

The Residential Services Regulations

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[Chapter R-21.3 Reg 1](#) (effective January 1, 2023).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

	PART 1		PART 5
	Title and Definitions		Safety Standards
1-1	Title	5-1	Building inspection
1-2	Definitions	5-2	Fire inspection
	PART 2	5-3	Safety equipment
	Care Facilities		PART 6
2-1	Categories of care facilities		Service to Residents
2-2	<i>Community Living Service Delivery Eligibility Protocol</i> adopted	6-1	Meals
2-3	Disability programs group homes		PART 7
2-4	Approved private-service homes		Duties of Operator
2-5	Child and family group homes	7-1	Duty to provide information
2-6	Mental health group homes	7-2	Duty to maintain financial records
2-7	Residential alcohol and drug treatment facilities	7-3	Insurance policy
2-8	Enhanced residential services facilities	7-4	Personal records of residents
2-9	Transition houses	7-5	Confidentiality
2-10	Number of residents	7-6	Reportable serious incident
	PART 3	7-7	Medication and medical treatment
	Licences	7-8	Criminal record check
3-1	Application for licence	7-9	Policies
3-2	Inspection	7-10	Resident support plan
3-3	Form and display of licence	7-11	Resident care
3-4	Suspension, cancellation of licence	7-12	Rights and privileges of residents
3-5	Review of minister's decision re section 8 of the Act	7-13	Conflict of interest
3-6	Operator to operate one approved private-service home		PART 8
3-7	Change in operations		Taxation
3-8	Notice of discontinuance of operations	8-1	Exemption from taxation
	PART 4		PART 9
	Care Facility Standards		Approved Private-service Homes
4-1	Location	9-1	Application for licence
4-2	Maintenance of care facility	9-2	Absent operator
4-3	Required designated areas	9-3	Removal of resident
4-4	Sleeping accommodation	9-4	Policy manual
4-5	Bedroom furnishings	9-5	Criminal record checks
4-6	Washing facilities		PART 10
4-7	Common area		Repeal, Transitional and Coming into Force
4-8	Study space	10-1	RRS c R-21.2 Reg 1 repealed
4-9	Outdoor space	10-2	RRS c R-21.2 Reg 2 repealed
4-10	Accessibility	10-3	Transitional
		10-4	Coming into force

CHAPTER R-21.3 REG 1
The Residential Services Act, 2019

PART 1
Title and Definitions

Title

1-1 These regulations may be cited as *The Residential Services Regulations*.

Definitions

1-2 In these regulations:

“**Act**” means *The Residential Services Act, 2019*;

“**adult**” means a person who is 18 years of age or older;

“**child**” means a person who is under 18 years of age;

“**fire inspector**” means fire inspector as defined in *The Fire Safety Act*;

“**personal care**” means direct assistance to, or supervision of, a resident in performing activities of daily living, including the administration of medication, but does not include specialized care;

“**specialized care**” means, subject to subclause 7-11(2)(a)(ii), health care services provided by health care professionals that are required by a resident, but does not include personal care.

28 Oct 2022 cR-21.3 Reg 1 s1-2.

PART 2
Care Facilities

Categories of care facilities

2-1 The following categories of care facilities are established:

- (a) disability programs group home;
- (b) approved private-service home;
- (c) child and family group home;
- (d) mental health group home;
- (e) residential alcohol and drug treatment facility;
- (f) enhanced residential services facility;
- (g) transition house.

28 Oct 2022 cR-21.3 Reg 1 s2-1.

R-21.3 REG 1**RESIDENTIAL SERVICES*****Community Living Service Delivery Eligibility Protocol adopted***

2-2(1) Pursuant to clause 33(1)(w) of the Act, the *Community Living Service Delivery Eligibility Protocol*, published March 18, 2018 by the Ministry of Social Services is adopted, as amended from time to time.

(2) The minister shall cause the *Community Living Service Delivery Eligibility Protocol* mentioned in subsection (1) to be made public in any manner that the minister considers appropriate, including by posting it on the ministry's website.

28 Oct 2022 cR-21.3 Reg 1 s2-2.

Disability programs group homes

2-3(1) In this section and in section 2-4, “**adults with intellectual disabilities**” means persons who are eligible to receive Community Living Service as set out in the *Community Living Service Delivery Eligibility Protocol* mentioned in subsection 2-2(1).

(2) A disability programs group home provides support services to adults with intellectual disabilities and is staffed 24 hours per day.

28 Oct 2022 cR-21.3 Reg 1 s2-3.

Approved private-service homes

2-4(1) An approved private-service home:

- (a) provides support services to adults with intellectual disabilities; and
- (b) is operated by an individual who resides in the home with the residents.

(2) For the purposes of section 2-10, the owner of an approved private-service home and the members of the owner's family who live in the home are to be included in the calculation of the maximum number of residents authorized in that section.

(3) An individual mentioned in clause (1)(b) is not required to own the home, but in that case the individual must be a tenant under a lease.

