



Province of Alberta

NURSING HOMES ACT

Revised Statutes of Alberta 2000
Chapter N-7

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Alberta Queen's Printer
Suite 700, 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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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Nursing Homes Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	<i>Amendments</i>
Nursing Homes Act		
Nursing Homes General	232/85	219/88, 206/2001, 251/2001, 101/2007, 31/2012, 170/2012 56/2019
Nursing Homes Operation.....	258/85	385/85, 56/87, 60/87, 76/87, 470/87, 533/87, 95/88, 222/88, 79/89, 231/89, 62/90, 112/90, 258/90, 200/91, 201/91, 235/91, 299/91, 301/91, 380/91, 230/92, 273/92, 358/92, 189/93, 236/93, 115/94, 221/2001, 260/2003, 196/2006, 186/2007, 165/2008, 217/2010, 75/2012, 193/2012, 95/2014, 164/2015, 7/2017

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Table of Contents

1 Definitions

Part 1 Nursing Home Contracts

2 Contracts

3 Minister's approval for disposition of land

4 Corporate operator

5 Termination of contract

6 Purchase by Minister

7 Agreements with operators

Part 2 Operation of Nursing Homes

8 Nursing home care

9 Eligibility for benefits

10 Payment of benefits

11 Grants

12 Inspection

13 Correction plans

14 Minister's orders

15 Board of review

16 Official administrator

17 Appeals

Part 3 General

18 Effect of termination of a contract

19 Information to Minister

20 Records

21 Prohibition

- 22 Offence and penalty
- 23 Regulations
- 24 Ministerial regulations

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 10(2);
- (b) “approved program” means a program approved by the Minister in respect of the provision of care in addition to basic care in one 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 under this Act in respect of the cost of nursing home care provided to eligible residents;
- (e) “corporation” means an Alberta company, body corporate, corporation or extra-provincial corporation as defined in the *Business Corporations Act*;
- (f) “distributing corporation” means a distributing corporation as defined in the *Business Corporations Act*;
- (g) “eligible resident” means a resident in respect of whom benefits are payable under section 9;
- (h) “health region” means a health region established under the *Regional Health Authorities Act*;
- (i) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (j) “nursing home” means a facility for the provision of nursing home care;
- (k) “nursing home care” means basic care and care provided under an approved program;

- (l) “nursing home contract” or “contract” means a contract entered into under section 2(1);
- (m) “operator” means a person who operates a nursing home;
- (n) “regional health authority” means a regional health authority constituted under the *Regional Health Authorities Act*;
- (o) “resident” means a person who has been admitted to a nursing home or an approved hospital referred to in section 10(2) for nursing home care.
1985 cN-14.1 s1;1994 cR-9.07 s25(26);1996 c22 s2(2)

Part 1 Nursing Home Contracts

Contracts

2(1) Subject to this Act and the regulations, a regional health authority 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.

(2) A nursing home contract shall be filed with the Minister and shall be accompanied with

- (a) any information required by the regulations, and
- (b) any other information required by the Minister.

1985 cN-14.1 s6;1996 c22 s2(4)

Minister’s approval for disposition of land

3 An operator, other than a regional health authority, who intends to sell or otherwise dispose of an interest in the land or buildings used for the operator’s nursing home shall give the Minister reasonable notice of the intention to do so.

1985 cN-14.1 s8;1996 c22 s2(6)

Corporate operator

4(1) 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.

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

1985 cN-14.1 s9;1996 c22 s2(7)

Termination of contract

5(1) Either party to a nursing home contract may terminate the contract by giving at least 12 months' notice of the termination to the other party.

(2) Subsection (1) does not preclude the parties to a nursing home contract from terminating the contract by agreement.

(3) A regional health authority shall immediately notify the Minister when

- (a) it gives or receives a notice of termination under subsection (1), or
- (b) it enters into an agreement to terminate a nursing home contract.

1985 cN-14.1 s10;1996 c22 s2(8)

Purchase by Minister

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

1985 cN-14.1 s13

Agreements with operators

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

1985 cN-14.1 s14

Part 2

Operation of Nursing Homes

Nursing home care

8(1) An operator shall provide nursing home care to residents in the operator's 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.

