

LICENSING SERVICES HANDBOOK

Homes for Special Care



LICENSING SERVICES HANDBOOK

Homes for Special Care



General Inquiries and Complaints:

Phone: 1-877-223-9555 Email: dcslicensing@gov.ns.ca

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Introduction

This handbook is intended to be used as a reference if you operate a licensed home for special care, under the *Homes for Special Care Act* or are interested in opening a licensed home for special care. It provides information on the following topics:

- The license application process
- Information about the license
- What is involved in the inspection and monitoring of your licensed home for special care
- How to prepare for a licensing inspection
- Compliance and Enforcement policy
- How to report complaints and how Licensing Services responds to complaints

Licensing Services is a unit within the Department of Community Services. Our purpose is to protect the health, safety, and well-being of those receiving out-of-home care. We do this through inspections to ensure compliance with minimum requirements set out in the *Homes for Special Care Act*, the *Homes for Special Care Regulations*, and Services for Persons with Disabilities program standards. Throughout this handbook, these three sources are collectively referred to as the *Homes for Special Care Act*.

Licensing Services inspects and issues licenses to homes for special care with three or more residents. The following are the different types of homes for special care:

- **Residential Care Facility:** A Residential Care Facility provides a residential living support option for those who require minimal support with their daily living and community activities. Participants get limited direct support/supervision and generally do not have major medical or behavioural support needs.
- **Group Home:** A Group Home provides a residential living support option for those who require learning and assistance with their daily living and community activities. A Group Home focuses on skills development for participants.
- **Developmental Residence:** A Developmental Residence provides 24-hour residential support and supervision for four or more persons with intellectual disabilities who need moderate to high support with daily living and community activities. The Developmental Residence programs emphasize the development of interpersonal, self-care, domestic, and community-oriented skills for participants.
- **Small Options Home:** A Small Option Home provides residential home support for three to four participants with varying types of disability.
- **Adult Residential Centre:** An Adult Residential Centre (ARC) provides support to participants who need high levels of supervision and support in their daily living and community activities. An ARC provides structured supports and services to enhance the development of participants' interpersonal, community-oriented and daily living skills. Staffing is provided 24 hours / 7 days a week.

- **Regional Rehabilitation Centre:** A Regional Rehabilitation Centre (RRC) provides support to participants who need a range of support in daily living and community activities, and who need high levels of support with severe/multiple behaviour challenges. An RRC provides both rehabilitation and developmental programs to participants who require an intensive level of support and supervision related to complex behavioural challenges and skill development needs. Staffing is provided 24 hours / 7 days a week.

Licensing Services is accountable for the following:

- Processing license applications, ensuring licensing requirements are met, and issuing the license
- Providing technical assistance to homes to help them achieve compliance with the regulations and standards
- Performing a minimum of two inspections per year on-site at each licensed home for special care
- Carrying out compliance enforcement activities for homes that are found to be in non-compliance of any requirement of the *Homes for Special Care Act*
- Receiving and following up on complaints made against licensed and unlicensed homes for special care

Information about Licensing Services

For additional information about the application and licensing process, the Act and Regulations, and the Nova Scotia Department of Community Services (DCS) licensed programs, see the DCS Licensing Services website: <http://novascotia.ca/coms/licensing/index.html>

Information about Services for Persons with Disabilities

More information about programs and resources to help you understand the requirements and the supports available for operating and working in a licensed home for special care is available on the Services for Persons with Disabilities (SPD) website: <http://novascotia.ca/coms/disabilities/index.html>

Information about Children's Small Options Homes

The Nova Scotia Department of Community Services (DCS) also provides residential supports to children with disabilities. These homes are licensed under the *Children and Family Services Act*. For more information, refer to the Licensing Services Handbook for Residential Child-Caring Facilities, which is available on the DCS Licensing Services website: <http://novascotia.ca/coms/licensing/index.html>

Section 1 – Initial application process

If you are interested in providing residential and program support to individuals with disabilities in a home with three or more residents, you must have a license to operate a home for special care.

There are two stages to obtaining an initial license:

1. Services for Persons with Disabilities (SPD) approval for a proposal
2. Licensing Services recommendation and Minister approval

Stage 1: SPD approval for a proposal

Initial proposals to operate a home for special care are first submitted to the SPD program through a Request for Proposal (RFP) process. For more information about the RFP process contact the SPD office in your region (refer to ***Section 8 – Services for Persons with Disabilities regional contact information***).

