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THIRD READING

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Craig James, Clerk of the House

HONOURABLE ADRIAN DIX
MINISTER OF HEALTH

BILL 5 – 2018
COMMUNITY CARE AND ASSISTED LIVING AMENDMENT
ACT, 2018

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 Section 1 of the Community Care and Assisted Living Act, S.B.C. 2002, c. 75, is amended by adding the following definition:

"official website" means a website that

- (a) is maintained by or on behalf of
 - (i) the health authority that employs a medical health officer, for the purposes of sections 15.1 to 15.4, or
 - (ii) the government, for the purposes of sections 25.4 to 25.7, and
- (b) is publicly and freely accessible; .

2 The following sections are added:

Publication of licence information

15.1 (1) Within 30 days after issuing a licence, a medical health officer must publish on an official website all of the following information:

(a) the licensee's name;

(b) the name and address of the licensee's community care facility.

(2) Despite subsection (1), a medical health officer is not required to publish the address of a licensee's community care facility if

(a) the licensee applies for an exemption from that requirement, and

(b) the medical health officer is satisfied that publishing the address would present a risk to the health or safety of persons in care in the licensee's facility.

Publication of reports respecting licensed facility

15.2 (1) Within a prescribed period after completing an investigation or inspection of a licensed community care facility, a medical health officer must publish on an official website a report summarizing

(a) the findings of the investigation or inspection, and

(b) the actions, if any, taken or to be taken in response to those findings by the medical health officer and the licensee.

(2) Despite subsection (1), a medical health officer is not required to publish information under that subsection if the investigation or inspection is in response to a complaint that the medical health officer finds to be frivolous, vexatious or unsubstantiated.

(3) A medical health officer must promptly remove information respecting investigations, published under this section, once 5 years have passed since publication.

(4) A medical health officer may remove information respecting inspections that was published under this section once 5 years have passed since publication.

Publication of reports respecting unlicensed facility

15.3 (1) Within a prescribed period after finding, on completion of an investigation or inspection, that a person is operating an unlicensed community care facility, a medical health officer must publish on an official website all of the following information:

- (a) the name of the person found to be operating an unlicensed community care facility;
- (b) the name and address of the unlicensed community care facility;
- (c) a report summarizing
 - (i) the findings of the investigation or inspection, and
 - (ii) the actions, if any, taken or to be taken in response to those findings by the medical health officer and the person found to be operating an unlicensed community care facility.

(2) Within a prescribed period after completing a follow-up investigation or inspection of a premises that was previously the subject of publication under subsection (1), a medical health officer must publish on an official website a report summarizing

- (a) the findings of the follow-up investigation or inspection, and
- (b) the actions, if any, taken in response to the findings of the follow-up investigation or inspection by the medical health officer and the person found to be operating an unlicensed community care facility.

(3) A medical health officer must promptly remove information that was published under this section if a licence is subsequently issued in respect of the community care facility.

(4) If subsection (3) does not apply, a medical health officer may remove information that was published under this section once 5 years have passed since publication.

Publication generally

15.4 (1) A medical health officer must, if required by the regulations, publish on an official website

(a) information that is in addition to that required to be published under sections 15.1 to 15.3, and

(b) information respecting licensed and unlicensed community care facilities generally.

(2) A medical health officer who is required under this Act to publish information on an official website must do so in accordance with the regulations, if any.

3 Section 15.3 is amended

(a) in subsection (1) by striking out "an investigation or inspection, that a person is operating an unlicensed community care facility," and substituting "an inspection, that a person is operating an unlicensed premises within the meaning of section 9.1,"

(b) in subsections (1) (a), (b) and (c) (ii) and (2) (b) by striking out "unlicensed community care facility" and substituting "unlicensed premises", and

(c) in subsections (1) (c) (i) and (2) by striking out "investigation or" wherever it appears.

4 The following sections are added:

Publication of registration information

25.4 (1) Within 30 days after registering an assisted living residence, the registrar must publish on an official website all of the following information:

(a) the registrant's name;

(b) the name and address of the registrant's assisted living residence.

(2) Despite subsection (1), the registrar is not required to publish the address of a registrant's assisted living residence if

- (a) the registrant applies for an exemption from that requirement, and
- (b) the registrar is satisfied that publishing the address would present a risk to the health or safety of residents in the registrant's assisted living residence.

Publication of reports respecting registered residence

- 25.5** (1) Within a prescribed period after completing an inspection of a registered assisted living residence, the registrar must publish on an official website a report summarizing
- (a) the findings of the inspection, and
 - (b) the actions, if any, taken or to be taken in response to those findings by the registrar and the registrant.
- (2) Despite subsection (1), the registrar is not required to publish information under that subsection if the inspection is in response to a complaint that the registrar finds to be frivolous, vexatious or unsubstantiated.
- (3) The registrar must promptly remove information respecting inspections made in response to complaints, published under this section, once 5 years have passed since publication.
- (4) If subsection (3) does not apply, the registrar may remove information that was published under this section once 5 years have passed since publication.

Publication of reports respecting unregistered residence

- 25.6** (1) Within a prescribed period after finding, on completion of an inspection, that a person is operating an unregistered assisted living residence, the registrar must publish on an official website all of the following information:
- (a) the name of the person found to be operating an unregistered assisted living residence;

(b) the name and address of the unregistered assisted living residence;

(c) a report summarizing

(i) the findings of the inspection, and

(ii) the actions, if any, taken or to be taken in response to those findings by the registrar and the person found to be operating an unregistered assisted living residence.

