Getting Started

Licensing for Residential Addiction Treatment Service Providers
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Introduction

Alberta Health developed this guide to assist service providers of residential addiction treatment facilities to meet the licensing requirements of Alberta’s Mental Health Services Protection Act.

*Getting Started* answers the questions that service providers may have when applying for a licence to provide residential addiction treatment services. It describes the Act’s requirements, how to apply for a licence, and what is involved in the inspection and monitoring of service providers who provide residential addiction treatment services in Alberta. It also describes what to expect when a service provider is in non-compliance with the legislation and enforcement is required.

This guide also includes tools to support service providers, including an optional checklist to help prepare for an inspection, a checklist for the service contract, as well as an optional template for the documentation of the training and qualifications of employees.

**The Mental Health Services Protection Act**

The *Mental Health Services Protection Act* aims to ensure safety and quality of care and consumer protections for Albertans seeking addiction and mental health services. The initial focus of the Act is to protect Albertans who are accessing residential addiction treatment services by implementing a mandatory licensing process.

For some service providers, the Act may simply formalize policies and procedures already in place. Others may need to create new policies and procedures. For prospective service providers, the Act and *Getting Started* will provide a clear understanding of what is required to obtain and maintain a licence.

Additional information about the application and licensing process, as well as the *Mental Health Services Protection Act*, can be found on the Government of Alberta website or by viewing the legislation on the Queen’s Printer website. It is important to note that while this guide is a point of reference for service providers, it does not supersede the legal authority of the Act or regulation(s).
**Icons**
Service providers will see these icons on some pages:

- **Advice icon**
- **Information icon**
- **Reminder icon**

As illustrated, these icons will offer advice, additional information and helpful reminders of what is required of service providers.

Questions? Alberta Health staff can assist service providers throughout the application and licensing process.

Contact Alberta Health directly at: 780-427-8740 or toll-free at 780-310-0000 or email mhspa@gov.ab.ca. Service providers can write Alberta Health at: Compliance and Monitoring, P.O. Box 1360, Stn. Main, Edmonton, Alberta T5J 2N3.
Terms

For the purposes of this guide:

**Act** refers to the *Mental Health Services Protection Act*.

**Critical incident** means an incident causing serious injury or death to a client of a service provider while receiving services or within two months after services cease.

**Employee** means an individual engaged to provide services on a full-time or part-time basis as a paid or unpaid employee, consultant, contractor or volunteer.

**Inspector** refers to an individual designated by a director to conduct inspections and investigations to make sure a service provider complies with the Act, the regulation(s) or an order issued under the Act.

**Ministry** refers to Alberta Health.

**Regulated member** means an individual who provides services and is registered under section 33(1)(a) of the *Health Professions Act*.

**Residential addiction treatment services** means services provided to individuals who have an addiction in which overnight accommodation is provided for all or part of the duration of the services and includes, without limitation, withdrawal management services, but does not include services provided in an approved hospital as defined in the *Hospitals Act* or services provided by a person or service provider exempted by the regulations.

**Serious injury** means a life-threatening injury or an injury that has caused, is causing or may cause significant impairment to an individual's health.

**Services** means treatment or other care that has the objective of maintaining or improving the mental health and well-being of an individual, and includes services to treat a mental disorder or address an addiction.

**Service provider** means a person who, whether directly or through an employee, offers or provides residential addiction treatment services. It does not include a regulated member or unregulated individual who offers or provides services in the individual’s capacity as an employee of a service provider.
PART 1
How to Apply for a Residential Addiction Treatment Service Provider Licence
PART 1

How to Apply for a Residential Addiction Treatment Service Provider Licence

The first thing a service provider needs to do is determine whether they provide residential addiction treatment services. A service provider can determine whether a licence is required by consulting the decision tree below and/or by contacting Alberta Health.

Figure 1: Decision Tree
Application Process

There are several steps in making an application. They are as follows:

Step 1: Fill Out the Application Form
Service providers can access the application form at the Government of Alberta website. A licence is required for each service provider who offers or provides residential addiction treatment services. The application for licensing includes a request for:

- general information about the facility where residential addiction treatment services are offered or provided
- information about the service provider
- facility details (e.g., number of beds, etc.)
- types of services offered (e.g., are the services based on abstinence or harm reduction?)
- a declaration signed by or on behalf of the service provider setting out all criminal charges, convictions or investigations concerning the service provider
- a declaration signed by or on behalf of the service provider setting out all civil lawsuits concerning the service provider

When a residential addiction treatment facility is sold, the service provider’s licence is not transferable: the buyer is treated as a new applicant. The new applicant/service provider must complete a full application and provide all supporting documentation to Alberta Health for review and approval.
Step 2: Attach Supporting Documents

Service providers must include several documents as part of their application package. These documents, which are legislative requirements, assure Alberta Health that the service provider and its facilities are operating legally.

