

Operator Information Guide

Alberta Resident and Family Councils Act

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Resident and Family Councils Act Information Guide

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RESIDENT AND FAMILY COUNCILS ACT INFORMATION GUIDE

The Resident and Family Council Act Information Guide (“Guide”) provides a general overview of the [Resident and Family Councils Act](#) (“Act”). It is intended to provide assistance to operators of supportive living accommodations, nursing homes and auxiliary hospitals in understanding the requirements set out in the Act. Requirements for operators are set out in sections 2 and 5 of the Act.

Questions and Concerns

Any questions or concerns about the Act or information contained in this Guide can be directed to asal@gov.ab.ca or by calling (780) 644-8428 (for toll-free access within Alberta, first dial 310-0000).

Disclaimer

The Guide is being provided solely for information in relation to the Act. The Guide is not a substitute for the Act and should not be solely relied upon when determining how to comply with the Act. The Act must be followed in the event of a conflict or inconsistency between the Guide and the Act.

It is necessary that you ensure that the version of the Guide and the Act being consulted are the most current versions available.

Definitions

Act means the *Resident and Family Councils Act*.

Complaints Officer means a person who is designated by the minister under the Supportive Living Accommodation Licensing Act (and has the same powers under this Act) as a Complaints Officer.

Ministry means Alberta Health.

Policy means a written plan, principle or guideline used in a residential facility.

Other terms used throughout the Guide are defined in Section 1 of the Act (p. 7).

Updates to the Guide

The Resident and Family Councils Act Information Guide is available online at <https://open.alberta.ca>

The contents of this Guide may be revised and updated from time to time. Updates will be provided on-line and communicated via email to operators when updates are available.

Record of Information Guide Amendments

Amendment No.	Dated (M/D/Y)	Pages to be replaced	Entered by	Date

How to Use This Guide

The Act has 10 sections. In this Guide, each section of this guide follows as it appears in the Act.

The intent or purpose of each section of the Act is described at the outset of each section.

Examples of Methods of Compliance and Evidence of Compliance are set out for each requirement pertaining to operators. These examples are not intended to be exhaustive, but rather to provide a range of acceptable methods and evidence of compliance.

During an inspection:

- informal conversations may occur between the Inspector and residents, the residents' representatives, employees, volunteers, service providers or the operator (see Appendix A for sample questions);
- the Inspector will tour the residential facility and review relevant documentation to determine compliance with the Act.

RESIDENT AND FAMILY COUNCILS ACT

Section 1: Definitions

Intent

To provide definitions for terminology used in the Act.

- 1) 1 In this Act,
 - a) “auxiliary hospital” means an auxiliary hospital as defined in the Hospitals Act;
 - b) “facility representative”, in respect of a residential facility, means an individual designated under section 5(a);
 - c) “family”, in respect of a resident, means all individuals the resident identifies under section 3(2);
 - d) “individually identifying health information” means individually identifying health information within the meaning of the Health Information Act;
 - e) “inspector”,
 - i) in respect of a residential facility referred to in clause (m)(i), means a person authorized under section 6(1),
 - ii) in respect of a residential facility referred to in clause (m)(ii), means a person designated under section 6(4),
 - iii) in respect of a residential facility referred to in clause (m)(iii), means the Minister where acting under section 6(7)(a) or an employee authorized under section 6(7)(b), or
 - iv) in respect of a prescribed facility, has the meaning given to it in the regulations;
 - f) “Minister” means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act;
 - g) “nursing home” has the meaning given to it in the Nursing Homes Act,
 - h) “operator”,
 - i) in respect of a residential facility referred to in clause (m)(i), has the meaning given to it in the Nursing Homes Act.
 - ii) in respect of a residential facility referred to in clause (m)(ii), has the meaning given to it in the Supportive Living Accommodation Licensing Act,
 - iii) in respect of a residential facility referred to in clause (m)(iii), means the

- board, as defined in Part 2 of the Hospitals Act, of the auxiliary hospital, or
- iv) in respect of a prescribed facility, has the meaning given to it in the regulations;
 - i) “personal information” means personal information as defined in the Freedom of Information and Protection of Privacy Act;
 - j) “prescribed facility” means a facility that is prescribed or otherwise described in the regulations or that belongs to a category of facilities prescribed or otherwise described in the regulations;
 - k) “resident” means an individual who resides in a residential facility under a written agreement with the facility;
 - l) “resident and family council” means a council established under section 2(1) or a group referred to in section 2(2);
 - m) “residential facility” means
 - i) a nursing home having 4 or more residents,
 - ii) a supportive living accommodation,
 - iii) an auxiliary hospital having 4 or more residents, or
 - iv) a prescribed facility;
 - n) “supportive living accommodation” means a supportive living accommodation that is licensed under the Supportive Living Accommodation Licensing Act.

