

Bill 11 - Continuing Care Act

Spring 2022

Overview

The government is introducing Bill 11: Continuing Care Act (the Act) to modernize Alberta's legislative approach to home and community care, supportive living accommodations, and continuing care homes to ensure high quality care and services for Albertans now and in the future.

The proposed legislation will provide consistency for the entire continuing care system, increase clarity regarding services, enable improvements to service delivery for Albertans, and support health system accountability and sustainability.

Background

Alberta's current continuing care system offers a variety of health, personal and accommodation services to support the safety, independence and quality of life for Albertans. Publicly funded services include:

- Home care, which can be short-term care or long term;
- Facility-based care, which includes designated supportive living and long-term care where health, personal care, and support services are provided onsite; and
- Palliative and end of life care services.

In addition, Albertans may choose to access supportive living settings such as seniors' lodges, group homes, and seniors' complexes, which are not contracted to provide publicly funded continuing care services.

Why Alberta needs this legislation

The Alberta government is introducing new streamlined legislation, to add stronger protections and greater accountability and oversight for the continuing care system.

The continuing care system has evolved over time, and so have the needs and preferences of Albertans.

The intent of the *Continuing Care Act* is to maintain what works well in the current legislation and apply it consistently across the continuing care system, while also introducing new provisions to address gaps and challenges.

Existing legislative requirements do not effectively reflect present-day practices, services or settings or address the changing needs and expectations of Albertans.

Current continuing care legislation dates back to 1985 and includes content in six acts, six regulations and three sets of standards.

Some of the provisions in our existing legislation are outdated, which have added layers of complexity and inconsistencies across different aspects of continuing care. This has created a barrier to providing responsive care and services.

The COVID-19 pandemic also revealed system gaps and inconsistencies due to this fragmentation in current legislation.

The proposed Act will establish a new legislative framework for continuing care. It will address limitations to our existing laws and bring them up-to-date under one Act, while enabling future transformation of the continuing care system.

By consolidating all oversight and enforcement actions under one legislative framework, the proposed Act will provide consistency across continuing care and ensure that Albertans will receive high quality care and services.

What is changing

Having one overarching piece of legislation will provide consistency and alignment across the continuing care system including home and community care, supportive living accommodations, palliative and end of life care, and continuing care homes (currently long-term care and designated supportive living).

The proposed Act will start a major, transformational change to existing policy and practice that includes:

- Replacing multiple acts with one piece of streamlined legislation for continuing care that is up-to-date.
- Improving transparency and accountability to Albertans on how the continuing care system is governed.
- Enabling a person-centred, flexible and innovative system of care for Albertans, now and in the future.
- Establishing a consistent approach and alignment of legislated requirements and services across the continuing care system.
- Addressing gaps in current legislation to provide greater authority to effectively monitor and enforce compliance to legislated requirements including standards.

Quality of life for Albertans in continuing care is one of the guiding principles reflected in the proposed legislation.

Addressing legislative gaps

The new legislation will address a number of provisions in current legislation that are outdated and inconsistent to reflect present-day practices, services and settings. Some examples include:

Consistency of legislated requirements

The new legislation will establish a consistent approach across continuing care homes, so operators of publicly funded congregate settings will be held to the legislated requirements regardless of whether they currently provide designated supportive living or long-term care. This will enable consistency and improved service delivery for Albertans needing accommodation and care services.

Transparency and monitoring compliance

COVID-19 revealed inconsistencies and gaps for monitoring compliance in continuing care and Albertans have demanded more transparency from government to publicly report on continuing care services and settings. The proposed Act will establish a consistent ability for the Minister to request information from continuing care providers or operators, and authority for the Minister to publicly report on information and findings in the public interest, such as inspection reports. This will enable Alberta Health to more effectively monitor providers and operators and enforce compliance to legislated requirements including standards.

Protecting the quality of care and services for Albertans

Existing enforcement mechanisms, such as issuing an order to take specified measures, stop order or cancelling a license will remain in the new legislation. The proposed Act will expand these protections so government has the ability to:

- Enforce inspection requirements across all continuing care services and settings.
- Appoint an official administrator to operate a continuing care home where there is a significant risk to the health, safety or well-being of residents.
- Impose administrative monetary penalties if an operator or provider is not compliant with minimum requirements.

Next Steps

The Act will come into effect after supporting regulations and standards are developed and approved. The Act is the first stage in the new legislative suite of tools. It will be followed later by regulations and standards, which will provide additional context and details.

Once the full legislative framework is developed and approved, implementation will begin. This is expected as early as spring 2023. The Act will repeal existing continuing care legislation upon coming into force.