homes.

## PART 5

### TRANSITIONAL, CONSEQUENTIAL, REPEAL AND COMMENCEMENT

Transitional

**32(1)** *In this section, "former Act" means the Nursing Homes Act, chapter N-14 of the Revised Statutes of Alberta 1980, and includes any predecessor to that Act.*

*(2) An auxiliary hospital and nursing home district or a nursing home district established or a district board incorporated under the former Act is hereby continued as a district or district board, as the case may be, under this Act and the Hospitals Act.*

*(3) A contract entered into under section 9 of the former Act or any predecessor to that section shall continue and remain in force as if the former Act and the regulations under the former Act were still in force, until*

*(a) a new contract is entered into under this Act, or*

*(b) 1 year after the date on which this Act comes into force,*

*whichever is earlier.*

- Amends  
RSA 1980 cA-33 **33** *The Alberta Municipal Financing Corporation Act is amended in section 1(g) by striking out “hospital district as defined in the Hospitals Act or a district as defined in the Nursing Homes Act” and substituting “ district as defined in the Hospitals Act”.*
- Amends  
RSA 1980 cA-48 **34** *The Assured Income for the Severely Handicapped Act is amended in section 1(c)(ii) by striking out “contract”.*
- Amends  
RSA 1980 cD-22 **35** *The Department of Hospitals and Medical Care Act is amended in section 7.2(b) by striking out “contract”.*
- Amends  
RSA 1980 cD-27 **36** *The Department of Social Services and Community Health Act is amended*  
     (a) *in section 9(1)(b)*  
         (i) *in subclause (i) by striking out “hospital”;*  
         (ii) *by repealing subclause (iii);*  
         (iii) *in subclause (iv) by striking out “contract”;*  
     (b) *in section 11(1)(f)*  
         (i) *in subclause (ii) by striking out “hospital”;*  
         (ii) *by repealing subclause (iii).*
- Amends  
RSA 1980 cH-3.5 **37** *The Health Disciplines Act is amended in section 2(3)(a)(ii) by striking out “contract”.*
- Amends  
RSA 1980 cH-4 **38** *The Health Facilities Review Committee Act is amended in section 1(b)(iii) by striking out “contract”.*
- Amends  
RSA 1980 cH-11 **39(1)** *The Hospitals Act is amended by this section.*  
     (2) *Section 1 is amended*  
         (a) *in subsection (1)*  
             (i) *by adding the following after clause (f):*  
                 (f.1) *“district” means a general hospital district, an auxiliary hospital district, a general and auxiliary hospital district, a general hospital and nursing home district, a general and auxiliary hospital and nursing home district, an auxiliary hospital and nursing home district or a nursing home district, and includes a municipal or auxiliary hospital district established under any former Act relating thereto;*  
             (ii) *by repealing clause (g) and substituting the following:*  
                 (g) *“district board” means the board of a district incorporated under section 8 or under any former Act relating to municipal or auxiliary hospitals or relating to nursing homes;*  
             (iii) *by repealing clause (k) and substituting the following:*  
                 (k) *“hospital district” means a district established in respect of 1 or more hospitals whether or not that district has also been established in respect of 1 or more nursing homes;*

- (iv) *by adding the following after clause (o):*
  - (o.01) “nursing home” means a nursing home as defined in the *Nursing Homes Act*;
  - (o.02) “nursing home program” means a nursing home program prepared pursuant to section 5(3) or under the *Nursing Homes Act*;
- (v) *by adding the following after clause (o.1):*
  - (o.11) “program” means a hospital program or a nursing home program;
- (b) *by repealing subsection (2) and substituting the following:*
  - (2) References in this Act to a
    - (a) particular type of district are to a district of the type established under section 2;
    - (b) particular type of program are to a program of that type prepared under this Act or the *Nursing Homes Act*.
- (3) *Section 2 is amended*
  - (a) *in subsection (1) by striking out “and” at the end of clause (d) and by adding the following after clause (e):*
    - (f) into areas that are now or may hereafter be served by 1 or more auxiliary hospitals and 1 or more nursing homes, for the purpose of establishing auxiliary hospital and nursing home districts, and
    - (g) into areas that are now or may hereafter be served by 1 or more nursing homes, for the purpose of establishing nursing home districts.
  - (b) *in subsection (2)*
    - (i) *by repealing clause (b) and substituting the following:*
      - (b) whether the district is
        - (i) a general hospital district,
        - (ii) an auxiliary hospital district,
        - (iii) a general and auxiliary hospital district,
        - (iv) a general hospital and nursing home district,
        - (v) a general and auxiliary hospital and nursing home district,
        - (vi) an auxiliary hospital and nursing home district, or
        - (vii) a nursing home district;
    - (ii) *in clause (f) by adding “or nursing home” after “hospital”.*
- (4) *Section 3 is amended*
  - (a) *by striking out “hospital district” wherever it occurs and substituting “district”;*

