# PLEASE NOTE

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For more information concerning the history of this Act, please see the ***Table of Public Acts*.**

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# CHAPTER C-13

## COMMUNITY CARE FACILITIES AND NURSING HOMES ACT

**1.** In this Act — Definitions

(a) "applicant" means a person applying for a license; — applicant

(b) "Board" means the Community Care Facilities and Nursing Homes Board; — Board

(c) "care services" means — care services

(i) the provision of continual residential accommodation, with meals and housekeeping,

(ii) the regular monitoring of the health and personal welfare of residents and the provision of assistance and supervision as required, and

(iii) the regular performance, or provision of significant assistance with the performance, of personal functions necessary for daily living, such as grooming and hygiene;

(d) "community care facility" means an establishment that provides care services for compensation to five or more residents who are not members of the operator's immediate family but does not, unless otherwise ordered by the Lieutenant Governor in Council, include — community care facility

(i) a group home recognized as such by the Minister,

(ii) a residential school,

(iii) an establishment providing accommodation only,

(iv) a hospital,

(v) a correctional institution,

(vi) a facility in which addiction treatment services are provided,

(vii) a nursing home, or

(viii) a residential or nursing care home which is operated by or on behalf of the Department or Health PEI;

(d.1) "Department" means the Department of Health and Wellness; — Department

(e) "facility" means a facility that is licensed under this Act as a community care facility or a nursing home, or both; — facility

(e.1) "Health PEI" means Health PEI as established under the *Health Services Ac*t R.S.P.E.I. 1988, Cap. H-1.6"; — Health PEI

(f) "immediate family" means a person's spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew or niece, whether by blood or marriage; — immediate family

(g) "inspector" means an inspector appointed under section 11; — inspector

license

(h) "license" means a license issued by the Board to operate a facility and includes a provisional license;

Minister

(i) "Minister" means the Minister of Health and Wellness;

nursing home

(j) "nursing home" means an establishment that for compensation provides continual residential accommodation with meals and housekeeping and nursing services, as required, to any five or more residents but does not, unless otherwise ordered by the Lieutenant Governor in Council, include

(i) a group home recognized as such by the Minister,
(ii) a residential school,
(iii) an establishment providing accommodation only,
(iv) a hospital,
(v) a correctional institution,
(vi) a facility in which addiction treatment services are provided,
(vii) a community care facility, or
(viii) a residential or nursing care home which is operated by or on behalf of the Department or Health PEI;

nursing services

(k) "nursing services" means the regular performance of therapeutic care that, in the common opinion of health care professionals,

(i) should be given, or at the least planned and superintended, by a registered nurse, and
(ii) is appropriate for a person who, owing to a condition of illness or health deficiency, requires the continual availability of supervision by a registered nurse;

operator

(l) "operator" means the person or organization responsible for the management and operation of a facility;

regional authority

(m) repealed by 2005,c.39,s.9;

resident

(n) "resident" means a person residing in a facility who, in the opinion of the Board, requires care services or nursing services. 1996, c.9, s.1; 1997,c.22,s.30 *{eff.}* Apr. 1/97; 2005,c.40,s.4; 2005,c.39,s.9; 2009,c.7,s.36(2); 2010,c.31,s.3.

Administration

**2.** The Minister is responsible for the administration of this Act. 1985, c.9, s.2.

Board

**3.** There is hereby established as a corporate body a board called the Community Care Facilities and Nursing Homes Board. 1985, c.9, s.3; 1987, c.11, s.2.

Membership

**4.** (1) The Board shall consist of seven members, appointed by the Minister, of whom

(a) one shall be an operator of, or a person directly engaged in the operation of, a facility who is nominated by the Association of Licensed Community Care Facilities;
(b) one shall be an operator of, or a person directly engaged in the operation of, a facility who is nominated by the Nursing Home Association of Prince Edward Island;
(c) two shall be appointed by the Minister from among the employees of the Department;
(d) one shall be a member of the public at large, nominated jointly by the organizations referred to in clauses (a) and (b);
(e) one shall be a member of the public at large, nominated by such organization as the Minister may consider to be representative of the province's senior citizens;
(f) one other shall be designated by the Minister to be the chairman.

Term of office

(2) Appointments shall be for a maximum of three years and shall be so adjusted as to maintain a staggered turnover of terms.

Reappointments

(3) Members may be reappointed. 1985, c.9, s.4;1987, c.11, s.3; 1991, c.7, s.1; 1993, c.30, s.61; 1996, c.9, s.2,3; 2005,c.39,s.9.

Objects

**5.** The primary objects of the Board are to ensure the provision in facilities of accommodation, care services and nursing services that are safe, of good quality and appropriate to the needs of the residents. 1985, c.9, s.5; 1996, c.9, s.10.