The documents are:

- for a corporation, the certificate and/or articles of incorporation
- copy of general liability insurance and property insurance
- copy of a business licence
- copy of any permits issued in respect of the facility that are required to operate the facility, including municipal permits and zoning approval
- any certificate of accreditation, including any terms or conditions to which the accreditation is subject
- statutory declaration

Service providers can contact the local municipality or consult the Government of Alberta website to get information about the zoning and development permits required.

Step 3: Create the Required Policies and Procedures

In addition to the documents listed in Step 2, service providers must include a sample service contract and several policies and procedures in the application package:

- consent to services policy and procedure
- service contract policy and procedure
- service contract sample
- incident prevention and incident response policy and procedure
- employee recruitment policy and procedure
- treatment of clients with dignity and respect policy

Details on what needs to be in these documents are included in this guide under Part 2: Licensing Requirements and in the Schedule of the Act. Service providers who do not already have these documents in place will need to create them before submitting an application.

Service providers must submit select policies and procedures as part of the application package. However, in order to receive a licence, service providers must comply with all the licensing requirements of the Act. An inspector will check to ensure these requirements are fulfilled when conducting an on-site inspection.
Step 4: Submit Package of Materials
Once the application form is completed and supporting documents and policies and procedures are attached, the entire package can be submitted to Alberta Health by email, fax or mail.

Step 5: Alberta Health Reviews the Application Package
Alberta Health reviews the submitted materials to ensure they are complete. If not, the service provider will be contacted and asked to forward the missing information.

If a licence is not required, Alberta Health will send a letter indicating such. If a licence is required and the service provider has met all the application requirements, Alberta Health will issue a licence.

Step 6: Alberta Health Sends the Licence to the Service Provider
The licence may contain the following information:
- the name of the licensee (service provider)
- the location of any facilities where the licensee is authorized to offer or provide services
- the description of any mobile facilities from which the licensee is authorized to offer or provide services
- whether the licensee is authorized to offer or provide services at a client’s place of residence or at any other location other than those mentioned above
- the services the licensee can offer or provide and any applicable restrictions
- the terms and conditions to which the licence is subject
- any non-compliances with the Act
- the date the licence expires
- any further information required by the regulation(s)

Please verify that all information on the licence is correct. If not, contact Alberta Health immediately.
Alberta Health will also publish information about residential addiction treatment facilities online at the Government of Alberta website. The information may include:

- name of the service provider
- street or municipal address of all facilities or other locations where residential addiction treatment services are provided
- contact information
- services provided
- fees charged
- qualifications of employees
- results of inspections and investigations
- information respecting reported incidents and contraventions of the Act, the regulation(s), or an order under the Act

Contact information must be kept up to date. A Contact Change Form is available on the Government of Alberta website.

In addition, service providers must keep Alberta Health updated on any change in the information provided in an application, including:

- change in services provided
- change in facility contacts
- change in maximum occupancy
- change in ownership
PART 2
Licensing Requirements
PART 2

Licensing Requirements

The licence, once received, must be posted in a place where it can be easily viewed by the public, such as a bulletin board in the facility entrance or a wall by the reception desk. In addition, the licence must be posted on the service provider’s website, if one exists, or in the place and manner required by Alberta Health.

Service providers are also required to develop written policies and procedures, and reporting processes, as well as create and maintain records for clients, employees, the facility and service provider. These requirements are outlined in the Schedule of the Mental Health Services Protection Act and are summarized below.

During an inspection or investigation, an inspector may ask to see any policies and procedures to ensure they comply with the Act.

Consent to Services and the Service Contract

It is the service provider’s responsibility to make sure policies and procedures are created for consent to services and the service contract. These policies and procedures must:

- be in written form (physical or digital)
- include mechanisms for ensuring explanations are understandable
- give clients or applicable substitute decision makers the opportunity to ask questions and have them answered

The service provider must also train employees on the implementation and delivery of these policies and procedures.

