



Province of Alberta

SUPPORTIVE LIVING ACCOMMODATION
LICENSING ACT

**SUPPORTIVE LIVING
ACCOMMODATION LICENSING
REGULATION**

Alberta Regulation 40/2010

With amendments up to and including Alberta Regulation 7/2017

Office Consolidation

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Alberta Queen's Printer
7th Floor, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

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(Consolidated up to 7/2017)

ALBERTA REGULATION 40/2010

Supportive Living Accommodation Licensing Act

**SUPPORTIVE LIVING ACCOMMODATION
LICENSING REGULATION**

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Schedules

Interpretation

1(1) In this Regulation, “Act” means the *Supportive Living Accommodation Licensing Act*.

(2) For the purposes of section 2(1)(b) of the Act, “services related to safety and security” includes day to day monitoring by an operator of the safety and security of residents of the operator’s supportive living accommodation.

Application for licence

2(1) An application for a licence for a supportive living accommodation must be in writing in the form set out in Schedule 2 and must include

- (a) confirmation that the supportive living accommodation has been inspected by an executive officer under the *Public Health Act*,
- (b) confirmation of compliance with the *Safety Codes Act* for new or renovated supportive living accommodations or

where there has been a change in the occupancy of the supportive living accommodation,

- (c) confirmation of zoning approval, if required,
- (d) where the supportive living accommodation is housed in a pre-existing building, confirmation of fire inspection of the building,
- (e) confirmation of current insurance coverage in accordance with section 5, and
- (f) confirmation of the current corporate status of the operator of the supportive living accommodation, if applicable.

(2) In addition to the requirements of subsection (1), an applicant for a licence must also provide any other or further information the director considers necessary in respect of the operation of the supportive living accommodation.

(3) The director may exempt an applicant for a licence from any or all of the requirements of subsection (1) where the director is satisfied that the required confirmations cannot be provided due to circumstances beyond the control of the applicant.

Renewal of licence

3(1) An application for a renewal of a licence for a supportive living accommodation must be in writing in the form set out in Schedule 2 and must include

- (a) documentation respecting any change in the most recent information provided by the applicant in an application for a licence under section 2 or for a prior renewal of a licence under this section, including
 - (i) a copy of the most current health inspection report, if it is different from the previous health inspection report,
 - (ii) a copy of the most current fire inspection report, if it is different from the previous fire inspection report,
 - (iii) a copy of the building approval, if the supportive living accommodation has been renovated or there has been a change in occupancy, and
 - (iv) confirmation of the current corporate status of the operator of the supportive living accommodation, if there has been a change in corporate status,

and

- (b) confirmation of current insurance coverage in accordance with section 5.

(2) In addition to the requirements of subsection (1), an applicant for renewal of a licence must also provide any other or further information the director considers necessary in respect of the operation of the supportive living accommodation.

Responsibility of director

4 For the purposes of section 4(3) of the Act, the director, in deciding whether to issue or renew a licence for a supportive living accommodation, with or without conditions, or to refuse to issue or renew a licence, must consider

- (a) the information provided by the applicant for a licence in accordance with section 2 or for a renewal of a licence in accordance with section 3, and
- (b) the results of an inspection of the supportive living accommodation conducted in accordance with the Act and this Regulation.

Insurance

5(1) Without limiting any other liability to which an operator may be subject, an operator must insure the supportive living accommodation under a contract of general liability insurance in accordance with the *Insurance Act* and in an amount of not less than \$2 000 000 per occurrence in respect of the following:

- (a) bodily harm;
- (b) personal injury;
- (c) property damage, including loss of use of the property.

(2) Where an operator operates supportive living accommodations at more than one location, the requirements of subsection (1) apply in respect of each location separately.

(3) If an operator holds money or personal property of a resident that has monetary value, the operator must obtain a comprehensive crime insurance policy in an amount covering the operator's potential liability for loss resulting from theft, fraud and other similar offences, whether committed by employees of the operator or by other persons.

(4) An operator must, in addition to the requirements of section 2(1)(e) and 3(1)(b), provide a detailed certificate of insurance to the director annually and at any other time when requested by the director to do so.