When the RFP process has been completed, the SPD program will provide you with the Licensing Services license application form. You can contact a Licensing Supervisor to discuss the application form and licensing requirements (refer to ***Section 9 – Licensing Services contact information***).

Stage 2: Licensing Services recommendation and Minister approval

After your proposal is approved by the SPD program, you will be required to complete a license application form with the following documentation:

- A letter from the Municipality stating that the home conforms to zoning by-laws
- A copy of the Occupancy Permit from the Municipal Building Inspector
- A letter from a qualified electrician, plumber, and heating expert approving the electrical, plumbing and heating aspects of the home
- Proof of fire and liability insurance
- A copy of the Health Inspection Report (if 12 or more residents), indicating that all health safety requirements are met
- A copy of the Fire Inspection Report, indicating that all fire safety requirements are met
- A current floor plan of the home
- A current water analysis report (if on well supply)

It is recommended that you contact the Office of the Fire Marshal (fire inspection) and the Department of Agriculture (health inspection) early in the process because of the time it may take to arrange for these inspections (refer to [Section 7—Useful Resources](#) for contact information).

Submit your completed application and all the required documentation to Licensing Services:

Licensing Services

Licensing Supervisor

P.O. Box 696

Halifax, NS, B3J 2T7

dcslicensing@gov.ns.ca

Licensing Services is committed to having your initial license issued to you within 10 business days of receipt of the **complete** application, including **all** the required documentation. A Licensing Supervisor will review your application to verify that all required documentation has been submitted.

Before you are issued a license, a Licensing Officer will be assigned and will contact you to arrange an on-site inspection of your home to confirm that all the requirements of the *Homes for Special Care Act* are met. Once this is completed, a recommendation will be made to issue your new license. The Minister of Community Services provides the final approval and signs the license.

If you require any assistance during this stage of the application process, you can contact your assigned Licensing Officer directly or a Licensing Supervisor (refer to **Section 9 – Licensing Services contact information**).

Section 2 – Information about the issued license

This section provides details of your responsibilities and what to expect once you have your home for special care license, as well as the tools available to you if you wish to request a change.

The Minister of Community Services issues the license to your registered Licensee name. The license contains the following information:

- Name of the home
- Location of the home
- Type of home for special care
- Maximum number of residents
- Conditions of the license
- Effective dates of the license

Term

Licenses are issued for a period of five years.

Conditions

For a home for special care the following conditions are detailed on the license:

1. The licensee must comply with the Acts and regulations, and any orders or directions of an appropriate authority, respecting fire, safety, health and sanitary requirements.
2. Additional terms, conditions, or restrictions: any additional items will be detailed here (if, for example, the home is temporarily located at another address, the home has a waiver for a specific regulation, or the home is operating under a Probationary License).

Displaying the License

If you operate an Adult Residential Centre, a Regional Rehabilitation Centre, or a Residential Care Facility, the license for your home must be displayed in a prominent place within the main entrance to the home, where it is easily visible to licensing staff and the general public.

If you operate a Group Home, a Developmental Residence, or a Small Option Home, the license for your home must be displayed and available on request by licensing staff or the general public.

Renewal

At least 30 days before the end of the term of your license, you will receive a license renewal application form, asking you to verify the conditions on your license and confirm that you want your license renewed for another five-year term.

Voluntary Closure

If for any reason during the term of your license, you decide to close your home, you must advise your Licensing Officer of your decision. Licensing Services will issue a letter acknowledging your decision to close the home and will cancel your license.

Changing the License

At any time during the term of your license, you may request changes to your license (to change, for example, the maximum number of residents, the type of home for special care, or the location of the home). To request a change to your license, contact SPD and discuss the proposed changes with an SPD Specialist. The SPD Specialist will provide guidance on the steps required to obtain a recommendation to proceed with

the change (refer to [Section 8 – Services for Persons with Disabilities regional contact information](#)).

Once the SPD Specialist has recommended your requested change, a Licensing Supervisor will provide you with a change request application form, which you will have to complete and forward to the Licensing Services Head Office along with all the required documentation.

Many change requests require you to submit a Fire and Health inspection report. In that case, you will have to submit either a new inspection report or your current inspection report accompanied by an email or letter from your Fire and Health Inspectors indicating that they are aware of the change and that the existing inspection report is satisfactory.

A Licensing Supervisor will review your application to verify that all required documentation has been submitted. If the application is not complete, the Licensing Supervisor will return it to you and detail the outstanding documentation needed to proceed with the change request.