Consent to Services

In addition to the requirements listed above, the consent to services policy and procedure must include, at a minimum:

- proposed assessments
- proposed services and the philosophy behind the services
- the benefits and risks of both accepting and declining services
• reasonable alternative services (whether they are provided by the service provider or not)
• costs of all proposed services, including accommodation, meals and amenities
• requirements of the service provider or employees related to real, potential or perceived conflicts of interest
• the need to consult or refer to ensure appropriate treatment and care

Service Contract
A service provider must develop a service contract and a policy and procedure related to the service contract. The policy and procedure must be in written form, give individuals the opportunity to ask questions and have them answered, and include mechanisms for ensuring explanations are understandable. In addition, the service contract policy and procedure must include, at a minimum, mechanisms to ensure:

• the contents of the service contract comply with the policies and procedures related to consent to services
• a full explanation of the service contract is provided to the client or the applicable substitute decision maker
• the contract is signed by the parties at the earliest appropriate time
• the service contract is reviewed with the client or the applicable substitute decision maker when needed to address issues

Before obtaining services, a client must be given a written service contract that includes, at a minimum:

• a description of services, including accommodation, meals and amenities
• service philosophy
• all costs for services, including accommodation, meals and amenities
• terms and conditions of payment and refund of costs
• qualifications of those providing services to the client
• terms and conditions of receiving and continuing to receive services, including accommodation
• process for filing complaints with the service provider about the service provider or employees of the service provider
• names and contact information for critical incident contacts, applicable substitute decision makers and other authorized contacts, and the purpose for which contact is authorized

To assist service providers, Alberta Health has developed an optional Service Contract Checklist. It is included in the Tools section of this guide.
Other Policies and Procedures

To ensure the safety and security of clients, service providers must develop policies and procedures related to employee recruitment, incident prevention and incident response, and treating clients with dignity and respect. The service provider must train employees to implement and deliver these policies and procedures.

The policies and procedures must be in writing and available to an inspector when visiting the facility.

Recruitment of Employees

The policy and procedure related to recruitment of employees must require criminal record checks for all employees who provide services directly to a client. The only exceptions are regulated members and consultants, contractors and volunteers who are working on a temporary short-term basis.

The recruitment of employees’ policy and procedure must also outline the circumstances under which a service provider will do a vulnerable sector check. This is a check that includes a police information check as well as to see if an employee has been pardoned for a sexual offence. It is up to the service provider to determine whether this type of check is required, based on whom the service provider serves, and the position being hired to.

Incident Prevention and Incident Response

A service provider must ensure that policies and procedures are developed respecting incident prevention and incident response, which is addressed more fully in Part 3 of this guide.

Treating Clients with Dignity and Respect

The aim of this policy and procedure is to ensure clients are treated with dignity and respect by service providers and employees, including consultants, contractors and volunteers.
Reporting and Record Keeping

Service providers must create, retain and maintain records related to the facility, clients, employees and the service provider, as well as required policies and procedures. An inspector may ask to see these records to confirm the facility is complying with the requirements of the Act – the records must be available in physical or digital form.

Service providers are also required to train their employees to create, retain and maintain records.

Client Records

Client records must be kept for at least five years after the last date of record entry. An inspector may check for the following on client records when visiting the facility:

- the names of the client’s critical incident contacts, substitute decision makers, as applicable, and other authorized contacts, and the purposes for which contact is authorized
- applicable legal authorizations for substitute decision makers, as available
- a description of the services the client receives including: any treatment, including any drug as defined in the Pharmacy and Drug Act or any unscheduled drug that is prescribed, dispensed or administered to the client; and any other services provided to the client
- a statement of costs for all goods and services, including all charges and fees
- a copy of the signed service contract
- copies of all critical incident reports relating to the client
- a copy of any complaint filed on behalf of the client

Employee Records

An inspector may check for the following information in employee records when visiting the facility:

- titles and position descriptions
- copies of criminal record checks
- copies of any vulnerable sector checks
- records of employee qualifications and training

Facility Records

An inspector may check for the following records for the facility (or other location when applicable):

- name, address, phone number and email of the facility or other location
- date on which residential addiction treatment services began
- service philosophy
- overview of fees for services, including accommodation, meals and amenities
number of employees at the facility providing direct services to clients, excluding those who provide services related only to accommodation, meals or amenities

count of beds in the facility or other location

other required permits for the facility or other location, including municipal and zoning approvals

accreditation status of the facility – date of validity, accreditation body and any terms and conditions

Service Provider Records
The following lists items that are required to be kept in the records related to the service provider. Many of these items are required when applying for a licence. These items must be kept current and available should the inspector ask to see them:

- copy of business licence and business permits
- copy of articles of incorporation or association if applicable
- proof of property and liability insurance
- a signed declaration of any criminal charges, convictions and investigations concerning the service provider
- a signed declaration of any civil lawsuits concerning the service provider

Records of Policies and Procedures
There are policies and procedures that the service provider needs to create and maintain. An inspector may review these policies and procedures when visiting the facility:

- incident prevention and incident response (see Part 3 of this guide)
- consent to service (see page 14 of this guide)
- service contract (see page 15 of this guide)
- employee recruitment (see page 16 of this guide)
- treating clients with dignity and respect (see page 16 of this guide)

An inspector may ask to see records, and policies and procedures at any time. Make sure they are available on site.
PART 3
Reporting of Incidents
PART 3

Reporting of Incidents

In addition to contacting emergency responders, a service provider must notify Alberta Health as soon as possible and no later than 48 hours after the service provider becomes aware of:

- an incident that causes death to a client
- an incident that causes serious injury to a client or a situation that is injurious to the health or safety of a client
- a situation that may be injurious to the health or safety of a client
- a situation that would jeopardize the ability of the service provider to provide service

This requirement is described in Section 11 (Duty to Notify) and in the Schedule (Critical Incident Reporting) of the Act.