Appeals

6(1) An appeal of a decision of a complaints officer under section 10(3) of the Act must be made to the director

- (a) within 30 days of the notification of the decision of the complaints officer under section 10(4) of the Act, and
- (b) in writing.

(2) In addition to the requirements of subsection (1), the following information must be provided in respect of the appeal:

- (a) the details of the original complaint;
- (b) the contact information of the person appealing the decision of the complaints officer;
- (c) the date;
- (d) the reason for the appeal;
- (e) any other information that in the opinion of the person appealing is relevant to the appeal.

(3) In addition to the requirements of subsections (1) and (2), a person appealing a decision of a complaints officer must also provide any other or further information the director considers necessary for the purposes of deciding the appeal.

(4) On receipt of the written request for appeal and any additional information required by the director, the director shall consider the appeal and make a decision.

(5) The director shall respond in writing to the person making the appeal within 30 days of making a decision respecting the appeal, and the director's response shall include the decision itself and the reasons for it.

(6) A decision of the director under this section may not be appealed.

Standards

7(1) The standards set out in Schedule 1 to this Regulation are adopted by and form part of this Regulation.

(2) An operator shall ensure that the standards set out in Schedule 1 to this Regulation are complied with.

Transitional

8 An operator of a supportive living accommodation that prior to the coming into force of the Act was a lodge accommodation as defined in section 1(e) of the *Alberta Housing Act* must apply for a licence in accordance with the Act and this Regulation within 12 months after the date on which the Act comes into force.

Expiry

9 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 31, 2022.

AR 40/2010 s9;70/2015;7/2017

Coming into force

10 This Regulation comes into force on the coming into force of the *Supportive Living Accommodation Licensing Act*.

Schedule 1

Building Code requirements

1(1) Any changes that are made to the physical structure of a building that houses a supportive living accommodation or to the supportive living accommodation itself must meet the requirements of the *Alberta Building Code*.

(2) Where changes are made in the use of, or to the population residing in, a building that houses a supportive living accommodation, the building must continue to meet the requirements of the *Alberta Building Code*.

Safety requirements

2 An operator must ensure that the building that houses the supportive living accommodation, the supportive living accommodation itself and its grounds or common areas are in a safe condition and maintained so as to remain free of hazards.

Maintenance requirements

3(1) An operator must ensure that the building that houses the supportive living accommodation, the supportive living accommodation itself and any equipment and operator-owned furnishings are well maintained and in good working order.

(2) An operator shall develop, maintain and implement a scheduled preventative maintenance and repair program to inspect the condition of the supportive living accommodation, the building that houses it and its equipment and operator-owned furnishings and ensure that repairs, service and, where applicable, replacements are provided as needed.

Environmental requirements

4 In a supportive living accommodation where residents are unable to adjust the temperature in their rooms and in the common areas of any supportive living accommodation, the operator shall ensure that heating, cooling and ventilation systems are operated at a level that maintains a temperature that supports the safety of all residents and the comfort of the majority of the residents.

Personalizing spaces

5 An operator shall ensure that each resident of a supportive living accommodation has the opportunity to personalize the resident's room.

Window coverings

6 An operator of a supportive living accommodation shall ensure that appropriate window coverings are provided in the supportive living accommodation as necessary for the comfort and privacy of the residents, including in each resident's room if the resident has not provided his or her own window coverings in accordance with section 5.

Bedding

7(1) Where an operator provides bedding, towels or other linens for the use of residents, the operator shall ensure that they are clean, fresh, dry and in good condition and changed on a regularly scheduled basis to ensure a clean living environment for each resident.

(2) Where the operator provides bedding and towels for residents, the operator shall do so in keeping with the particular needs of each resident.

Laundry

8(1) Where residents of a supportive living accommodation provide their own bedding and towels, the operator shall ensure either

- (a) that laundry services are provided, or
- (b) that laundry facilities are made available for the residents to do their own laundry,

and shall inform the residents regarding the services provided or the facilities available, as the case may be.

(2) Where the operator provides laundry equipment for the personal use of residents, their representatives or their service providers, the operator shall ensure that the equipment and the laundry area are appropriate, clean and in good repair.

