



Role of Investigators and the Investigation Process

An operator is responsible for promoting and protecting the health, safety and well-being of all residents and to run the residence in compliance with the *Community Care and Assisted Living Act* and the Assisted Living Regulation.

The assisted living registrar, under the *Community Care and Assisted Living Act* (the Act), is appointed to provide oversight of assisted living operators. The assisted living registry, made up of investigators and program staff, supports the registrar in meeting this mandate.



What do investigators do?

Investigators:

- Assess applications for registration and issue registrations;
- Answer questions, provide information and education about assisted living;
- Inspect and monitor residences for compliance with the *Act* and the Assisted Living Regulation;
- Investigate complaints about health and safety; and
- Investigate if an unregistered assisted living residence is being operated.

The registrar and registry staff are guided by these principles in their work:

- Protect and promote the health, safety and well-being of residents;
- Investigate complaints using the least intrusive but most appropriate course of action first; and
- Transparency, accountability and administrative fairness.



Administrative fairness refers to the principle that those affected by a decision should be informed and consulted in a meaningful way and have their point of view listened to and considered.

When would an investigator conduct a site visit to inspect a residence?

An investigator may inspect a residence to:

- Assess applications and verify the information provided;
- Monitor operations for compliance with the *Community Care and Assisted Living Act* and the Assisted Living Regulation;
- Follow up on a reportable (serious) incident to determine that preventive measures are in place to prevent future incidents and every action is being taken to ensure residents' health and safety; and
- Investigate a complaint. In these cases, the investigator will focus their efforts on the nature of the complaint and investigate any aspect of the operation that will assist them to determine if the complaint can be substantiated (or proven) or if it is unsubstantiated.

What happens during site inspections?

Some inspections may be pre-arranged and planned with the operator while other site visits may be unannounced. An investigator will first explain the purpose of their inspection, then they may:

- Speak to the operator and/or manager; ask questions; and offer assistance and education about coming into compliance;
- Speak to residents about their experiences in the residence;
- Speak to staff about their experiences, qualifications or training;
- Request copies of any records, policies or documents that operators should have available, as per the Assisted Living Regulation;
- Walk around and inspect all areas for compliance with the Act and Assisted Living Regulation, such as inspecting for accessibility, cleanliness, state of repair, uncluttered halls, entrances and exits, security measures, access to first aid or emergency equipment, food preparation, etc.; or
- Make observations and collect information about whether the operator is complying with the Act and the Assisted Living Regulation. This may involve taking photographs and writing up notes.

What is the process for investigating a complaint?

The following outlines some key steps in conducting an investigation related to a complaint that has been made to the assisted living registrar. These procedures may vary according to the seriousness of the complaint.

1 A complaint is made

A complaint comes into the office of the registrar of assisted living.

2 The complaint is analyzed

An investigator:

- Assesses if the complaint falls within the registry's mandate to investigate, *i.e.* is the complaint related to a resident's health or safety?;
 - Reads the complaint details provided and may follow up with more questions to the complainant;
 - Determines the best approach to investigate;
 - Conducts a file review of the operations to determine this operator's history and if other complaints were made about this operator; and
 - Reviews the residence's policies and procedures.
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3 A site visit may be conducted

An investigator:

- May notify an operator or the onsite manager of the residence in advance of a site visit **or** may arrive unannounced;
- May inspect the residence and review records, policies or procedures; or
- May make observations and collect information about whether the operator is complying with the *Act* and the Assisted Living Regulation. This may involve taking photographs and writing up notes.

An investigation may also involve speaking to or interviewing:

- The operator or manager;
- Residents and/or a family member; and
- Staff.

4 A determination is made about compliance and next steps

At this step, the investigator determines if the complaint is substantiated (found to have valid health and safety concerns) or unsubstantiated.

The investigator:

- Reviews and analyzes all the information gathered, from the interviews, review of files and observations; and
- Determines if the operator is in compliance with the *Act* and Assisted Living Regulation.

If the operator is not in compliance with the *Act* or the Assisted Living Regulation, the investigator:

- Advises the operator of actions the operator needs to take to come into compliance; and
- May specify timelines for actions.

The registrar will post substantiated complaint information for the public on the assisted living website. This includes:

- The summary of the complaint;
- The registrar's findings from an investigation;
- Action taken; and
- Information on any assisted living residence that is not meeting its responsibilities to its residents.

5 Education and support

In keeping with the principles of transparency, accountability and administrative fairness, an investigator will provide support and education to help the operator understand their role and responsibilities.

When an operator fails to take the actions needed to come into compliance, the registrar may take progressive enforcement steps which can include a range of actions.

Progressive enforcement can include one or all of these steps:



If the registrar has reasonable grounds to believe that there is an immediate risk to the health or safety of a resident, the registrar has the authority to “attach conditions to the registration, or vary conditions of that registration, without notice.”, as per sections 27.1 of the *Community Care and Assisted Living Act*.