Incident Prevention and Response Policies and Procedures

Service providers must create and maintain written policies and procedures for dealing with reportable incidents, including how to prevent and respond to these incidents. On an inspection or investigation, an inspector may ask to see these policies and procedures to ensure compliance with the Act. The inspector may also ask for evidence to confirm employees have been trained to implement and deliver the policies and procedures, possibly by reviewing notes in the employee files.

Critical Incidents

Critical incidents are those that cause serious injury or death to a client: a) while receiving services; or b) within two months of leaving the facility. Service providers are required to do the following in the event of a critical incident:

- Inform the client’s critical incident contacts and/or substitute decision makers as soon as possible.
- Provide a written report to Alberta Health as soon as possible, and not later than 48 hours after the service provider becomes aware of the critical incident. The critical incident report must include:
  - the date, time, place and nature of the incident
  - the name and age of the client affected
  - the name of any witnesses to the incident
- the action taken or planned
- Submit a follow-up critical incident report to Alberta Health within two weeks which includes:
  - an analysis of the circumstances that led to the incident
  - any additional action taken or planned further to that noted in the initial critical incident report

If requested by Alberta Health, the service provider must also produce a third report detailing the steps taken or needed to prevent similar incidents and/or any other matters as specified by Alberta Health.

Any personal information collected by Alberta Health is collected under the authority of section 33 of the Freedom of Information and Protection of Privacy Act (FOIPP Act) or section 35(1)(p) of the Health Information Act (HIA). Personal information or health information will be protected and managed in accordance with the FOIPP Act or the HIA.

**Duty to Notify**

Service providers are required to immediately notify Alberta Health of any situations that may be injurious to the health or safety of clients or may prevent the service provider from delivering services. Service providers are required to use the Duty to Notify form that can be found online at the Government of Alberta website to report this type of situation. The form asks for the following information:

- facility name, address and contact information
- description of the situation
- actions taken or planned to address the situation

If during an inspection or investigation, an inspector becomes aware of a situation that requires notification, the inspector may examine the service provider’s policies and procedures related to incident prevention and response and may order the service provider to take measures, stop any activity, or stop providing services.
Determining the Type of Incident and Reporting Required

When a critical incident or injurious situation is reported, Alberta Health staff review the submitted report(s) and determine whether follow-up is required, including an inspection or investigation of the facility.

To determine the type of incident and reporting required, a service provider should ask the following questions:

Do you know or have reasonable grounds to believe that something has occurred:

- that has resulted in the death of a client?
  - If yes, then complete a Critical Incident Form

- that has resulted in serious injury to a client or is injurious to the safety or health of a client?
  - If yes, then complete a Critical Incident Form

- that may be injurious to the safety or health of a client?
  - If yes, then complete the Duty to Notify Form

- that would jeopardize your ability as a service provider to deliver services?
  - If yes, then complete the Duty to Notify Form

There may be situations in which a service provider would use both reporting forms. For example, a damaged roof could cause serious injury to a client (Critical Incident) and impair the service provider’s ability to provide services (Duty to Notify).

For Duty to Notify, service providers must use the form located here Government of Alberta website.
The chart below lists examples of reportable incidents and the appropriate form to file in response.

**Compliance Chart: Forms Required for Incident Response**

<table>
<thead>
<tr>
<th>Type of Incident/Situation</th>
<th>Critical Incident Form</th>
<th>Duty to Notify Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>Death</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Assault (including sexual assault)</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Ingestion of chemicals/toxins</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Client unaccounted risking harm to self or others</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Medication error not requiring medical attention</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Breakdown of essential equipment (e.g., heating equipment, elevator, alarms, security, etc.)</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Fire (could result in both forms being submitted if a client is seriously injured as a result)</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Overall building damage (could result in both forms being submitted if a client is seriously injured as a result)</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>
PART 4
Inspections, Investigations, and Enforcement
PART 4

Inspections, Investigations, and Enforcement

Once a service provider has obtained a licence, the service provider may be subject to inspections and investigations.

