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Newfoundland and Labrador Regulation 2024

NEWFOUNDLAND AND LABRADOR REGULATION 26/24

Personal Care Home Regulations (Amendment)
under the
Health and Community Services Act

(Filed May 1, 2024)

Under the authority of paragraph 11(1)(II) and subsection 11(3) of the *Health and Community Services Act*, I make the following regulations.

Dated at St. John's, April 15, 2024.

Tom Osborne
Minister of Health and Community Services

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NLR 15/01

1. (1) Paragraph 2(d) of the *Personal Care Home Regulations* is amended by deleting the words "Department of Government Services and Lands" and substituting the words "Department of Digital Government and Service Newfoundland and Labrador".

(2) Paragraph 2(g) of the regulations is amended by deleting the words "his or her" and substituting the words "that person's".

(3) Paragraph 2(i) of the regulations is repealed and the following substituted:

(i) "provincial health authority" means the Provincial Health Authority established under section 6 of the *Provincial Health Authority Act*;

(4) Paragraph 2(k) of the regulations is repealed.

2. Paragraph 3(a) of the regulations is amended by deleting the words "his or her" and substituting the words "that person's".

3. Section 4 of the regulations is amended by deleting the words "his or her" wherever they appear and substituting the words "the person's".

4. (1) Subsection 7(2) of the regulations is amended by

(a) deleting the word "service" and substituting the word "services"; and

(b) deleting the words "regional board" and substituting the words "provincial health authority".

(2) Subsection 7(6) of the regulations is amended by deleting the words "regional board" and substituting the words "provincial health authority".

5. (1) Subsection 8(1) of the regulations is repealed the following substituted:

Provincial health authority review and licence

8. (1) Upon receipt of the information forwarded to it under subsection 7(2), the provincial health authority shall review the information with respect to personal care provision and staffing for compliance with the Act, another Act of the province, these regulations and required standards for personal care and staffing and for that purpose may interview the applicant and other persons relevant to the application for a licence or renewal of a licence.

(2) Subsection 8(2) of the regulations is repealed and the following substituted:

(2) The provincial health authority may issue a licence where the provincial health authority has

(a) completed a review under subsection (1);

- (b) received a notice of acceptance or rejection under subsection 7(6); and
- (c) determined that there is a need or an anticipated need for a personal care home in the area where the personal care home is proposed to be located.

(2.1) The provincial health authority may renew a licence where the provincial health authority has

- (a) completed a review under subsection (1); and
- (b) received a notice of acceptance or rejection under subsection 7(6).

(3) Subsection 8(3) of the regulations is repealed and the following substituted:

(3) Where a decision is made to not issue a licence to an applicant under subsection 8(2) or to not renew the licence of an applicant under subsection 8(2.1), the provincial health authority shall, in writing, notify the applicant of the decision and shall indicate the reasons for not issuing or renewing the licence.

(4) Subsection 8(4) of the regulations is amended by deleting the words "regional board" and substituting the words "provincial health authority".

(5) Paragraph 8(6)(b) of the regulations is amended by deleting the words "regional board that issues that licence" and substituting the words "provincial health authority".

(6) Subsection 8(7) of the regulations is amended by

- (a) deleting the reference "subsections (2) and (6)" and substituting the reference "subsections (2), (2.1) and (6)"; and**
- (b) deleting the words "a regional board" and substituting the words "the provincial health authority".**

6. (1) Subsection 9(1) of the regulations is repealed and the following substituted:

Licence term

9. (1) A licence issued or renewed under section 8 is valid for one year.

(2) Subsection 9(3) of the regulations is amended by deleting the words "A regional board" and substituting the words "The provincial health authority".

(3) Subsection 9(4) of the regulations is amended by deleting the words "regional board" and substituting the words "provincial health authority".

7. (1) Subsection 11(2) of the regulations is amended by deleting the words "A regional board" and substituting the words "The provincial health authority".

(2) Subsection 11(5) of the regulations is amended by deleting the words "he or she" and substituting the words "the inspector".

8. Subsection 12(5) of the regulations is amended by

- (a) deleting the words "appropriate regional board" and substituting the words**

"provincial health authority"; and

(b) deleting the words "that board" and substituting the words "the provincial health authority".

9. (1) Subsection 13(2) of the regulations is amended by

(a) deleting the words "him or her" and substituting the words "the person"; and

(b) deleting the words "scheduled hospital" and substituting the words " long-term care facility".

(2) Subsection 13(3) of the regulations is amended by

(a) deleting the words "him or her" and substituting the words "the person"; and

(b) deleting the words "scheduled hospital" and substituting the words " long-term care facility".

(3) Subsection 13(4) of the regulations is amended by deleting the words "appropriate regional board" and substituting the words "provincial health authority".

10. (1) Paragraph 14(1)(c) of the regulations is amended by deleting the words "he or she" and substituting the words "the staff".

(2) Subsection 14(2) of the regulations is amended by deleting the words "his or her" and substituting the words "the inspector's".

Transitional

11. Where a person submitted an application before the coming into force of these regulations, the provincial health authority shall assess the application as if these regulations had not come into force.