Personal choice services

9(1) In this section, “personal choice services” includes optional services that may be provided or offered to residents of a supportive living accommodation such as hairdressing, barbering, personal laundry services, manicures, pedicures, massages and facials.

(2) Where an operator provides or offers personal choice services, the operator shall ensure that the personal choice services

- (a) are offered or provided based on the needs and preferences of the residents,
- (b) are provided in a space that is appropriate for the purpose, and
- (c) are provided by a person who holds the required licence or other certification, if any, for the provision of those personal choice services.

Medication assistance or medication reminders

10(1) In this section,

- (a) “medication assistance” means assistance with taking prescribed medication that is provided to a resident who recognizes the need to take the medication and who consents to the assistance provided, but does not include monitoring or coordination of the medical regime for that resident;
- (b) “medication reminder” means a reminder given to a resident to take prescribed medication, but does not include medication assistance.

(2) Where an operator provides medication assistance or medication reminders to residents, the operator shall develop and maintain written processes that

- (a) support and promote the safe self-administration of medication for residents,
- (b) ensure secure storage of medications,

- (c) specify the training or education required for employees involved in delivering medication reminders or medication assistance to residents, and
- (d) address procedures for dealing with errors in the provision of medication reminders or medication assistance.

Contracted services

11 Where an operator contracts for services to be provided in a supportive living accommodation, the contract must include, at a minimum,

- (a) the nature and scope of the service to be provided,
- (b) who will provide the service,
- (c) that person's qualifications to provide the service, if applicable,
- (d) a requirement that the contractor carry any required insurance, and
- (e) a provision that addresses the handling of personal information about the residents of the supportive living accommodation.

Social or leisure activities

12(1) Where an operator provides social or leisure activities for residents, the operator shall

- (a) provide activities that address the needs and preferences of the residents,
- (b) periodically solicit and consider the opinions of residents in planning and providing social or leisure activities, and
- (c) respond to residents' opinions and comments regarding social or leisure activities.

(2) An operator shall ensure that information about social or leisure activities is communicated to residents in an appropriate manner.

(3) An operator shall ensure that employees or service providers who are required to plan, develop, coordinate and deliver social or leisure activities have the necessary education and knowledge to do so in a way that meets the needs of the residents.

Nutritional requirements

13(1) An operator of a supportive living accommodation who provides residents with a meal, fluids and a snack daily shall ensure

that a menu for residents, representing at a minimum a 3-week cycle, is prepared and that

- (a) the meals, fluids and snacks provided meet the current nutritional requirements of the Canada Food Guide,
 - (b) the meals, fluids and snacks are
 - (i) palatable, safe and pleasingly presented, and
 - (ii) provided in sufficient quantities to ensure adequate hydration and that the residents' nutritional needs are met,
- and
- (c) the menu and times at which the meals, fluids and snacks will be served are communicated to each resident in an appropriate manner.

(2) In addition to the requirements of subsection (1), an operator of a supportive living accommodation that accommodates 11 or more residents shall ensure that the menu referred to in subsection (1) is reviewed and approved as meeting the current nutritional requirements of the Canada Food Guide by a registered dietitian or a food and nutrition manager registered with the Canadian Society of Nutrition Management.

Menu requirements

14(1) The operator of a supportive living accommodation shall ensure that the menu provided for residents

- (a) offers variety and seasonal variation,
- (b) provides residents with a choice from within at least one food group at every meal, and
- (c) as far as is reasonably practicable, recognizes residents' food preferences, religious practices and cultural customs in the planning, preparation and service of meals.

(2) Where substitutions must be made respecting items on a menu, those substitutions must be

- (a) from within the same food groups and provide similar nutritional value as the original menu items, and
- (b) communicated to the residents.

(3) An operator shall ensure that residents' opinions and feedback regarding meals, fluids and snacks are periodically collected and considered in the development of the menu.

(4) An operator shall ensure that residents are consulted on a periodic basis respecting the times of the day at which meals, fluids and snacks are to be provided or made available to them and shall respond to the residents' comments or concerns.