Section 2: Establishment of a Resident and Family Council

Intent

To set out the requirements respecting the establishment of a resident and family council, including the specific duties required of an operator if a council has not been established.

- 1) Any resident of a residential facility or member of a resident’s family may initiate the establishment of a resident and family council for the residents of the facility.
- 2) Where on the coming into force of this Act a group composed of residents or persons of importance to residents or both is in place in a residential facility for any purpose described in section 4, the group is deemed to be a resident and family council for the purposes of this Act.
- 3) Where on the coming into force of this Act there is no resident and family council in place in a residential facility, the operator of the facility must

- a) post a notice in a conspicuous place in the residential facility advising residents and persons of importance to residents of the right to establish a resident and family council,
 - b) ensure the notice remains posted until a resident and family council is established,
 - c) provide copies of the notice to any person on request,
 - d) within 6 months after the coming into force of this Act and not less than every 6 months thereafter until a resident and family council is established, convene a meeting to inform residents, their families and persons of importance to residents of the right to establish a resident and family council, and
 - e) ensure that a notice of every meeting under clause (d) is posted in a conspicuous place in the residential facility for a period of at least 2 weeks before the meeting is held.
- 4) Where at any time it appears to the operator of a residential facility that there is no functioning resident and family council in place in the facility, the operator of the facility must
- a) take the steps described in subsection (3)(a), (b) and (c),
 - b) as soon as practicable, convene a meeting to inform residents, their families and persons of importance to residents of the right to establish a resident and family council, and convene further meetings not less than every 6 months thereafter until a resident and family council is established, and
 - c) ensure that a notice of every meeting under clause (b) is posted in a conspicuous place in the residential facility for a period of at least 2 weeks before the meeting is held.

Awareness of Right to Establish Resident and Family Council

Methods of Compliance

Residents and their families are made aware of their right to establish a resident and family council and all steps in 2(3) and 2(4) have been taken

Evidence of Compliance (possible, but not limited to):

- Observation of posted notice communicating right to establish a resident and family council
- Conversations with residents and family regarding their awareness of the notice
- Copies of meeting minutes and agendas where the operator informed residents and their families of their right to establish a resident and family council
- Observation of written notice of meetings to inform residents and family about their right to establish council provided 2 weeks ahead of the scheduled meeting

Section 3: Council Membership and Process

Intent

To set out eligibility for membership in a resident and family council and allow a council to set its own process.

- 1) All residents of a residential facility and their families are eligible to be members of a resident and family council for the facility.
- 2) A resident may identify one or more relatives, friends, guardians, caregivers or other individuals to be considered as the resident's family for the purposes of this Act.
- 3) No person shall receive any remuneration for acting as a member of a resident and family council.
- 4) Subject to this section, a resident and family council may determine its own governance structure and procedures.

Section 4: Purposes of a Resident and Family Council

Intent

To set out the purposes of a resident and family council.

- 2) The purposes of a resident and family council are
 - a) to provide a forum for the residents and their families to discuss ways of maintaining and enhancing the residents' quality of life in the residential facility,
 - b) to provide a forum for the residents and their families to discuss matters relating to their residence in the residential facility, including any requests or concerns they may have and any solutions to the concerns that they may wish to propose,
 - c) to present any requests, concerns and proposed solutions to a facility representative or the operator,
 - d) to provide opportunities for the residents and their families to develop and participate in projects for the residents' benefit,
 - e) to provide a network of support and encouragement for the residents and their families, and
 - f) any other purposes provided for in the regulations.

Section 5: Duties of an Operator

Intent

To set out the requirements of an operator to support a resident and family council.

