

2017 Bill 22

Third Session, 29th Legislature, 66 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 22

RESIDENT AND FAMILY COUNCILS ACT

THE MINISTER OF HEALTH

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 22

2017

RESIDENT AND FAMILY COUNCILS ACT

(Assented to , 2017)

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Preamble

WHEREAS the Government of Alberta recognizes that a residential facility is the home of its residents, and therefore the residents should be involved in matters that affect their daily lives;

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

Definitions

1 In this Act,

- (a) “auxiliary hospital” means an auxiliary hospital as defined in the *Hospitals Act*;

- (b) “facility representative”, in respect of a residential facility, means an individual designated under section 5(a);
- (c) “family”, in respect of a resident, means all individuals the resident identifies under section 3(2);
- (d) “individually identifying health information” means individually identifying health information within the meaning of the *Health Information Act*;
- (e) “inspector”,
 - (i) in respect of a residential facility referred to in clause (m)(i), means a person authorized under section 6(1),
 - (ii) in respect of a residential facility referred to in clause (m)(ii), means a person designated under section 6(4),
 - (iii) in respect of a residential facility referred to in clause (m)(iii), means the Minister where acting under section 6(7)(a) or an employee authorized under section 6(7)(b), or
 - (iv) in respect of a prescribed facility, has the meaning given to it in the regulations;
- (f) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (g) “nursing home” has the meaning given to it in the *Nursing Homes Act*;
- (h) “operator”,
 - (i) in respect of a residential facility referred to in clause (m)(i), has the meaning given to it in the *Nursing Homes Act*,
 - (ii) in respect of a residential facility referred to in clause (m)(ii), has the meaning given to it in the *Supportive Living Accommodation Licensing Act*,
 - (iii) in respect of a residential facility referred to in clause (m)(iii), means the board, as defined in Part 2 of the *Hospitals Act*, of the auxiliary hospital, or

- (iv) in respect of a prescribed facility, has the meaning given to it in the regulations;
- (i) “personal information” means personal information as defined in the *Freedom of Information and Protection of Privacy Act*;
- (j) “prescribed facility” means a facility that is prescribed or otherwise described in the regulations or that belongs to a category of facilities prescribed or otherwise described in the regulations;
- (k) “resident” means an individual who resides in a residential facility under a written agreement with the facility;
- (l) “resident and family council” means a council established under section 2(1) or a group referred to in section 2(2);
- (m) “residential facility” means
 - (i) a nursing home having 4 or more residents,
 - (ii) a supportive living accommodation,
 - (iii) an auxiliary hospital having 4 or more residents, or
 - (iv) a prescribed facility;
- (n) “supportive living accommodation” means a supportive living accommodation that is licensed under the *Supportive Living Accommodation Licensing Act*.

Establishment of a resident and family council

2(1) Any resident of a residential facility or member of a resident’s family may initiate the establishment of a resident and family council for the residents of the facility.

(2) Where on the coming into force of this Act a group composed of residents or persons of importance to residents or both is in place in a residential facility for any purpose described in section 4, the group is deemed to be a resident and family council for the purposes of this Act.

(3) Where on the coming into force of this Act there is no resident and family council in place in a residential facility, the operator of the facility must

- (a) post a notice in a conspicuous place in the residential facility advising residents and persons of importance to residents of the right to establish a resident and family council,
- (b) ensure the notice remains posted until a resident and family council is established,
- (c) provide copies of the notice to any person on request,
- (d) within 6 months after the coming into force of this Act and not less than every 6 months thereafter until a resident and family council is established, convene a meeting to inform residents, their families and persons of importance to residents of the right to establish a resident and family council, and
- (e) ensure that a notice of every meeting under clause (d) is posted in a conspicuous place in the residential facility for a period of at least 2 weeks before the meeting is held.

(4) Where at any time it appears to the operator of a residential facility that there is no functioning resident and family council in place in the facility, the operator of the facility must

- (a) take the steps described in subsection (3)(a), (b) and (c),
- (b) as soon as practicable, convene a meeting to inform residents, their families and persons of importance to residents of the right to establish a resident and family council, and convene further meetings not less than every 6 months thereafter until a resident and family council is established, and
- (c) ensure that a notice of every meeting under clause (b) is posted in a conspicuous place in the residential facility for a period of at least 2 weeks before the meeting is held.

Council membership and process

3(1) All residents of a residential facility and their families are eligible to be members of a resident and family council for the facility.

(2) A resident may identify one or more relatives, friends, guardians, caregivers or other individuals to be considered as the resident's family for the purposes of this Act.

(3) No person shall receive any remuneration for acting as a member of a resident and family council.

(4) Subject to this section, a resident and family council may determine its own governance structure and procedures.

Purposes of a resident and family council

4 The purposes of a resident and family council are

- (a) to provide a forum for the residents and their families to discuss ways of maintaining and enhancing the residents' quality of life in the residential facility,
- (b) to provide a forum for the residents and their families to discuss matters relating to their residence in the residential facility, including any requests or concerns they may have and any solutions to the concerns that they may wish to propose,
- (c) to present any requests, concerns and proposed solutions to a facility representative or the operator,
- (d) to provide opportunities for the residents and their families to develop and participate in projects for the residents' benefit,
- (e) to provide a network of support and encouragement for the residents and their families, and
- (f) any other purposes provided for in the regulations.