Depending on the type of change requested, a Licensing Officer may conduct an inspection to ensure compliance with the *Homes for Special Care Act*. If your request has been approved, an updated license will be issued.

Section 3 – Licensing inspections

This section provides information on the purpose of licensing inspections and a description of each type of inspection.

Purpose of Inspections

All licensed homes for special care are required by law to be inspected. Inspections are intended to ensure that all licensed homes for special care adhere to the Homes for Special Care Act. Licensed homes for special care will receive a minimum of two licensing inspections during a 12-month-period. However, if non-compliance is identified or a complaint received, licensing staff may conduct additional inspections.

Licensing Inspection Report

Having completed the inspection, your Licensing Officer will issue a Licensing Inspection Report, which provides the results of the inspection and details of any identified non-compliance items. The Licensing Officer will review the inspection report with the home's Administrator, or designate, who will have to sign and post the Licensing Inspection Report.

If you are not the Administrator of the home, an additional copy of the Licensing Inspection Report will be generated, with the expectation that the Administrator will send you a signed copy for your records.

Type of Inspections

INITIAL LICENSE INSPECTION

This inspection occurs when you apply for an initial home for special care license. Its purpose is to ensure adherence to the *Homes for Special Care Act*. The inspection will be scheduled in advance by the Licensing Officer who will conduct it.

INITIAL UNANNOUNCED INSPECTION

This inspection takes place three (3) to six (6) months after your initial license is issued. You are not informed in advance of the inspection date. If your home is in full compliance, the next scheduled inspection would occur on or before the Annual Inspection anniversary date. If non-compliance items have been identified, a Monitoring Inspection will be scheduled.

ANNUAL INSPECTION

Annual inspections are performed at all licensed homes for special care. This inspection occurs on or before your Annual Inspection anniversary date. Your Licensing Officer will contact you to schedule this inspection and will answer any questions you may have. If your home is in full compliance, the next inspection would be an Annual Unannounced Inspection, which would occur in four (4) to six (6) months. If non-compliance items have been identified, a Monitoring Inspection will be scheduled.

ANNUAL UNANNOUNCED INSPECTION

This unannounced inspection occurs at least once within a 12-month period. The inspection is done four (4) to six (6) months from the date of your Annual Inspection, and you are not informed of the inspection date. If your home is in full compliance, the next inspection would be your Annual Inspection. If non-compliance items have been identified, a Monitoring Inspection will be scheduled.

MONITORING INSPECTIONS

Monitoring inspections are conducted if non-compliance items were identified during an inspection. A Licensing Officer will conduct a Monitoring Inspection by the date specified on the Licensing Inspection Report to correct the identified non-compliance items. If you are not sure how to correct the non-compliance item, you can contact your Licensing Officer for technical assistance.

If there are non-compliance items still outstanding and not corrected after a Monitoring Inspection, an additional Monitoring Inspection is conducted with a new correct-by date specified. Additional Monitoring Inspections will also result in enforcement measures being implemented according to the Compliance and Enforcement Policy (refer to [*Section 5 – Compliance and Enforcement Policy*](#)).

ENHANCED MONITORING INSPECTIONS

Licensing Services may deem it necessary to conduct additional Monitoring Inspections to ensure continued safety of residents during periods of non-compliance or when renovations are occurring at your home. These visits may be scheduled or unannounced.

COMPLAINT INVESTIGATIONS

Licensing Services receives and manages complaints about homes for special care. It may be determined, based on the information received, that a Licensing Officer will have to visit your home in order to determine if any action is required. If the complaint results in non-compliance with the requirements of the Homes for Special Care Act, the item and correct-by date is noted on the Licensing Inspection Report, and a Monitoring Inspection will be scheduled. If no action is required, a Licensing Inspection Report will be issued indicating that there are no areas of non-compliance.

Some complaints pertain to other Departments or programs (SPD, for example, or the Department of Agriculture, or the Office of the Fire Marshal). In these cases, a referral will be made to the appropriate area (refer to ***Section 6 – Complaints***).

Section 4 – How to prepare for an inspection

This section provides recommended practices to ensure that you and your home are prepared for an inspection. The purpose of an inspection is to determine whether your home is complying with the minimum requirements for a licensed home for special care.

Technical Assistance

You may request technical assistance from either your Licensing Officer or a Licensing Supervisor. The intent of technical assistance is to provide information and support to help you meet and maintain compliance with the *Homes for Special Care Act*. We are also available to meet with you and your staff to answer any questions you may have. Our goal at Licensing Services is to help homes meet compliance and we encourage you to contact us at any time. Technical assistance can occur via telephone, through site visits, by letter, or by email.