28 Oct 2022 cR-21.3 Reg 1 s2-4.

Child and family group homes

2-5(1) Subject to subsections (2) and (3), a child and family group home:

- (a) provides:
 - (i) residential services within the meaning of *The Child and Family Services Act* to children, based on the need that those services be provided; or
 - (ii) any services similar to the services mentioned in subclause (i) pursuant to federal, provincial or territorial legislation the purpose of which is to promote the well-being of children in need of protection; and
- (b) has staff that is available to the residents 24 hours per day.

(2) For the purposes of subsection (1), a care facility is a child and family group home if the services mentioned in clause (1)(a) are being provided to at least one resident of the care facility.

(3) For the purposes of subsection (1) and for greater certainty, the following are not child and family group homes:

- (a) a foster home as defined in *The Child and Family Services Regulations*;
- (b) a setting in which a child receives support services pursuant to *The Child and Family Services Act*, but is in the care and custody of the child's parent or legal guardian;
- (c) a facility in which only respite care is provided to children.

28 Oct 2022 cR-21.3 Reg 1 s2-5.

Mental health group homes

2-6 A mental health group home:

- (a) provides support services to adults with mental disorders as defined in *The Mental Health Services Act* and is staffed 24 hours per day; and
- (b) receives grants pursuant to section 31 of the Act.

28 Oct 2022 cR-21.3 Reg 1 s2-6.

Residential alcohol and drug treatment facilities

2-7 A residential alcohol and drug treatment facility:

- (a) provides support services to individuals who require treatment for substance misuse; and
- (b) receives grants pursuant to section 31 of the Act.

28 Oct 2022 cR-21.3 Reg 1 s2-7.

Enhanced residential services facilities

2-8 An enhanced residential services facility:

- (a) provides 24-hour emergency safe shelter and support for individual women and women with their accompanying children:
 - (i) who are leaving circumstances of violence or abuse; and
 - (ii) who are dealing with circumstances more extensive than family violence or abuse, including, but not limited to, any of the following:
 - (A) substance misuse;
 - (B) mental health concerns;
 - (C) homelessness; and
- (b) receives operating funding pursuant to an Act.

28 Oct 2022 cR-21.3 Reg 1 s2-8.

R-21.3 REG 1**RESIDENTIAL SERVICES****Transition houses**

2-9 A transition house:

- (a) provides 24-hour emergency safe shelter and support for individual women and women with their accompanying children leaving circumstances of violence or abuse; and
- (b) receives operating funding pursuant to an Act.

28 Oct 2022 cR-21.3 Reg 1 s2-9.

Number of residents

2-10(1) Subject to subsection (2), no operator shall operate a care facility mentioned in section 2-3, 2-4, 2-5, 2-6, 2-7, 2-8 or 2-9 if the number of residents in that care facility exceeds 10.

(2) If, in the opinion of the minister, the care facility has sufficient space, facilities and staff to accommodate more than 10 residents, the minister may issue a licence pursuant to section 4 or 5 of the Act.

28 Oct 2022 cR-21.3 Reg 1 s2-10.

PART 3
Licences

Application for licence

3-1 An applicant for a licence shall submit to the minister:

- (a) documentation from the medical health officer, as defined in *The Public Health Act, 1994*, for the area in which the care facility is situated:
 - (i) stating that the care facility complies with that Act and the regulations made pursuant to that Act; and
 - (ii) that is satisfactory to the minister;
- (b) an inspection report confirming that the structure, equipment and maintenance of the facility are satisfactory, prepared by:
 - (i) a fire commissioner as defined in *The Fire Safety Act*; or
 - (ii) a fire inspector;
- (c) proof of appropriate insurance coverage required pursuant to section 7-3;
- (d) a description of the support services that are to be provided at the care facility;
- (e) any other information or documentation requested by the minister or required by these regulations.

28 Oct 2022 cR-21.3 Reg 1 s3-1.

Inspection

3-2 The minister may, before issuing a licence pursuant to section 4 or 5 of the Act, inspect the care facility.

28 Oct 2022 cR-21.3 Reg 1 s3-2.

Form and display of licence

3-3(1) Every licence issued is to state:

- (a) the name and location of the care facility; and
 - (b) any other information the minister considers advisable.
- (2) An operator:
- (a) must keep the licence on the premises of the care facility; and
 - (b) is not required to display the licence, unless the minister so directs.

