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### **Homes for Special Care Regulations**

#### **made under Section 19 of the**

#### ***Homes for Special Care Act***

**R.S.N.S. 1989, c. 203**

**O.I.C. 77-1261 (October 11, 1977), N.S. Reg. 127/77**

**as amended up to O.I.C. 2011-365, (October 4, 2011), N.S. Reg. 284/2011**

**and including N.S. Reg. 261/2011, effective February 16, 2012**

- 1 Regulations made by the Governor in Council, pursuant to the *Boarding Homes Act*, the *Nursing Homes Act*, and regulations made pursuant to clauses (b), (e), (h), (i) and (j) of Section 33 of the *Social Assistance Act*, which regulations deal with the setting of standards for homes for the aged and the disabled operated by municipal units, are repealed effective the 1st day of September, 1977.
- 2 These regulations shall come into force on the 1st day of September, 1977.
- 3 These regulations may be cited as the *Homes for Special Care Regulations*.
- 4
  - (1) “Home for special care” means a nursing home, a home for the aged, a home for the disabled, and a residential care facility.
  - (2) Unless otherwise stated, any reference in these regulations to a home for the aged or a home for the disabled, shall be deemed to be a reference to a home for the aged or a home for the disabled operated pursuant to Section 15 of the Act.
  - (3) A home for the disabled shall include an adult residential centre for mentally handicapped persons and a regional rehabilitation centre for post-mentally ill persons.
  - (4) A residential care facility shall include a community-based residential facility.
  - (5) The term “community based residential facility” means any building or place where persons receive supervisory care in a residential and family environment and the care is provided by persons who are not their parents, and includes all of

the following:

- (a) a group home;
- (b) a developmental residence;
- (c) a small option home.

**Subsection 4(5) replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

- (6) For the purposes of ~~Section~~ [clauses] 2(j) and 2(m) of the Act, the following are considered to be related by blood or marriage to a person maintaining a place within the meaning of ~~Section~~ [clauses] 2(j) and 2(m) of the Act:

The husband, wife, father, mother, son, daughter, grandmother, grandfather, aunt, uncle, niece, nephew, brother and sister, of a person maintaining a place within the meaning of ~~Section~~ [clauses] 2(j) and 2(m) of the Act; and the father, mother, son, daughter, grandmother, grandfather, aunt, uncle, niece, nephew, brother and sister of the spouse of a person maintaining a place within the meaning of Section [clauses] 2(j) and 2(m) of the Act.

**Subsection 4(6) added: O.I.C. 82-786, N.S. Reg. 152/82; replaced: O.I.C. 83-1004, N.S. Reg. 199/83.**

**Subsection 4(7) added: O.I.C. 82-840, N.S. Reg. 157/82; repealed: O.I.C. 2011-314, N.S. Reg. 261/2011.**

- (8) For the purpose of Section 8 of the Act, a cessation of ownership includes any change in the control of a company which owns either directly or indirectly a residential care facility or a nursing home.

**Subsection 4(8) added: O.I.C. 84-655, N.S. Reg. 112/84.**

- 5 (1)** The primary purpose of community based residential facilities, adult residential centres, and regional rehabilitation centres shall be to encourage, foster, and promote the social, educational and vocational development and well-being of the residents for the purpose of integrating the residents into the community as self-sufficient and independent individuals.
- (2)** All matters relating to the administration and operation of a community based residential facility, an adult residential centre and a regional rehabilitation centre, shall be conducted in accordance with the primary purpose as stated in subsection (1) of this Section.
- 5A (1)** Except as provided in subsection (2), a home for special care shall meet the standards of accommodation and care established for homes for special care by the Minister and comply with the policies and procedures established for homes for special care by the Minister.
- (2)** A home for special care may adopt its own standards of accommodation and care and policies and procedures for the home.
- (3)** If there is an inconsistency between the standards, policies and procedures of the Minister referred to in subsection (1) and standards, policies and procedures adopted under subsection (2), the standards, policies and procedures of the

Minister prevail.

**Section 5A added: O.I.C. 2011-314, N.S. Reg. 261/2011.**

**5B** A home for special care shall provide the Minister with any information about the home that the Minister reasonably requires.

**Section 5B added: O.I.C. 2011-314, N.S. Reg. 261/2011.**

- 6 (1) A person proposing to construct, renovate or acquire a building or buildings for the purpose of operating a home for special care shall obtain approval from the Minister for the proposed construction, renovation or acquisition.
  - (2) The person seeking approval under this Section shall consult with the Minister or such persons as he may designate, and shall submit to the Minister the information listed in Form I in the Schedule and such other information as the Minister considers necessary.
  - (3) The Minister may refuse to approve the construction, renovation or acquisition of a building or buildings for the purpose of operating a home for special care in those cases where the information provided under this Section is not satisfactory to him or where the information indicates that the proposed home will not meet the needs of the persons for whom it is intended.
  - (4) A person applying for a license for a nursing home or residential care facility shall make the application on Form II contained in the Schedule and the application shall contain the information prescribed on the form and such other information as the Minister may request.
  - (5) A license for a nursing home or a residential care facility will not be issued to a person who has failed to obtain the approval required pursuant to this Section.
  - (6) Subject to Section 11 any approval or license given pursuant to the Act or these regulations for the operation of a home for special care is not to be construed as a commitment by the Minister giving the approval or the license to provide funds to the home or to share in the expenses of the home.
- 7 (1) A license for a home for special care licensed by the Minister of Health and Wellness must be in Form ~~HH~~A[IIIB].
  - (2) A license for a home for special care licensed by the Minister of Community Services must be in Form ~~HH~~B[IIIA].

**Section 7 replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

**Section 8 repealed: O.I.C. 84-173, N.S. Reg. 17/84.**

- 9 (1) Except as provided in subsection (2), a license issued pursuant to the Act shall be displayed in the home for special care in a conspicuous place inside the main entrance of the home.

**Subsection 9(1) amended: O.I.C. 2011-314, N.S. Reg. 261/2011.**

- (2) A license issued for the operation of a community based residential facility must

be displayed in the home and made available upon request.