Duties of operator

5 An operator must

- (a) designate in writing one or more persons as facility representatives for the purposes of this Act,
- (b) attend, or ensure a facility representative attends, all meetings of a resident and family council where invited to do so by the council and all meetings convened by the operator under clause (k) or section 2(3)(d) or (4)(b),
- (c) document, or ensure a facility representative documents, any requests, concerns and proposed solutions expressed to the operator or a facility representative by a resident, a member of a resident's family or a resident and family council,
- (d) take all requests, concerns and proposed solutions expressed by a resident, a member of a resident's family or a resident and family council into consideration when making decisions that affect the residents,
- (e) consult with all resident and family councils in the residential facility regarding the food, services and social and leisure activities provided or made available to the residents,
- (f) establish in writing a process for addressing requests and concerns of the residents and their families and for documenting measures taken to address them,
- (g) provide copies of the process established under clause (f) to the residents, their families and resident and family councils on request and make a copy available to any other person on request,
- (h) provide contact information to residents and their families regarding the complaints officer under the *Supportive Living Accommodation Licensing Act*, including by posting a notice in a conspicuous place in the residential facility containing the contact information and by providing copies of the notice to residents, their families and resident and family councils on request,
- (i) make space within the residential facility available, to the extent reasonably practicable, for meetings of resident and family councils,

- (j) provide administrative assistance to resident and family councils, to the extent reasonably practicable, when requested by them,
- (k) whenever to the best of the operator's knowledge no resident and family council has met within a 6-month period, convene a meeting before the end of the seventh month to address the purposes described in section 4(a) to (f), and
- (l) following every inspection of the residential facility under this Act, the *Nursing Homes Act*, the *Supportive Living Accommodation Licensing Act*, the *Hospitals Act* or the regulations, provide information to residents and their families regarding the results of the inspection, including by posting a notice in a conspicuous place in the facility describing the results and by providing copies of the notice to residents, their families and any other person on request.

Inspections

6(1) Where under section 12 of the *Nursing Homes Act* the Minister authorizes a person to do anything referred to in that section for the purposes of that Act, the Minister may, under this subsection, authorize the person in writing to do that thing for the purposes of this Act.

(2) Subject to the terms of the written authorization, a person authorized under subsection (1) may, for the purposes of ensuring compliance with this Act and the regulations, do anything referred to in section 12(1) of the *Nursing Homes Act* in respect of a residential facility that is a nursing home.

(3) Section 12(2) to (5) of the *Nursing Homes Act* apply in respect of a person authorized under subsection (1).

(4) Where under section 6 of the *Supportive Living Accommodation Licensing Act* the Minister designates a person as an inspector for the purposes of that Act, the Minister may designate the person under this subsection as an inspector for the purposes of this Act.

(5) Subject to the terms of the designation, an inspector designated under subsection (4) may, for the purposes of ensuring compliance with this Act and the regulations, do anything referred to in section

7(1)(a) to (e), (2) or (3) of the *Supportive Living Accommodation Licensing Act* in respect of a residential facility that is a supportive living accommodation.

(6) Section 7(4) to (8) of the *Supportive Living Accommodation Licensing Act* apply in respect of an inspector designated under subsection (4).

(7) The Minister may, in respect of an auxiliary hospital,

- (a) do anything referred to in section 26 of the *Hospitals Act*,
or
- (b) authorize employees referred to in section 26 of the *Hospitals Act* to do anything referred to in that section,

or both, for the purposes of this Act.

(8) The Minister or, subject to the terms of the employee's authorization, an employee authorized under subsection (7)(b) may, for the purposes of ensuring compliance with this Act and the regulations, do anything referred to in section 26 of the *Hospitals Act* in respect of a residential facility that is an auxiliary hospital.

(9) An inspector must inform an operator of the results of an inspection of the operator's residential facility.

Protection from liability

7 No action lies against the Minister, an inspector or any other person for anything done or omitted to be done in good faith in exercising powers or carrying out duties or functions under this Act.

Authority to collect, use and disclose information

8 Except to the extent, if any, that the regulations provide otherwise, for the purposes of administering and ensuring compliance with this Act and the regulations,

- (a) the Minister and inspectors may directly or indirectly collect, use and disclose information, including personal information and individually identifying health information, and

- (b) complaints officers under the *Supportive Living Accommodation Licensing Act* may directly or indirectly collect and use information, including personal information and individually identifying health information, and may disclose that information to inspectors.

Regulations

9 The Lieutenant Governor in Council may make regulations

- (a) exempting specified residential facilities or categories of residential facilities from the application of this Act, the regulations or any provision of this Act or the regulations;
- (b) prescribing or otherwise describing facilities or categories of facilities that provide permanent residential accommodation to individuals, other than nursing homes, supportive living accommodations or auxiliary hospitals, as residential facilities for the purposes of section 1(m)(iv);
- (c) defining “inspector” for the purposes of section 1(e)(iv) and respecting the authorization of persons to inspect prescribed facilities;
- (d) defining “operator” for the purposes of section 1(h)(iv);
- (e) establishing purposes referred to in section 4(f);
- (f) respecting duties of an operator, including, without limitation, regulations respecting requirements for an operator
 - (i) to establish processes for the purposes of one or more provisions of this Act or the regulations;
 - (ii) to give or post notices for the purposes of one or more provisions of this Act or the regulations;
 - (iii) to create, maintain and provide access to records respecting any matter provided for in this Act or the regulations;
- (g) respecting powers and duties of inspectors;

- (h) respecting the collection, use or disclosure of information, including personal information and individually identifying health information, under this Act;
- (i) defining any word or expression used in this Act but not defined in this Act;
- (j) respecting any other matter the Lieutenant Governor in Council considers necessary or appropriate to carry out the intent of this Act.

Coming into force

10 This Act comes into force on Proclamation.