28 Oct 2022 cR-21.3 Reg 1 s3-3.

Suspension, cancellation of licence

3-4(1) For the purposes of section 7 of the Act, before amending, suspending or cancelling a licence, the minister shall provide notice to the operator:

- (a) setting out the facts and circumstances that, in the opinion of the minister, render the operator liable to have the operator's licence suspended or cancelled; and
 - (b) informing the operator of the operator's right to make representations to the minister.
- (2) An operator to whom notice is sent pursuant to subsection (1) may make representations to the minister respecting whether or not the licence should be suspended or cancelled, and in the case of a suspension, the length of the suspension.
- (3) Representations pursuant to subsection (2) must be made within 30 days after the operator received the notice pursuant to subsection (1).
- (4) After considering any representations, the minister may:
- (a) cancel or suspend the licence and set a date on which the suspension or cancellation is to take effect, and in the case of a suspension, state the length of the suspension; or
 - (b) determine that the licence should not be suspended or cancelled.
- (5) The minister shall serve a copy of the decision, with reasons, pursuant to subsection (4) on the operator as soon as is reasonably practicable after making the decision.
- (6) Notwithstanding subsections (1) to (5), if the minister considers that it is necessary to act to protect the public interest, the minister may immediately suspend or cancel a licence without giving the operator an opportunity to make representations, but shall give the operator an opportunity to make representations within 30 days after the date on which the minister takes any of those actions.

28 Oct 2022 cR-21.3 Reg 1 s3-4.

Review of minister's decision re section 8 of the Act

3-5 For the purposes of section 8 of the Act, a request to the minister by an applicant or operator for a review of a decision must be made within 30 days after the date of the decision.

28 Oct 2022 cR-21.3 Reg 1 s3-5.

R-21.3 REG 1**RESIDENTIAL SERVICES****Operator to operate one approved private-service home**

3-6 An operator may operate only one approved private-service home at any time.

28 Oct 2022 cR-21.3 Reg 1 s3-6.

Change in operations

3-7(1) If an operator intends to significantly change the support services in a care facility from the support services outlined at the time of the application, the operator must provide the minister with written notice to that effect, including details regarding the changes, at least 3 months before the effective date of those changes.

(2) If an operator intends to significantly change the floor plan or other physical components of a care facility from those outlined at the time of the application, the operator must provide the minister with written notice to that effect, including details regarding the changes, at least 3 months before the effective date of those changes.

(3) The operator shall not make a change described in subsection (1) or (2) if, in the opinion of the minister, the change will have a material negative impact on the benefits previously received by the residents of that care facility.

28 Oct 2022 cR-21.3 Reg 1 s3-7.

Notice of discontinuance of operations

3-8 If an operator intends to cease operating a care facility, the operator must provide the minister with written notice to that effect at least 3 months before the effective date of the ceasing of operation.

28 Oct 2022 cR-21.3 Reg 1 s3-8.

PART 4**Care Facility Standards****Location**

4-1 Every care facility:

(a) if it is situated in an urban area, is to be located in a residential setting in the community; and

(b) must have reasonable access to public transportation, parks, places of worship, shopping centres, libraries, medical clinics and similar community resources.

28 Oct 2022 cR-21.3 Reg 1 s4-1.

Maintenance of care facility

4-2 The operator of a care facility shall:

(a) keep the care facility in good repair;

(b) keep the care facility clean and sanitary; and

(c) ensure that the care facility is in compliance with all applicable building and accessibility standards.

28 Oct 2022 cR-21.3 Reg 1 s4-2.

Required designated areas

4-3 The areas of the care facility designated in the application for a licence as areas for lounging, dining, indoor recreation, sleeping, bathing, food preparation and storage must be used only for those purposes unless otherwise approved by the minister.

28 Oct 2022 cR-21.3 Reg 1 s4-3.

Sleeping accommodation

4-4(1) Subject to subsection (2), each care facility must provide sleeping accommodation for its residents as follows:

- (a) each bedroom floor is to be not more than 1.22 metres below the level of the ground surrounding the main or ground floor level;
 - (b) no basement is to be used for sleeping accommodation if, in the opinion of the local fire and health departments, it constitutes a hazard;
 - (c) each bedroom is to have a minimum of 7 square metres per resident or, where more than one resident is accommodated in a bedroom, 4.6 square metres per resident;
 - (d) residents are to have their own beds of a size and type suitable to their ages, with a clean mattress and with bedding appropriate to the weather conditions and climate;
 - (e) not more than 2 adults or 4 children are to be accommodated in one bedroom;
 - (f) if any resident has serious difficulty negotiating stairways, that resident must be placed in a ground floor level bedroom;
 - (g) each bedroom is to have at least one mirror, at least one outside window that may be opened for fresh air and adequate ventilation, lighting and heating.
- (2) The minister may waive any requirement set out in subsection (1) if, in the opinion of the minister, the waiver is necessary in the circumstances and the waiver does not have a material negative affect on the residents.

28 Oct 2022 cR-21.3 Reg 1 s4-4.

Bedroom furnishings

4-5(1) Each care facility must provide each resident with:

- (a) a clothes closet or wardrobe space, individual drawer space and at least one chair;
- (b) space to store personal items such as toothpaste and toothbrushes, cosmetics, towels and soap; and
- (c) furnishings in the resident's bedroom of a quality that:
 - (i) is reasonable as compared with the standards of other housing accommodation in the community; and
 - (ii) does not differ greatly from that of the other furnishings in the facility.