**Subsection 9(2) replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

**10** Subject to Section 55 the Minister shall not issue or renew a license in respect of a nursing home or a residential care facility that does not comply with the requirements of the Act and these regulations.

**10A (1)** The Minister may refuse to issue a license to a person who owns either directly or indirectly more than twenty percent of the total of licensed beds in all licensed residential care facilities in Nova Scotia, or more than twenty percent of the total of licensed beds in all licensed nursing homes in Nova Scotia.

**(2)** The Minister in exercising his discretion pursuant to subsection (1) may consider the extent to which permanent residents of Nova Scotia own a residential care facility or a nursing home either directly or indirectly, or are shareholders in a company which owns a residential care facility or a nursing home either directly or indirectly, and where the Minister is satisfied that the majority of the shares or the majority of voting rights are owned or held either directly or indirectly by persons who are permanent residents of Nova Scotia, he may issue a license, provided that the residential care facility or the nursing home has complied with the provisions of the Act and these regulations.

**Section 10A added: O.I.C. 84-655, N.S. Reg. 112/84.**

**11 (1)** This Section applies to homes for special care which are operated by a municipal unit or which are operated by a charitable or non-profit organization.

**(2)** In this Section

(a) “municipal unit” means a municipality to which the Municipal Act applies, a city or a town, and includes two or more municipal units that enter an agreement in compliance with [sub]section 15(1) of the Act;

(b) “proposal” means a proposal to erect, acquire, purchase, alter, add to, improve, furnish, or equip a building as a home for special care and includes the purchasing and acquiring of land therefor;

(c) “approval” means an approval signed by the Minister;

(d) “grant” means a grant of assistance, or reimbursement.

**(3)** Where a person or a municipal unit makes a proposal to the Minister, the proposal shall contain documentation and evidence to verify all costs and expenses involved in the proposal and such other information as the Minister may request.

**(4)** The Minister may approve the whole proposal or any part of the proposal.

**(5)** The Minister may, as he deems appropriate, make conditions, qualifications, restrictions or requirements in respect of, or as a prerequisite to an approval of a proposal.

- (6) The Minister shall not give an approval of a proposal unless he is satisfied that
- (a) there is a need for the type of home that is being proposed;
  - (b) the home will be constructed and maintained by the municipal unit or person that made the proposal; and
  - (c) the home will be constructed, operated and maintained in the manner required by all applicable statutes and regulations.
- (7) Where the Minister has given an approval of a proposal, he may give a grant to the municipal unit or the person that made the proposal.
- (8) The Minister may give a grant in the form, manner and amount he deems appropriate.
- (9) All grants made pursuant to these regulations shall be paid out of the appropriation of the Department of Community Services entitled, "Construction Assistance - Homes for Special Care".
- 12 The Minister may establish admissions committees and classification committees for homes for special care and may prescribe the duties and functions of these committees.
- 13 (1) The Minister may establish a committee to review decisions of an admissions committee or a classification committee in those cases where there is a dispute as to the type of care or type of home to which a person should be admitted and he may prescribe the procedures that shall be followed by the review committee.
- (2) The review committee established pursuant to subsection (1) of this Section shall not consist of the same persons who were members of the admissions committee or the classification committee that made the decision which is being reviewed.
- 14 (1) For the purpose of this Section, "Director" means a person designated by the Minister of Community Services.
- (2) No person whose daily maintenance costs in a home for special care are being paid in whole or in part by the Department of Community Services, or by a municipal unit pursuant to the provisions of the Social Assistance Act shall be admitted to or remain in a home for special care without the prior approval of the Director.
- (3) No person shall be admitted to a community based residential facility, a home for the aged or home for the disabled without the prior approval of the Director, provided however, that a person requiring temporary emergency care, but not hospital care may be admitted to a home by the Administrator pending the written approval of the Director.
- 15 (1) Unless the Minister otherwise orders, no person who requires nursing care may be admitted to or maintained in a residential care facility.

- (2) No person who requires hospital care shall be admitted to or maintained in a home for special care.
  - (3) A residential care facility may provide supervisory care and personal care to the persons admitted to and maintained in the facility.
  - (4) A home for the aged and a home for the disabled may provide supervisory care, personal care and nursing care to persons admitted to and maintained in the home, provided however that
    - (a) those persons who require nursing care shall be maintained in a section of the home which complies with all of the requirements of the Act and these regulations which relate to nursing homes except those requirements that deal with licensing; and
    - (b) the section of the home in which persons who require supervisory or personal care are maintained complies with all the requirements of the Act and these regulations which relate to residential care facilities except those requirements which deal with licensing.
  - (5) The Administrator of the home for special care shall take whatever action is necessary to remove from the home any resident who, in the opinion of the inspector, is not a suitable person to be maintained in the home, and shall take whatever steps are necessary to place the resident in the type of accommodation recommended by the inspector.
- 16 Any decision relating to the type of care a person requires or the type of home for special care that is appropriate for a person to be admitted to, may be reviewed by the review committee established pursuant to Section 13 of these regulations.
- 17 (1) A person appointed by the Minister of Community Services as an inspector pursuant to Section 9 of the Act may at any reasonable time enter and inspect a home for the aged or a home for the disabled and may examine the premises, equipment, facilities, books and records thereof, and may cause any resident to be examined by a qualified medical practitioner or a registered nurse.
- (2) Every residential care facility, home for the aged and home for the disabled shall be inspected at least once a year by an inspector appointed pursuant to the Act.
  - (3) Every nursing home and nursing section of a home for special care shall be inspected regularly and at least twice a year, by an inspector appointed pursuant to the Act.
  - (4) A member of the staff of the Department of Community Services who is requested by the Minister to conduct an emergency examination of a home for special care or resident thereof, shall have all the rights and responsibilities of an inspector under the Act and these regulations.
- 18 (1) Every home for special care shall have sufficient staff that will ensure:

- (a) compliance with the requirements of these regulations; and
  - (b) reasonable hours of work and holidays for each member of the staff.
- (2) In every nursing home and nursing care section of a home for special care where there are less than thirty residents, there shall be at least one registered nurse on duty for no less than eight hours every day, and in the absence of the registered nurse, there shall be a person on duty in the home who is capable of providing emergency care.
- (3) In every nursing home and nursing care section of a home for the aged where there are thirty or more residents, there shall be at least one registered nurse on duty at all times.
- (4) In every residential care facility other than a small option home, there shall be a staff member who is capable of providing necessary emergency care on duty in the home at all times.