Inspections

How to Prepare for an Inspection
A residential addiction treatment facility receives an on-site inspection within six months of licensing. Typically, the inspector contacts the service provider to book a date and time – at least two hours notice will be provided.

There are several things a service provider can do to prepare for an inspection:

- Ensure the licence is properly posted
- Make sure all records and policies and procedures are complete and up-to-date, and easily accessible for the inspector to review
- Review the Service Provider’s Checklist included in this guide. The checklist provides an overview of what an inspector looks for during an inspection
- Review the results of any previous inspections: have all issues been addressed?
- Address any existing non-compliances

What to Expect During an Inspection
During an inspection, the inspector tours the facility and makes written notes of their observations. As part of the inspection process, the inspector may also ask questions, take pictures, review a sampling of records, policies and procedures, access electronic data processing equipment, and speak with the person in charge. The inspector may also interview clients and staff.

The inspector then determines whether the service provider complies with the Act. At the end of the inspection, the inspector’s findings and conclusions are reviewed with the service provider and any other person the inspector considers appropriate.
The inspector gives a copy of the inspection summary to the service provider. It includes any inspector’s orders that may have been issued. If the facility does not meet all of the Act’s requirements, the inspector may take enforcement action.

If requested by the service provider, an inspector may make an educational visit to a facility to provide information on licensing requirements and the inspection process. An inspector may also visit a facility in between scheduled visits to follow up on non-compliances, provide information (e.g., new regulations), follow up on an incident or review compliance with specific requirements of the Act.

Investigations

An inspector may visit the facility for the purpose of an investigation, if there is reason to believe the Act has been contravened (e.g., a complaint has been made).

No advance notice is required unless the inspector is entering a private dwelling, like an individual’s home.

The inspector gathers information to determine the validity of the complaint and to document the details of the investigation. In an investigation, the inspector may ask questions, take pictures, review a sampling of records, policies and procedures, access electronic data processing equipment, speak with the person in charge and interview staff, clients and anyone else as appropriate.

If, as a result of the investigation, a service provider is required to take steps to address a non-compliance, the inspector may conduct a follow-up visit to confirm the non-compliance has been addressed.
Enforcement

Options for Enforcement
When non-compliance with the Act or regulation(s) is identified, inspectors and Alberta Health are authorized to take enforcement action. They determine the level of enforcement based on the history of the facility, the likelihood of reoccurrence and identified risk to clients. Methods of enforcement could include:

- issuing an inspector’s order to address non-compliance
- pursuing a Court order to address non-compliance with the inspector’s order
- placing a condition on a licence
- amending, suspending or cancelling a licence

The inspector may work with the service provider to develop a plan to address the non-compliance.

An Inspector’s Order may be issued where an inspector is of the opinion that the Act or the regulation(s) have been or are being contravened. The order may direct the service provider or any other person to take specific action(s) to address the risk or contravention (e.g., an order to retrain employees on how to implement certain policies and procedures).

There are also two types of financial sanctions that can be levied under the Act:

- An administrative penalty of up to $10,000 for each contravention or, for a contravention that continues for more than one day, $10,000 for each day up to a maximum of $100,000; or
- A finding by the courts that a person or a corporation is guilty of an offence and liable for a fine up to $100,000, and in the case of an offense that continues for more than one day, to a further fine of up to $100,000 for each day

If a person obstructs or attempts to obstruct an inspection or an investigation, the person could be penalized or subjected to a judge’s warrant or ex parte court order (that is, a court order made without involving or potentially providing notice to that person).

A service provider can ask an inspector to show identification at any time before or during an inspection or investigation. Inspectors must carry identification and be prepared to show it on request.
PART 5

Appeals
PART 5

Appeals

The service provider may appeal Alberta Health’s decision to:

- refuse to issue, amend or renew a licence
- impose terms or conditions on a licence
- amend, suspend or cancel a licence
- issue an inspector’s order
- apply an administrative penalty

After receiving a written notification of the decision, a service provider has 15 days to file an appeal with Alberta Health. The Ministry then has 30 days to set up an appeal panel. The panel confirms, changes or reverses the decision of the Ministry. It ensures all parties involved in the appeal process have an equal opportunity to present their case. The decision of the appeal panel is final.

The Appeals Secretariat website provides more information on filing an appeal.
PART 6
Conclusion
PART 6

Conclusion

While we have tried to make this guide as understandable as possible, it is inevitable that service providers and others using it will occasionally need clarification or more information.

Contact Information

To get help, service providers (or their staff) can contact Alberta Health at:

Email: mhspa@gov.ab.ca
Phone: 780-427-8740
Toll-free at 310-0000

Or service providers can write Alberta Health at Compliance and Monitoring, P.O. Box 1360, Stn. Main, Edmonton, Alberta T5J 2N3.

