



Role of Investigators and the Assisted Living Registry

Assisted living residence operators are responsible to promote and protect the health, safety and well-being of their residents. They must also operate their residences in compliance with the *Community Care and Assisted Living Act* (the Act) and the Assisted Living Regulation (the Regulation).

The Assisted Living Registrar's role is to provide oversight of assisted living operators. The Registrar is appointed under the Act.

The Assisted Living Registry (the Registry) is the branch in the Ministry of Health that carries out the work of the Registrar.

Registry Investigators support the Registrar in meeting their mandate and work directly with residence operators.



The Role of Investigators

- Assess applications for registration and recommend to the Registrar whether an application for registration should be approved;
- Provide information and education to operators and the public about the Act and the Assisted Living Regulation requirements;
- Inspect and monitor residences for compliance with the Act and the Regulation;
- Investigate complaints about health and safety; and
- Determine if an unregistered assisted living residence is being operated.

Principles that guide the Registrar and investigators 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
- Practice transparency, accountability and administrative fairness.



Administrative fairness includes allowing people to be heard in processes that affect them, ensuring decisions are made without bias, and following the rules that apply. It is also about providing clear and meaningful reasons for decisions so the persons affected by the decision can understand what process the organization followed and how it came to the decision it did.¹

When would an investigator inspect a residence?

Investigators inspect residences for many reasons:

- To follow up on the information provided in an application for registration;
- To monitor residences for compliance with the Act and the Regulation;
- To investigate complaints about residences, and to determine whether the complaint can be substantiated;
- To follow up on a **reportable incident** (see the **Reportable Incidents Fact Sheet**);
- To investigate if an unregistered assisted living residence is being operated.

¹ Adapted from **What is Fairness? - Office of the Ombudsperson (bcombudsperson.ca)**

What happens during a site inspection?

During an inspection, which may take place with or without notice, an investigator may:

- Meet with the operator and/or manager to ask questions and to provide information;
- Talk to residents about their experiences in the residence;
- Talk to staff about the residence and their experience, qualifications or training;
- Request copies of any records, policies or documents that operators should have available, as required by the Regulation;
- Inspect all areas of the residence to determine if it complies with the Act and the Regulation. This may include inspecting for accessibility; cleanliness; state of repair; uncluttered halls, any blocked entrances and exits; security measures; access to first aid or emergency equipment; food preparation, etc.; or
- Collect information about whether the operator is complying with the Act and the Regulation. This may include taking photographs of the home and records and writing notes.

Are assisted living inspections the same as the inspections done by the health authority?

No, the Registry's investigators conduct inspections of registered assisted living residences and of residences that may be operating unlawfully without an assisted living registration.

Health authority licensing officers inspect licensed residential care facilities. Health authority environmental health officers may conduct inspections related to food safety, drinking water quality, and other matters under the *Public Health Act* and its regulations.

Is there a schedule for doing inspections?

No, there is no schedule for doing inspections included in the legislation.

Complaint Investigations

The following outlines some key steps in investigating a complaint that has been made to the Registry. These procedures may vary according to the seriousness of the complaint.

1 Someone makes a complaint

A complaint comes into the Registry.

2 An investigator analyses the complaint

The investigator:

- Assesses whether the complaint falls within the Registry’s mandate to investigate;
 - May follow up to get more information from the person who complained;
 - Reviews the operator’s history and whether other complaints were made about this operator; and
 - Reviews the residence’s policies and procedures.
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3 The investigator may conduct a site visit

They may:

- Notify the operator or the onsite manager of the residence before a site visit or arrive unannounced;
 - Inspect the residence and review records, policies or procedures;
 - Speak to the operator or manager, staff, and residents or to family members;
 - Collect information about whether the operator is complying with the Act and the Assisted Living Regulation. This may involve taking photographs and writing notes.
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4 The investigator reviews all the information they have collected and determines whether the complaint is substantiated or unsubstantiated.

i.e., whether the operator is complying with the Act and Regulation

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

- Advises the operator of actions they need to take to comply; and
- May specify timelines for actions.

The Registry posts substantiated complaint information for the public on the Registry website. This includes:

- The findings from the investigation;
- The actions the operator must take to correct deficiencies.

5 Progressive enforcement

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.

However, if the operator does not do what is needed to become compliant, the Registrar may take progressive enforcement steps, which can include a range of actions as outlined below.

Progressive enforcement can include one or all 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 section 27.1 of the *Community Care and Assisted Living Act*.