**Subsection 18(4) replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

- 19 (1) Every home for special care shall have an administrator who shall be responsible for
- (a) the overall daily management of the home;
  - (b) ensuring that the home complies with the requirements of these regulations;
  - (c) ensuring that the residents receive the standard of care prescribed in the Act and these regulations;
  - (d) staff orientation and inservice training programs; and
  - (e) planning and implementing programs and activities in the home and community which provide social, educational, vocational, religious and recreational opportunities for the residents.
- (2) In addition to subsection (1), the administrator of a community based residential facility or a home for the disabled shall be responsible for ensuring that the programs and activities of the home are in compliance with the primary purpose as stated in [sub]section 5(1).
- (3) The administrator of a home for special care must have the education and experience to enable them to perform the responsibilities set out in subsections (1) and (2).

**Subsection 19(3) replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

**Subsection 19(4) repealed: O.I.C. 90-763, N.S. Reg. 158/90.**

**Subsection 19(5) added: O.I.C. 81-1091, N.S. Reg. 115/81; repealed: O.I.C. 90-763, N.S. Reg. 158/90.**

- 20 In addition to the requirements set out in Sections 18 and 19, every home for special care shall have adequate and competent staff to provide any services the Minister

requires for the home, including all of the following:

- (a) food service;
- (b) domestic and maintenance services;
- (c) program and activity services;
- (d) administrative support services.

**Section 20 replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

**20A (1)** The operator of the home for special care shall be responsible to ensure that essential services continue to be provided to and for the residents of the home whenever there is a reduction in the number of staff available to serve the residents occasioned by or as a result of labour-management dispute or other cause.

- (2) For the purposes of this Section, “essential services” means services which are necessary to maintain and protect the physical and mental conditions of the residents of the home for special care and the safety and security of the home for special care.

**Section 20A added: O.I.C. 82-840, N.S. Reg. 157/82.**

**20B** The operator of a home for special care shall ensure that there is opportunity for management and employees of the home, on a regular basis, to meet together to discuss the operation of the home as it relates to the care and wellbeing of the residents and the safety and security of the home.

**Section 20B added: O.I.C. 82-1216, N.S. Reg. 217/82.**

**20C** The operator of a home for special care shall ensure that there is opportunity for management and the residents of the home to meet together on a regular basis to discuss the operation of the home as it relates to the care and well being of the residents and the safety and security of the home.

**Section 20C added: O.I.C. 84-267, N.S. Reg. 43/84.**

**20D** Every home for special care shall carry adequate liability insurance, and proof of the liability insurance coverage shall be submitted with the application for a license to operate a home for special care and with every renewal thereof and at such other times as the Minister may require.

**Section 20D added: O.I.C. 86-763, N.S. Reg. 152/86.**

**21** It is a term and condition of every license that the licensee shall comply with the Acts and regulations, and any orders or directions of an appropriate authority, respecting fire, safety, health and sanitary requirements.

**Section 21 replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

**22 (1)** Every home for special care shall have suitable space, both indoors and outdoors apart from bedrooms, for the relaxation of the residents and reception of visitors.

- (2) Every home for special care shall have social, educational, vocational, religious

and recreational programs and activities in accordance with the interests and abilities of residents.

- (3) Residents shall be encouraged by the staff of a home for special care to join with other members of the home in various leisure time activities.
  - (4) A resident of a home for special care shall have the freedom of attending the church of his choice and no resident shall be deprived of the right to have visits from a clergyman of his choice.
  - (5) No resident shall be deprived of the right to have visitors during reasonable hours of the day.
  - (6) Attendance at religious services held in a home for special care shall be on a voluntary basis.
  - (7) Residents in a home for special care shall be given the opportunity to work in the home or the community if they are able, but in no circumstances shall a resident be forced to work.
  - (8) For the purpose of complying with Section 5, residents in a home for the disabled and a community based residential facility shall be encouraged to find employment, attend school or a training course or to participate in a rehabilitation program.
- 23 (1) The administrator of a home for special care shall keep a record for each person admitted to the home containing the information listed in Form IV in the Schedule.
- (2) In addition to the information listed in Form IV, all of the following information must be kept in each resident's file in a home for special care licensed by the Minister of Health and Wellness:
- (a) the care plan for the resident;
  - (b) the treatment plan for the resident;
  - (c) any changes in the resident's condition, or any unusual occurrence related to their condition.

**Subsection 23(2) replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

- (3) No person without the consent of the Minister shall destroy, alter, deface or obliterate any entry in a record respecting a resident within five years after the resident has left the home for special care or has died.
- (4) In addition to the information listed in Form IV, all of the following information must be kept in each resident's file in a regional rehabilitation centre, adult residential facility and community based residential facility, with a copy forwarded to the Minister:

- (a) the individualized plan for the resident prepared under subsection 26(5);
- (b) an annual review of the resident's individualized plan;
- (c) any changes in the resident's condition, or any unusual occurrence related to their condition.

**Subsection 23(4) added: O.I.C. 2011-314, N.S. Reg. 261/2011.**

- 24 (1)** The records for all residents of a home for special care must be kept in a safe and secure location and must be accessible at all times to the supervisory staff of the home and to inspectors.

**Subsection 24(1) replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

- (2) No person shall disclose a record or any part of a record relating to a resident or any information contained therein except in the course of his duty or when required by law.
- 25 (1)** Every home for special care shall have a medical health advisor who shall be a duly qualified medical practitioner.
- (2) Where the inspector is of the opinion that the home is too large to be adequately serviced by one physician, he may request that an additional medical practitioner be retained to service the medical needs of the home.
  - (3) The medical health advisor for the home for special care shall
    - (a) report in writing to the administrator of the home any instance in which, in his opinion, the medical care being provided to a resident is inadequate;
    - (b) compile and make available such information as the Minister may require with respect to the residents; and
    - (c) advise the owner and/or the administrator of the home in all matters relating to the physical and mental health of the residents of the home.
- 26 (1)** Every resident of a home for special care has the right to be examined and treated by a qualified medical practitioner of his own choice.
- (2) Every resident of a nursing home or a home for the aged shall be personally seen by a qualified medical practitioner at least once every six months and the medical practitioner shall examine the medical records of the resident and determine on each occasion whether the resident requires a physical examination.