R-21.3 REG 1**RESIDENTIAL SERVICES**

(2) The minister may waive any requirement set out in subsection (1) if, in the opinion of the minister, the waiver is necessary in the circumstances and the waiver does not have a material negative affect on the residents.

28 Oct 2022 cR-21.3 Reg 1 s4-5.

Washing facilities

4-6 Every care facility must have at least:

- (a) one wash basin with hot and cold water and one flush toilet for every 5 residents or fraction of them, including the members of the operator's family and any other people who reside in the care facility; and
- (b) one bathtub or shower with hot and cold water for every 10 residents or fraction of them, including the members of the operator's family and any other people who reside in the care facility.

28 Oct 2022 cR-21.3 Reg 1 s4-6.

Common area

4-7 Each care facility must have a common area for lounging of not less than 13.5 square metres with approximately 1.86 square metres of floor space per resident where the residents may enjoy recreational activities.

28 Oct 2022 cR-21.3 Reg 1 s4-7.

Study space

4-8 Each care facility that provides a program of study must provide adequate accommodations for the purposes of study by the residents involved in the program.

28 Oct 2022 cR-21.3 Reg 1 s4-8.

Outdoor space

4-9 Each care facility must provide residents with access to outside yard or lawn space.

28 Oct 2022 cR-21.3 Reg 1 s4-9.

Accessibility

4-10 Each care facility must meet all applicable accessibility requirements to allow residents:

- (a) easy entrance into and exit from the facility, including in the event of an emergency; and
- (b) comfortable movement within and outside the facility.

28 Oct 2022 cR-21.3 Reg 1 s4-10.

PART 5
Safety Standards

Building inspection

5-1(1) In this section, “**building official**” means a building official as defined in *The Construction Codes Act*.

- (2) An operator shall, on the request of the minister, arrange to have an inspection of the care facility conducted by a building official.
- (3) The operator shall, on the request of the minister, submit the inspection report prepared by the building official mentioned in subsection (2).
- (4) The reported results of the inspection submitted pursuant to subsection (3) must be satisfactory to the minister.

28 Oct 2022 cR-21.3 Reg 1 s5-1.

Fire inspection

5-2(1) An operator shall arrange to have an inspection of the care facility conducted by a fire inspector:

- (a) before the care facility is licensed; and
- (b) annually after the licence is issued.

- (2) On receiving the report prepared with respect to an inspection mentioned in clause (1)(b), the operator shall, without delay, submit that report to the minister.
- (3) The reported results of the inspection submitted pursuant to subsection (2) must be satisfactory to the minister.

28 Oct 2022 cR-21.3 Reg 1 s5-2.

Safety equipment

5-3(1) Each care facility is to provide night-lights, non-skid stair treads, non-skid bath mats and handrails on stairways or in bathrooms if, in the opinion of the minister, they are required for the safety of the residents.

(2) The minister may require the operator to provide safety features or equipment additional to those set out in subsection (1) if, in the opinion of the minister, those additions are necessary to protect the safety of the residents in the circumstances.

28 Oct 2022 cR-21.3 Reg 1 s5-3.

PART 6 Service to Residents

Meals

6-1(1) Each care facility is to provide residents with a nutritionally balanced diet, as set out in the Canada Food Guide, to be served in a family-type eating space appropriate to the residents' program.

- (2) All food requiring refrigeration is to be properly refrigerated.
- (3) A care facility shall handle, prepare and store food according to the standards set out in *The Food Safety Regulations*, notwithstanding that an operator is not required to obtain a licence pursuant to those regulations.

28 Oct 2022 cR-21.3 Reg 1 s6-1.

PART 7
Duties of Operator

Duty to provide information

7-1 The operator shall provide to the minister, at the times and in the manner specified by the minister, any:

- (a) records in any form;
- (b) plans or specifications for the care facility;
- (c) forms that require completion by the operator; and
- (d) any other information that the minister may require.

28 Oct 2022 cR-21.3 Reg 1 s7-1.

Duty to maintain financial records

7-2(1) Subject to subsection (2), every operator shall:

- (a) keep complete financial records that account for all income and expenditures for all purposes; and
- (b) on the minister's request, submit audited financial statements and any other documents that may be required to conduct an accurate audit to the minister, the Provincial Auditor or any other auditor that the minister may designate, as the case requires.

(2) Subsection (1) does not apply to the operator of an approved private-service home.

(3) Any care facility that acts as a trustee for a resident must keep complete financial records that account for all income and expenditures for all purposes made on behalf of the resident.

28 Oct 2022 cR-21.3 Reg 1 s7-2.

Insurance policy

7-3 Every operator shall have an insurance policy that provides adequate coverage for all activities related to providing support services and that includes:

- (a) fire and extended coverage, including theft of the operator's physical assets and property lodged in the care facility owned by the residents and in the care, custody, and control of the operator;
- (b) comprehensive general liability coverage in a minimum amount satisfactory to the minister; and
- (c) liability coverage in a minimum amount satisfactory to the minister for the operation of each vehicle, whether or not owned by the operator, that is used by the operator, employees or volunteers in the course of providing support services.

