

BILL

No. 622

An Act respecting the Rights of Residents in Special Care Facilities and Personal Care Homes

(Assented to _____)

Preamble

WHEREAS residents in care have the right to dignity, respect and safety;

WHEREAS residents in care deserve basic guarantees of the quality of care they ought to receive;

WHEREAS residents in care have the right to individualized care that meets or exceeds minimum quality of care standards; and

WHEREAS it is the responsibility of the provincial government to ensure consistent standards of care in facilities throughout Saskatchewan:

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 *The Residents-in-Care Bill of Rights Act.*

Interpretation

2(1) In this Act:

- (a) “**care plan**” means a written document that complies with the requirements of section 4 of this Act;
- (b) “**personal care home**” refers to a privately owned and operated care facility, licensed and monitored by Saskatchewan Health, in accordance with *The Personal Care Homes Act*;
- (c) “**resident**” means a person admitted to and residing in a long-term care facility or a personal care home;
- (d) “**special care home**” refers to a nursing home or other facility that is designated by the Ministry of Health and operated through the Saskatchewan Health Authority (SHA) or an affiliated or contracted agency of the SHA;
- (e) “**supporter**” means a person as defined in *The Personal Care Homes Regulations, 1966*.

(2) The definitions used in *The Personal Care Homes Act* and the regulations made pursuant to that Act apply to this Act and the regulations with any necessary modifications.

Bill of Rights

3 Each long-term care facility or personal care home shall ensure that a Residents in care Bill of Rights is developed for and adopted by the home after consultation with:

- (a) residents of the home;
- (b) residents' families;
- (c) residents' supporters, where the case may require.

What a Bill of Rights Must Contain

4(1) Each Residents-in-care Bill of Rights must, at a minimum, reflect the following principles:

- (a) care plans must be developed that:
 - (i) are specific to each resident;
 - (ii) are based on each resident's abilities, physical, social and emotional needs, as well as cultural and spiritual preferences;
 - (iii) comply with the minimum quality of care standards prescribed by the provincial government through regulations; and
 - (iv) are based on input from the resident, their family or their supporter;
- (b) the right of residents to be treated with courtesy and respect and in a way that promotes their dignity and individuality;
- (c) the right of residents to be sheltered, fed, dressed, groomed and cared for in a manner consistent with their needs;
- (d) the right of residents or their supporters to have the right to give or refuse consent to treatment, including medication, in accordance with the law;
- (e) the right of residents, subject to safety requirements and the privacy rights of other residents, to be encouraged to exercise their freedom of choice whenever possible, including the freedom to do the following:
 - (i) exercise their choice of religion, culture and language;
 - (ii) communicate with, and have contact with and visits to and from friends, family and others in private if desired;
 - (iii) choose their recreational activities;
 - (iv) choose the personal items that each resident may keep in their rooms, when space permits;
 - (v) select the clothing to be worn each day;

- (vi) live free from discrimination on the basis of age, sexual orientation and gender identity or gender expression;
 - (vii) to be recognized and addressed by chosen pronouns and have identities to be recognized and affirmed;
 - (f) the right of residents to be afforded reasonable privacy when being treated and cared for;
 - (g) the right of residents to be provided with a safe and clean environment that remains within the standards for heating and cooling prescribed by the government of Saskatchewan through regulations;
 - (h) the right of residents or their supporters to transparency and accountability, including the right to all of the following:
 - (i) to have ready access to copies of all laws, rules and policies affecting a service provided to the resident;
 - (ii) to have ready access to a copy of the most recent routine inspection record of the facility;
 - (iii) to be informed in advance of all charges, fees and other amounts that the resident must pay for accommodation and services received through the facility;
 - (iv) to be informed of how to make a complaint to an authority outside the facility;
 - (v) to have his or her family or supporter informed of the matters described in this clause;
 - (i) the right of residents to communicate and meet with their legal representatives as often as necessary and in private if desired;
 - (j) the right of residents to establish and participate in a resident or family council to represent the interests of persons in care;
 - (k) the right of residents to form friendships and relationships and to participate in the life of the long-term care home, including:
 - (i) every resident who requires care and is admitted to the home to receive that care has the right upon admission not to be separated from their spouse and to have appropriate accommodation made available for both spouses to live together in the home.
- (2) The care plan for each resident in care is to be prepared, implemented and maintained at no charge to the resident.

Bill of Rights must be Respected and Promoted

5 The operator of the facility shall ensure that the Residents-in-care Bill of Rights is respected and promoted in the personal care home and that the Residents in care Bill of Rights must be posted in standard Canadian National Institute For The Blind (CNIB) print [Arial 14 font] in locations that are prominent and easily accessible by residents and staff.

Regulations

6 The Lieutenant Governor in Council may make regulations:

- (a) defining any term or word used in this Act that is not defined in this Act;
- (b) respecting the minimum quality of care standards that must be contained in every Residents in care Bill of Rights;
- (c) respecting minimum standards for the activities of daily living for residents in care;
- (d) respecting any other matter or thing that will allow for the proper administration of this Act and the regulations.

Coming into force

7 This Act comes into force on Assent.

FOURTH SESSION

Twenty-ninth Legislature

SASKATCHEWAN

BILL

No. 622

An Act respecting the Rights of Residents in Special Care Facilities
and Personal Care Homes

Received and read the

First time

Second time

Third time

And Passed

Mr. Matt Love