**Subsection 26(2) replaced: O.I.C. 83-1341, N.S. Reg. 251/83.**

- (3) Every resident of any of the following types of homes for special care must be personally seen by a qualified medical practitioner at least annually:
  - (a) a community based residential facility;
  - (b) a regional rehabilitation centre;

(c) an adult residential centre.

**Subsection 26(3) replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

- (4) A report of every examination by a qualified medical practitioner performed while the person is a resident in the home shall be placed and remain in the resident's file at the home.
- (5) A home for the disabled and a community based residential facility must develop a written individualized plan for each of its residents to determine the resident's physical, social, medical, educational and vocational needs and the progress the resident is making in respect of the needs.

**Subsection 26(5) replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

**27 (1)** Every home for special care shall have a plan to cope with the following emergency situations:

- (a) emergency evacuation
  - (b) emergency relocation
  - (c) emergency expansion
  - (d) emergency isolation
- (2) The emergency plan referred to in subsection (1) above shall provide for the implementation of the plan in situations where assistance from local fire departments, police departments, or other persons providing essential services may not be available.
- (3) The emergency plan referred to in subsection (1) must be developed in collaboration with local and Provincial authorities for emergency measures planning, and a copy of the plan must be provided to the Minister.

**Subsection 27(3) replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

- (4) The emergency plan shall be exercised and revised at least once every three years. In addition, a directory of personnel involved in the execution of the plan shall be maintained and revised as required to ensure that it is kept up to date. Call out procedures using the directory shall be exercised at least once a year.

**Subsection 27(5) repealed: O.I.C. 2011-314, N.S. Reg. 261/2011.**

- (6) Every staff member shall be thoroughly instructed in the method of evacuation during an emergency situation and shall be familiar with the location of all fire alarm boxes, extinguishers and exits in the home, prior to commencing active duty in the home.

- (7) The administrator of a home shall conduct a fire drill in the home at least once every six months and at such other times as the inspector or the Fire Marshal may require.

(8) The fire protection equipment such as fire alarms, fire extinguishers and fire doors shall be tested monthly and shall be kept in good working order.

(9) Every home for special care shall post the evacuation plan for the home and emergency telephone numbers in a conspicuous location in the home.


**Subsection 27(9) replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

(10) The administrator of a home for special care is responsible for

(a) training staff and residents on emergency plan procedures and conducting emergency drills with staff and residents; and

(b) requesting the Fire Marshal to inspect the home on a regular basis in accordance with the requirements of the Office of the Fire Marshal.

**Subsection 27(10) replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

 No person shall be maintained in a home for special care or any part thereof that is not approved by a Fire Marshal with respect to fire safety.

**Section 27 replaced: O.I.C. 79-1387, N.S. Reg. 171/79.**

**28 (1)** Where a person is a resident of a home for special care and where his daily maintenance costs in the home are being paid for in whole or in part by public funds, the cost of medical treatments, medical services, drugs, eye glasses, dentures, prosthetic appliances, crutches, wheelchairs and other devices which are not paid for by the Medical Services Insurance program, shall be paid for by the municipal unit, corporation or person operating the home provided that the cost of these items is included in the per diem rate of the home; and where the cost of these items is not included in the per diem rate of the home, the municipal unit in which the person has settlement as determined by the *Settlement Act* shall be consulted and requested to pay the cost.

(2) At the time of admitting a resident to a home for special care, there shall be provided to the residents, a schedule showing those services that are included in the per diem rate of the home and those services that are not included in the per diem rate of the home. The schedule shall show the fee that will be charged for those services that are not included in the per diem rate, and shall be displayed in a conspicuous place in the home.

**Subsection 28(2) amended: O.I.C. 2010-62, N.S. Reg. 27/2010.**

**Subsection 28(3) repealed: O.I.C. 93-404, N.S. Reg. 73/93.**

(4) Where a person is requested to pay a fee which is in addition to the per diem rate, he may appeal to the Minister. The Minister may make a direction to the home with respect to the payment of the fee.

**Subsection 28(5) repealed: O.I.C. 86-763, N.S. Reg. 152/86.**

**28A** For the purpose of these regulations unless the context otherwise requires, the phrase “per diem rate” means the per diem rate which may be charged by a home for residents, the cost of whose residence in a home for special care is required to be supported and paid in whole or in part by public funds.

**Original Section 28A added: O.I.C. 86-763, N.S. Reg. 152/86; replaced: O.I.C. 87-63, N.S. Reg. 16/87. Subsection 28A(1) renumbered Section 28A; Subsections 28A(2) & (3) repealed: O.I.C. 93-404, N.S. Reg. 73/93.**

**28B** The following provisions apply on, from and after April 1, 1993 with respect to per diem rates:

- (a) the per diem rate for a residential care facility or a home for the disabled shall be determined by the Minister of Community Services having regard to the best interests of the resident;
- (b) the per diem rate for a nursing home and a home for the aged shall be determined by the Minister of Health having regard to the best interests of the resident;
- (c) no fee may be charged in excess of the per diem rate established pursuant to this Section;
- (d) the Minister of Community Services may refuse to issue a license and may cancel or suspend a license of a residential care facility or a home for the disabled where the facility or home purports to establish a per diem rate other than pursuant to this Section;
- (e) the Minister of Health and Wellness may refuse to issue a license and may cancel or suspend a license of a nursing home or a home for the aged where the nursing home or home for the aged purports to establish a per diem rate other than pursuant to this Section.

**Section 28B added: O.I.C. 87-63, N.S. Reg. 16/87; replaced: O.I.C. 93-404, N.S. Reg. 73/93. Sections 28C to 28U repealed: O.I.C. 93-404, N.S. Reg. 73/93.**

**28C** The per diem rate charged for accommodation costs by a home for special care licensed by the Minister of Health and Wellness may be charged at the beginning of each month for the following month, but a nursing home or home for the aged shall not require a resident of the home to pay in advance for any accommodation costs in addition to the per diem rate of the home.