In addition, any Albertan can contact Alberta Health with a concern or complaint about a residential addiction treatment service provider who may be contravening the Mental Health Services Protection Act.

Telephone complaint line: 780-422-4703.
PART 7

Tools to Support Service Providers

- Appendix A: Service Provider’s Checklist
- Appendix B: Service Contract Checklist
- Appendix C: Record of Employee Training and Qualifications Sample Template
- Appendix D: Website Links and Addresses
Appendix A: Service Provider’s Checklist

During an inspection or investigation, a service provider may be asked to provide records, including policies and procedures, to show the facility is complying with the requirements of the Mental Health Services Protection Act. Service providers are not required to use this checklist, but may find it useful when preparing for an inspection or investigation.

The items identified in the checklist must be kept up-to-date and available for viewing at the facility.

**REQUIREMENT – Policies and Procedures**

*Note: For ease of reference, the section numbers in the headings below align with the section numbers in the Schedule of the Mental Health Services Protection Act.*

<table>
<thead>
<tr>
<th>1. Consent to Services – Sections 2(1), 2(2) and 2(3) of the Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you prepared and implemented a written policy and procedure about consent to services?</td>
</tr>
<tr>
<td>Is it available to clients and/or their applicable substitute decision makers on request?</td>
</tr>
</tbody>
</table>

If yes, does it address:
- ☐ How you will ensure explanations are provided in a manner that is understandable?
- ☐ How you will provide an opportunity for the client to ask questions and have them answered?
- ☐ How a client will be assessed for services?
- ☐ The services the facility provides?
- ☐ The philosophy behind the services?
  - E.g., are the services abstinence-based or based on a harm reduction philosophy?
  - Is it faith based, culturally informed?
- ☐ The benefits and risks of accepting or declining services?
- ☐ The costs of services – including accommodation, meals and amenities?
- ☐ Any conflict of interest (whether real, potential or perceived) the service provider or an employee may have?
- ☐ The need to consult and refer for appropriate treatment?
- ☐ Alternative services that may be available?

Comments:
### 2. Service Contract – Sections 2(4), 3(1) and 3(2) of the Schedule

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you prepared and implemented a written policy and procedure about the service contract?</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is it available to clients and/or their applicable substitute decision makers on request?</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If yes, does it explain how you will:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Ensure explanations are understandable?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Provide an opportunity for the client to ask questions and have them answered?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Explain the full content of the service contract to the client or their applicable substitute decision maker?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Ensure the contract is signed by the parties at the earliest appropriate time?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Ensure the contract is reviewed with the client as necessary when issues arise?</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The service contract provided to clients must contain:</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ A description of services, including accommodations, meals and amenities at a level of detail as is reasonably available at the time</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ A description of the service philosophy.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>☐ The costs for all the services to be provided, itemized to a reasonable level of detail, including all charges and fees</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ The terms and conditions for payment and refunds</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ The qualifications of service providers</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ A description of the terms and conditions of receiving or continuing to receive services, including accommodation</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ A description of the process to file a complaint with the service provider</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Names and contact information for the client’s critical incident contacts, applicable substitute decision makers or other authorized contacts</td>
<td>☐</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note:** Before any residential addiction treatment services are provided to an individual, whenever possible, the entire service contract must be fully explained to the individual or applicable substitute decision maker. The individual or applicable substitute decision maker must have agreed in writing to accept and pay for the services by executing the service contract. See the Service Contract Checklist in this guide.
### 3. Recruitment of Employees – Sections 4(1) and 4(2) of the Schedule

<table>
<thead>
<tr>
<th>Have you prepared and implemented a written policy and procedure for recruitment of employees?</th>
<th>☐ Yes</th>
<th>☐ No</th>
<th>Comments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes:</td>
<td>☐</td>
<td></td>
<td>Comments:</td>
</tr>
<tr>
<td>☐ Does it ensure employees who provide services directly to a client (except regulated members or consultants, contractors or volunteers working on a temporary short-term basis) have a criminal record check?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Does it set out the circumstances in which a vulnerable sector check may be required?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>– A vulnerable sector check is a police information check plus a check to see if a person has a record suspension (pardon) for sexual offences</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Are the criminal and vulnerable sector checks readily available should an inspector ask to see them?</td>
<td>☐ Yes</td>
<td>☐ No</td>
<td>Comments:</td>
</tr>
</tbody>
</table>