(2) Within a prescribed period after completing a follow-up inspection of a premises that was previously the subject of publication under subsection (1), the registrar must publish on an official website a report summarizing

(a) the findings of the follow-up inspection, and

(b) the actions, if any, taken in response to the findings of the follow-up inspection by the registrar and the person found to be operating an unregistered assisted living residence.

(3) The registrar must promptly remove information that was published under this section if the assisted living residence is subsequently registered.

(4) If subsection (3) does not apply, the registrar may remove information that was published under this section once 5 years have passed since publication.

Publication generally

25.7 (1) The registrar must, if required by the regulations, publish on an official website

(a) information that is in addition to that required to be published under sections 25.4 to 25.6, and

(b) information respecting registered and unregistered assisted living residences generally.

(2) If the registrar is required under this Act to publish information on an official website, the registrar must do so in accordance with the regulations, if any.

5 Section 25.6 is amended

(a) in subsection (1) by striking out "an unregistered assisted living residence," and substituting "an unregistered premises within the meaning of section 25.2," and

(b) in subsections (1) (a), (b) and (c) (ii) and (2) (b) by striking out "unregistered assisted living residence" and substituting "unregistered premises".

6 Section 34 (4) is amended by adding the following paragraph:

(c.1) for the purposes of one or more of sections 15.1 to 15.4 and 25.4 to 25.7,

(i) prescribing additional information that must be published,

(ii) prescribing periods for the publication of information, including setting schedules for publication, and

(iii) respecting the form and content of publication, including requiring the use of keywords or other tools to facilitate public searches; .

Transitional and Validation Provisions

Community Care and Assisted Living Act transition – community care facilities

7 (1) For the purpose of applying sections 15.1 (1), 15.2 (1) and 15.4 (1) of the *Community Care and Assisted Living Act* to a community care facility licensed before those provisions come into force, a medical health officer is required to publish information in accordance with those provisions as follows:

(a) within a prescribed period after investigating or inspecting the community care facility;

(b) within 6 months after section 15.1 (1) of that Act comes into force, if the community care facility has not been investigated or inspected within that 6 months.

(2) Section 15.3 of the *Community Care and Assisted Living Act* applies only to investigations and inspections completed after the date that section comes into force.

(3) The Lieutenant Governor in Council may prescribe a period for the purposes of subsection (1) (a).

***Community Care and Assisted Living Act* transition – assisted living residences**

8 (1) For the purpose of applying sections 25.4 (1), 25.5 (1) and 25.7 (1) of the *Community Care and Assisted Living Act* to an assisted living residence registered before those provisions come into force, the registrar is required to publish information in accordance with those provisions as follows:

(a) within a prescribed period after inspecting the assisted living residence;

(b) within 6 months after section 25.4 (1) of that Act comes into force, if the assisted living residence has not been inspected within that 6 months.

(2) Section 25.6 of the *Community Care and Assisted Living Act* applies only to inspections completed after the date that section comes into force.

(3) The Lieutenant Governor in Council may prescribe a period for the purposes of subsection (1) (a).

Retroactive validation – prior publishing of information

9 (1) If a medical health officer or a health authority, before the coming into force of sections 15.1 to 15.4 of the *Community Care and Assisted Living Act*, publishes on an official website information

described in those sections, the publishing is conclusively deemed to have been validly done as if those sections had been in force at the time of publishing.

(2) If the registrar, before the coming into force of sections 25.4 to 25.7 of the *Community Care and Assisted Living Act*, publishes on an official website information described in those sections, the publishing is conclusively deemed to have been validly done as if those sections had been in force at the time of publishing.

(3) This section is retroactive to the extent necessary to give full force and effect to its provisions and must not be construed as lacking retroactive effect in relation to any matter because it makes no specific reference to that matter.

Amendment to this Act

10 Section 7 of this Act is amended

- (a) in subsection (1) (a) by striking out "investigating or",**
- (b) in subsection (1) (b) by striking out "investigated or", and**
- (c) in subsection (2) by striking out "investigations and".**

Commencement

11 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 1 and 2	By regulation of the Lieutenant Governor in Council
3	Section 3	On the date section 3 of the <i>Community Care and Assisted Living Amendment Act, 2016</i> , S.B.C. 2016, c. 13, as it enacts section 9.1 (1) of the <i>Community Care and Assisted Living Act</i> , S.B.C. 2002, c. 75, comes into force

4	Section 4	By regulation of the Lieutenant Governor in Council
5	Section 5	On the date section 9 of the <i>Community Care and Assisted Living Amendment Act, 2016</i> , S.B.C. 2016, c. 13, as it enacts section 25.2 (1) of the <i>Community Care and Assisted Living Act</i> , S.B.C. 2002, c. 75, comes into force
6	Sections 6 to 9	By regulation of the Lieutenant Governor in Council
7	Section 10	On the date section 3 of the <i>Community Care and Assisted Living Amendment Act, 2016</i> , S.B.C. 2016, c. 13, as it enacts section 9.1 (1) of the <i>Community Care and Assisted Living Act</i> , S.B.C. 2002, c. 75, comes into force