**Section 28C added: O.I.C. 2010-62, N.S. Reg. 27/2010.**

**28D (1)** An administrator of a home for special care licensed by the Minister of Health and Wellness shall not require a resident of the home to pay in advance for services and shall not refuse to admit a person to the home because the person has not paid in advance for services.

**(2)** In subsection (1), "services" includes all of the following:

- (a) hairdressing;
- (b) barbering;
- (c) dry-cleaning;
- (d) telephone service in a resident's room;

- (e) tax return preparation;
- (f) transportation services;
- (g) Internet or television services.

**Section 28D added: O.I.C. 2010-62, N.S. Reg. 27/2010.**

## **29**

**Subsection 29(1) repealed: O.I.C. 2011-314, N.S. Reg. 261/2011.**

- (2) The administrator of a home for special care shall ensure that the home is kept clean and that a high standard of housekeeping is maintained.

**29A (1)** The administrator of a home for special care is responsible for ensuring the home is inspected at regular intervals as required by law.

- (2) An administrator shall permit an inspector appointed under any statutory authority to conduct an inspection under subsection (1) at any time an inspector considers it necessary.

**Section 29A added: O.I.C. 2011-314, N.S. Reg. 261/2011.**

**30** The exterior of a home for special care shall be maintained in a good state of repair and the grounds of the home shall be kept clean and free from debris.

**31** All furnishings and equipment of a home shall be maintained in a good state of repair.

**32** A home for special care shall not maintain a person in the home or part of the home that is not approved as meeting sanitary requirements.

**Section 32 replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

**33 (1)** Where practical and feasible, a resident in a home for special care who has a communicable disease shall be maintained in an isolated area, and proper isolation techniques shall be observed in all aspects of the care of the resident.

- (2) Notwithstanding the provisions of subsection (1), any resident of a nursing home or a nursing section of a home for special care, who has a communicable disease, shall be maintained in an isolated area and proper isolation techniques shall be observed in all aspects of the care of the resident.

**34 (1)** Except as provided in subsection (1A) every home for special care shall have facilities and equipment that

- (a) are adequate for preparing, serving and storing food; and
- (b) meet the requirements of the appropriate authority.

**Subsection 34(1) replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

**(1A)** A small option home is exempt from compliance with subsection (1) until January 1, 2013.

**Subsection 34(1A) added: O.I.C. 2011-314, N.S. Reg. 261/2011.**

- (2) The food preparation area of every nursing home, home for the disabled and home for the aged shall be at least 10 square feet per resident.
- 35 (1) Every nursing home shall have a dining room which is capable of accommodating a minimum of 50 percent of the residents in the home. At least 15 square feet shall be allowed per resident.
- (2) Every home for the aged and adult residential centre shall have a dining room which is capable of accommodating 100 percent of the residents who require personal or supervisory care and 50 percent of the residents who require nursing care. At least 15 square feet shall be allowed per resident.
- (3) Every residential care facility shall have a dining area which accommodates 100 percent of the residents of the home.
- 36 (1) Every home for special care shall provide to its residents
- (a) nutritionally well balanced meals served at morning, noon and evening;
  - (b) meals which are in accordance with the likes, dislikes and eating habits of the residents and which provide the recommended dietary allowances according to Canada's Food Guide;
  - (c) an afternoon and bedtime snack.
- (2) ~~Subsection~~ [Clause] (1)(a) does not apply in those cases where the residents have their meals provided for them at their place of work or training.
- (3) In every nursing home, home for the aged, and home for the disabled, the administrator of the home shall designate a staff member as the supervisor of food services for the home.

**Subsection 36(3) replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

- (4) A supervisor of food services for a home is responsible for all of the following:
- (a) planning menus and special diets;
  - (b) ensuring the menus are evaluated by a dietician to determine whether they are in accordance with the likes, dislikes, eating habits and recommended dietary allowances of the residents;
  - (c) maintaining a dated record of daily menus;
  - (d) consulting with the dietician on all matters relating to planning, preparing and storing food.

**Subsection 36(4) replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

- (5) Every home for special care must maintain a suitable food service accounting system, with procedures that are established and followed for purchasing, receiving and inventorying food, including recording the number of meals served

to residents and staff and any other complimentary meals.

**Subsection 36(5) replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

**Subsection 36(6) repealed: O.I.C. 2011-314, N.S. Reg. 261/2011.**

**37** Where there is bulk purchasing of drugs in a home for special care, a qualified pharmacist shall be employed on a full time or part time basis as is appropriate to supervise the receipt and storage of bulk pharmaceutical orders and to provide consultation relating to the storage and dispensing of drugs.

**38 (1)** Except as provided in subsections (4) and (5), all drugs in a home for special care shall be stored in a separate storage area and no drugs shall be stored or kept in a resident's room.

**Subsection 38(1) amended: O.I.C. 2011-314, N.S. Reg. 261/2011.**

**(2)** The storage area for drugs shall be kept locked at all times and only the pharmacist for the home, the administrator of the home and persons authorized by the administrator shall have access to the drug storage area.

**(3)** The temperature and lighting in the storage area shall be appropriate for the type of drugs that are being stored and there shall be refrigeration facilities for those drugs requiring refrigeration.

**(4)** The administrator of a home for special care licensed by the Minister of Community Services may authorize a resident to store drugs locked in the resident's room if

**(a)** the resident's individualized plan contains a written clinical assessment authorizing the storage; and

**(b)** the requirements set out in policy and standards for the home are met.

**Subsection 38(4) added: O.I.C. 2011-314, N.S. Reg. 261/2011.**

**(5)** The administrator of a home for special care licensed by the Minister of Health and Wellness may authorize a resident to store drugs locked in the resident's room if

**(a)** the resident's care plan or treatment plan contains a written clinical assessment authorizing the storage; and

**(b)** the requirements set out in policy and standards for the home are met.

**Subsection 38(5) added: O.I.C. 2011-314, N.S. Reg. 261/2011.**

**(6)** An administrator who authorizes a resident to store drugs in the resident's room in accordance with subsection (4) or (5) shall ensure that the drugs are safely stored at all times.