Functions

**6.** (1) The functions of the Board are
(a) to license facilities;
(b) to advise on standards for facilities and for the care and services provided in them;
(c) to monitor the operation of facilities and ensure adherence to prescribed standards;
(d) to provide guidance on matters of assessment and placement so that persons may obtain direction toward facilities which provide care or nursing services that are appropriate to what is needed, whether a person is seeking services or is already resident in a facility;
(e) to provide guidance with respect to levels of charges for care services and nursing services in facilities.

Liability

(2) No action lies against the Board or its members for anything done in good faith in exercise of its functions. 1985, c.9, s.6; 1987, c.11, s.4; 1996, c.9, s.4; 1996, c.9, s.10.

Prohibition

**7.** No person or organization shall operate or purport to operate a community care facility or a nursing home without a valid license. 1985, c.9, s.7.

Application for license

**8.** A person or organization seeking to operate a community care facility or nursing home shall apply to the Board for a license in the prescribed manner and furnish such information as the Board may require. 1985, c.9, s.8.

License

**9.** (1) Subject to subsections (5) and (6), the Board shall, if it is satisfied that all prescribed requirements are met and the prescribed fee has been paid, issue a license authorizing the applicant to operate a facility.

Duration

(2) A license shall continue in force for the period specified therein.

Terms

(3) A license may be issued subject to such terms and conditions as the Board may determine.

Equivalency certificate

(4) The Board may, upon application, issue an equivalency certificate in respect of an establishment that meets all the prescribed requirements for licensure but which, because of the number of persons residing in it, is not required to be licensed.

License not issued where services adequate

(5) The Lieutenant Governor in Council may, for purposes of governing the volume or distribution of services, direct the Board not to issue a license to an applicant and the Board shall comply with that direction.

*Idem*

(6) Notwithstanding subsection (1), the Board may issue a provisional license valid for a limited period and requiring an operator to make such changes as the Board considers necessary to meet the prescribed requirements before the expiration of that period. 1985, c.9, s.9; 1987, c.11, s.5; 1993, c.30, s.61; 1996, c.9, s.5, 10; 1997,c.22,s.30 *{eff.}* Apr. 1/97.

Refusal, etc. of license

**10.** (1) Where it has reasonable grounds to believe that a facility would not operate or is not operating in accordance with the prescribed standards or the terms of its license, and after giving the applicant or operator, as the case may be, the opportunity to be heard, the Board may refuse, refuse to renew, revoke, suspend, or impose conditions on a license.

Appeal

(2) Any person or organization aggrieved by a decision with respect to a license under subsection (1) may appeal the decision of the Board to the Appeal Panel established under the regulations.

Order of Minister

(3) Where the Board makes a decision with respect to a license under subsection (1) it shall immediately advise the Minister of the reasons

therefor and the Minister may by order direct the operator to cease to operate the facility or otherwise comply with the Board's decision within such time as may be specified in the order. 1985, c.9, s.10; 1996, c.9, s.10.

Staff

**10.1** The Minister, after consultation with the Board, may provide such staff as may be necessary for the operation of the Board and the administration of this Act. 1996, c.9, s.6.

Inspectors

**11.** (1) The Minister may, after consultation with the Board, appoint inspectors.

Periodic inspection

(2) Inspectors shall make periodic inspection of licensed facilities.

Applications, inspection

(3) Inspectors shall inspect community care facilities or nursing homes in respect of which an application for a license is made.

Access

(4) Every applicant or operator shall permit an inspector to enter a facility at any reasonable time and investigate any aspect of the operation of the facility to assess whether it complies with the prescribed standards.

Unlicensed premises

(5) An inspector may enter and carry out an investigation in respect of any premises where the Board has reasonable grounds to suspect that a community care facility or a nursing home is operated in contravention of this Act.

Medical examination

(6) Where an inspector considers that the health of residents may be endangered he may direct the operator of a facility to cause a resident to be examined by a medical practitioner.

Report

(7) An inspector shall report his findings on an inspection to the Board. 1985, c.9, s.11 1993, c.30, s.61; 1996, c.9, s.7, 10.

Offences

**12.** Any person who

(a) fails to comply with any provision of this Act or the regulations;

(b) fails to observe any terms and conditions imposed on the issue of a license;

(c) contravenes an order of the Minister under subsection 10(3); or

(d) fails or refuses to comply with the direction of an inspector under subsection 11(6),

is guilty of an offence and liable on summary conviction to a fine not exceeding $500 and, where the offence is of a continuing nature, each day that the offence continues shall constitute a separate offence. 1985, c.9, s.12; 1996, c.9, s.8.

Regulations

**13.** The Lieutenant Governor in Council, on the recommendation of or after consultation with the Board, may make regulations. 1985, c.9, s.13.

Limitation of liability

**14.** Any action by or on behalf of a resident against a person employed in a facility for damages for injury caused by negligence in the provision of nursing services or care services in a facility shall be brought within one year after the resident is discharged from, or otherwise ceases to receive such services at, the facility. 1996, c.9, s.9.