

Duty to Notify – Decision Guide

Overview

Continuing care service providers and operators in Alberta are required to report to Alberta Health any serious event or incident that has occurred, or that has the potential to occur. This requirement is established in the *Continuing Care Act*, the Continuing Care Regulations, and additional requirements are included in Supportive Living Accommodation Standards, the Continuing Care Home Accommodation Standards, and the Continuing Care Health Service Standards.

Section 44 of the *Continuing Care Act* states:

Duty to Notify

A continuing care home operator, supportive living accommodation operator or home and community care provider shall immediately notify the director in accordance with the regulations if the continuing care home operator, supportive living accommodation operator or home and community care provider knows or has reasonable grounds to believe that

(a) events or circumstances have occurred, are occurring or may occur that

(i) are or may be injurious to the health or safety of

(A) a resident or residents of the continuing care home or supportive living accommodation, or

(B) an individual or individuals receiving home and community care,

or,

(ii) may jeopardize the ability of the continuing care home operator, supportive living accommodation operator or home and community care provider to provide facility-based care, supportive living services or home and community care,

or,

(b) any event or circumstances described in the regulations has occurred, is occurring or may occur.

Section 81 of the *Continuing Care Regulation* states:

Duty to Notify

The following events and circumstances apply for the purposes of section 44(b) of the Act:

(a) the continuing care home operator, supportive living accommodation operator or home and community care provider is convicted, after the coming into force of this section, of an offence under any of the following enactments, regardless of whether the conduct that was the basis for the conviction occurred before or after the coming into force of this section:

(i) the Act;

(ii) the Nursing Homes Act;

(iii) the Protection for Persons in Care Act;

(iv) the Public Health Act;

(v) the Supportive Living Accommodation Licensing Act;

(vi) a regulation made under an Act referred to in subclauses (i) to (v);

(vii) the Criminal Code (Canada);

(b) a type 2 home and community care provider terminates a home and community care agreement.

Standard 17(4) of the Accommodation Standards - Continuing Care Home Chapter 1 states:

In accordance with the Continuing Care Regulation, any incident within the type A continuing care home or its grounds in which the safety or security of a resident is breached must be documented and reported to the director designated under section 38 of the Continuing Care Act, along with the actions taken to address the incident or remedy the breach, as the case may be.

Standard 18(4) of the Accommodation Standards - Continuing Care Home Chapter 2 states:

In accordance with the Continuing Care Regulation, any incident within the type B continuing care home or its grounds in which the safety or security of a resident is breached must be documented and reported to the director designated under section 38 of the Continuing Care Act, along with the actions taken to address the incident or remedy the breach, as the case may be.

Standard 18(4) of the Accommodation Standards – Supportive Living Accommodation states:

In accordance with the Continuing Care Regulation, any incident within the supportive living accommodation or its grounds in which the safety or security of a resident is breached must be documented and reported to the director designated under section 38 of the Continuing Care Act, along with the actions taken to address the incident or remedy the breach, as the case may be.

Standard 20.4 of the Continuing Care Health Service Standards states:

Reportable incidents must be reported in accordance with the process and guidelines set out by the Ministry of Health director designated under section 38 of the Continuing Care Act. The actions taken to address the incident must also be documented and reported to the director.

Duty to Notify Report Types

The first section of the form asks the respondent to indicate if the Duty to Notify event was a reportable incident or other. This allows the Ministry of Health to report separately on events that occurred as well as events that could have occurred or led to harm. Use the following descriptions to determine which type of report for duty to Notify:

Duty to Notify (Reportable Incident)

Choosing this category indicates that:

An event **has occurred** or **is occurring** that:

- **Is** injurious to the health or safety of clients
- Or **may** jeopardize the ability of the operator or provider to provide care or services.

Duty to Notify (other)

Choosing this category includes:

Offences and convictions:

- An operator, provider or third party service provider has been convicted of an offence listed in Section 81 of the Continuing Care Regulation.

An event has occurred, that:

- **Could have been** injurious to the health or safety of clients
- Or **could have** jeopardized the ability of the operator or provider to provide care or services.

An event that may occur, that:

- **May be** injurious to the health or safety of clients
- Or **may** jeopardize the ability of the operator or provider to provide care or services.