28 Oct 2022 cR-21.3 Reg 1 s7-3.

Personal records of residents

7-4(1) In this section, “**health services number**” means a unique number assigned to an individual who is or was registered as a beneficiary to receive insured services pursuant to *The Saskatchewan Medical Care Insurance Act*.

(2) An operator shall maintain a clear and accurate resident care record for each resident of the care facility in accordance with this section.

(3) An operator shall ensure that the record maintained pursuant to subsection (2) contains information respecting the resident that includes:

- (a) the resident’s name and date of birth;
- (b) the resident’s health services number, if reasonably required;
- (c) the individual programming information, if any, of the resident; and
- (d) any other information that may be required by the minister or these regulations.

28 Oct 2022 cR-21.3 Reg 1 s7-4.

Confidentiality

7-5(1) In this section:

“**personal health information**” means personal health information within the meaning of *The Health Information Protection Act*;

“**personal information**” means personal information within the meaning of *The Freedom of Information and Protection of Privacy Act*.

(2) Every operator and every other person who is employed in or assists with the operation of, or who provides support services in, a care facility shall:

- (a) preserve confidentiality with respect to:
 - (i) the personal information and personal health information of residents; and
 - (ii) any record with respect to a resident that has come into existence through anything done pursuant to the Act or these regulations; and
- (b) not disclose or communicate any personal information, personal health information or record mentioned in clause (a) with respect to a resident without the consent of the resident or the resident’s legal guardian to any person except:
 - (i) as required for the health or safety of that resident or any other resident;
 - (ii) for the purpose of complying with:
 - (A) an Act or a regulation;
 - (B) an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada; or
 - (C) a treaty, agreement or arrangement made pursuant to an Act or an Act of the Parliament of Canada;
 - (iii) in compassionate circumstances, to facilitate contact with the next of kin or a friend of a resident who is injured, ill or deceased;

- (iv) for the purpose of arranging, assessing the need for, providing, continuing, or supporting the provision of, a service requested or required by the resident;
 - (v) if the disclosure is being made for the provision of health or social services to the resident, and, in the opinion of the operator, disclosure of the personal information or personal health information will clearly benefit the health or well-being of the resident, but only if it is not reasonably practicable to obtain consent; or
 - (vi) if the disclosure is permitted pursuant to any Act or regulation.
- (3) Subject to subsections (4) and (5), a care facility shall require all employees, volunteers, board members and any other person whose duties involve the provision of support services directly to residents, if any, to sign a confidentiality statement or agreement.
- (4) Subsection (3) does not apply to a person who provides support services directly to residents if that person is required to be licensed pursuant to an Act in order to provide those support services, has a current licence to practise and meets any requirements set by the governing body responsible for the licensing and regulating of those support services.
- (5) Subsection (3) does not apply in the following circumstances:
- (a) the support services are being provided by a student as part of the student's practicum or field experience, and the student is supervised at all times;
 - (b) the support services are in the nature of programming, the programming is being provided on a casual or irregular basis and the person providing the programming is supervised at all times.
- (6) The operator shall immediately notify the minister of any breach of confidentiality with respect to the personal information, personal health information or records mentioned in clause (2)(a).

28 Oct 2022 cR-21.3 Reg 1 s7-5.

Reportable serious incident

- 7-6(1)** An operator shall immediately report to the minister any of the following serious incidents that occur at, near or outside of the care facility, regardless of whether, at the time of the incident, the resident was being cared for, supervised or accompanied by the operator, any of the staff of the care facility or volunteers:
- (a) a death that is required to be reported pursuant to *The Coroners Act, 1999*;
 - (b) an outbreak of a communicable disease, notification of which is required pursuant to *The Public Health Act, 1994*;
 - (c) any harm or suspected harm suffered by a resident as a result of unlawful conduct, improper treatment or care, harassment or neglect on the part of any person;
 - (d) any other incident that has resulted in serious harm to a resident.

- (2) Subject to subsection (3), an operator shall, as soon as is reasonably practicable, provide to the minister a written report with respect to a serious incident mentioned in subsection (1) that indicates, to the best of the operator's information and belief:
- (a) the circumstances leading up to and culminating in the serious incident;
 - (b) the date and time of the serious incident;
 - (c) the names of the persons involved in the serious incident;
 - (d) the names of the persons notified about the serious incident; and
 - (e) any actions taken by the operator:
 - (i) to solve the problems giving rise to the serious incident; and
 - (ii) to prevent recurrences of the serious incident.
- (3) Subsection (2) does not apply to an operator of an approved private-service home.
- (4) Notwithstanding any other provision in this section, an operator or any employee of or volunteer or any other person whose duties involve the provision of support services directly to residents of a care facility who has reasonable grounds to believe that a resident who is under the age of 18 is being subjected to abuse within the meaning of section 81 of *The Child and Family Services Act* shall report the information to an officer or peace officer in accordance with section 12 of that Act.

