



To: General Purposes Committee
From: Terry Crowe
Manager, Policy Planning
Re: **Bill 16, Community Care Facility Act**

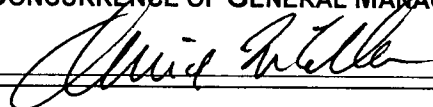
Date: August 16, 2002
File: 4057-03

Staff Recommendation

That:

1. The Minister of Health Services be requested to re-instate the requirement that drug and alcohol supportive recovery residences (group homes) comply with licensing requirements under Bill 16: Community Care Facility Act.
2. The Ministry of Health Services be requested not to remove other types of community care residential facilities from complying with the Community Care Facility Act.
3. Council concur with the Union of B.C. Municipalities recommendation to the Ministry of Health Services to establish a graduated community care license for supportive care facilities (including addiction recovery homes and assisted living facilities) rather than completely de-licensing them as the Bill proposes, and advise the Minister accordingly.


Terry Crowe
Manager, Policy Planning

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Staff Report

Origin

During the 2002 spring sitting of the B.C. legislature, Katherine Whittred, Minister of State for Intermediate, Long Term, and Home Care, tabled Bill 16: Community Care Facility Act which governs community care facilities (e.g. childcare facilities, community residential facilities - group homes) to better protect the health and safety of patients and clients. Prior the bill receiving final reading in the fall, the Minister is seeking public input on the proposed legislation.

This report provides staff recommendations on Bill 16 for Council's consideration.

Finding of Fact

The Community Care Facility Act governs the licensing of community care facilities (e.g. group homes).

The new act, Bill 16, is intended to:

- **Clarify the scope of the act:** - *Clarify the scope of the legislation and associated regulations, as applying only to those facilities that provide care to vulnerable and dependent persons.*
 - Under the current act, a licensed community care facility is broadly defined as any facility that provides care or supervision to three or more people, regardless of their level of independence or ability to direct their own care. Supportive housing or recovery services must meet the same licensing requirements as facilities providing a higher level of care for the vulnerable and dependent. And as a result, people with greater levels of independence end up being institutionalized unnecessary in facilities that do not meet their needs.
 - Under the new act, licensing will be restricted to facilities where care is provided to three or more vulnerable and dependent people. This will encourage the development of a broader range of support alternatives for people who are able to direct their own care.
- **Province-wide standards:** - *Allow for the development of strong, province wide, results-based standards under the act that are specifically dedicated to protect the vulnerable and dependent, rather than establishing prescriptive, complex regulations for how those standards are met.*
 - Under the current act, the regulations contain a series of complex, obsolete and restrictive provisions for facilities that in many cases do nothing to protect or ensure the health and safety of individuals. For example, the regulations prescribe that facilities must "have a window area of not less than ten per cent of the bedroom's floor area." As a result the health authorities responsible for monitoring them – are forced to divert resources and energy to complying with narrow, proscriptive operating rules, rather than on strengthening and improving the health and safety of patients and those in care.
 - Under the new act, province-wide standards would be established to ensure that health authorities are accountable for delivering a consistent and high quality of care for all

licensed facilities, and that the facilities' resources are devoted to meeting these required outcomes.

This means that the provincial director of licensing will have the authority to:

- . *Set standards* for community care facilities that local medical health officers must consider when setting the terms and conditions of licenses.
- . *Investigate, audit and request reports* on health authority licensing programs, to ensure accountability for meeting those standards.
- . *Conduct inspections* of community care facilities.
- . *Issue orders* to protect health and safety.

- **Increased regionalized authority:** - *Clarify and strengthen the role of health authorities and local medical health officers in making licensing decisions under the act.*
 - Under the current act, the provincial director licensing has authority to cancel, or suspend existing licenses. However, this authority is delegated to the local medical health officer. However, if the health authority's decisions are challenged or applications for variances are requested, then the matter of establishing a hearing or appeal process is undertaken in consultation between the local medical health officer, local authority appeal board, the provincial director of licensing, and/or with the Community Care Facility Appeal Board. As a result, decisions on licenses or variances can be prolonged and subject to a complex, time-consuming process for all parties involved.
 - Under the new act, the local medical health officer will alone have primary authority for all decisions, including new applications, suspensions, cancellations or variance exemptions. Those decisions will be subject to only one level of appeal, directly to the appeal board established by the local health authority. The streamlined process will strengthen local authority, ensure more timely decisions and provide greater consistency and fairness in the way decisions are considered.

Analysis

Staff have reviewed Bill 16, and generally agree with the proposed new provisions of the new act because they modernize the existing legislation, ensure clarity in regulating community care facilities, establish a province-wide standard, and increase local authority.

However staff note, that Bill 16 provides an increased opportunity to de-license residential community facilities.

On December 10, 2001, the Ministry of Health Services announced that supportive recovery residences, which provide room and board and lay counselling to people dealing with drug and alcohol addictions, will no longer be required to comply with the Community Care Facility Act. The Ministry announcement added that concerns about room and board businesses will continue to be dealt with at a municipal level through zoning and community plans.

The City has great concerns about this decision, because the City has no control over the establishment of unlicensed drug and alcohol homes and other types of unlicensed community residential facilities. However, it is the drug and alcohol group homes that generate the greatest concerns by residents of neighbourhoods where they may locate. Unlicensing these homes

makes it more difficult for the City and the local healthy authority to monitor and manage the approval of these homes.

It is therefore recommended that:

- The Minister of Health Services be requested to re-instate the requirement that drug and alcohol supportive recovery residences (group homes) comply with licensing requirements under Bill 16: Community Care Facility Act.
- The Ministry of Health Services be requested not to remove other types of community care residential facilities (e.g. group homes) from complying with the Community Care Facility Act.

Staff also concur with the Union of B.C. Municipalities recommendation to the Ministry of Health Services to establish a graduated community care license for supportive care facilities (including addiction recovery homes and assisted living facilities) rather than completely de-licensing them as the Bill proposes. The new license would hopefully be less onerous than a full license for facilities which provide a higher level of care.

Given the deadline of August 15th, 2002, for the Ministry of Health Services to receive public comment on the proposed legislation, staff have already forwarded the above recommendations to the attention of the Director, Community Care Licensing Branch.

Financial Impact

N/A

Conclusion

Bill 16 proposes new provisions to modernize the existing legislation, ensure clarity in regulating community care facilities, establish a province-wide standard, and increase local authority.

It raises great concerns for local governments on the future management of unlicensed group homes within communities. This report encourages the appropriate ministries to continue license residential care facilities and re-instate drug and alcohol recovery homes for compliance in the new Community Care Facilities Act.



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Senior Planner

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