



## Regulation of Assisted Living Residences in BC

**Carly Hyman**  
**Manager of Systemic**  
**Investigations**

**Contact:**  
**1-800-567-3247**  
**[www.ombudsperson.bc.ca](http://www.ombudsperson.bc.ca)**

# *Contents*

- Role of the Ombudsperson's Office
- Ombudsperson & Seniors
- Ombudsperson's Seniors' Care Investigation
- Regulation of Assisted Living in BC
  - Legislative/Regulatory History
  - Number of Assisted Living Residents
  - Funding
  - Principles
  - Service Delivery
  - Legislative/Regulatory Framework
  - Care Standards
  - Operator Obligations
  - Office of the Assisted Living Registrar
  - Assisted Living Registrar Powers
  - Complaints
  - Areas for Improvement

# *Role of the Ombudsperson's Office*

- *Section 10 Ombudsperson Act 1979*
- *BCDC v. AGBC 1984*
- 2006, legislative committee

*“... to generally oversee the administrative actions of government authorities with a view to upholding the democratic principles of openness, transparency and accountability.”*

# *The Ombudsperson & Seniors*

Seniors might contact the Ombudsperson's office for a variety of reasons, including complaints about:

- Ministry of Health Services
  - Pharmacare
  - Medical Services Plan
  
- Ministry of Healthy Living and Sport
  - Assisted Living Registrar
  
- Regional Health Authorities
  - hospitals, home health, assisted living, residential care
  
- ICBC
  
- Public Guardian and Trustee

# *Seniors' Care Systemic Investigation*

- Started with public concern about standards, policies, planning, communication and information
- June 26, 2008 - news release
- August 21, 2008 - public announcement of investigation
- Public release of report: Phase 1, December 2009
- Public release of report: Phase 2, early 2011 (anticipated)

# Regulation of Assisted Living in BC

# Legislative/Regulatory History

- Bill 73 passed November 2002
- *Community Care and Assisted Living Act* came into force May 14, 2004
- Assisted living has become the cornerstone of the provincial government's Home and Community Care policy since 2002
- Number of AL residences/units have increased dramatically

# Number of Assisted Living Residents

- As of March 2010, there were 192 registered assisted living facilities in British Columbia, with a total of 6,702 units.
- The number of subsidized units was 3,690 and the number of non-subsidized units was 3,012.
- 6,702 + AL residents



# Funding

- Unsubsidized AL - Cost to purchase AL privately \$1,500-\$5,000/month
  
- Subsidized AL – resident/health authority co-payment
  - ▣ Health authority monthly contribution \$1,100/unit
    - Combined provincial funding for AL in 2009/2010 was \$74,565,880
  - ▣ Residents pay maximum 70% of after tax income
    - average rate paid in 2009/2010 \$1,200/month

# Principles

- ❑ Middle housing option between living independently and residential care
- ❑ Philosophy is to provide housing with support that enable residents to maintain independence
- ❑ Assisted living is meant for seniors and others who are able to direct their own care, but can no longer live safely on their own

# Service Delivery

- ❑ Assisted living facilities can be owned and operated by health authorities, non-profit groups or private companies.
- ❑ Individual facilities may contain only subsidized units, only non-subsidized units, or both.
- ❑ For subsidized services, health authorities sometimes provide these services directly, but in most cases contract with other agencies to provide them
- ❑ Private companies and some non-profit groups provide non-subsidized services.

# Legislative/Regulatory Framework

Assisted Living residence is defined as

A premises or part of a premises in which housing, hospitality services, and at least one but not more than two prescribed services are provided by or through the operator to two or more adults who are not related by blood or marriage to the operator

*Section 1 Community Care and Assisted Living Act*

# Legislative/Regulatory Framework

## Assisted Living residence is...

- ❑ Premises/part of premises
- ❑ Housing
- ❑ Hospitality
- ❑ One or two prescribed services
- ❑ By/through operator
- ❑ To two or more unrelated adults

# Legislative/Regulatory Framework

## Housing

Apartment style, 1-2 bedrooms, bathroom, kitchen, lockable

## Hospitality Services

Defined in section 1 of the Act as “meal services, housekeeping, laundry services, social and recreational opportunities and a 24-hour emergency response system”

# Legislative/Regulatory Framework

## Prescribed Services defined in

- ❑ Regular assistance with activities of daily living, including eating, mobility, dressing, grooming, bathing and person hygiene
- ❑ Central storage of medication, distribution of medication, administering medication or monitoring the taking of medication
- ❑ Maintenance or management of the cash resources or other property of a resident or person in care
- ❑ Monitoring of food intake or of adherence to therapeutic diets
- ❑ Structured behaviour management and intervention
- ❑ Psychosocial rehabilitative therapy or intensive physical rehabilitative therapy

Section 2 of the *Community Care and Assisted Living Regulation*

# Care Standards

- ❑ *Community Care and Assisted Living Act* requires operators not to house residents who are unable to make their own decision and to ensure that residence is operated in a manner that does not jeopardize resident health and safety
- ❑ *Assisted Living Regulation* contains the only 2 regulatory standards that apply to AL residences which relate to storing and administering medication
- ❑ Office of the Assisted Living Registrar has established policy referred to as Health and Safety Standards for assisted living operators



# Operator Obligations

- ❑ Not to operate an assisted living residence that is not registered with the Assisted Living Registrar (s.26(1))
- ❑ Ensure that the assisted living residence is operated in a manner that does not jeopardize the health or safety of its residents (s.26(5))
- ❑ Not to house residents who are unable to make decisions on their own behalf with the following exception (s.26(3))
  - ❑ Where the spouse of a resident lives with the person in the residence and can communicate on the resident's behalf
  - ❑ Where the resident is an involuntary patient on leave under section 37 of the *Mental Health Act*

# Office of the Assisted Living Registrar

- ❑ Act requires minister to designate an Assisted Living Registrar
- ❑ Office of the Assisted Living Registrar is part of the Ministry of Healthy Living and Sport
- ❑ Located in Vancouver
- ❑ 4.5 FTEs, including the registrar
  
- ❑ Authority to register an assisted living residence if the OALR is satisfied that services provided will not jeopardize resident health and safety
- ❑ Establishes assisted living policies
- ❑ Responds to complaints about resident health and safety

# Assisted Living Registrar Powers

- If concerns about health and safety
  - ▣ Enter and inspect
  - ▣ Copy documents
  
- Enforcement authority
  - ▣ Suspend registration
  - ▣ Cancel registration
  - ▣ Attach conditions to registration
  - ▣ Vary conditions of registration

# Complaints

- ❑ OALR responds to complaints about
  - ❑ Non-compliance with policy
  - ❑ Operators housing residents who are not able to make their own decisions
  - ❑ Operation of unregistered assisted living residences
  
- ❑ Patient Care Quality Offices in the health authorities respond to care quality complaints in subsidized assisted living units

# Areas for Improvement?

- ❑ Tenancy protection
- ❑ Legally binding and enforceable standards
- ❑ Investigative authority of the Assisted Living Registrar
- ❑ Complaints Jurisdiction

# *Questions*

**CONTACT US:**

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**[www.bcombudsperson.ca](http://www.bcombudsperson.ca)**

PO BOX 9039 STN PROV GOVT  
VICTORIA, BC V8W 9A5