

Office of the
Assisted Living Registrar



**Applying Section 26(3)
of the Community Care and Assisted Living Act**

**BC Seniors Living Association
Webinar**

November 14, 2007

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Assisted Living Registrar**

Learning Objectives

- How to interpret and apply section 26(3)
- Role of operator
- Complaint process re inability of resident to make decisions

Section 26(3) states:

A registrant (an operator of a registered assisted living residence) must not house in an assisted living residence persons who are unable to make decisions on their own behalf.

Purpose of Section 26(3)

- To live semi-independently, people must be able to make their own decisions
- Registrants are responsible for ensuring the delivery of services does not jeopardize resident health and safety

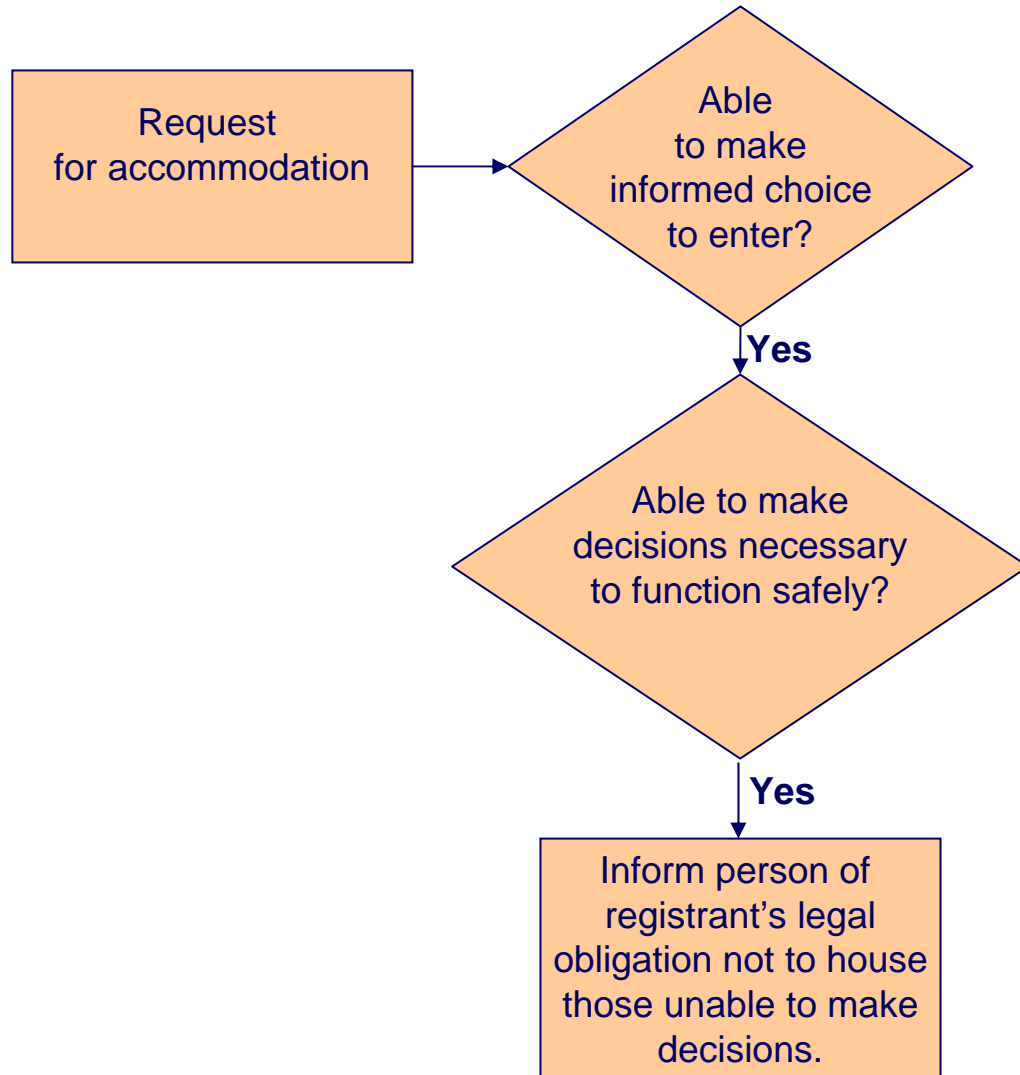
Key Areas of Function

Includes the ability of resident to:

- initiate activities to the extent necessary to function safely for the periods they are alone in their unit;
- find their way within the assisted living residence given available cueing;
- recognize the consequences of decisions or actions and that some actions may result in injury or harm to themselves or others;
- recognize an emergency and summon help or follow directions;
- find their way back to the residence independently;
- participate in regular reviews of their service needs, that is, respond to questions about needs and services offered; and
- seek assistance when they have a complaint about something happening at the residence, although family or friends may actually convey the matter to the Assisted Living Registrar.

For more information about the key areas of function see the *Entry and Exit Policy* at Tab 5 of the *Registrant Handbook*. One copy of the *Registrant Handbook* is issued to the site manager of each registered assisted living residence and to applicants in the process of registering their residences. Additional copies will be available at cost. See the last slide for how to contact the Office of the Assisted Living Registrar.

At Entry

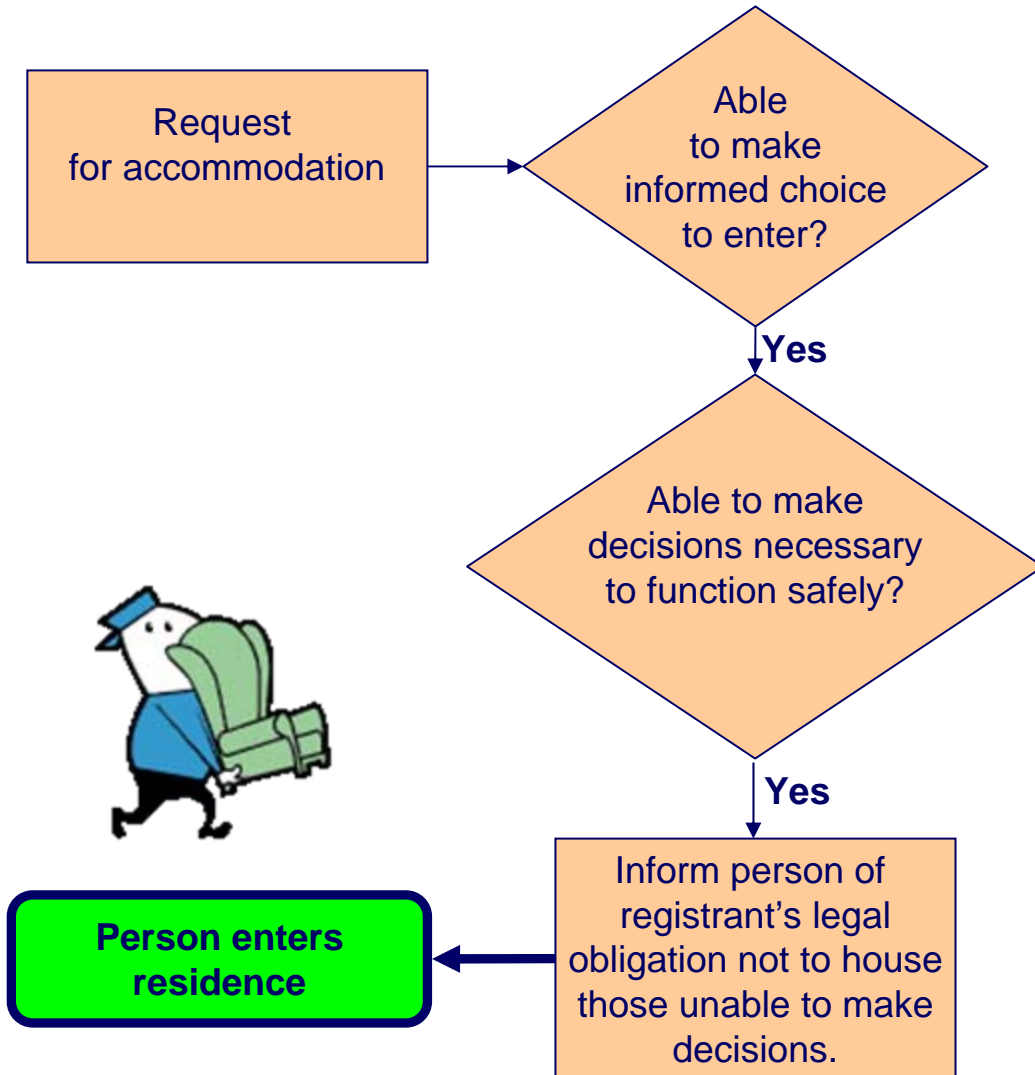


Registrant's Legal Obligation

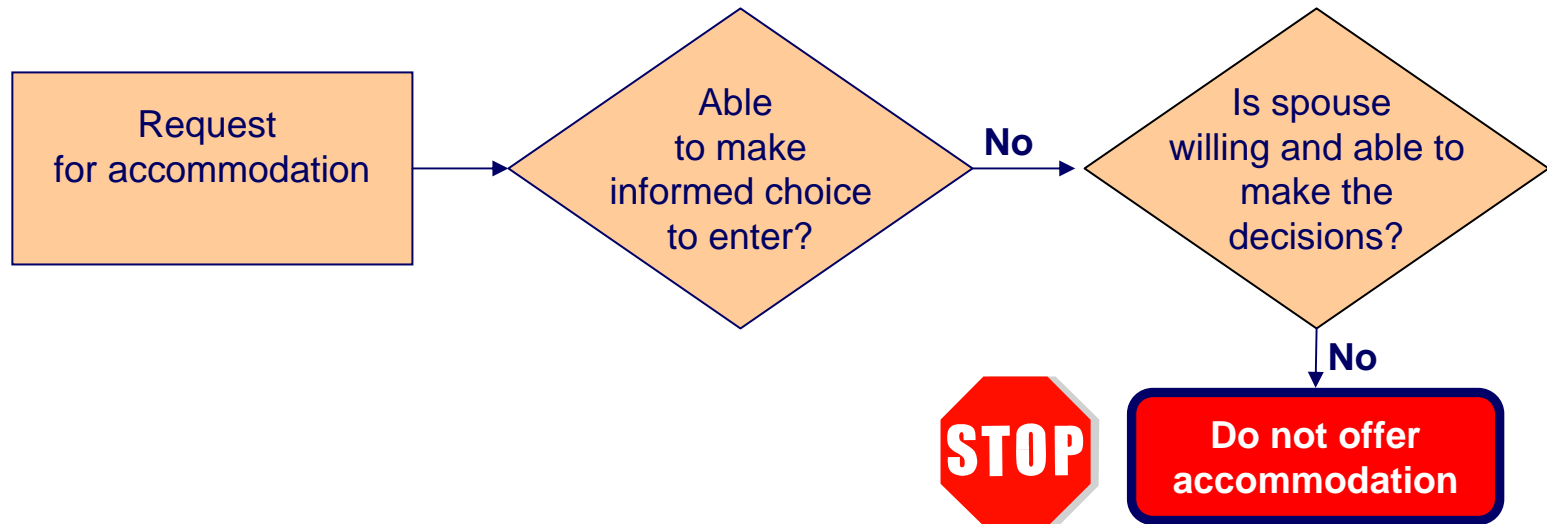
- What making decisions that allow you to function safely means
- What happens when assisted living is no longer appropriate
- Resident's responsibilities
- Operator's responsibilities
- If a move is necessary

For more information see Appendix 5 of the *Entry and Exit Policy* at Policies Tab 5 of the *Registrant Handbook*.

