

1980

c 203 Homes for the Aged and Rest Homes Act

Ontario

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CHAPTER 203

Homes for the Aged and Rest Homes Act

1. In this Act,

Interpre-
tation

- (a) "band", "council of the band" and "reserve" have the same meaning as in the *Indian Act* (Canada); R.S.C. 1970, c. 1-6
- (b) "Director" means a Director appointed as such for the purposes of this Act;
- (c) "home" means a home for the aged established or maintained under this Act or a rest home established and maintained under this Act;
- (d) "joint home" means a home of two or more municipalities or councils of bands, as the case may be;
- (e) "last revised assessment rolls as equalized" means last revised assessment rolls as revised and equalized by the Ministry of Revenue;
- (f) "Minister" means the Minister of Community and Social Services;
- (g) "municipality" means a county, city or separated town, but in a territorial district "municipality" means a city, town, village or township;
- (h) "provincial supervisor" means a regional welfare administrator, a homes for the aged branch consultant or supervisor, a field worker or any other employee of the Ministry of Community and Social Services who is designated as such for the purposes of this Act;
- (i) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 206, s. 1; 1972, c. 1, s. 22 (1); 1972, c. 148, s. 1; 1973, c. 27, s. 1.

2.—(1) The Director shall exercise general supervision Director's function over the administration of this Act and the regulations and carry out such other duties as are assigned to him by this Act or the regulations. R.S.O. 1970, c. 206, s. 2 (1).

Absence,
etc.

(2) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such employee of the Ministry of Community and Social Services as the Minister designates. R.S.O. 1970, c. 206, s. 2 (2); 1972, c. 1, s. 19 (3).

Delegation
of functions

(3) The Director, with the consent in writing of the Deputy Minister of Community and Social Services, may authorize any employee or class of employee of the Ministry of Community and Social Services to exercise and discharge any of the powers conferred or the duties imposed upon the Director under this Act or the regulations. R.S.O. 1970, c. 206, s. 2 (3); 1972, c. 1, s. 19 (3).

Homes for
the aged not
in districts,
establish-
ment, etc.

3.—(1) Except as otherwise provided in subsection (2) or in section 7, every municipality not in a territorial district shall establish and maintain a home for the aged.

Idem,
joint homes
for the aged

(2) In lieu of establishing separate homes, the councils of two or more such municipalities may, with the approval in writing of the Minister, enter into an agreement to establish and maintain a joint home for the aged.

Idem,
rest homes

(3) Except as otherwise provided in subsection (4) or in section 7, any municipality not in a territorial district may, and any town, village or township that forms part of a county for municipal purposes may, with the prior approval of the council of the county, establish and maintain a rest home.

Idem,
joint rest
homes

(4) In lieu of establishing separate rest homes, the councils of two or more municipalities not in a territorial district or the councils of any two or more towns, villages or townships that form part of a county for municipal purposes may, with the approval in writing of the Minister, enter into an agreement to establish and maintain a joint rest home. R.S.O. 1970, c. 206, s. 3.

Homes
and joint
homes in
territorial
districts

4. A municipality that has a population of more than 15,000 and that is located in a territorial district may, with the written approval of the Minister, establish and maintain a home, or the council of any such municipality and the councils of one or more other municipalities in the same territorial district may, with the approval in writing of the Minister, enter into an agreement to establish and maintain a joint home. R.S.O. 1970, c. 206, s. 4.

Homes and
joint homes,
establish-
ment by
Indian
bands

5. The council of the band may,

(a) establish and maintain a home; or

(b) enter into an agreement with the councils of one or more other bands to establish and maintain a joint home,

with the approval in writing of the Minister. R.S.O. 1970, c. 206, s. 5.

6.—(1) When a by-law authorizing the establishment and maintenance of a home under a board of management has been passed by a majority of the municipalities in a territorial district, all of the municipalities in the district shall contribute to its establishment and maintenance.

(2) When a by-law under subsection (1) is passed, a certified copy thereof shall be transmitted forthwith to the Minister.