- 1) An operator must
 - a) designate in writing one or more persons as facility representatives for the purposes of this Act,
 - b) attend, or ensure a facility representative attends, all meetings of a resident and family council where invited to do so by the council and all meetings convened by the operator under clause (k) or section 2(3)(d) or (4)(b),
 - c) document, or ensure a facility representative documents, any requests, concerns and proposed solutions expressed to the operator or a facility representative by a resident, a member of a resident's family or a resident and family council,

Designation, Attendance and Documentation	
Methods of Compliance	Evidence of Compliance (possible, but not limited to):
One or more persons is/are designated as facility representative(s) to attend resident and family council meetings.	<ul style="list-style-type: none"> • Policies and Procedures, forms, posters showing the designation of a facility representative • Meeting Minutes showing the designation of a facility representative
An operator and/or facility representative attends all resident and family council meetings when invited	<ul style="list-style-type: none"> • Meeting minutes • Conversations with staff, residents and family
Requests, concerns and proposed solutions expressed by resident/family or by the resident and family council are documented.	<ul style="list-style-type: none"> • Meeting Minutes • Concern Resolution Tracking Tools • Request/Concern Forms

- d) take all requests, concerns and proposed solutions expressed by a resident, a member of a resident's family or a resident and family council into consideration when making decisions that affect the residents,
- e) consult with all resident and family councils in the residential facility regarding the food, services and social and leisure activities provided or made available to the residents,

Consultation and Consideration of Feedback	
Methods of Compliance	Evidence of Compliance (possible, but not limited to):
Requests, concerns and proposed solutions are considered when making decisions that affect the residents.	<ul style="list-style-type: none"> • Conversations with residents and family • Resident and Family Council Meeting Minutes • Staff Meeting Minutes • Concern Resolution Tracking Tools
Resident and family councils are consulted regarding the food, social and leisure activities and other services	<ul style="list-style-type: none"> • Resident and Family Council Meeting Minutes and Agendas • Conversations with residents and family • Surveys regarding food, social and leisure activities and other services

- f) establish in writing a process for addressing requests and concerns of the residents and their families and for documenting measures taken to address them,
- g) provide copies of the process established under clause (f) to the residents, their families and resident and family councils on request and make a copy available to any other person on request,

Concern Resolution Process

Methods of Compliance	Evidence of Compliance (possible, but not limited to):
The operator has a written process in place for addressing requests and concerns of the residents and for documenting measures taken by operator.	<ul style="list-style-type: none"> • Policies and Procedures, flowcharts, forms with instructions for use, handbooks, guidelines, posters or pamphlets
The request and concerns resolution process is made available to the residents, their families and resident and family councils.	<ul style="list-style-type: none"> • Conversations with residents and family regarding their access to this written process • Observation of availability of written process in common area • Documentation demonstrating that residents and family are notified of the availability of this written process • Orientation materials or orientation checklists

- h) provide contact information to residents and their families regarding the complaints officer under the Supportive Living Accommodation Licensing Act, including by posting a notice in a conspicuous place in the residential facility containing the contact information and by providing copies of the notice to residents, their families and resident and family councils on request,

Information Regarding Complaints Officer

Methods of Compliance	Evidence of Compliance (possible, but not limited to):
Contact information regarding the Complaints Officer is posted and provided to residents and their families.	<ul style="list-style-type: none"> • Observation of posted notice • Orientation materials • Meeting Minutes, letters, memorandums • Conversations with residents and family

- i) make space within the residential facility available, to the extent reasonably practicable, for meetings of resident and family councils,
- j) provide administrative assistance to resident and family councils, to the extent reasonably practicable, when requested by them,

Access to Space and Administrative Assistance	
Methods of Compliance	Evidence of Compliance (possible, but not limited to):
Space is made available within the residential facility for meetings of resident and family councils.	<ul style="list-style-type: none"> • Posters in common area • Orientation materials • Meeting Minutes, agenda, memorandums, meeting announcements • Correspondence • Conversations with residents and family
Administrative assistance is provided to the resident and family council when requested.	<ul style="list-style-type: none"> • Meeting Minutes, agenda, memorandums, meeting announcements • Correspondence • Conversations with residents and family

- k) whenever to the best of the operator’s knowledge no resident and family council has met within a 6-month period, convene a meeting before the end of the seventh month to address the purposes described in section 4(a) to (f), and

Convene a Meeting Following Resident and Family Council Inactivity

Methods of Compliance	Evidence of Compliance (possible, but not limited to):
A meeting is convened by the operator to address purposes of a resident and family council following six months of inactivity.	<ul style="list-style-type: none"> • Meeting Minutes, agenda, memorandums, meeting announcements • Correspondence • Conversations with residents and family

- l) following every inspection of the residential facility under this Act, the Nursing Homes Act, the Supportive Living Accommodation Licensing Act, the Hospitals Act or the regulations, provide information to residents and their families regarding the results of the inspection, including by posting a notice in a conspicuous place in the facility describing the results and by providing copies of the notice to residents, their families and any other person on request.