Know the minimum requirements

To ensure that your home meets the minimum requirements at all times, it is important that you and your staff are familiar with the *Homes for Special Care Act*, the *Homes for Special Care Regulations* and the SPD program standards. If you have questions or need clarification, your Licensing Officer is available to assist you.

Review previous Licensing Inspection Reports

You may wish to review Licensing Inspection Reports from previous inspections, as this will give you a listing of non-compliance items identified in the past.

Review the Inspection Checklist form

You may wish to review the Homes for Special Care Inspection Checklist used by Licensing Officers during inspection visits. A copy of the checklist is available on our website

(<http://novascotia.ca/coms/licensing/HomesforSpecialCare.html>), or you may request a copy from your Licensing Officer or by contacting Licensing Services.

Have resident and administrative records ready

Check to see that all records and required documentation are complete, organized, and up-to-date. Also, make sure that all required administrative records and postings are accessible for review. Here are some examples of the records and documentation the Licensing Officer will ask to see:

- a copy of your policies and procedures
- schedule of program and activities
- residents' files
- residents' individualized plan
- medication records
- staff training

Some of the documentation, such as fire inspection reports or confirmation of required staff training, may take several weeks to be completed. You will need to ensure that the documentation is obtained early enough in advance, so that it can be reviewed at the time of your inspection.

Talk with your staff

You may wish to speak to your staff about the licensing inspection in order to better prepare them and help them understand the process. It is important for staff members to be familiar with the Homes for Special Care Inspection Checklist and understand what the Licensing Officer may be looking for. They should feel free to speak with the Licensing Officer and to ask questions. Staff should be encouraged to follow regular routines during the inspection

Talk with your residents

You may wish to speak to your residents about the licensing inspection in order to better prepare them and help them understand the process. They should feel free to speak with the Licensing Officer and to ask questions. Residents should be encouraged to follow regular routines during the inspection

What to expect during an inspection

During an inspection, a Licensing Officer will record notes, complete observations, review records and postings, and speak with the home Administrator, staff, and residents. Once the inspection is complete, the Licensing Officer will determine whether your home meets the requirements. If there are any identified non-compliance items, the Licensing Officer will provide details on them and specify a correct-by date. The Licensing Officer will review the results of the inspection and generate the Licensing Inspection Report.

The length of an inspection varies and may take several hours. Feel free to inform the Licensing Officer of any needs during this timeframe (such as scheduled appointments or staff break coverage).

Section 5 – Compliance & Enforcement Policy

This section provides a summary of the actions that occur under the Compliance and Enforcement process when non-compliance with the *Homes for Special Care Act* is identified. The *Compliance and Enforcement Policy* can be reviewed online at <http://novascotia.ca/coms/licensing/index.html>.

First Monitoring Inspection

If non-compliance is identified during an inspection, a Monitoring Inspection is conducted by a Licensing Officer on or before the date specified on the Licensing Inspection Report to correct the identified non-compliance.

Probationary Warning Letter

If at the first Monitoring Inspection, the non-compliance items are not corrected, the Licensing Officer will escalate the non-compliance to a Licensing Supervisor and assign a second Monitoring Inspection date. The Supervisor, after reviewing the information on the outstanding non-compliance items, may recommend that the Director of Licensing Services issue a Probationary Warning Letter. This letter will advise you that if the non-compliance items are not corrected by the specified correct-by date, a Probationary License may be issued. The Probationary Warning Letter must be displayed in your home.

Probationary License

If at the second Monitoring Inspection, the non-compliance items are not corrected, the Licensing Supervisor will escalate the non-compliance to the Director, Licensing Services, and assign a third Monitoring Inspection date. The Director, after reviewing the information on the outstanding non-compliance items, may recommend that the Minister of Community Services issue a Probationary License. The Probationary License must be displayed in your home. A letter accompanying the Probationary License and will advise you that if the non-compliance items are not corrected by the expiry date identified on the Probationary License, a recommendation will be made to the Minister to suspend or cancel your license.

Suspension or Cancellation of License

If at the third Monitoring Inspection, the non-compliance items are not corrected, a Licensing Supervisor will escalate the non-compliance to the Director of Licensing Services. The Director, after reviewing the information on the outstanding non-compliance items, may recommend that the Minister of Community Services suspend or cancel your license. A letter from the Minister will be issued detailing the suspension or cancellation decision and the required next steps.