**Subsection 38(6) added: O.I.C. 2011-314, N.S. Reg. 261/2011.**

**39 (1)** Where there is bulk purchasing of drugs in a home for special care, records shall be kept which comply with the requirements of the *Narcotics Control Act* [(Canada)] and the *Food and Drug Act* [(Canada)] and which indicate

- (a) the name and quantity of bulk drugs received, the date the drugs are received and the signature of the person receiving the drugs; and
  - (b) the number of residents who are receiving a drug and the daily dosage.
- (2) There shall be a regular weekly review by the pharmacist to verify that the balance of drugs that remains is correct.
- (3) Drugs which are purchased in bulk in a home may be dispensed only to persons who are residents of the home.

**Subsection 39(3) added: O.I.C. 85-695, N.S. Reg. 106/85.**

- 40** There shall be a record kept for each resident of a home for special care who is receiving drugs, and the record shall indicate the resident's name, address, age, sex, weight, food and drug sensitivities and allergies; the type and dosage of drug; the manner in which the drug is to be administered; the physician who prescribed the drug; the date of the prescription and the date of discontinuance.
- 41** (1) Except as provided in subsections (2) and (3), all orders for medication must be in writing and must be signed by 1 of the following:
- (a) a medical practitioner registered under the *Medical Act*;
  - (b) a nurse practitioner registered under the *Registered Nurses Act*;
  - (c) if appropriate protocols have been established under the *Pharmacist Drug Prescribing Regulations* made under the *Pharmacy Act*, a pharmacist registered under the *Pharmacy Act*.
- (2) In a home for special care where a registered nurse is required by Section 18 to be on duty, a registered nurse may accept a verbal order for medication from any of the persons listed in subsection (1) in any of the following circumstances:
- (a) in an emergency;
  - (b) when the medication does not require a prescription.
- (3) In a home for special care where a registered nurse is not required by Section 18 to be on duty, the administrator, or a person designated by the administrator who is qualified to administer medications in the facility, may accept a verbal order for medication from any of the persons listed in subsection (1) in any of the following circumstances:
- (a) in an emergency;
  - (b) when the medication does not require a prescription.
- (4) A verbal order for medication accepted under subsection (2) or (3) must be set

down in writing and signed by the medical practitioner, nurse practitioner or pharmacist who issued the verbal order no later than 72 hours after the verbal order was issued.

**Section 41 replaced: O.I.C. 2011-164, N.S. Reg. 181/2011.**

**Section 41A repealed: O.I.C. 2010-13, N.S. Reg. 9/2010.**

- 42** (1) The administrator of the home shall be responsible for ensuring that all medications are properly administered to residents in the home.
- (2) No person shall administer any drug to a resident of a home for special care unless he has been designated by the administrator as a person who is competent to do so.
- (3) In those homes where there is a director of nursing, the administrator shall consult with that director for the purpose of carrying out his responsibilities pursuant to subsection (1) and subsection (2).

**Subsection 42(3) added: O.I.C. 85-695, N.S. Reg. 106/85.**

- 43** (1) In homes for special care licensed by the Minister of Health and Wellness, each medication received by a resident must be reviewed at least monthly to determine whether the medication should be discontinued or altered.
- (2) In homes licensed by the Minister of Community Services, each medication received by a resident must be reviewed based on the resident's individual needs as assessed and recommended by a qualified medical practitioner, nurse practitioner or pharmacist.
- (3) The administrator of a home for special care is responsible for ensuring that a review required under this Section is completed and shall consult regularly about the resident continuing the medication and the resident's use of the medication with any qualified medical practitioner, nurse practitioner or pharmacist involved in the review.

**Section 43 replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

**44** Drugs prescribed for one resident shall not be administered to any other resident.

- 44A** (1) Every home for the aged, regional rehabilitation centre, adult residential centre, and nursing home, shall establish a pharmacy committee consisting of at least the following persons:
- (a) the administrator of the home;
  - (b) the home medical advisors;
  - (c) a practicing pharmacist designated by the administrator of the home;
  - (d) the director of nursing in those homes where there is a director of nursing;
  - (e) the dietician employed by the home.

- (2) The pharmacy committee shall meet regularly to establish and monitor guidelines consistent with these regulations in relation to the storage, administration and control of drugs in the home.

**Section 44A added: O.I.C. 85-695, N.S. Reg. 106/85.**

- 45** (1) No single bedroom in a nursing home, a home for the aged, or a home for the disabled shall have a floor area of less than one hundred and twenty square feet. Sixty square feet shall be added for each resident in excess of one who is accommodated in a bedroom.
- (2) Unless the Minister otherwise orders, a bedroom for a resident in a residential care facility shall have a floor area of at least 100 square feet, and if more than 1 resident is accommodated in a bedroom, the bedroom must have an additional 50 square feet for each additional resident.

**Subsection 45(2) replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

- (3) Notwithstanding subsections (1) and (2), no bedroom in a home for special care shall accommodate more than four residents.
- (4) Every resident in a home for special care shall be provided with a separate bed, except married couples, who may be provided with one doublesized bed if they so desire.
- (5) Unless the Minister otherwise orders, a basement room with a floor that is lower than 3 feet below ground level in a home for special care shall not be used as a bedroom for a resident.

**Subsection 45(5) replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

- (6) No resident or staff member of a home for special care shall be maintained in the attic of a home.
- (7) Subject to subsection (8), no resident of a home for special care shall be maintained in accommodation which is located at a level higher than the second floor above ground level at any point of the home unless there is a passenger elevator which services the ground level and all levels above ground level of the home.

**Subsection 45(7) added: O.I.C. 83-1341, N.S. Reg. 251/83.**

- (8) Homes which were licensed prior to the enactment of subsection (7) shall not be required to comply with the provisions of that subsection as a condition of any further uninterrupted licensing provided that residents were being maintained in the accommodation described in subsection (7) prior to the enactment of that subsection.