(3) Where a home or a joint home is established and maintained under section 4, the municipality or municipalities that establish and maintain it shall be deemed not to be within the territorial district for the purposes of this section and sections 24 to 26. R.S.O. 1970, c. 206, s. 6.

7. Notwithstanding sections 3, 4 and 6, the council of any municipality not having a home and not participating in a joint home may, with the approval in writing of the Minister, enter into an agreement with the council of a municipality having a home, the councils of the municipalities having a joint home, or the board of a home providing for admission thereto and maintenance therein of residents of the municipality.

8.—(1) The council of a municipality establishing and maintaining a home or the councils of the municipalities establishing and maintaining a joint home shall appoint from among the members of the council or councils, as the case may be, a committee of management for the home or joint home.

(2) The composition of a committee of management and the qualifications and term of office of the members thereof shall be as prescribed by the regulations.

(3) Where a home is established and maintained by a city having a board of control, the members of the committee of management shall be appointed on the recommendation of the board of control, and section 71 of the *Municipal Act* applies in respect of the home.

(4) Notwithstanding subsections (1) and (2), where the establishment of a rest home has been approved by the county council, there shall be a committee of management for the rest home.

Board of
management
established

9.—(1) A board of management shall be established which shall be a corporation for any home established and maintained by a band under section 5 or in a territorial district under section 6. 1973, c. 27, s. 3 (1).

composition

(2) The composition of each board of management and the qualifications and term of office of the members, including appointments to those boards by councils of municipalities, shall be as prescribed by the regulations. 1973, c. 27, s. 3 (2).

Idem

(3) A home established under section 5 or 6 shall be vested in the board and the board shall have charge thereof. 1972, c. 148, s. 2.

R.S.O. 1980,
c. 95 does
not apply

(4) The *Corporations Act* does not apply to the board. R.S.O. 1970, c. 206, s. 9 (5).

Homes
established
under
R.S.O. 1980,
c. 273, s. 10

10. A board of management appointed under section 9 may by lease or agreement entered into with the Minister maintain and operate a home established in the territorial district of the board by the Minister under section 10 of the *Ministry of Community and Social Services Act*, subject to the provisions of this Act and the regulations and upon such terms and conditions as may be agreed upon. 1972, c. 148, s. 3.

Trust
agreements

11. Where a municipality that establishes and maintains a home or joint home, or the board of management of a home established and maintained under section 5 or 6 or a home maintained and operated under an agreement with the Minister pursuant to section 10 enters into an agreement approved by the Director with a resident of the home to receive, hold and administer real or personal property of the resident in trust for certain purposes, the municipality or board may receive, hold and administer the property for the purposes of the agreement. R.S.O. 1970, c. 206, s. 10; 1972, c. 148, s. 4; 1973, c. 27, s. 4.

Adminis-
trator,
appointment

12.—(1) Subject to subsection (2), the council of a municipality that establishes and maintains a home or the councils of the municipalities that establish and maintain a joint home or the board of management of a home shall, with the approval of the Lieutenant Governor in Council, appoint an administrator for the home or joint home who has, in the opinion of the Minister, served satisfactorily as an administrator for a period of at least six months and has successfully completed a course of instruction that is approved by the Minister.

(2) The council of a municipality that establishes and maintains a home or the councils of the municipalities that establish and maintain a joint home or the board of management of a home may appoint a person to act temporarily as administrator of the home or joint home for a period not exceeding one year. Temporary appointment

(3) The council of a municipality that establishes and maintains a home, or the councils of the municipalities that establish and maintain a joint home or the board of management of a home may appoint such staff as the administrator requires for the carrying out of his duties. R.S.O. 1970, c. 206, s. 11 (1-3). Staff, appointment

(4) The council of a municipality that establishes and maintains a home or the councils of the municipalities that establish and maintain a joint home or the board of management of a home shall, with the approval of the Minister, appoint a legally qualified medical practitioner as the physician for the home or joint home who is responsible for the medical, paramedical and nursing care and services provided to the residents thereof. R.S.O. 1970, c. 206, s. 11 (4). Medical care