Results of Inspections

Methods of Compliance	Evidence of Compliance (possible, but not limited to):
Information is posted and provided to residents and their families regarding inspections of the residential facility.	<ul style="list-style-type: none"> • Meeting Minutes, posters, agenda, memorandums, newsletters • Observation of posting of results • Conversations with residents and family regarding their access to inspection results

Section 6: Inspections

Intent

To set out the authority of an Inspector under the Act.

- 2) Where under section 12 of the Nursing Homes Act the Minister authorizes a person to do anything referred to in that section for the purposes of that Act, the Minister may, under this subsection, authorize the person in writing to do that thing for the purposes of this Act.
- 3) Subject to the terms of the written authorization, a person authorized under subsection (1) may, for the purposes of ensuring compliance with this Act and regulations, do anything referred to in section 12(1) of the Nursing Homes Act in respect of a residential facility that is a nursing home.
- 4) Section 12(2) to (5) of the Nursing Homes Act apply in respect of a person authorized under subsection (1).
- 5) Where under section 6 of the Supportive Living Accommodation Licensing Act the Minister designates a person as an inspector for the purposes of that Act, the Minister may designate the person under this subsection as an inspector for the purposes of this Act.
- 6) Subject to the terms of the designation, an inspector designated under subsection (4) may, for the purposes of ensuring compliance with this Act and the regulations, do anything referred to in section 7(1)(a) to (e), (2) or (3) of the Supportive Living Accommodation Licensing Act in respect of a residential facility that is a supportive living accommodation.
- 7) Section 7(4) to (8) of the Supportive Living Accommodation Licensing Act apply in respect of an inspector designated under subsection (4).
- 8) The Minister may, in respect of an auxiliary hospital,
 - a) do anything referred to in section 26 of the Hospitals Act, or
 - b) authorize employees referred to in section 26 of the Hospitals Act to do anything referred to in that section,or both, for the purposes of this Act.
- 9) The Minister or, subject to the terms of the employee's authorization, an employee authorized under subsection (7)(b) may, for the purposes of ensuring compliance with this Act and the regulations, do anything referred to in section 26 of the Hospitals Act in respect of a residential facility that is an auxiliary hospital.
- 10) An inspector must inform an operator of the results of an inspection of the operator's residential facility.

Public Reporting

The status of a residential facility's compliance is posted on the Alberta Health Public Reporting website located at <http://standardsandlicensing.alberta.ca>

All types of visits are reported on the public reporting website including annual inspections, complaint follow-up and consultations. Any non-compliance noted at a residential facility will be posted, regardless of the duration of time to rectify the non-compliance. Non-compliance information includes both the date the non-compliance was noted and the date that it was rectified or the planned date of rectification.

The public reporting website is updated continuously. Information on visits completed and non-compliances noted and rectified will be displayed within three business days.

Section 7: Protection from Liability

Intent

To set out protection for persons carrying out duties or functions under this Act when acting in good faith.

- 7) No action lies against the Minister, an inspector or any other person for anything done or omitted to be done in good faith in exercising powers or carrying out duties or functions under this Act.

Section 8: Authority to Collect, Use and Disclosure Information

Intent

To set out the authority for the Minister or an Inspector to collect, use or disclose any personal information for the purposes of administering and ensuring compliance with the Act.

8 Except to the extent, if any, that the regulations provide otherwise, for the purposes of administering and ensuring compliance with this Act and the regulations,

- a) the Minister and inspectors may directly or indirectly collect, use and disclose information, including personal information and individually identifying health information, and
- b) complaints officers under the Supportive Living Accommodation Licensing Act may directly or indirectly collect and use information, including personal

information and individually identifying health information, and may disclose that information to inspectors.

Complaints

Concerned individuals are encouraged to follow the documented concerns or complaints resolution process of the resident and family council. Where complaints are related to the contravention of the Act, the concerned individuals have the option to contact the complaints officer.

The complaints officer will collect information about the complaint and refer it to an Inspector for follow-up.

- Complaint Line for the Accommodation Standards and Resident and Family Councils Act 1-888-357-9339 (Select option #3)

Section 9: Regulations

Intent

To set out the authority of the Lieutenant Governor in Council to make regulations under the Act.