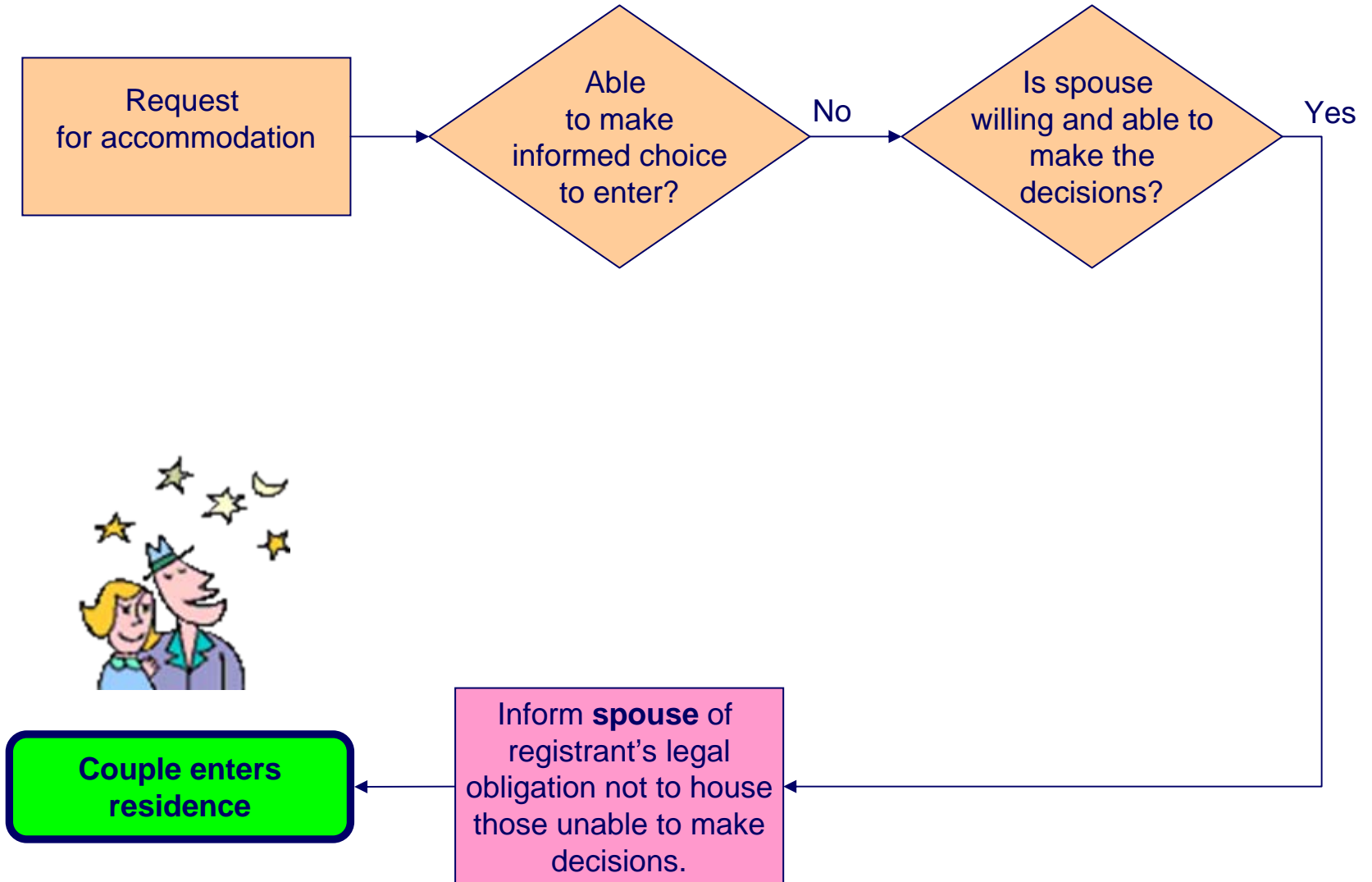
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During the tenancy

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Watch for signs that
resident is unable
to make decisions