(5) On a day to be named by proclamation of the Lieutenant Governor, subsection (3) is repealed and the following substituted therefor: Commencement

(3) The council of a municipality that establishes and maintains a home, or the councils of the municipalities that establish and maintain a joint home or the board of management of a home shall appoint such staff as the regulations prescribe for the proper care and well-being of the residents. 1972, c. 62, s. 2 (1). Staff, appointment

13. Before selecting or acquiring a site or erecting or acquiring a building for use as a home or joint home, the municipality or band establishing the home or the municipalities, or bands establishing a joint home or the board of management of a home, as the case may be, shall, Evaluation and survey

(a) evaluate the site in accordance with the regulations to determine whether it will best serve the programs of the home and the best interests of the prospective residents; and

(b) conduct a survey of the community and review of population requirements in accordance with the regulations,

and submit a report thereof to the Minister. 1971, c. 99, s. 1; 1973, c. 27, s. 5.

14.—(1) A building shall not be acquired, erected or altered for use as a home or joint home until the need for the Site and plans, etc., to be approved

home or joint home has been established to the satisfaction of the Minister and,

- (a) the site, selected and evaluated in accordance with the regulations; and
- (b) the plans therefor developed and prepared in accordance with the regulations,

have been approved in writing by the Minister. 1971, c. 99, s. 2.

Idem

(2) There shall be no change in site and no sale or disposal of any part thereof and no alteration to or in any building or to the grounds of the home or joint home without the approval of the Minister. R.S.O. 1970, c. 206, s. 12 (2).

Agreement for connecting sewerage system

15.—(1) The council of a municipality having a home, the councils of the municipalities participating in a joint home or the board of management of a home may enter into an agreement with the council of any municipality for connecting the home or joint home with the sewerage system of such municipality. R.S.O. 1970, c. 206, s. 13 (1).

Agreement for supplying electric power or water

(2) The council of a municipality having a home, the councils of the municipalities participating in a joint home or the board of management of a home may enter into an agreement with Ontario Hydro or with the council of any municipality or person owning or operating a waterworks system, or works for the production and supply of electricity for light, heat or power, for the supply of water for domestic purposes and for fire protection or of electricity for light, heat or power purposes at the home or joint home. R.S.O. 1970, c. 206, s. 13 (2); 1973, c. 57, s. 19.

Power to carry necessary works over intervening lands

(3) For the purpose of connecting such home or joint home with any such system or works, any lands or highways may be entered upon, passed over or dug up, sewers constructed, pipes laid down, poles or wires put in place and all work done in or upon such lands and highways as may be necessary, due compensation being made to the owners thereof as provided by the *Municipal Act*. R.S.O. 1970, c. 206, s. 13 (3).

R.S.O. 1980, c. 302

Debentures

16. Subject to the approval of the Ontario Municipal Board and without the assent of the electors, a municipality may issue debentures for raising such sums as may be necessary for the purchase of a site or for the erection of buildings for a home or joint home, or for the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any system or works authorized by section 15. R.S.O. 1970, c. 206, s. 14.

17. The council of a municipality having a home, the councils of the municipalities participating in a joint home or the board of management of a home shall provide in accordance with the regulations such space, equipment and materials as will contribute to the well-being of the residents of the home or joint home and as will enable the residents to participate in recreation, handicrafts, continuous learning and similar activities, both within and outside the home or joint home. 1972, c. 62, s. 3.

Facilities for recreational, etc., activities

18.—(1) Any person,

Admission to home for aged

- (a) who is over the age of sixty years; or
- (b) who is under the age of sixty years and who, because of such special circumstances as are prescribed by the regulations, cannot be cared for adequately elsewhere,

and who is eligible for admission in accordance with the regulations, may be admitted to and maintained in a home for the aged or joint home for the aged by the committee of management or board of management, as the case may be, in accordance with the procedures prescribed by the regulations.