1985 cN-14.1 s15

Eligibility for benefits

9(1) In this section, "resident of Alberta" means a person lawfully entitled to be or to remain in Canada, who makes the person's 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) Benefits may be paid 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 by 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 the resident's nursing home care is the responsibility of
 - (i) The Workers' Compensation Board,
 - (ii) the Department of Veterans Affairs (Canada),
 - (iii) the Department of National Defence (Canada), or
 - (iv) the Medical Services Branch of Health Canada,or is provided for under any other statute;
- (b) if the assessment committee finds that the resident is no longer in need of nursing home care or that the resident 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 the person's care in a nursing home.

1985 cN-14.1 s16;1996 c22 s2(10)

Payment of benefits

10(1) Subject to this Act and the regulations, benefits shall be paid in respect of an eligible resident in an operator's nursing home in the amounts and in the manner determined in accordance with the regulations.

(2) The regional health authority 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.

1985 cN-14.1 s17;1996 c22 s2(11)

Grants

11 The Minister may make grants to an operator in respect of its operating or capital costs as prescribed by the regulations.

1985 cN-14.1 s18;1996 c22 s2(12)

Inspection

12(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), the person

- (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).

1985 cN-14.1 s19

Correction plans

13 If the Minister or any person authorized by the Minister is of the opinion that a nursing home is or has been operated in contravention of this Act or the regulations, the Minister 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.

1985 cN-14.1 s20

Minister's orders

14(1) The Minister may by order cancel or suspend a nursing home contract effective on the date specified in the order if the Minister is of the opinion that the operator

- (a) has contravened this Act or the regulations, or
- (b) has done or omitted to do anything in respect of the nursing home that, because of the nature or gravity of the thing, has prejudicially affected or is likely to prejudicially affect the health, well-being or safety of the residents of the nursing home.

(2) Where the Minister is of the opinion that any of the circumstances set out in subsection (1) exist, the Minister may make an order prohibiting or restricting the admission of residents to the operator's nursing home.

(3) The Minister may make an order under subsection (1) suspending a nursing home contract subject to any terms and conditions the Minister considers appropriate.

(4) Where the Minister makes an order under this section, the Minister shall forthwith give a copy of the order to the regional health authority and the operator.

1985 cN-14.1 s21;1996 c22 s2(13)

Board of review

15(1) If an order under section 14 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 regional health authority of the health region in which the operator's nursing home is located and of each association of nursing home operators in Alberta recognized by the Minister,

- (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 the Minister 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 the Minister considers appropriate.

1985 cN-14.1 s22;1996 c22 s2(14)

Official administrator

- 16(1)** This section does not apply in respect of a nursing home that is operated by a regional health authority.
- (2) The Minister may appoint a person to be an official administrator of a nursing home if,
- (a) in the Minister's opinion,
 - (i) the operator has contravened this Act or the regulations or has done or omitted to do anything in respect of the nursing home that, because of the nature or gravity of the thing, has prejudicially affected or is likely to prejudicially affect the health, well-being or safety of the residents of the nursing home, or

- (ii) it is in the public interest to appoint an official administrator,
 - (b) the Minister has made an order under section 14(1) suspending the nursing home contract, or
 - (c) the Minister intends to make an order under section 14(1) cancelling the nursing home contract.
- (3)** An official administrator appointed under subsection (2) is entitled to possession of the nursing home and all records, supplies and equipment in it that in the official administrator's opinion are necessary for the continued operation of the nursing home, to the exclusion of the operator or any person claiming through the operator.
- (4)** 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 the official administrator's opinion, necessary for the continued operation of the nursing home,
- out of funds due to the operator from a regional health authority or, with the approval of the Minister, from funds voted by the Legislature for the purpose of this Act.
- (5)** A payment made under subsection (4) discharges the regional health authority from liability to pay the funds, to the extent of the payment.
- (6)** 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 (2)(a) no longer exists,
 - (c) an order suspending a contract under section 14(1) 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.
- (7)** 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.

(8) An official administrator shall within 15 days after the end of each month give to the operator of a nursing home under the official administrator's administration and to the regional health authority of the health region in which the nursing home is located a written statement in a form prescribed by the Minister setting out the financial transactions relating to the nursing home undertaken by the administrator during that month.