### 4. Incident Prevention and Response – Section 11 of Act and Section 4(3) and Section 5 of Schedule

<table>
<thead>
<tr>
<th>Have you developed and implemented written policies and procedures regarding incident prevention and incident response?</th>
<th>☐ Yes</th>
<th>☐ No</th>
<th>Comments:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Duty to Notify</strong></td>
<td></td>
<td></td>
<td>Comments:</td>
</tr>
<tr>
<td>If yes, do they address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ How a service provider should report situations that arise that may be injurious to the health or safety of clients; or that jeopardize the service provider’s ability to provide services?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Note: See Duty to Notify Form</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Critical Incidents</strong></td>
<td></td>
<td></td>
<td>Comments:</td>
</tr>
<tr>
<td>If yes, do they address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ How a service provider should report critical incidents to Alberta Health?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The policy and procedure requires the service provider to, at a minimum,:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Inform Alberta Health in writing ASAP and no later than 48 hours after the service provider becomes aware of a critical incident. Note, the report must contain the following information:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>– date, place, time and nature of the incident</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>– name and age of the client affected</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>– name of any witnesses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>– actions taken or planned</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
- Contact the client’s specified critical incident contacts and any substitute decision makers as soon as possible.
- Provide a further report, within two weeks, including analysis of the circumstances leading to the incident and any actions taken or planned.
- Follow up on any further requests by Alberta Health.

<table>
<thead>
<tr>
<th>5. Treatment of Clients – Section 4(4) of the Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you developed and implemented a written policy regarding the treatment of clients with dignity and respect?</td>
</tr>
</tbody>
</table>
## REQUIREMENT – Record Creation, Maintenance and Retention

Records must be created, maintained and retained for each client, employee, facility and service provider (licensee).

### 1. Client Records – Section 6(1)(a) of the Schedule

Client records must contain the following:

- Name(s) of the client’s critical incident contacts, substitute decision makers (as applicable) and other authorized contacts and the purposes for which contact is authorized
- A copy of legal authorizations for substitute decision makers (if applicable)
- A description of client services, including all treatment and all drugs that are prescribed, dispensed or administered to the client
- A copy of the signed client service contract
- An itemized statement of all goods and services provided, including charges and fees
- Copies of all critical incident reports related to the client
- A copy of any complaint filed by or on behalf of the client or in respect to the client

Note: Client records must be kept for at least five years after the last entry on file.

### 2. Employee Records – Section 6(1)(b) of the Schedule

Employee records must contain the following:

- Copies of any required criminal record check and/or vulnerable sector check
- Employee’s position title and description, qualifications and training

(See Record of Employee Training and Qualifications Template in this guide)

### 3. Facility Records – Section 6(1)(c) – 6(1)(j) of the Schedule

Records must be kept for each facility or location at which residential addiction treatment services are provided:

- Name, address, phone number and email address of the facility or other location
- Date delivery of residential addiction treatment services started
- Description of the philosophy of the services provided
- Fees charged for services, including accommodation, meals and amenities
- Number of employees who provide services directly to clients (other than those who provide only accommodations, meals or amenities)
- Number of beds in the facility or other location
- Other permits issued in respect to the facility or other location, including municipal permits and zoning approvals
- Accreditation status of the facility, including accreditation date, accreditation body, and any terms or conditions related to accreditation
### 4. Service Provider Records – Section 6(1)(d-k) of the Schedule

The following documents must be available:

- Copies of all critical incident reports
- A copy of the consent to service policy and procedure
- A copy of the service contract policy and procedure
- A copy of the incident prevention policy and procedure
- A copy of the incident response policy and procedure
- A copy of the employee recruitment policy and procedure
- A copy of the policy respecting the treatment of clients with dignity and respect
- Business licence and business permits
- Articles of incorporation or association (if applicable)
- Proof of insurance, including property and liability insurance
- A declaration signed by or on behalf of the service provider setting out all criminal charges, convictions or investigations concerning the service provider
- A declaration signed by or on behalf of the service provider setting out all civil lawsuits concerning the service provider

### REQUIREMENT – Posting of Licence – Section 8

The service provider must publicly post the licence to provide residential additional treatment services:

- In a clearly visible and prominent place in every place to which the licence pertains
- On the website (if applicable)
- In any place or manner required by Alberta Health

Note that if Alberta Health specifies that a licence is not required to be posted, the service provider must keep the licence in a place where it is accessible for viewing on request.

### REQUIREMENT – Duty to Train – Section 7 of the Schedule

The service provider must train employees in the following:

- Implementation and delivery of all policies and procedures
- Reporting and record keeping requirements
Appendix B: Service Contract Checklist

Section 3 of the schedule to the *Mental Health Services Protection Act* identifies the minimum requirements that must be included within your written service contract. While not exhaustive, the following checklist may be helpful to you as you review your written service contract to ensure it meets the requirements of the Act.