(2) Any person,

Idem. rest homes

- (a) who is eighteen or more years of age and who, in the opinion of two legally qualified medical practitioners, one of whom is the physician of the rest home, is in need of long-term maintenance and supervision as prescribed by the regulations; or
- (b) who is under eighteen years of age and who, because of special circumstances, cannot be cared for adequately elsewhere,

and who is eligible for admission in accordance with the regulations, may be admitted to and maintained in a rest home or joint rest home by the committee of management or the board of management, as the case may be, in accordance with the procedures prescribed by the regulations. 1972, c. 62, s. 4.

19. Where, in the opinions of the administrator and physician of a home or joint home, a resident of the home ceases to be eligible to be maintained and cared for therein or where it is in the best interests of such resident, the resident may be discharged from the home in accordance with the regulations. 1972, c. 62, s. 5.

Discharge of residents from homes

20.—(1) A municipality maintaining a home, the municipalities maintaining a joint home, or the board of manage-

Residential services provided

ment of a home, as the case may be, may, upon recommendation of the administrator of the home, provide residential services approved by the Director in other than a home or joint home for any person admissible to the home or joint home. 1973, c. 27, s. 6 (1).

Province
to share
cost

(2) There shall be paid monthly to the municipality, municipalities or the board of management, as the case may be, providing residential services under subsection (1), out of moneys appropriated therefor by the Legislature, an amount computed in the manner prescribed by the regulations towards the cost of providing the services. 1973, c. 27, s. 6 (2).

Person
may be
transferred

(3) A person receiving residential services in other than a home or joint home under subsection (1) may be transferred to the home or joint home at any time. R.S.O. 1970, c. 206, s. 19 (3); 1973, c. 27, s. 6 (3).

Person
considered
a resident
of the home

(4) A person receiving residential services in other than a home or joint home under subsection (1) shall be deemed a resident of the home or joint home, and section 18 applies with necessary modifications in determining his eligibility for the residential services. 1973, c. 27, s. 6 (4).

In cities
without
homes

(5) The council of a city not having a home and not participating in a joint home may appoint one or more persons to administer this section for the city until such time as it has a home or participates in a joint home. R.S.O. 1970, c. 206, s. 19 (5).

Inspection
of records

21.—(1) Every home and its books and records shall be open at all reasonable times to inspection by the Director or by a provincial supervisor. R.S.O. 1970, c. 206, s. 20; 1972, c. 62, s. 7.

Inspection
of premises

(2) Every premises that is not a home or joint home where residential services are provided or where residential services are to be provided in accordance with section 20 shall be open at all reasonable times for inspection by the Director, a provincial supervisor or by a person appointed by the council of the municipality or board of management providing the services. 1973, c. 27, s. 7.

Affidavits

22. A public welfare administrator or public welfare commissioner of a county, city, separated town, town, village, township or band, or any of his assistants authorized by the municipal council or the council of the band, as the case may be, and a regional welfare administrator of the Ministry

of Community and Social Services and any other employee of the Ministry of Community and Social Services designated by the Minister under this Act has power to take affidavits and statutory declarations for the purpose of this Act in the same manner and to the same extent as a commissioner for taking affidavits in Ontario. R.S.O. 1970, c. 206, s. 21; 1973, c. 27, s. 8.

23. A resident of a home or joint home is responsible for the payment of all or such part of the cost of his maintenance therein as the regulations prescribe. 1972, c. 62, s. 8. ^{Responsibility for payment}

24.—(1) For the purposes of this Act, the Ministry of Revenue shall in each year revise and equalize the assessment rolls of the municipalities in each territorial district and in making the equalization of assessment there shall be added where applicable to the valuation of each municipality the amounts credited to the municipality under section 160 of the *Municipal Act*. 1971, c. 99, s. 3 (1), *part*; 1972, c. 1, s. 22 (2). ^{Assessment to be revised and equalized} R.S.O. 1980, c. 302

