

Standard of Practice – Care Facility Admission

This Standard of Practice is made under the authority of section (4) (1) (e) of the *Community Care and Assisted Living Act*, which provides that the Director of Licensing may specify policies and standards of practice for all community care facilities or a class of community care facilities.

The *Health Care (Consent) and Care Facility (Admission) Act* (HCCCFAA) establishes requirements for seeking and obtaining consent for an adult to be admitted to a care facility or to remain in a care facility. The HCCCFAA presumes that an adult is capable of giving or refusing, consent unless determined otherwise.

For the purpose of this Standard of Practice, “incapable” means incapable of giving or refusing consent to admission to, or remaining in, a care facility. This is determined by an assessment under the HCCCFAA (section 26).

Under section 22 of the HCCCFAA, consent can be obtained from a substitute if an adult has been determined to be incapable of giving or refusing consent to admission to a care facility. The Health Care Consent Regulation (Part 5, Division 1) describes the requirements for conducting incapability assessments.

The requirements for assessment for continued residence or accommodation of incapable persons are described in the HCCCFAA (section 25) and the Residential Care Regulation (section 50.1).

The purpose of this Standard of Practice is to protect the rights of adults who have been determined to be incapable. This Standard of Practice applies to licensed community care facilities that are subject to the HCCCFAA which includes facilities providing residential care to adults with the exception of Community Living facilities as described in the Residential Care Regulation (section 2 (2) (d)).

STANDARD OF PRACTICE

1. A licensee must not admit an adult who has been determined to be incapable, unless the licensee has ensured that standards 2 - 4 have been met. These standards also apply to an incapability assessment conducted when an adult who already resides in a facility has expressed a desire to leave the facility and there is a reason to believe there has been a change in the adult’s capability.

Incapability assessments for adults with no funding program involvement

2. If there is no funding program involved with a person who is to be admitted to a community care facility and an incapability assessment is required, the assessment must be completed by an assessor who is not an employee or a contractor of that community care facility.

Second assessments

3. If a person is determined to be incapable and the person disagrees with the determination, a second assessment must be conducted.
4. The result of the second assessment is determinative.

Qualifications of assessors

5. A second assessment must be conducted by a physician or nurse practitioner, if the first assessment was not conducted by a physician or nurse practitioner.

Continued accommodation

The requirements outlined in 2 - 4 above also apply to assessments conducted when a person in care has expressed the desire to leave a community care facility, under the *Health Care (Consent) and Care Facility (Admission) Act* (section 25) or the Residential Care Regulation (section 50.1), and the manager or licensee has reason to believe that there may have been a change in the person's capability.