(5) An operator shall ensure that a record is created of meals served and any substitutions made to the menu and that the record is maintained for at least 3 months.

Cleaning requirements

15(1) An operator shall ensure that a clean and comfortable environment is provided for residents, employees, volunteers, service providers and visitors.

(2) A supportive living accommodation must be thoroughly cleaned on a regularly scheduled basis and the level of cleanliness must be maintained as necessary between regularly scheduled cleanings while respecting the preferences of the residents as much as possible.

(3) Written cleaning procedures must be established and followed at all times to ensure a clean living environment.

(4) Appropriate mechanisms must be used to minimize unpleasant odours in the supportive living accommodation.

Continuation of services

16(1) An operator shall develop, maintain and implement as necessary contingency plans to provide for the continuation of necessary services as set out in this Schedule to residents in the event of the failure of electrical power or other utilities, the breakdown of essential equipment, extreme weather conditions, employment disputes and other disruptions.

(2) A contingency plan must

- (a) mitigate the impact of the disruption on the residents,
- (b) be communicated and made available to residents and their representatives, visitors, volunteers, employees and service providers,
- (c) be practicable in the circumstances in which it is intended to be used, and
- (d) be reviewed on an annual basis to ensure that it remains effective.

Prevention of abuse

17(1) An operator shall develop and maintain written processes that

- (a) promote the prevention of abuse of the residents of the supportive living accommodation, and
- (b) provide information respecting the reporting of suspected abuse to the proper authorities.

(2) An operator shall ensure that all employees receive appropriate education respecting the identification and reporting of suspected abuse and the prevention of abuse of residents.

(3) An operator shall ensure that information respecting the identification and reporting of suspected abuse and the prevention of abuse of residents is provided to residents, their representatives, volunteers and service providers.

Resident safety and security

18(1) An operator shall develop and maintain written processes that promote the safety and security of residents, including processes that

- (a) account for all residents on a daily basis, and
- (b) ensure that monitoring mechanisms or personnel are in place on a round-the-clock basis.

(2) Where a supportive living accommodation has a security system, the security system must be maintained, inspected and tested as recommended by the manufacturer of the security system.

(3) Where a supportive living accommodation has a communication system or an emergency call system, the system must be one that is appropriate to the type of building in which it is located and suitable for the needs of the residents and must be maintained, inspected and tested as recommended by the manufacturer of the system.

(4) Any incident within the supportive living accommodation or its grounds in which the safety or security of a resident is breached must be documented and reported to the director along with the actions taken to address the incident or remedy the breach, as the case may be.

(5) An operator shall ensure that all employees and, where appropriate, residents, service providers and volunteers receive adequate training respecting any security, communication or emergency call system in use in the supportive living accommodation.

Trust accounts

19(1) Where an operator holds funds on behalf of a resident for a period longer than 31 days, the operator shall

- (a) deposit those funds into a trust account opened and maintained for that purpose, and
 - (b) provide a receipt for each transaction.
- (2) An operator shall ensure that easily understandable records are maintained in respect of the trust account, showing opening and closing balances, and make those records available for inspection by residents or their representatives free of charge.
- (3) An operator shall return funds held in trust to the resident or the resident's representative on receiving a request in writing to do so.

Safeguarding of personal possessions

20 Where an operator agrees to safeguard personal possessions for a resident, the operator shall develop and maintain written policies for the safeguarding of those personal possessions.

Water temperature

21(1) An operator shall ensure that the temperature of flowing water provided for personal use in areas used by the residents does not exceed the maximum safe level established in the *Alberta Building Code*.

- (2) An operator shall ensure that safe water temperatures for the personal use of residents are maintained through
- (a) employee and resident training and education,
 - (b) proper maintenance and monitoring of equipment, and
 - (c) appropriate risk mitigation procedures.
- (3) An operator shall ensure that all maintenance personnel and employees involved with the water system are sufficiently knowledgeable in the function and proper operation of the water gauges, water mixing valves and therapeutic tub controls, if any, to maintain safe water temperatures.
- (4) Where a supportive living accommodation has one or more therapeutic tubs, the operator of the supportive living accommodation shall ensure that a sufficiently knowledgeable employee or service provider tests the temperature of the hot water flowing into each therapeutic tub each day prior to the first bath of the day and documents the temperature in a log book or on a log sheet kept in the tub room for that purpose.