Please note that the Minister may at any time suspend or cancel a license. This would only occur when there is sufficient evidence to warrant the suspension or cancellation.

Action Plans

Depending on the nature of a non-compliance item and the circumstances around coming into compliance, your Licensing Officer may suggest establishing an Action Plan for your home to come into compliance.

Here is an example situation where an Action Plan could be implemented to correct non-compliance with the regulations; a home has to undertake renovations, repairs, or replacements, but the work, for various reasons, cannot reasonably be completed within the identified correct-by date.

To establish an Action Plan, you will need to coordinate with your Licensing Officer and complete a Facility Action Plan form. The completed form, which provides the details of your plan to come into compliance with the non-compliance item, will have to be approved by Licensing Services.

Section 6 – Complaints

Licensing Services is responsible for following up on any complaints pertaining to both licensed homes for special care and unlicensed homes. You are encouraged to contact us when you have any concerns or questions. Phone **1-877-223-9555** or email dcs_licensing@gov.ns.ca.

Licensed homes for special care

When a complaint is received, the information is assessed and a determination is made as to whether an investigation is required. If the complainant provides information that indicates a contravention of the *Homes for Special Care Act*, a Licensing Officer will investigate. Depending on the nature of the complaint, Licensing Services may also refer the complaint to other government departments or programs, such as SPD, Department of Agriculture, or Office of the Fire Marshal.

Unlicensed homes

No person shall conduct, maintain, operate or manage a home for special care, unless that person is issued a license to do so. The Homes for Special Care Act prohibits any person from advertising, implying, or leading the public to believe that a place is a licensed home for special care if it is in fact not licensed.

Anyone who has reason to believe that a person is running an unlicensed facility is encouraged to call **1-877-223-9555** and report the home.

Protection for Persons in Care

The *Protection for Persons in Care Act* is an extra safeguard from abuse for residents living in a home for special care. Under the Act, abuse may be physical, emotional, sexual, financial, or related to neglect or the administering of medication. The Act requires Administrators of the home (including staff and volunteers) to promptly report all allegations or instances of abuse. More information is available online at <http://novascotia.ca/coms/licensing/PersonsinCare.html>.

Anyone may report a potential incident of abuse under the *Protection for Persons in Care Act* by calling **1-800-225-7225**.

Section 7 – Useful Resources

This section provides links to related information and other resources you might find useful.

Homes for Special Care Act and Regulations

<http://novascotia.ca/coms/licensing/HomesforSpecialCare.html>

Licensing Services website

<http://novascotia.ca/coms/licensing/index.html>

Licensing Services Homes for Special Care Checklist

http://novascotia.ca/coms/licensing/documents/Homes_for_Special_Care_Licensing_Checklist.pdf

Services for Persons with Disabilities website

<http://novascotia.ca/coms/disabilities/index.html>

Office of the Fire Marshal

<http://novascotia.ca/lae/publicsafety/ofm.asp>

Health Inspections: Food Safety

<http://novascotia.ca/agri/programs-and-services/food-production/>

Section 8 – Services for Persons with Disabilities regional contact information

Eastern Region

360 Prince Street, Suite 25
Sydney, NS, B1P 5L1
Phone: (902) 563-3302
Fax: (902) 563-5693

Northern Region

161 Terra Cotta Drive
New Glasgow, NS, B2H 6B6
Phone: (902) 755-7023
Fax: (902) 752-5088

Central Region

2131 Gottingen Street
Halifax, NS, B3K 5Z7
Phone: (902) 424-5074
Fax: (902) 424-5115

Western Region

10 Webster Street, Suite 202
Kentville, NS, B4N 1H7
Phone: (902) 679-6715
Fax: (902) 679-6127

Section 9 - Licensing Services contact information

General Inquiries and Complaints

Phone: 1-877-223-9555

Email: dcs_licensing@gov.ns.ca

Licensing Services Head Office

5675 Spring Garden Road, 3rd Floor

P.O. Box 696, Halifax, NS B3J 2T7

Fax: (902) 428-5818

Jody Trethewey, Supervisor

Phone: (902) 424-8275

Email: trethejg@gov.ns.ca

Shannon MacMichael, Supervisor

Phone: (902) 424-6992

Email: macmicsl@gov.ns.ca

Section 11 – Your contacts information

| Licensing Officer | |
|--------------------------|--|
| Name | |
| Phone | |
| Fax | |
| Email | |

| SPD Specialist | |
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