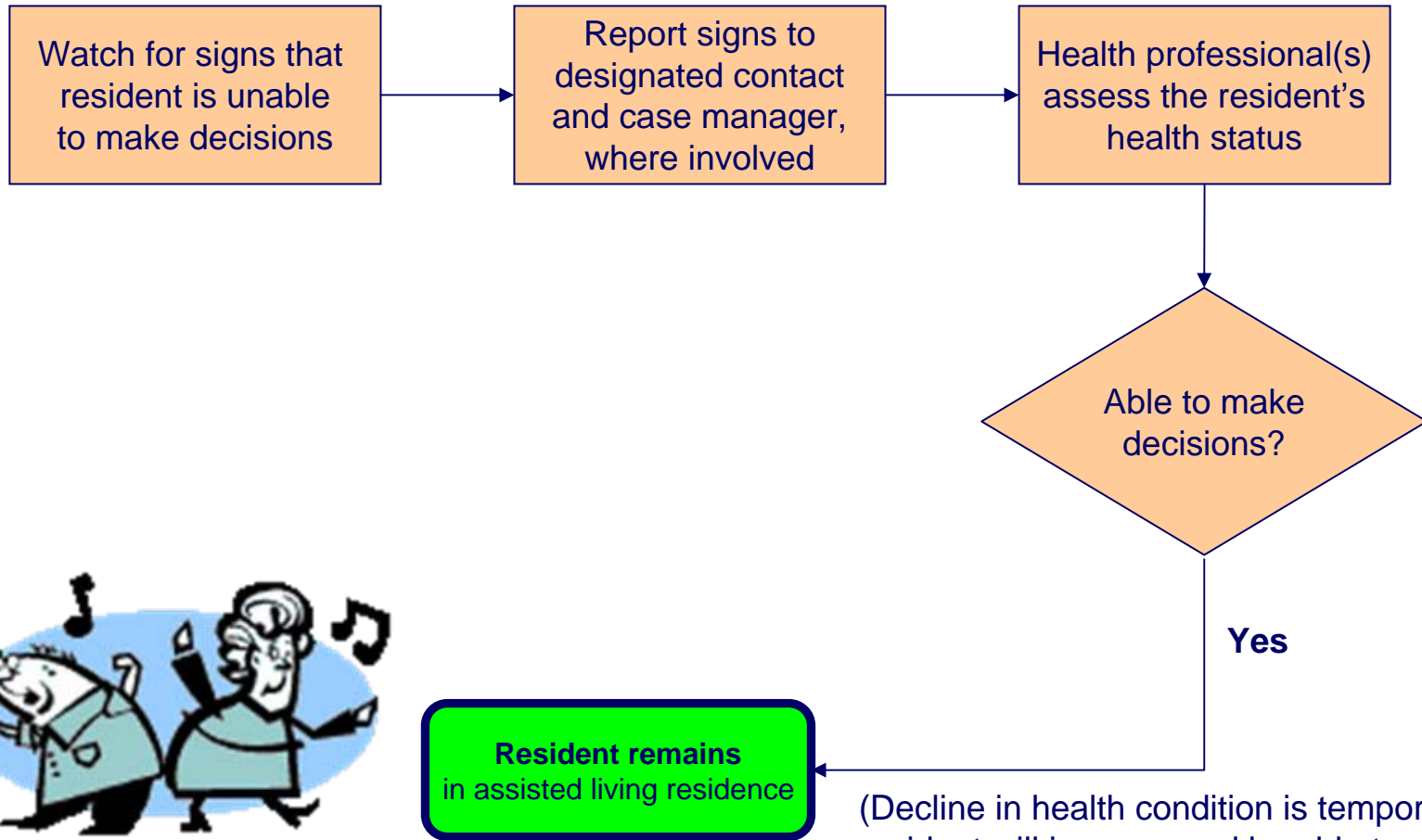
Signs of Declining Decision-making Ability

(Appendix 6 of *Entry and Exit Policy* at Policies Tab 5 of the *Registrant Handbook*)

- Decline in functional ability
 - increasing level of cuing or assistance
 - wandering, etc
- Changes in behaviour, habits, appearance, etc
 - new/increasing socially inappropriate behaviors
 - self-neglect or unsafe activities