General information

22 An operator shall make available as necessary to residents and their representatives current general information respecting relevant community, municipal, provincial and federal programs.

Information respecting the supportive living accommodation

23(1) An operator shall provide on request to applicants, residents and their representatives current information and, where necessary, forms respecting the operation of the supportive living accommodation, including

- (a) eligibility requirements,
- (b) the application process,
- (c) the capacity of the supportive living accommodation and the services provided to accommodate the needs of residents,
- (d) the process of moving in and orientation,
- (e) basic accommodation and service charges on a monthly basis,
- (f) available personal choice services and their charges,
- (g) cleaning and maintenance schedules,
- (h) the policy respecting the giving of gifts by residents to employees and volunteers,
- (i) the policy respecting involvement by employees or volunteers in the financial or non-financial affairs of residents,
- (j) the notice period applicable to rate increases,
- (k) the house rules of the supportive living accommodation and circumstances that could lead to the termination of residency,
- (l) information respecting the measures taken by the operator to protect the privacy and personal information of residents,
- (m) information respecting
 - (i) a risk management process, if the operator has established a process,

- (ii) trust accounts, if the operator maintains trust accounts, and
- (iii) services to safeguard the personal possessions of residents, if the operator provides such services,
- (n) information respecting the results of required inspections of the supportive living accommodation, and
- (o) the written process for resolving concerns or complaints.

(2) An operator shall ensure that a residential services agreement is signed by each resident or the resident's representative and by an authorized representative of the supportive living accommodation.

(3) A residential services agreement

- (a) may be a separate document on its own or may form part of another document, and
- (b) must clearly state
 - (i) the residential services provided,
 - (ii) the rates charged for those services, and
 - (iii) the notice periods that apply to rate increases and the termination of services or residency.

Concerns and complaints

24 An operator shall develop and maintain a written process for the resolution of concerns and complaints about the supportive living accommodation and the services provided and shall document every concern or complaint received and the measures taken to resolve it.

Assessment

25 An operator shall develop, maintain and implement written processes for the assessment of applicants for residency in the supportive living accommodation, including the assessment of

- (a) applicants' physical, emotional and cognitive abilities in relation to the physical design and available services of the supportive living accommodation,
- (b) applicants' behaviours in relation to the needs of current residents, and
- (c) the suitability of available services in relation to the needs, safety and security of applicants.

Reassessment

26 Where a resident's physical, emotional or cognitive condition changes, the operator of the supportive living accommodation shall ensure that the resident's needs are reassessed in relation to the supportive living accommodation and its available services and the needs of the other residents.

Risk management

27(1) An operator shall advise each resident or the resident's representative of the limitations of the services offered in the supportive living accommodation and ensure that the resident or the representative, as the case may be, is aware of and acknowledges the increased risk associated with living in the supportive living accommodation given the resident's identified needs and capabilities.

(2) An operator may enter into a written agreement with a resident or the resident's representative to manage risk to the resident based on the resident's identified needs and the capacity of the supportive living accommodation to meet those needs.

(3) An agreement referred to in subsection (2) must be reviewed and, if necessary, amended each time a resident is reassessed in accordance with section 26.

Policies respecting safety and security

28(1) An operator shall create and maintain policies and procedures related to the safety and security of residents to be followed by employees.

(2) An operator shall ensure that all employees are aware of and have access to the policies and procedures referred to in subsection (1).

Job descriptions

29(1) An operator shall ensure that a written job description is prepared and made available for each employee employed in the supportive living accommodation.

(2) The job description referred to in subsection (1) must set out

- (a) the job qualifications,
- (b) the responsibilities of the position, and
- (c) the scope of the position.

Residents' personal affairs

30(1) An operator shall develop and maintain written policies respecting the involvement of employees or volunteers in the personal affairs of residents.