(2) Any municipality in a district that is not satisfied with the last revised assessment of any municipality in the district as equalized for the purposes of this Act, may appeal by notice in writing to the Ontario Municipal Board from the decision of the Ministry of Revenue as varied by any amounts added in accordance with subsection (1) at any time within thirty days after the mailing of the equalized report to the appealing municipality by the Ministry of Revenue. 1971, c. 99, s. 3 (1), *part*; 1972, c. 1, s. 22 (2). ^{Appeal}

(3) Every report of an equalization made for the purposes of this Act shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such equalization. 1971, c. 99, s. 3 (1), *part*. ^{Idem}

(4) The cost of maintaining a home established under section 6 or maintained and operated under an agreement with the Minister pursuant to section 10 shall be defrayed in each year by the municipalities in the territorial district in proportion to the amounts of their assessments according to their assessment rolls as revised and equalized in the immediately preceding year. R.S.O. 1970, c. 206, s. 23 (1); 1971, c. 99, s. 3 (1) *part*; 1972, c. 148, s. 5 (1). ^{Maintenance of homes in districts}

(5) The board of management of a home established under section 6 or maintained and operated under an agreement ^{Estimates and apportionment}

with the Minister pursuant to section 10 shall in each year apportion the amount that it estimates will be required to defray its expenditures for that year among the municipalities in the district, and shall on or before the 25th day of February notify the clerk of each such municipality of the amount to be provided by that municipality. R.S.O. 1970, c. 206, s. 23 (3); 1972, c. 148, s. 5 (2).

Operating
reserve

(6) In preparing the estimates, the board may provide for a reserve for working funds, but the amount of the reserve in a year shall not exceed 15 per cent of the total estimates of the board for the year.

Levy and
collection

(7) Each such municipality shall include the amount required to be provided by it under this section in its estimates for the then current year and shall levy and collect the amount in like manner as taxes and pay the amount to the board of management on demand. R.S.O. 1970, c. 206, s. 23 (4, 5).

Where
assessments
not equalized
in time

(8) Where in any year the last revised assessment rolls of the municipalities in the district are not equalized by the Ministry of Revenue under subsection (1) before the 10th day of February, the board of management may apportion the amount that it estimates to be required in proportion to the amounts of their assessments most recently equalized, and in that case shall reapportion the amount and make the necessary adjustments after the equalization is completed. R.S.O. 1970, c. 206, s. 23 (6); 1971, c. 99, s. 3 (3); 1972, c. 1, s. 22 (2).

Where
equalized
assessment
appealed

(9) Where in any year the last revised assessment rolls of the municipalities in a district are revised and equalized and have been appealed, the board of management may apportion the amount that it estimates to be required in proportion to the amounts of their assessment as revised and equalized, and in that case shall reapportion the amount and make the necessary adjustments in accordance with the decision of the Ontario Municipal Board or the judgment of a court. R.S.O. 1970, c. 206, s. 23 (7).

Power of
district
homes to
borrow for
current
expenditures

(10) Subject to subsection (11), the board of management of a home established under section 6 or maintained and operated under an agreement with the Minister pursuant to section 10 may borrow from time to time by way of a promissory note such sums as the board considers necessary to meet the current expenditures of the board until the

current revenue is received. R.S.O. 1970, c. 206, s. 23 (8); 1972, c. 148, s. 5 (3).

(11) The amount that may be borrowed at any one time for the purpose mentioned in subsection (10) together with the total of any similar borrowings that have not been repaid shall not exceed 25 per cent of the estimated current revenue of the board for the year. ^{Maximum borrowings}

(12) Until the estimates of the board for the current year under this section have been determined, the limitation upon borrowing prescribed in subsection (11) shall be temporarily calculated upon 25 per cent of the estimates for the board determined for the next preceding year. R.S.O. 1970, c. 206, s. 23 (9, 10). ^{Idem}

