

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 494

, Approved and Ordered September 27, 2022


~~Lieutenant Governor~~
Administrator

Executive Council Chambers, Victoria

~~Lieutenant Governor~~
Administrator

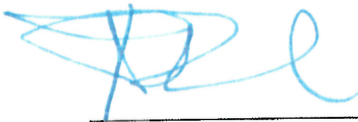
On the recommendation of the undersigned, the ~~Lieutenant Governor~~, by and with the advice and consent of the Executive Council, orders that

- (a) the Assisted Living Regulation, B.C. Reg. 189/2019, is amended as set out in the attached Schedule 1,
- (b) the Child Care Licensing Regulation, B.C. Reg. 332/2007, is amended as set out in the attached Schedule 2,
- (c) the Patients' Bill of Rights Regulation, B.C. Reg. 37/2010, is amended as set out in the attached Schedule 3, and
- (d) the Residential Care Regulation, B.C. Reg. 96/2009, is amended as set out in the attached Schedule 4.

DEPOSITED

September 27, 2022

B.C. REG. 192/2022



Minister of Health



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Community Care and Assisted Living Act*, S.B.C. 2002, c. 75, s. 34;
Hospital Act, R.S.B.C. 1996, c. 200, s. 56 (3.01)

Other: O.I.C. 466/2019; O.I.C. 728/2007; O.I.C. 80/2010; O.I.C. 225/2009

R20569840

SCHEDULE 1

1 Section 2 (c) of Schedule A to the Assisted Living Regulation, B.C. Reg. 189/2019, is repealed and the following substituted:

- (c) if the applicant is an individual, a criminal record check and 3 character references;
- (c.1) if the applicant is a corporation, a criminal record check and 3 character references for each board member who will be ordinarily present on the premises of the assisted living residence while residents are present; .

SCHEDULE 2

1 Section 2.1 (2) of the Child Care Licensing Regulation, B.C. Reg. 332/2007, is repealed and the following substituted:

- (2) Subsection (1) (b) does not apply to the care programs prescribed under the following sections:
 - (a) section 2 (1) (d) [*Group Child Care (School Age)*];
 - (b) section 2 (1) (i) [*School Age Care on School Grounds*].

SCHEDULE 3

1 Section 2 of the Patients' Bill of Rights Regulation, B.C. Reg. 37/2010, is amended

(a) in subsection (2), by adding "59.1, 59.2." after "59.", and

(b) by adding the following subsection:

- (5) For the purpose of applying section 59.2 of the Residential Care Regulation, references to the "director of licensing" must be read as references to the "chief inspector" as defined in the *Hospital Act*.

SCHEDULE 4

1 Section 1 of the Residential Care Regulation, B.C. Reg. 96/2009, is amended by repealing the definition of "parent or representative" and substituting the following:

"parent or representative" means a person who

- (a) in the case of a child or youth, is the child or youth's parent within the meaning of the Child Care Licensing Regulation, or
- (b) in the case of an adult, has authority to make health or personal care decisions, or decisions respecting admission to or continued accommodation in a care facility, on behalf of the adult, under
 - (i) the *Health Care (Consent) and Care Facility Admission Act*,
 - (ii) the *Patients Property Act*, or
 - (iii) an agreement under the *Representation Agreement Act*;

2 *The following section is added:*

Authority to make decisions

- 1.1** Nothing in this regulation confers on a person any greater authority to make health or personal care decisions, or decisions respecting admission to or continued accommodation in a care facility, on behalf of an adult, than the person has under another Act or an agreement under the *Representation Agreement Act*.
- 3** *Section 44 (2) (b) is amended by adding “, other than a student member,” after “eligible to be a member”.*
- 4** *Section 45 is amended by striking out “A licensee, other than a licensee who provides a type of care described as Hospice, must” and substituting “A licensee who provides a type of care described as Long Term Care must”.*
- 5** *Section 59 is repealed and the following substituted:*

Duties of licensee where no resident or family council established

- 59** A licensee who provides a type of care described as Long Term Care must, if the community care facility has no resident or family council,
- (a) provide an opportunity for persons in care and their parents or representatives, family members and contact persons to meet with the licensee at least twice each calendar year for the purposes of
 - (i) promoting the collective interests of persons in care, and
 - (ii) involving the persons in care in decision making on matters that affect their day-to-day living, and
 - (b) inform anyone who attends a meeting under paragraph (a) of the licensee’s duties under section 59.1.

Duties of licensee in relation to resident or family councils

- 59.1** (1) In this section, “**informational materials**” means information, reports, studies or articles that
- (a) relate to the rights of persons in care or other matters affecting the health, safety or dignity of persons in care, and
 - (b) are prepared by
 - (i) a government or agency of a government in British Columbia or another jurisdiction,
 - (ii) an officer of the legislature of British Columbia or another jurisdiction, or
 - (iii) an organization, educational institution or academic that engages in research on long term care.
- (2) A licensee who provides a type of care described as Long Term Care must, for each resident or family council established at the facility, do the following:
- (a) provide, at no cost to the council, each of the following as requested by the council:

- (i) administrative support provided by an employee who is approved by the council;
 - (ii) access to a meeting room on the premises of the facility
 - (A) for council meetings at the time and frequency determined by the council,
 - (B) for up to 3 hours for each council meeting, and
 - (C) that has equipment to enable council members to attend council meetings by electronic means;
 - (iii) printed council meeting minutes for distribution to each person in care and each council member;
- (b) provide an opportunity for the council to meet with the licensee at least twice each calendar year for the purposes of
- (i) promoting the collective interests of persons in care, and
 - (ii) involving the persons in care in decision making on matters that affect their day-to-day living;
- (c) respond in writing to all recommendations brought forward by the council at the meetings under paragraph (b), including by providing a rationale for any decision to reject a recommendation;
- (d) receive, on behalf of the council, informational materials directed to the council from a health authority and forward the informational materials to council members in electronic or paper form, as requested by the council.
- (3) A licensee must not do any of the following:
- (a) attend council meetings without invitation from the council;
 - (b) interfere with a member of the council's participation on the council, including, subject to section 57 (3), by preventing a member from entering the premises to attend a council meeting.

Information about resident or family council

- 59.2** On request of the minister or the director of licensing, a licensee who provides a type of care described as Long Term Care must
- (a) inform the minister or the director of licensing whether the community care facility has a resident or family council, and
 - (b) if the facility has a resident or family council, provide the following information to the minister or the director of licensing:
 - (i) whether the council has a chair or co-chairs;
 - (ii) a description of the frequency of the council's meetings;
 - (iii) a description of the administrative support the licensee provides to the council.