<table>
<thead>
<tr>
<th>Description of Residential Addiction Treatment Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Services related to treatment (provide description)</td>
</tr>
<tr>
<td>☐ Accommodation (provide description, for example, private or shared room)</td>
</tr>
<tr>
<td>☐ Food (provide description, for example, regular meals and snacks)</td>
</tr>
<tr>
<td>☐ Other amenities (provide description, for example, recreational activities, common areas)</td>
</tr>
<tr>
<td>☐ Terms and conditions for receiving or continuing to receive services (for example, abiding by the rules of the facility)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description of Philosophy of the Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Description of philosophy of the services (for example, harm reduction, individual and group therapy, abstinence-based, etc.)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Qualifications of Service Provider</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Description of the qualifications of the service provider who will be providing services</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ All charges and fees related to residential addiction treatment services, including:</td>
</tr>
<tr>
<td>a. Accommodation charges</td>
</tr>
<tr>
<td>b. Food charges</td>
</tr>
<tr>
<td>c. Charges for amenities (for example, things like recreational activities)</td>
</tr>
<tr>
<td>☐ Terms and conditions for payment and refunds</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complaints About Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Provide a description of the process to file a complaint about the service provider, employees of the service provider, or the residential addiction treatment services</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contracts</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Name and contact information for client’s critical incident contact(s)</td>
</tr>
<tr>
<td>☐ Name and contact information for client’s substitute decision maker(s)</td>
</tr>
<tr>
<td>☐ Name and contact information for other authorized contact(s)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Execution of the Service Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Fully explained the entire service contract to the client or applicable substitute decision maker</td>
</tr>
<tr>
<td>☐ Signature of client or applicable substitute decision maker</td>
</tr>
<tr>
<td>☐ Signature of service provider</td>
</tr>
</tbody>
</table>
Appendix C: Record of Employee Training and Qualifications Sample Template

This form provides an example for tracking employee training and qualifications. It is not mandatory that a service provider use it. A service provider may continue to use existing forms or methods of tracking as long as they include the items required in Section 4 of the Schedule of the Mental Health Services Protection Act.

<table>
<thead>
<tr>
<th>Training/Qualifications</th>
<th>Description</th>
<th>Certification Period</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Credentials Upon Hiring*</td>
<td></td>
<td></td>
<td></td>
</tr>
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<td>•</td>
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<td></td>
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<tr>
<td>Courses Prior to Hiring</td>
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<tr>
<td>•</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mandatory Training Once Hired</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Policy and procedures**</td>
<td>• Familiarize employee with facility’s policies and procedures related to:</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- service philosophy</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- consent to services</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- the service contract</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- employee recruitment</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- incident prevention and response</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- critical incident reporting</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- treating clients with dignity and respect</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Employees must understand their role in implementing these items</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Name of Employee:  

Employee’s Position Title:
### Training/Qualifications

<table>
<thead>
<tr>
<th>Training/Qualifications</th>
<th>Description</th>
<th>Certification Period</th>
<th>Date</th>
</tr>
</thead>
</table>
| Reporting and record keeping** | • Familiarize employee with facility’s reporting and record keeping related to:  
- clients  
- employees  
- facility  
- service provider  
- critical incidents  
- policies and procedures  
• Employees must understand their role in implementing these items | n/a                  |      |

### Courses During Employment

(e.g. First Aid, CPR, safety management, conflict resolution, etc.)

<table>
<thead>
<tr>
<th>*</th>
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</tr>
</thead>
<tbody>
<tr>
<td>*</td>
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<td>*</td>
<td>*</td>
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<tr>
<td>*</td>
<td>*</td>
</tr>
</tbody>
</table>

*A resume and/or certificate of qualification is an acceptable form of proof of qualification.

**Consult the Service Provider’s Checklist for more specifics.
Appendix D: Website Links and Addresses

Appeals Secretariat (Government of Alberta)

Application Form (Government of Alberta)
- https://www.alberta.ca/mental-health-services-protections.aspx

Building Permits (Government of Alberta)

Contact Change Form (Government of Alberta)
- https://www.alberta.ca/mental-health-services-protections.aspx

Duty to Notify Form (Government of Alberta)
- https://www.alberta.ca/mental-health-services-protections.aspx

Freedom of Information and Protection of Privacy Act (Government of Alberta)
- https://www.servicealberta.ca/foip/

Health Information Act
- https://open.alberta.ca/publications/h05

Mental Health Services Protection Act
- General information: Government of Alberta
  https://www.alberta.ca/mental-health-services-protections.aspx
- Legislation: Queen’s Printer

Personal Information Protection Act (Government of Alberta)