25.—(1) The cost of establishing a new home under section 6 in a district or of an alteration, renovation or addition to or extension of an existing home established under that section or a home maintained and operated under an agreement with the Minister pursuant to section 10 shall be defrayed by the municipalities in the district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized. R.S.O. 1970, c. 206, s. 24 (1); 1972, c. 62, s. 9 (1); 1972, c. 148, s. 6. ^{Capital cost of homes in districts}

(2) To assist in defraying the cost of establishing such new home or the alteration, renovation or addition to or extension of such existing home, the Minister may direct payment out of the moneys appropriated therefor by the Legislature of such amount as he determines in accordance with the regulations and based upon the proportion of such cost that is allocated to the unorganized parts of the territorial district in which the home is established. R.S.O. 1970, c. 206, s. 24 (2); 1972, c. 62, s. 9 (2). ^{Provincial subsidy}

(3) The board of management shall apportion the amount that it estimates will be required to establish the new home or the alteration, renovation or addition to or extension of the existing home among the municipalities in the district and shall notify the clerk of each such municipality of the amount to be provided by that municipality. R.S.O. 1970, c. 206, s. 24 (3); 1972, c. 62, s. 9 (3). ^{Apportionment}

(4) Each such municipality shall, within ninety days after receipt of the notice, determine the method it will use in raising the amount required to be provided by it, and shall take such steps as are necessary to carry the determination into effect and shall raise the amount and pay it over to the board of management of the home. R.S.O. 1970, c. 206, s. 24 (4). ^{Raising of funds}

Alternative
method of
raising
funds

26.—(1) The Ontario Municipal Board, upon the application of the council or one or more of the municipalities in the territorial district, may by order,

- (a) authorize one of the municipalities in the district to raise the whole amount required by the issue of its debentures; or
- (b) authorize two or more of the municipalities in the district to raise the whole amount required by the issue of their debentures in such amounts as the Ontario Municipal Board orders,

and thereupon the municipality or municipalities shall raise the whole amount required by the issue of debentures and shall pay the proceeds to the board of management of the home, and in such case subsection 25 (4) does not apply.

Apportionment of carrying charges

(2) Where debentures are issued to provide the whole amount required as provided in subsection (1), the board of management shall in each year during the currency of the debentures apportion the amount that will be required in that year to pay the amounts of principal and interest on the debentures among the municipalities in the district in proportion to the amounts of their assessments according to their last revised assessment rolls as equalized, and shall include the amount to be provided by each such municipality as a separate item in its estimates submitted to the clerk of the municipality under subsection 24 (5), and in such case subsection (7) of that section applies.

Distribution of carrying charges

(3) The board of management shall in each year distribute the moneys received under subsection (2) to the municipality that issued the debentures or, where two or more municipalities issued the debentures, to such municipalities in the same proportion as the amount raised by each such municipality bore to the total amount raised. R.S.O. 1970, c. 206, s. 25.

Provincial subsidy on capital expenditures

27.—(1) When the site and plans of a building to be acquired, erected or altered for use as a home or joint home have been approved by the Minister under subsection 14 (1), or when such other capital expenditures as are prescribed by the regulations are incurred in connection with the home or joint home, the Minister may direct payment to the municipality or municipalities or to the band or bands or to the board of management, as the case may be, acquiring, erecting or altering the building or incurring the capital expenditures, of an amount computed in accordance with the regulations not exceeding 50 per cent of the cost thereof or such higher percentage as the regulations prescribe. 1972, c. 62, s. 11 (1).

(2) Where a home is established and maintained under section 6, or is maintained and operated under an agreement with the Minister pursuant to section 10 in addition to the amount payable under subsection (1), the Minister may direct payment to the board of management of the proportion that is allocated by the regulations to the unorganized parts of the territorial district of the capital expenditure in respect of which a payment has not been made under subsection 25 (2). R.S.O. 1970, c. 206, s. 27 (2); 1972, c. 62, s. 11 (2); 1972, c. 148, s. 7.