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

1985 cN-14.1 s23;1996 c22 s2(15)

Appeals

17(1) Subject to subsection (5), when the Minister makes an order under section 14 or confirms or varies an order under section 15(4), the operator concerned may, within 60 days after being served with the order, appeal by application to the Court of Queen's Bench.

(2) When the Minister makes an appointment under section 16(2)(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 application 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 14 requests the Minister to establish a board of review under section 15 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 15(4).

RSA 2000 cN-7 s17;2009 c53 s121

Part 3 General

Effect of termination of a contract

18(1) Where the Minister cancels, suspends or terminates 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 or a person authorized by the Minister all records in respect of the care and property of residents in the nursing home.

1985 cN-14.1 s25;1996 c22 s2(17)

Information to Minister

19 An operator shall provide information, reports and returns to the Minister at the times and in the form and manner required by the Minister.

1985 cN-14.1 s26;1996 c22 s2(18)

Records

20(1) An operator shall cause to be kept a record in respect of each resident and each resident's 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.

(4) Subsection (2) does not apply to health information as defined in the *Health Information Act*.

RSA 2000 cN-7 s20;RSA 2000 cH-5 s120

Prohibition

21 No person other than a regional health authority or a person who has a contract with a regional health authority under section 2 may

- (a) hold out that the person is the operator of a nursing home, or
- (b) use the term “nursing home” to describe a facility operated by that person.

1985 cN-14.1 s28;1996 c22 s2(19)

Offence and penalty

22(1) Subject to section 20(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.

(2) Notwithstanding anything in this Act, the Minister may cancel a nursing home contract on any notice to the operator that the Minister considers appropriate if the Minister is satisfied

- (a) that the operator has been convicted of an offence under subsection (1), and
- (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.

1985 cN-14.1 s29

Regulations

23 The Lieutenant Governor in Council may make regulations

- (a) prescribing the types of services that are basic care;
- (b) prescribing the basis on which and circumstances under which the Minister may deem a person to be a resident of Alberta;
- (c) prescribing the period during which a person must reside in Alberta to qualify as an eligible resident;
- (d) respecting the form and contents of nursing home contracts;
- (e) governing revenues and deficits of nursing homes owned or operated by regional health authorities and the manner of accounting for them by regional health authorities;

- (f) prescribing the information regarding a change in ownership of the shares of a distributing corporation that is to be provided to the Minister;
- (g) 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;
- (h) prescribing the other requirements or conditions for the admission or continued stay of a resident in a nursing home;
- (i) prescribing the basis on which and circumstances under which the Minister may enter into agreements with operators;
- (j) prescribing the kinds of operating and capital costs and operators or categories of operators eligible for grants;
- (k) 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;
- (l) 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;
- (m) requiring an operator to account for the way in which a grant is spent in whole or in part;
- (n) authorizing the Minister to enter into an agreement with respect to any matter relating to the payment of a grant;
- (o) governing any matter pertaining to hearings held by the board of review referred to in section 15;
- (p) governing the determination of the continued need for nursing home care of a resident and the discharge of a resident from a nursing home;
- (q) governing the removal of a resident from a nursing home and the liability of a resident for the cost of the resident's nursing home care after the resident has been found no longer to be in need of nursing home care;
- (r) 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;

- (s) prescribing the persons to whom and the circumstances under which information contained in a resident's record referred to in section 20(2) may be disclosed.

1985 cN-14.1 s30;1996 c22 s2(20)

Ministerial regulations

24 The Minister may make regulations

- (a) specifying, within the types prescribed by the Lieutenant Governor in Council, the services that are basic care;
- (b) respecting the determination of the rates of benefits to be paid in respect of basic care and care provided under approved programs;
- (c) 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;
- (d) providing for the establishment, composition and operation of assessment committees to determine the need of a resident for nursing home care;
- (e) governing the operation and staffing of nursing homes;
- (f) providing for the preparation and adoption by an operator of medical bylaws governing the organization and conduct of physicians practising in the nursing home;
- (g) respecting the determination of accommodation charges;
- (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 the operator's 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;

- (m) 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;
- (n) prescribing the basis for the sharing of the costs of the care referred to in clause (m) by the Government and the resident and the basis for including the care in nursing home care.

1985 cN-14.1 s31;1987 c29 s18;1996 c22 s2(21)



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