28 Oct 2022 cR-21.3 Reg 1 s7-6.

Medication and medical treatment

- 7-7(1)** The operator shall ensure that all prescription medication is provided for or to residents only as authorized by a practitioner as defined in *The Prescription Drugs Act*.
- (2) The operator shall ensure that prescription and non-prescription medication is stored safely in a secure cabinet or other manner suitable to the circumstances that:
- (a) provides appropriate access to residents who self-administer medication;
 - (b) prevents unsafe access; and
 - (c) is recommended for each medication on the medication label.
- (3) With respect to the treatment of any injury to any resident, the operator shall provide only emergency first-aid and ensure that all other medical treatment is provided to residents only:
- (a) as authorized by a physician; or
 - (b) as administered by emergency responders.
- (4) In all cases of serious illness or injury to any resident, the operator shall, as soon as possible, cause:
- (a) a physician or emergency responder to be called; and
 - (b) the resident's legal guardian or emergency contact person, as applicable, to be notified.

28 Oct 2022 cR-21.3 Reg 1 s7-7.

Criminal record check

7-8(1) Subject to subsections (4), (6) and (7), when an individual is hired as an employee or otherwise commences activities as a volunteer in, board member for or provider of support services directly to residents of a care facility, the operator must obtain from the individual the results of a criminal record check, including a vulnerable sector check, with respect to any individual who is to have direct contact with residents.

(2) No person mentioned in subsection (1) is to have unmonitored contact with a resident before providing the results of the criminal record check mentioned in that subsection.

(3) No operator shall allow a person to have contact with residents if that person's criminal record check results indicate that the person could pose a risk to residents.

(4) Subject to subsection (5), a proposed board member for an organization operating a care facility must submit the results of the criminal record check mentioned in subsection (1) within 30 days after being appointed to the board, and those results are to be assessed as part of the process of determining the person's suitability to serve on the board.

(5) In any of the circumstances set out in clauses (a) and (b), the proposed board member mentioned in subsection (4) may attend a board meeting as a non-voting member:

(a) the proposed board member provides the organization operating the care facility with evidence satisfactory to the organization that there are extenuating circumstances that make it impossible for the proposed board member to obtain the results of a criminal record check within the period mentioned in that subsection;

(b) the board meeting occurs on a date that is so soon after the proposed board member's appointment that it is not practicable for the proposed board member to obtain the results of a criminal record check in time for the meeting.

(6) Subsections (1) and (2) do not apply to a person who provides support services directly to residents if that person is required to be licensed pursuant to an Act in order to provide those support services, has a current licence to practise and meets any requirements set by the governing body responsible for the licensing and regulating of those support services.

(7) Subsection (1) does not apply in the following circumstances:

(a) the support services are being provided by a student as part of the student's practicum or field experience, and the student:

(i) has a satisfactory, current criminal record check as a requirement of the student's educational or training program; or

(ii) if the student is not eligible to request a criminal record check, the student is supervised at all times;

(b) the support services are in the nature of programming, the programming is being provided on a casual or irregular basis and the person providing the programming is supervised at all times.

- (8) An operator shall:
- (a) establish written policies with respect to the criminal record and vulnerable sector checks required in this section that include:
 - (i) the period within which the results must be provided by new employees, volunteers, board members and persons providing support services directly to residents;
 - (ii) the requirement that the persons mentioned in subclause (i) report to the operator any activities that would reasonably result in a change in the results of the criminal record check; and
 - (iii) the means by which the operator is to assess the changed results mentioned in subclause (ii) for the purposes of determining if the person mentioned in that subclause continues to be capable of performing the necessary duties and carrying out the necessary responsibilities with respect to the care facility; and
 - (b) make the policies mentioned in clause (a) known to persons who are required to undergo the relevant checks.

28 Oct 2022 cR-21.3 Reg 1 s7-8.

Policies

7-9(1) Subject to section 9-4, the operator of a care facility that employs staff or engages volunteers or persons providing support services directly to residents must establish written policies and procedures with respect to the care of residents and the operation of the care facility.

(2) The policies mentioned in subsection (1) must be kept on the premises of the care facility and made available to employees, volunteers, persons providing support services directly to residents, residents and legal guardians, if any, of residents.

28 Oct 2022 cR-21.3 Reg 1 s7-9.

Resident support plan

7-10(1) An operator must identify the support services that a resident requires in all activities of daily living within 7 days after the resident is admitted to the care facility.

(2) An operator must develop a written plan for each resident that addresses the necessary support services identified pursuant to subsection (1) in as much detail as is appropriate to meet the resident's needs.

(3) A plan mentioned in subsection (2) is to be reviewed at least annually and amended as may be necessary to reflect any changes in the resident's needs.

(4) A plan mentioned in subsection (2) is to be accessible at all times by members of the care facility staff who provide direct care to the resident.

28 Oct 2022 cR-21.3 Reg 1 s7-10.

Resident care

7-11(1) An operator shall provide the care to residents that is required to meet the individual needs of each resident.