**Subsection 45(8) added: O.I.C. 83-1341, N.S. Reg. 251/83.**

- 46** (1) All rooms in a home for special care for the use of residents shall be kept clean, well ventilated, and free from offensive odours.
- (2) All rooms in a home for special care which are used by aged persons or person receiving nursing care, shall be maintained at a temperature of not less than 22

degrees Celsius during the day and not less than 20 degrees Celsius during the night.

- (3) Where a resident has his own bedroom the temperature shall be in accordance with the resident's personal preference, if this is feasible.
  - (4) Every resident shall be provided with adequate drawer space, a bedside table and adequate closet space in which to hang his clothing.
  - (5) Every resident of a home for special care shall be allowed to bring such furnishings for his bedroom as is appropriate, having regard to the size of the room and the number of other residents in the bedroom.
  - (6) All beds and mattresses for the use of residents in a home for special care shall be clean and comfortable. Bed linen and blankets shall be kept clean and shall be sufficient for comfort.
  - (7) Clean and dry towels shall be available at all times to the residents of a home for special care.
  - (8) Each resident shall be provided with clean bed linen at least once a week, and more frequently if required.
- 47 Every home for special care shall have at least one toilet and basin for each six residents and at least one bath for each ten residents.
- 48 (1) Every home for special care shall provide for the laundering of items belonging to the home and the laundering of the clothing of the residents and shall also provide facilities so that those residents who are capable may launder their own clothing.
- (2) Laundry facilities shall be located in a place that will ensure the maintenance of sanitary conditions in the home.
- 49 The administrator of a home for special care shall ensure that every resident has his own clothing of the correct size and which is clean, neat, in good repair, suitable for the climate and appropriate for the resident.
- 50 Every home for special care shall have an electrical system which is approved by a certified electrician and which conforms to the *National Building Code of Canada*.
- 51 Every home for special care shall have a heating system which is adequate to keep the home at a comfortable temperature and which is approved by the Fire Marshal.
- 52 (1) All doors in a home for special care leading to fire escapes shall remain unlocked from the inside at all times.
- (2) Except in accordance with standards and policies established for the home by the Minister and with the authorization of the administrator of the home, a staff member of a home for special care shall not do any of the following:

- (a) lock a resident in the resident's bedroom or any other room in the home;
- (b) use restrictive procedures.

**Subsection 52(2) replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

- 53** If an administrator of a home for special care believes that a resident has been mishandled or mistreated by a member of the staff, he shall immediately suspend the member from duty.
- 54** Where there is a conflict between the provisions of the Act and these regulations and the bylaws of a corporation which is operating a home for special care, the provisions of the Act and these regulations shall apply.
- 55 (1)** Every home for special care which was in operation at the time the Act came into force shall comply with the provision of these regulations in the manner and to the extent prescribed by the Minister.
- (2)** The Minister may waive the requirement of compliance with these regulations for those homes for special care which were in operation at the time the Act came into force provided that
- (a) the residents of the home are receiving a high standard of care; and
  - (b) the waiving of these regulations will not be detrimental to the wellbeing of the residents of the home.

### **Appointments made under Section 8B of the Act**

#### **Application of Sections 56 to 60**

- 56 (1)** This Section and Sections 57 to 60 do not apply to a residential care facility licensed by the Minister of Health and Wellness, a home for the aged or a nursing home.
- (2)** In this Section and Sections 57 to 60,

“appointee” means a person appointed under Section 8B of the Act to manage and administer, or to assist in managing or administering, and generally oversee the operations of a licensee;

“appointment” means an appointment made under Section 8B of the Act.

**Section 56 added: O.I.C. 2011-365, N.S. Reg. 284/2011.**

#### **Appointment**

- 57 (1)** Upon appointment, the Minister may
- (a) fix the remuneration and reimbursement of expenses payable to an appointee; and
  - (b) issue a temporary license to an appointee in respect of the home for special

care.

(2) An appointee may be appointed without security.

**Section 57 added: O.I.C. 2011-365, N.S. Reg. 284/2011.**

### **Notice of appointment**

**58 (1)** The Minister shall create a notice of any appointment made under Section 8B of the Act and send a copy of the notice to the licensee and to the appointee.

(2) A notice of appointment shall set out all of the following:

- (a) the name of the appointee;
- (b) the name of the licensee and all homes for special care to which the appointment applies;
- (c) the date and time when the appointment becomes effective;
- (d) the reasons for the appointment;
- (e) any other terms and conditions of the appointment considered necessary by the Minister, including those that end the appointment.

**Section 58 added: O.I.C. 2011-365, N.S. Reg. 284/2011.**

### **Powers and duties of appointee**

**59 (1)** An appointee has all the powers and duties of the licensee with respect to the home for special care, including all of the following:

- (a) occupying, managing, and administering the home;
  - (b) controlling all assets of the licensee that are necessary for or are used in the operation of the home;
  - (c) carrying out all of the obligations of the licensee, including any obligations arising from the normal course of operations of the home before and during the period of the appointment.
- (2) If the licensee is an incorporated body, the appointee has all of the powers and duties of the directors and officers of the incorporated body with respect to the home for special care.
- (3) While the powers and duties of a licensee and any directors or officers are vested in an appointee, the licensee and the directors or officers shall not exercise those powers or carry out those duties.

**Section 59 added: O.I.C. 2011-365, N.S. Reg. 284/2011.**

### **Matters appointee must consider when exercising powers and duties**

**60** All of the following matters must be considered by an appointee when exercising their powers and duties:

- (a) the compliance requirements of enactments that apply to the licensee, its employees and the home for special care;
- (b) compliance with the Minister's and Department of Community Service's policies, directives and standards that apply to the licensee, its employees and the home for special care;
- (c) that the actions of the appointee must be incidental to the attainment of the objects for which the licensee was incorporated, and must be in conformance with the governance requirements of the licensee;
- (d) that the appointee must be able to maintain sufficient control over the operations of the licensee, including the care of its residents, and its premises, accommodation, equipment and homes;
- (e) the terms and conditions set by the Minister for the appointment.