(2) The written policies referred to in subsection (1) must at a minimum address

- (a) the accepting of gifts by employees or volunteers from residents,
- (b) the involvement of employees or volunteers in the financial affairs of residents, including matters relating to powers of attorney, wills and estate planning, and
- (c) the involvement of employees or volunteers in the non-financial affairs of residents, including matters relating to personal directives, decision-making and guardianship.

(3) The written policies referred to in subsection (1) must be provided to residents, their representatives, employees and volunteers.

Criminal record check

31 An operator shall ensure that each new employee, each new volunteer and each new service provider whose duties involve the provision of services directly to residents must provide a criminal record check.

Privacy and personal information

32(1) An operator shall ensure that the privacy and personal information of residents are protected.

(2) An operator shall develop and maintain written policies respecting the protection of residents' privacy and personal information and shall

- (a) train employees and volunteers in implementing the policies, and
- (b) ensure that residents and their representatives are informed respecting the policies.

Schedule 2

**Form
Licence Application/Licence Renewal**

Licence under the *Supportive Living Accommodation Licensing Act*.

Licence Application Licence Renewal

For office use only:
(Supportive Living Accommodation ID)

NOTE:

- Each supportive living accommodation requires a separate application.
- Applications cannot be processed unless all applicable sections are complete.
- Please **PRINT** clearly.

**Section A
Information About Supportive
Living Accommodation**

| | | | |
|--|----|-------------|------------------|
| Name under which supportive living accommodation will be operated | | | |
| Complete address of supportive living accommodation (including building name, room number, floor, if applicable) | | | |
| City/Town | AB | Postal Code | Telephone number |
| Legal description of property OR specific building (optional) | | | |
| Supportive living accommodation mailing address (if different from above) | | | |
| | | AB | |
| Date the supportive living accommodation was built _____ | | | |
| Date of last renovation _____ | | | |

**Section B
Supportive Living Accommodation
Contact Person**

| | | |
|---|------------------|------------|
| Person in charge at the supportive living accommodation | | |
| Position/Title | | |
| E-mail | Telephone number | Cell phone |

**Section C
Information About
the Applicant**

(Legal name of applicant (as it will appear on licence))

Type of Owner/Operator (select only one)

- Individual Partnership
- Corporation Society
- Charitable Organization Religious Organization
- Management body
- Other _____

Ownership (select only one)

- Private Sector Agency Community Agency
- Government Owned

Other Government Involvement (related to the supportive living accommodation or the residents)

- PDD AISH
- Housing and Urban Affairs Health
- Alberta Works Lodge Assistance Program
- Unique Homes

Section D**Owner/Operator Contact Person
(Person to whom correspondence
should be directed)**

| | |
|-----------------|------------------|
| Contact Name | Position/Title |
| Mailing address | City/Town |
| Province | County |
| E-mail | Telephone number |
| | Cell phone |

Section E**Number of Residents**

Maximum occupancy _____ Current occupancy _____

Section F**Change in Occupancy****(Complete Section F for application renewals ONLY)**

Is there a change in your maximum occupancy?

- Yes No

If yes, specify number _____

Is there a change in your current occupancy?

Yes No

If yes, specify number _____

Section G

Attachments

New Licence:

- Submit item #1 and #2 with licence application.
- Item #3 must be submitted before a licence can be issued.

Renewal Licence:

- Submit item #2 with licence renewal application.
- Submit those parts of items #1 and #3 only if there are changes since the previous application.

Submit the following with the completed application form:

- (1) Where a Corporation, submit Certificate and Articles of Incorporation, names and addresses of Directors and Shareholders. Where a Society, submit Certificate of Incorporation, names and addresses of Directors.
- (2) Proof of General Liability Insurance
- (3) Proof of the following in accordance with section 2 of the *Supportive Living Accommodation Licensing Regulation*:
 - Zoning Approval
 - Building Approval
 - Public Health Approval

Section H

Declaration

I certify that the information I have provided is true and correct to the best of my knowledge.

| | | |
|------------------------|-------------------|----|
| Name | Position/Title | |
| Current address | City/Town | AB |
| Postal Code | Telephone number | |
| Signature of applicant | Date (yyyy/mm/dd) | |



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