9 The Lieutenant Governor in Council may make regulations

- a) exempting specified residential facilities or categories of residential facilities from the application of this Act, the regulations or any provision of this Act or the regulations;
- b) prescribing or otherwise describing facilities or categories of facilities that provide permanent residential accommodation to individuals, other than nursing homes, supportive living accommodations or auxiliary hospitals, as residential facilities for the purposes of section 1(m)(iv);
- c) defining “inspector” for the purposes of section 1(e)(iv) and respecting the authorization of persons to inspect prescribed facilities;
- d) defining “operator” for the purposes of section 1(h)(iv);
- e) establishing purposes referred to in section 4(f);
- f) respecting duties of an operator, including, without limitation, regulations respecting requirements for an operator
 - i) to establish processes for the purposes of one or more provisions of this Act or the regulations;
 - ii) to give or post notices for the purposes of one or more provisions of this Act or the regulations;

- g) to create, maintain and provide access to records respecting any matter provided for in this Act or the regulations;
- h) respecting powers and duties of inspectors;
- i) respecting the collection, use or disclosure of information, including personal information and individually identifying health information, under this Act;
 - i) defining any word or expression used in this Act but not defined in this Act;
 - ii) (respecting any other matter the Lieutenant Governor in Council considers necessary or appropriate to carry out the intent of this Act

Section 10: Coming into Force

Intent

To set out when this Act will be in effect.

10 This Act comes into force on Proclamation

APPENDIX A – RESIDENT AND FAMILY COUNCILS ACT SATISFACTION ASSESSMENT TOOL

- 1) Would you feel comfortable speaking to the people in charge about a problem?
- 2) Do you know who to speak with when you have a problem?
- 3) Do your problems get taken care of here?
- 4) Are you aware that your accommodation has a resident and family council?
- 5) How are you made aware of the meetings?
- 6) At these meetings, do you receive information about:
 - a) Upcoming events?
 - b) Satisfaction survey findings?
 - c) Accommodation inspection results?
 - d) Environmental Health inspection results?
 - e) Resident concerns?
 - f) CCHSS audit results (if applicable) or any other inspection that has occurred at the facility?
- 7) At these meetings, or at other times, are you asked to provide your feedback regarding:
 - a) Meals: Menu preferences, meal satisfaction, suggestions?
 - b) Personal choice services?
 - c) Recreation/leisure activities?
 - d) Care related feedback?
- 8) Do you feel that the suggestions/feedback you provide are heard and actioned upon by the accommodation?
- 9) Does anyone from the accommodation's staff or management attend the resident and family council meetings?
- 10) Do you receive or know where to access previous council meeting minutes?
- 11) Did you know who to call if you have a concern or a complaint about the resident and family council?

APPENDIX B – RFCA OPERATOR PREPARATION CHECKLIST

Section 2(3) - Post a Notice			Comments/Evidence
	Does the accommodation have an active resident and family council where both residents and family are invited (met in the last 6 months)?	Y	
		N	
<p>If Yes, proceed to Section 5. If No, proceed to the next question.</p>			
(a)(b)	Is a notice posted advising residents and persons of importance to residents of the right to establish a resident and family council?	Y	
		N	
(c)	Are copies of the notice available to residents and families?	Y	
		N	
(d)	After 6 months of no council, have you convened a meeting to inform residents, their families and persons of importance to residents of the right to establish a resident and family council?	Y	
		N	
(e)	Are notices for the above meeting posted at least 2 weeks prior to the meeting?	Y	
		N	

Section 5 - Duties of an operator			
(a)	Have one or more staff been designated in writing as a facility representative(s) for the purposes of this Act?	Y	
		N	
(b)	Has a facility representative attended all meetings when invited and any other meetings required under the Act?	Y	
		N	
(c)	Have resident and family council requests, concerns and proposed solutions been documented?	Y	
		N	
(d)	Have requests, concerns and proposed solutions been considered when making decisions that affect the residents?	Y	
		N	
	Has a resident and family council met in the last 6-months?	Y	
		N	
If Yes , proceed to next question. If No , proceed to Section 5(f).			
(e)	Was the resident and family council consulted regarding the food, services and social and leisure activities?	Y	
		N	
(f)	Has a written process been established for addressing requests and concerns of the residents?	Y	
		N	
(g)	Is the established process in question (f) available upon request?	Y	
		N	
(h)	Is the Alberta Health complaints officer contact information posted?	Y	
		N	

	Are copies of the above information (posted notice) available upon request?	Y	
		N	
(i)	Is space made available (when reasonable) for meetings of resident and family councils upon request?	Y	
		N	
(j)	Is administrative assistance provided to the resident and family council (when reasonable) when requested?	Y	
		N	

Archived