(2) Without limiting the generality of subsection (1), an operator shall ensure that:

- (a) if specialized care is required by a resident, that care is provided by:
 - (i) a health care professional qualified to provide that specialized care; or
 - (ii) a person trained to give that care by a health care professional qualified to provide that specialized care;
- (b) residents with disabilities are encouraged to retain independence in those activities they can perform for themselves;
- (c) residents are provided with a variety of food and beverages:
 - (i) according to their individual needs; and
 - (ii) with reasonable consideration for their likes and dislikes;
- (d) residents are provided with opportunities on a daily basis to exercise their mental and physical abilities;
- (e) residents with difficult behaviours are cared for in a positive and constructive manner;
- (f) restraints, if any, are used only in accordance with:
 - (i) in the case of a disability programs group home, *Standards and Guidelines for the Use of Restrictive Procedures in Community-Based Organizations*, as amended from time to time, published on April 1, 2018, by the Ministry of Social Services;
 - (ii) in the case of an approved private-service home, the *Approved Private Service Homes Program Proprietor's Reference Manual*, as amended from time to time, published in October, 2013, by the Ministry of Social Services; and
 - (iii) in the case of a child and family group home, the *Residential Services Manual*, as amended from time to time, published in December, 2010, by the Ministry of Social Services.

28 Oct 2022 cR-21.3 Reg 1 s7-11.

Rights and privileges of residents

7-12(1) In addition to any other rights and privileges that the residents may have at law, each resident has the following rights and privileges:

- (a) to be treated with respect, dignity, kindness and consideration in all interactions with staff, other residents and any other persons who reside in the care facility;
- (b) to voice concerns or recommend changes in the rules or services provided in the care facility;

- (c) to register complaints with all or any of the following:
 - (i) the operator;
 - (ii) the resident's legal guardian;
 - (iii) the minister;
- (d) to attend religious services or activities of the resident's or the resident's legal guardian's choosing;
- (e) to be provided with personal privacy appropriate to the age and needs of the resident and the type of care facility;
- (f) to have sole use of the resident's own possessions, unless the resident gives permission for others to use those possessions;
- (g) to receive visitors privately at the care facility as long as:
 - (i) the timing and nature of the visits do not present an unreasonable disruption the operation of the care facility;
 - (ii) there is no reasonable risk of harm to the operator, the resident receiving visitors, other residents or any other persons in the care facility; and
 - (iii) in the case of a resident who is a child or youth:
 - (A) subject to paragraph (B), the visit is authorized by the resident's legal guardian; or
 - (B) if there is a subsisting agreement pursuant to section 9 of *The Child and Family Services Act* between the resident's legal guardian and the director as defined in that Act with respect to the child or youth, the visit is authorized by the minister;
- (h) to communicate within the care facility by telephone, mail or other means, in private;
- (i) to leave and return to the care facility as desired, subject to any restrictions with respect to:
 - (i) a resident who is a child or youth; or
 - (ii) a resident who otherwise has a legal guardian responsible for directing the resident's daily living decisions;
- (j) to be free from any actions of the operator or staff of a punitive nature, including physical punishment, threats of any kind, intimidation, verbal, mental or emotional abuse or confinement;
- (k) to choose the resident's own medical, optometric, dental, nursing or other health care professional or, in the case of a child or youth, for that right to be exercised by the resident's legal guardian.

R-21.3 REG 1**RESIDENTIAL SERVICES**

(2) In the case of residents who are under the age of 18, an operator shall, in accordance with section 16 of *The Advocate for Children and Youth Act*:

- (a) ensure that those residents are informed of their right to communicate with, and the services provided by, the Advocate for Children and Youth;
- (b) provide a private space that allows residents to communicate with the Advocate for Children and Youth pursuant to clause (a); and
- (c) comply with any other requirements set out in that section.

(3) An operator shall ensure that the rights and privileges mentioned in subsections (1) and (2) are respected.

28 Oct 2022 cR-21.3 Reg 1 s7-12.

Conflict of interest

7-13(1) Subject to subsection (2), no operator, staff member of a care facility or relative of an operator or staff member of a care facility shall:

- (a) accept appointment as power of attorney pursuant to *The Powers of Attorney Act, 2002* for a resident;
- (b) accept appointment as a personal or property guardian pursuant to *The Adult Guardianship and Co-decision-making Act* for a resident;
- (c) accept appointment as a proxy for a resident in a directive pursuant to *The Health Care Directives and Substitute Health Care Decision Makers Act, 2015*;
- (d) accept gifts from a resident with an estimated total value greater than \$100 in a year;
- (e) accept property or personal possessions from a resident or from anyone on behalf of a resident as payment for care and accommodation in the care facility;
- (f) influence or attempt to influence a resident or prospective resident:
 - (i) in the making or alteration of the will of the resident or prospective resident;
 - (ii) in the conduct of the financial affairs of the resident or prospective resident; or
 - (iii) in handling the personal assets of the resident or prospective resident; or
- (g) accept gifts or bequests provided in a resident's will unless the will was executed before the resident was admitted to the care facility.