**Section 60 added: O.I.C. 2011-365, N.S. Reg. 284/2011.**

**[Note: References to the Department of Social Services have been updated to the Department of Community Services throughout, in accordance with amendments to the *Public Service Act* made by S.N.S. 1988, c. 30, s. 24.]**

**[Note: References to the Department of Health and the Minister of Health have been updated to the Department of Health and Wellness and the Minister of Health and Wellness throughout, where necessary, in accordance with Order in Council 2011-15 under the *Public Service Act*, R.S.N.S. 1989, c. 376, effective January 11, 2011.]**

## Schedule

### **Form I - Information to be Submitted to the Minister in Accordance with Subsection (2) of Section 6 of the *Homes for Special Care Regulations***

#### **Province of Nova Scotia *Homes for Special Care Act***

- (a) a description of the type of people that will be maintained in the home and the services, activities and programs that will be provided to the residents;
- (b) a description and plan of the physical layout of the home;
- (c) a description of the financial plan for the home; and
- (d) a certificate from
  - (i) an authorized official of the municipality in which the home is located indicating that the home conforms with the zoning bylaws of the municipality; and
  - (ii) the medical health officer of the municipality indicating that the water supply and sewage disposal systems are satisfactory; and

- (iii) a qualified electrician, a plumber and a heating expert concerning the electrical, plumbing and heating aspects of the home; and
- (iv) the Fire Marshal.

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**Form II - Application for a License to Operate a Home for Special Care**

**Province of Nova Scotia**  
***Homes for Special for Care Act***

1. Name of applicant.
2. Business address of applicant.
3. Type of home for special care:
  - (1) nursing home
  - (2) residential care facility
  - (3) community based residential facility
  - (4) group home.
4. Location of the home for special care.
5. Name of the home for special care.
6. Number of beds in the home for special care.
7. Name of the owner of the home for special care.
8. Name of the person in charge of the daily operation of the home for special care.

The applicant is required to attach to this application the following information (unless the information has been previously submitted) and this information forms part of the application:

- (a) a description of the type of people that will be maintained in the home and the services, activities and programs that will be provided to the residents;
- (b) a description and plan of the physical layout of the home;
- (c) a description of the financial plan for the home;
- (d) a certificate from
  - (i) an authorized official of the municipality in which the home is located indicating that the home conforms with the zoning bylaws of the municipality;
  - (ii) the medical health officer of the municipality indicating that the water

supply and sewage disposal systems are satisfactory;

(iii) a qualified electrician, a plumber and a heating expert concerning the electrical, plumbing and heating aspects of the home; and

(iv) the Fire Marshal.

I, \_\_\_\_\_, hereby apply for a license to operate a \_\_\_\_\_ as described above and certify that the information set out in the application is true and correct.

Dated this \_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

\_\_\_\_\_  
signature of applicant or  
authorized agent of applicant

**Form III repealed: O.I.C. 2011-314, N.S. Reg. 261/2011.**

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**Form IIIA: License for Home For Special Care**

Issued by the Minister of Community Services  
(Section 5 of the *Homes for Special Care Act*)

This license is granted under the *Homes for Special Care Act* and its regulations, and subject to the provisions thereof, to *(licensee name)* at *(municipality)* in the County of *(county)* to operate a *(type of facility)* for a maximum of *(# of residents)* residents, under the name of *(facility name)* located at *(municipality)* under the following terms, conditions and restrictions:

1. The licensee must comply with the Acts and regulations, and any orders or directions of an appropriate authority, respecting fire, safety, health and sanitary requirements.
2. *(insert additional terms and conditions)*

This license is issued on \_\_\_\_\_, 20\_\_\_\_ *(date)* and expires on \_\_\_\_\_, 20\_\_\_\_ *(date)*.

\_\_\_\_\_  
Minister of Community Services

**Form IIIA added: O.I.C. 82-840, N.S. Reg. 157/82; replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.**

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**Form IIIB: License for Home For Special Care**

Issued by the Minister of Health and Wellness  
(Section 5 of the *Homes for Special Care Act*)

This license is granted under the *Homes for Special Care Act* and its regulations, and subject to the provisions thereof, to *(Registry ID#)* at *(municipality)* in the County of

(*county*) to operate a (*type of facility – NH, RCF or both*) for a maximum of (*# of residents*) residents, under the name of (*facility name*) under the following terms, conditions and restrictions:

1. The licensee must comply with the Acts and regulations, and any orders or directions of an appropriate authority, respecting fire, safety, health and sanitary requirements.
2. (*insert additional terms and conditions*)

This license is issued on \_\_\_\_\_, 20\_\_\_\_ (*date*) and expires on \_\_\_\_\_, 20\_\_\_\_ (*date*).

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Minister of Health and Wellness

Form IIIB added: O.I.C. 82-840, N.S. Reg. 157/82; replaced: O.I.C. 2011-314, N.S. Reg. 261/2011.

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Form IIIC added: O.I.C. 82-840, N.S. Reg. 157/82; repealed: O.I.C. 2011-314, N.S. Reg. 261/2011.

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**Form IV - Information to be Entered in the Record of Each Person  
Admitted to a Home for Special Care  
pursuant to subsection (1) of Section 23 of the  
*Homes for Special Care Regulations***

**Province of Nova Scotia  
*Homes for Special Care Act***

- (a) the name, address, place and date of birth, medical service insurance number, marital status and religion of the person;
- (b) a copy of the admission forms;
- (c) medical reports respecting the resident including the hospital discharge summary and findings of initial and regular health examinations;
- (d) medications being received by the resident;
- (e) information concerning the eating habits and dietary requirements of the resident;
- (f) the name and address of the resident's physician and the person to be notified in case of death or emergency;
- (g) the date of admission, the date of death or discharge, reason for discharge and an address where the person may be contacted following discharge;
- (h) the discharge form;
- (i) a statement of the means by which the person is being maintained in a home;

- (j) a list of clothing, valuable and personal belongings that the resident has with him on the date of admission;
  - (k) the last known place of residence of the person;
  - (l) a signed statement from the resident's physician indicating whether or not he intends to be responsible for the provision of medical services to the resident; and
  - (m) a plan for funeral arrangements.
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**Form V repealed: O.I.C. 2008-204, N.S. Reg. 252/2008.**

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Last updated: 16-07-2015