Idem

(3) Payments under subsection (1) in respect of the erection of a new building or the alteration, renovation or addition to or extension of an existing building may be made either when the new building or the alteration, renovation, addition or extension, as the case may be, is completed and the building is ready for occupancy, or from time to time before completion thereof in the manner prescribed by the regulations. 1972, c. 62, s. 11 (3).

When payable

(4) In computing the amount of the cost of the new building, or the alteration, renovation or addition to or extension of an existing building for the purposes of subsection (1), the cost of equipment and furnishings may be included. R.S.O. 1970, c. 206, s. 27 (4); 1972, c. 62, s. 11 (4); 1973, c. 27, s. 9.

What to be included and excluded in computing cost

28. There shall be paid monthly to the municipality maintaining and operating a home, or to the municipalities maintaining and operating a joint home or to a board of management, out of the moneys appropriated therefor by the Legislature, an amount equal to that part of the operating and maintenance cost of the home or joint home that is computed in accordance with the regulations. 1972, c. 62, s. 12 (1), *part*.

Provincial subsidy on operating costs

29. There shall be paid monthly to the municipality maintaining and operating a home, or to the municipalities maintaining and operating a joint home or to a board of management out of the moneys appropriated therefor by the Legislature, an amount computed in the manner prescribed in the regulations as the cost of maintenance for each person in the home or joint home whose residence before admission to the home or joint home was in territory without municipal organization. 1972, c. 62, s. 12 (1), *part*.

Provincial subsidy for maintenance of residents of unorganized territory

30.—(1) Any person,

Extended care services

(a) who has been admitted to a home or joint home; and

(b) who is eligible for extended care services under the *Health Insurance Act* on the grounds of medical necessity,

R.S.O. 1980, c. 197

may receive extended care services available in the home or joint home where the home or joint home has been approved by the Director in accordance with the regulations to provide such services.

Application
of
R.S.O. 1980,
c. 197

(2) The provisions of the *Health Insurance Act* apply with necessary modifications to a determination under subsection (1) of eligibility for extended care services on the grounds of medical necessity and to appeals therefrom.

Entitlement
to services

(3) Notwithstanding subsections (1) and (2), an applicant for extended care services who has been found eligible therefor under this or any other Act does not thereby become as of right entitled to such services in a home or joint home. 1972, c. 62, s. 12 (2).

Regulations

31.—(1) The Lieutenant Governor in Council may make regulations,

1. prescribing the location, site, size, design and construction of buildings used or to be acquired, erected or altered for use as homes or joint homes or any class thereof and the facilities and equipment to be provided therein;
2. governing the admission of persons to and their discharge from homes and joint homes and prescribing the conditions of eligibility therefor and the procedures for such admissions and discharges;
3. providing for the making of investigations of the financial circumstances of residents in or applicants for admission to homes and joint homes for the purpose of determining eligibility or continuing eligibility for admission to the home or joint home;
4. prescribing the staff requirements of homes and joint homes and governing the appointment of members of the staffs of homes and joint homes;
5. governing the qualifications of administrators and members of staffs of homes and joint homes and prescribing their powers and duties;
6. requiring the bonding of administrators and other employees or classes of employees of homes and joint homes in such form and terms and with such collateral security as are prescribed and providing for the forfeiture of the bonds and the disposition of the proceeds thereof;

7. prescribing the classes of persons who are in need of long-term maintenance and supervision in rest homes;
8. prescribing additional duties of the Director;
9. prescribing rules governing homes and joint homes, the residents therein and the staffs thereof;
10. prescribing the records and accounts that shall be kept under this Act and the returns that shall be made to the Minister;
11. prescribing procedures for selecting and evaluating the site for a home or joint home and for conducting a survey of the community and a review of population requirements and the contents of the report to be submitted to the Minister under section 13;
12. prescribing procedures for the development and preparation of plans for sites and buildings and the information to be contained in such plans;
13. prescribing and governing the social services, the medical, paramedical and nursing care and other services, and the items, amenities and recreational opportunities that shall be provided for residents in homes and joint homes or classes of homes and joint homes, prescribing classes or levels of such care, services, items, amenities and recreational opportunities in accordance with the needs of the residents, and providing for the assessment and classification of the residents for the purpose of determining the class or level of care, services and items required by them;
14. prescribing the percentage of bed capacity to be maintained and used in homes or joint homes or any class of home or joint home for any prescribed class or level of care and services to be provided in the home or joint home or class thereof, as the case may be;
15. prescribing the maximum amounts that may be charged residents in homes or joint homes for any prescribed class or level of care, services, items and amenities provided in the homes or joint homes;
16. providing for the terms and conditions of trust in addition to any terms and conditions of any agreement entered into under section 11, upon which a municipi-