- (b) *by striking out “hospital boards” and substituting “boards”;*
- (c) *by striking out “hospital facilities” and substituting “hospital or nursing home facilities”.*
- (5) *Section 5 is amended by adding the following after subsection (2):*
  - (3) *After the establishment of a district pursuant to section 2 in which a nursing home may be operated, the Minister may cause the first nursing home program to be prepared containing the information prescribed in the regulations.*
- (6) *Section 6 is amended*
  - (a) *in subsection (1) by striking out “, the Minister shall” and substituting “or a nursing home program providing for the erection of a nursing home by a district board, the Minister may”;*
  - (b) *in subsection (2) by striking out “a hospital program” and substituting “the programs”;*
  - (c) *in subsection (3) by striking out “hospital” wherever it occurs.*
- (7) *Section 8 is amended*
  - (a) *in subsection (1) by striking out “hospital” wherever it occurs;*
  - (b) *in subsection (2)*
    - (i) *by striking out “hospital district” and substituting “district”;*
    - (ii) *by repealing clause (d) and substituting the following:*
      - (d) *construct, operate, maintain, manage and control 1 or more*
        - (i) *hospitals, other than non-district hospitals, in the district if the district is established in respect of 1 or more hospitals,*
        - (ii) *hospitals, other than non-district hospitals, and nursing homes, other than non-district nursing homes as defined in the *Nursing Homes Act*, in the district if the district is established in respect of 1 or more hospitals, and 1 or more nursing homes, and*
        - (iii) *nursing homes, other than non-district nursing homes as defined in the *Nursing Homes Act*, in the district if the district is established in respect of 1 or more nursing homes,*
  - (c) *by repealing subsection (2.1) and substituting the following:*
    - (2.1) *In addition to the powers referred to in subsection (2), a district established in respect of 1 or more nursing homes has the powers referred to in the *Nursing Homes Act* in relation to the nursing homes in the district.*
    - (2.2) *Notwithstanding subsections (1) and (2), in the case of an unincorporated district established under any former Act, the order incorporating the new district may*
      - (a) *provide that section 7 does not apply, and*

(b) establish as the new first district board the persons who were members of the previous board immediately before the commencement of the order,

and those members shall hold office for the remainder of the periods of office for which they were elected or appointed.

(d) in subsection (3) by striking out “hospital”.

(8) *Section 13 is repealed and the following is substituted:*

**13(1)** In this section, “voluntary nursing home” means a nursing home owned by a society as defined in the *Nursing Homes Act*.

(2) When residents of a municipality are served by a non-district hospital or a voluntary nursing home within the meaning of the *Nursing Homes Act*, the municipality may, by agreement or arrangement between its council and the governing board of that hospital or the operator of that voluntary nursing home, pay funds to the governing board of the hospital or the operator of the nursing home for capital purposes of the hospital or nursing home.

(9) *Section 14 is amended by adding the following after clause (e):*

(e.1) prescribe the information to be contained in a nursing home program;

(10) *In the following provisions “hospital district” and “hospital districts” are struck out wherever they occur and “district” and “districts” are substituted:*

section 1(1)(l);  
section 2(2), (3), (5), (6), (8) and (10);  
section 7(1);  
section 10;  
section 11(1) and (2);  
section 14(k);  
section 15;  
section 16(1), (3), (4), (5), (6), (7), (8), (10), (12) and (14);  
section 17(1) and (2);  
section 18(1);  
section 19(2);  
section 20;  
section 21;  
section 22(1)(a);  
section 23(1), (2) and (3);  
section 25(2) and (3).

Amends RSA  
1980 cL-27.5

**40** *The Local Authorities Election Act is amended in section 1*

(a) *by repealing clause (f) and substituting the following:*

(f) “district board” means a district board as defined in the *Hospitals Act*;

(b) *in clause (n) by striking out “a hospital district as defined in the Hospitals Act, a district as defined in the Nursing Homes Act” and substituting “a district as defined in the Hospitals Act”;*

(c) in clause (r)(ii) by striking out “hospital district as defined in the *Hospitals Act* or a district as defined in the *Nursing Homes Act*” and substituting “district as defined in the *Hospitals Act*”;

(d) in clause (z)(iii) by striking out “or *Nursing Homes Act*”.

Amends  
RSA 1980 cM-31

**41** *The Municipal Taxation Act* is amended in section 25(1)(d) by striking out “contract”.

Amends  
RSA 1980 cN-13

**42** *The Nursing Assistants Registration Act* is amended in section 9(b)(ii) by striking out “contract”.

Amends  
RSA 1980 cS-14

**43** *The Social Care Facilities Licensing Act* is amended in section 2(a) by striking out “contract”.

Repeal

**44** *The Nursing Homes Act, chapter N-14 of the Revised Statutes of Alberta 1980, is repealed.*

Coming  
into force

**45** *This Act comes into force on Proclamation.*