(2) Subsection (1) does not apply if the operator, staff member or relative of the operator or staff member is a relative of the resident in question.

(3) Nothing in subsection (1) precludes an operator from being appointed as a trustee of a resident for the purposes of *The Saskatchewan Assistance Act*.

- (4) If an operator or staff member of a care facility or a relative of the operator or staff member receives a gift from a resident, the operator must:
- (a) notify the resident's legal guardian or emergency contact person about the gift; and
 - (b) record the following information:
 - (i) the date of receipt of the gift;
 - (ii) the name of the person who received the gift;
 - (iii) the amount or estimated value of the gift;
 - (iv) the name of the person contacted pursuant to clause (a).
- (5) A person mentioned in subsection (1) who accepts an appointment pursuant to any of the Acts mentioned in clause (1)(a), (b) or (c) is bound by the provisions of this section, notwithstanding that the person is otherwise in compliance with the applicable Act.

28 Oct 2022 cR-21.3 Reg 1 s7-13.

PART 8 Taxation

Exemption from taxation

8-1 The categories of care facilities set out in clauses 2-1(a), (c), (d), (e), (f) and (g) of these regulations are exempt from taxation for the purposes of section 18 of the Act.

28 Oct 2022 cR-21.3 Reg 1 s8-1.

PART 9 Approved Private-service Homes

Application for licence

9-1 In addition to the requirements set out in section 3-1, an applicant for a licence with respect to an approved private-service home must submit with the application a floor plan of the entire home specifying the bedrooms that are to be used by the residents and the bedrooms that are to be used by the applicant and the applicant's family.

28 Oct 2022 cR-21.3 Reg 1 s9-1.

Absent operator

9-2 If the operator of an approved private-service home intends to be absent from the approved private-service home and that absence would create an unsafe living situation for residents, the operator must first consult with the minister so that alternative arrangements can be made for the operation of the home.

28 Oct 2022 cR-21.3 Reg 1 s9-2.

Removal of resident

9-3 An operator of an approved private-service home who wishes to permanently remove a resident from the approved private-service home shall give 30 days' written notice of that removal to:

- (a) the resident;
- (b) the minister;
- (c) the resident's legal guardian, if any; and
- (d) any other person identified in the resident's record as requiring notification of removal.

28 Oct 2022 cR-21.3 Reg 1 s9-3.

Policy manual

9-4(1) Pursuant to clause 33(1)(w) of the Act, the *Approved Private Service Homes Program Proprietor's Reference Manual*, published in October, 2013, by the Ministry of Social Services is adopted, as amended from time to time.

(2) An operator of an approved private-service home must adhere to the *Approved Private Service Homes Program Proprietor's Reference Manual*.

(3) Section 7-9 does not apply to operators of approved private-service homes.

28 Oct 2022 cR-21.3 Reg 1 s9-4.

Criminal record checks

9-5 The operator of an approved private-service home must provide to the ministry the results of a criminal record check, including a vulnerable sector check, with respect to:

- (a) the operator;
- (b) any other adult who:
 - (i) resides in the approved private-service home but does not receive support services; and
 - (ii) has direct contact with residents; and
- (c) subject to subsections 7-8(6) and (7), any other person who provides unsupervised support services to residents.

28 Oct 2022 cR-21.3 Reg 1 s9-5.

PART 10

Repeal, Transitional and Coming into Force**RRS c R-21.2 Reg 1 repealed**

10-1 *The Residential-service Facilities Regulations* are repealed.

28 Oct 2022 cR-21.3 Reg 1 s10-1.

RRS c R-21.2 Reg 2 repealed

10-2 *The Private-service Homes Regulations* are repealed.

28 Oct 2022 cR-21.3 Reg 1 s10-2.

Transitional

10-3(1) For the purposes of section 35 of the Act, unless the context requires otherwise:

(a) a reference to a private-service home as defined in *The Residential Services Act*, as that Act existed on the day before the coming into force of *The Residential Services Act, 2019*, is deemed to be a reference to an approved private-service home; and

(b) a reference to a residential-service facility as defined in *The Residential Services Act*, as that Act existed on the day before the coming into force of *The Residential Services Act, 2019*, is deemed to be a reference to a care facility other than an approved-private service home.

(2) An agreement that was entered into between a residential-service facility or a private-service home and the minister pursuant to section 20 of *The Residential Services Act* and that is valid on the day before the coming into force of *The Residential Services Act, 2019* continues to have effect until it:

(a) expires or is otherwise terminated; or

(b) is amended or renewed in accordance with section 31 of *The Residential Services Act, 2019*.

28 Oct 2022 cR-21.3 Reg 1 s10-3.

Coming into force

10-4(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Residential Services Act, 2019* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Residential Services Act, 2019* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

28 Oct 2022 cR-21.3 Reg 1 s10-4.