- quality or board of management operating a home or joint home may receive and hold property of a resident in the home or joint home;
17. requiring in-service training programs to be provided for members of staffs of homes and joint homes;
 18. defining "extended care services" and "nursing care" and prescribing facilities, items and services to be included in either of such definitions and prescribing standards of eligibility in addition to those mentioned in this Act for extended care services of residents in homes and joint homes or any class thereof and the manner of determining such eligibility;
 19. prescribing the manner of applying for extended care services and providing for the termination, reinstatement or extension of such services for residents in homes or joint homes or any class thereof;
 20. providing for the approval of homes and joint homes and classes thereof by the Director to provide extended care services and prescribing the circumstances and conditions under which such approval may be given, including the facilities, equipment, services and programs to be provided therein;
 21. determining the amounts to be paid by any resident or class of resident in homes or joint homes towards the cost of his maintenance therein;
 22. defining "operating and maintenance cost", prescribing the manner of computing the part of such costs of homes and joint homes and classes of payments for the purpose of determining the amounts of the payments to be made under section 28;
 23. prescribing the manner of computing the proportion of costs in respect of homes established and maintained under section 6 and homes maintained and operated under an agreement with the Minister pursuant to section 10 that shall be allocated to the unorganized parts of territorial districts for the purposes of sections 25 and 27;
 24. prescribing capital expenditures and the manner of computing the amount of grants for the purposes of subsection 27 (1) and prescribing classes of payments and the method, time and manner of payment under subsection 27 (3);

25. prescribing the manner of computing the cost of maintenance of persons in homes or joint homes whose residence immediately before admission to the home or joint home was in territory without municipal organization, for the purposes of section 29;
26. prescribing the terms and conditions upon which the Director may approve the provision of residential services in other than a home or joint home, the classes or levels of such services, the services, items and amenities to be provided in connection therewith and the maximum amounts that may be charged to persons in receipt thereof for the purposes of section 20;
27. prescribing the frequency and manner of inspection of premises other than a home or joint home by a representative of a municipality or board of management for the purposes of section 21;
28. prescribing the manner of computing the amount to be paid by Ontario towards the cost of residential services provided in other than a home or joint home for any person, the method, time and manner of payment and classes of payments, for the purposes of section 20;
29. prescribing the composition of a committee of management, the qualifications and terms of office of the members thereof for the purposes of section 8;
30. providing for the division of each district into areas, the appointment of members of boards of management under section 9, representing the areas to each board having regard to the proportionate distribution amongst the areas of population and equalized assessment and providing for the further appointment by the Lieutenant Governor in Council of members at large to the boards of management, prescribing the qualifications for appointment, fixing the number of members for each board and the terms of office of such members and requiring the chairmanship of boards of management to change hands at prescribed intervals;
31. prescribing forms and providing for their use;

32. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 206, s. 30 (1); 1971, c. 99, s. 4; 1972, c. 62, s. 13; 1972, c. 148, s. 8 (1); 1973, c. 27, s. 10.

Division of
territorial
districts

(2) The Lieutenant Governor in Council may divide any territorial district into two parts for the purposes of this Act, in which event each of such parts shall be deemed to constitute a territorial district for the purposes of this Act. R.S.O. 1970, c. 206, s. 30 (2).