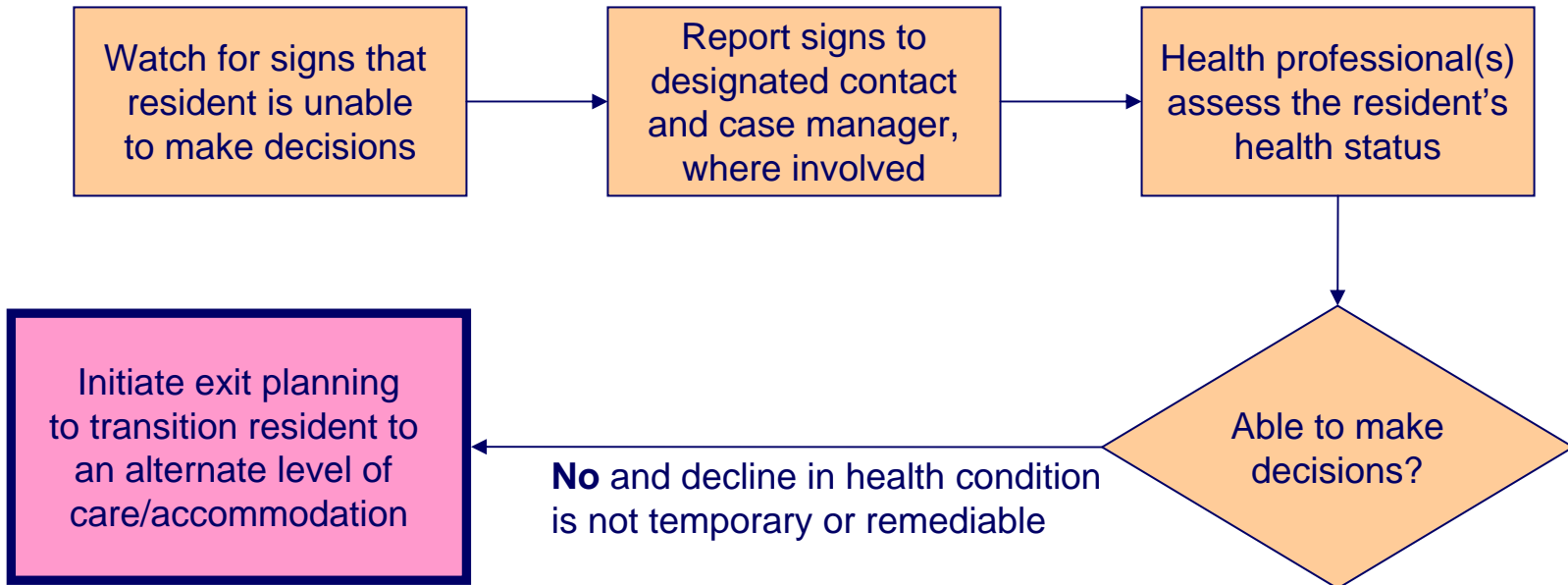


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(Decline in health condition is temporary; resident will improve and be able to make the necessary decisions in the key areas of function)

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Operator's role

- Standard of care: keep a “watchful eye”
 - But do not intrude by “testing” decision-making ability
- Presume person is able to make decisions
 - Then watch for signs to contrary
- If changes in health status, make further inquiries as needed
- Report out on changes to designated contact
 - Then contact should engage health professional to investigate

Complaint Investigation Process

- Complainant contacts us
- AL Coordinator determines whether OALR has jurisdiction
- AL Coordinator determines and carries out best approach
 - Educate*
 - Investigate*
 - Health and Safety Standards review* and/or
 - Site Inspection (significant risks to resident health and safety)

Most common

Complaint Investigation – Purpose and Goals

- Remedial (not punitive)
- Goals:
 - uses the least intrusive approach first
 - does not compromise health and safety
 - promotes good practice
 - prevents poor practice
 - intervenes in unacceptable practice

Complaint Investigation - Outcomes

- Possible results
 - 👍 operator is already in compliance with *Health and Safety Standards*
 - 👉 operator needs to do something to bring the residence into compliance
 - 👎 Registrar can take action against the registration (attach conditions, suspend, cancel)

Health and Safety Standards at Policies Tab 4 of the *Registrant Handbook*.

Contact us

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604-714-3378

1-866-714-3378

www.health.gov.bc.ca/assisted