

# TEMPORARY RELOCATION OF A RESIDENTIAL CARE FACILITY



## COMMUNITY CARE FACILITIES LICENSING PROGRAM

Licensed Facilities, on occasion, may find cause to temporarily relocate for many reasons. For example, a disruption in service, such as flooding of the facility, loss of water, or power, or some other event that disturbs your ability to provide care for the persons in care at the facility. Further reasons that you may have to temporarily relocate could include: renovations to the facility, or vacations within the Vancouver Island Health Authority for the persons in care. All of these scenarios would require the Licensee for the facility to contact Licensing, submit an application form and commence the process for licensing the temporary location. Licensing cannot approve a facility to operate illegally (i.e. caring for 3 or more persons in care without a licence) at any location, even for one day. Legally, the Licensee can only provide care to two persons in care at any premise without a licence.

### **What type of structures used on a temporary basis might require a community care facility licence?**

- A hotel or motel (includes the whole premise, if there are three or more persons in care in a hotel or motel, it would require a licence);
- A cabin on a campground (considered a structure); or
- A house, townhouse, apartment, or condo.

### **Why do I need a Licence for a hotel room or other premise when I am taking the persons in care on a holiday?**

When the Licensee provides care to three or more persons in care in a premises, or part of a premises, it meets the definition of a Community Care Facility as set out in the *Community Care and Assisted Living Act*:

“community care facility” means a premises or part of a premises

- (a) in which a person provides care to 3 or more persons who are not related by blood or marriage to the person and includes any other premises or part of a premises that, in the opinion of the medical health officer, is used in conjunction with the community care facility for the purpose of providing care.

The legislation does not distinguish between providing care in a permanent versus a temporary location due to renovations, service disruptions, or a holiday.

### **We are temporarily relocating to a different licensed facility, what do I need to do?**

If persons in care are temporarily locating to another licensed facility, the total number of persons in care cannot exceed the maximum capacity as stated on the licence for that facility. If relocating to a facility that has a different service type (i.e. people with disabilities temporarily locating to a seniors facility), then the change in service type, or amendment to the licence, would trigger the licensing process and an application would need to be submitted prior to moving persons in care to this location. The Licensee of the temporary location would need to discuss the individual circumstances and requirements with a licensing officer.

### **What if the temporary location we have chosen does not meet the requirements of the CCALA and Residential Care Regulation?**

If the temporary location that has been chosen does not meet Licensing requirements, Licensing cannot approve the temporary location as a community care facility. Licensing cannot approve a facility (location) to operate illegally even for one day.

### **We are going on vacation outside of the Vancouver Island Health Authority, what do I do?**

The Licensee should contact the Health Authority in which they will be traveling to inquire about the steps that should be taken when they are temporarily relocating to that health authority.

### **What would happen if we went to a temporary location without being licensed?**

Licensing will investigate whether the facility was operated as an illegal, unlicensed facility and determine next steps which could include sending a letter notifying you that you must cease operations at that site, or apply for a licence. This process is the same for all unlicensed illegal facilities. Licensing will consider all circumstances on a case-by-case basis. Licensing may take further legal action against any unlicensed illegal care facilities that ignore the notice to cease operations.

### **Some Other Examples of Temporary Relocations and What Would Be Required:**

1. A Group Home has decided to take the persons in care camping to Tofino for three days. Three of the persons in care will be sleeping in a tent, and three persons in care will be sleeping in a cabin.
  - A licence is required for the cabin only. A premise is a structure, which is defined as something “constructed”; a tent is not considered a structure. An application form would need to be submitted and the process for licensing this premise started.
2. The power has been out for two days at a facility that is located in a rural area of Vancouver Island. For safety concerns, the persons in care have been moved to a senior’s facility that had some empty beds and were more than willing to help out.
  - The Licensee of the senior’s facility has the responsibility to contact Licensing, and apply for an amendment to their Licence in regards to adding to, or changing, the service type for their facility. More information may be required by the Licensing Officer.
  - The facility that is relocating due to the power outage must submit an incident report to Licensing, indicating that they have experienced a “service delivery problem”.
3. Seven people in care from a senior’s facility are going on holiday to Courtney. The hotel they have booked will have three seniors on the first floor, two in one bedroom and one in another, and on the fourth floor, two seniors in one room and two seniors in another.
  - A license is likely required as the hotel is considered operation of one premise, an application form would need to be submitted by the Licensee and the application process would begin.
4. A Group Home is being renovated in the best interest of the persons in care, to include wider doorways, a bigger bathroom, etc. Three of the persons in care are moving to a hotel for two weeks, one requires more care and will be staying at another licensed group home.
  - A licence is required for the temporary location, even if renovations are being completed to the facility with the best interests of the persons in care in mind. If three or more persons are in care at a location, that is a premise, and it needs to be licensed.

The need to temporarily re-locate persons in care due to service delivery disruptions such as, flooding, power outages, etc. should be considered by the Licensee, as part of their overall emergency plan for the facility. A plan to recover from emergencies, including procedures for the evacuation of persons in care and how they will be cared for in an event of an emergency, should be developed by facilities prior to the need to move to a temporary location. Please refer to Sections 51 (1)(a)(b) of the Residential Care Regulation regarding emergency preparations.

All temporary locations whether due to emergency evacuation, holidays, or renovations must comply with the *Community Care and Assisted Living Act* and the Residential Care Regulation. Failure to comply may result in legal action.

If a Licensee, or Manager, is unsure whether an application for licence and the initiation of the licensing process is needed for their individual circumstance, contact your Licensing Officer for further information.

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