Types of Events to Report

- The following events must be reported.
 - Death (not including natural causes)
 - Serious harm (not including abuse)
 - Serious harm (alleged abuse)
 - Extensive damage to the accommodation
 - Unplanned activation of a contingency plan
 - Client unaccounted for
 - Other situations (examples, but not limited to, strike action, event with potential to generate media attention, significant breach in confidentiality with significant consequences)
 - Offences under the Act and regulations, the Nursing Homes Act, the Protection for Persons in Care Act, The Public Health Act, the Supportive Living Accommodation Licensing Act, the Criminal Code of Canada
 - A type 2 home and community care provider terminating a home and community care agreement
- Home and community care providers are responsible for reporting incidents that have occurred during provision of care services and/or incidents that impact the ability to provide care services
- In a supportive living accommodation, the operator of the accommodation is responsible for reporting incidents regarding the accommodation itself or as a result of the services provided by any employees acting for the operator
- Additional information and examples of events are provided in the table below

When and how to report an event?

- Any event of the nature described in the table below must be reported by the operator as soon as reasonably possible, but no later than **48 hours from the occurrence of the incident or event**.
- Incidents must be reported using the Duty to Notify Form provided by Alberta Health by emailing it to CULO@gov.ab.ca.
 - The form is an interactive PDF that will help to facilitate the reporting process. The form should be filled out electronically; using the “submit” feature of the form will allow you to send the information to Alberta Health directly.
 - Operators and providers will be able to add additional recipients as appropriate.
 - Identifiable client health and personal information **must not** be included on the form.
 - If a copy of the form is requested for disclosure to a third party, please contact the Continuing Care Licensing Office at CULO@gov.ab.ca.
- If you have reason to believe that this incident meets the definition of abuse under the Protection for Persons in Care (PPIC) Act please call 1-888-357-9339 or [Alberta's Abuse Helpline](https://www.alberta.ca/report-abuse-to-protection-for-persons-in-care.aspx) at 1-855-4HELPAB, or visit <https://www.alberta.ca/report-abuse-to-protection-for-persons-in-care.aspx>.

Other Required Reporting

The *Continuing Care Act* (Act) requires a licence holder to inform the Director of substantial changes to the operation or ownership of the Continuing Care Home or Supportive Living Accommodation. Please use the Notice to Director form to report substantial changes to the operation or ownership of a Continuing Care Home or Supportive Living Accommodation.

What to include in the report?

Operators and providers must provide the following information in the form.

- Continuing Care Home operator / Supportive Living Accommodation operator / Home and Community Care provider name, municipality, and phone number
- Accommodation ID (if known / applicable)
- Continuing care type:
 - Continuing Care Home: License Type A, B, C;
 - Supportive Living Accommodation; or,
 - Home and Community Care: Type 1, 2, or 3
- Main category of the event or incident, as well as the subcategory
- Details of the incident or event, including:
 - Date and time that the incident or event occurred
 - Description of the incident or event itself
 - Outcome of the incident or event
 - Actions taken to immediately address the incident or event
 - Any authorities that were notified about or responded to the incident or event (Police, Fire, Public Health, Person in Protective Care, etc.)
- Changes made in response to the incident or event to date, including:
 - Actions or steps that will be taken to mitigate this incident or event from happening in the future
 - Description of any policy changes that resulted from the incident or event
 - Description of any changes in practice that resulted from the incident or event
- Name, position, and contact number of the person submitting the report

Definitions:

Serious Harm: physical or psychological injury which is life threatening and / or traumatic to the individual

Extensive Damage: damage to the extent that the ability of the operator or provider to continue to provide accommodation services and a safe and secure environment is affected

Fall*: unintentionally coming to rest on the ground, floor or other lower level

Staff Shortage*: staff shortage that disrupts the ability of the operator or provider to provide services to the residents and/or clients. Continuing Care Home operators, Supportive Living Accommodations operators, and Home and Community Care providers must ensure the health, well-being, and safety of resident and clients

Loss of Service Equipment*: equipment that is vital to the operation of the accommodation that without would require additional actions to be taken to maintain services for the residents

Examples of Required Reporting

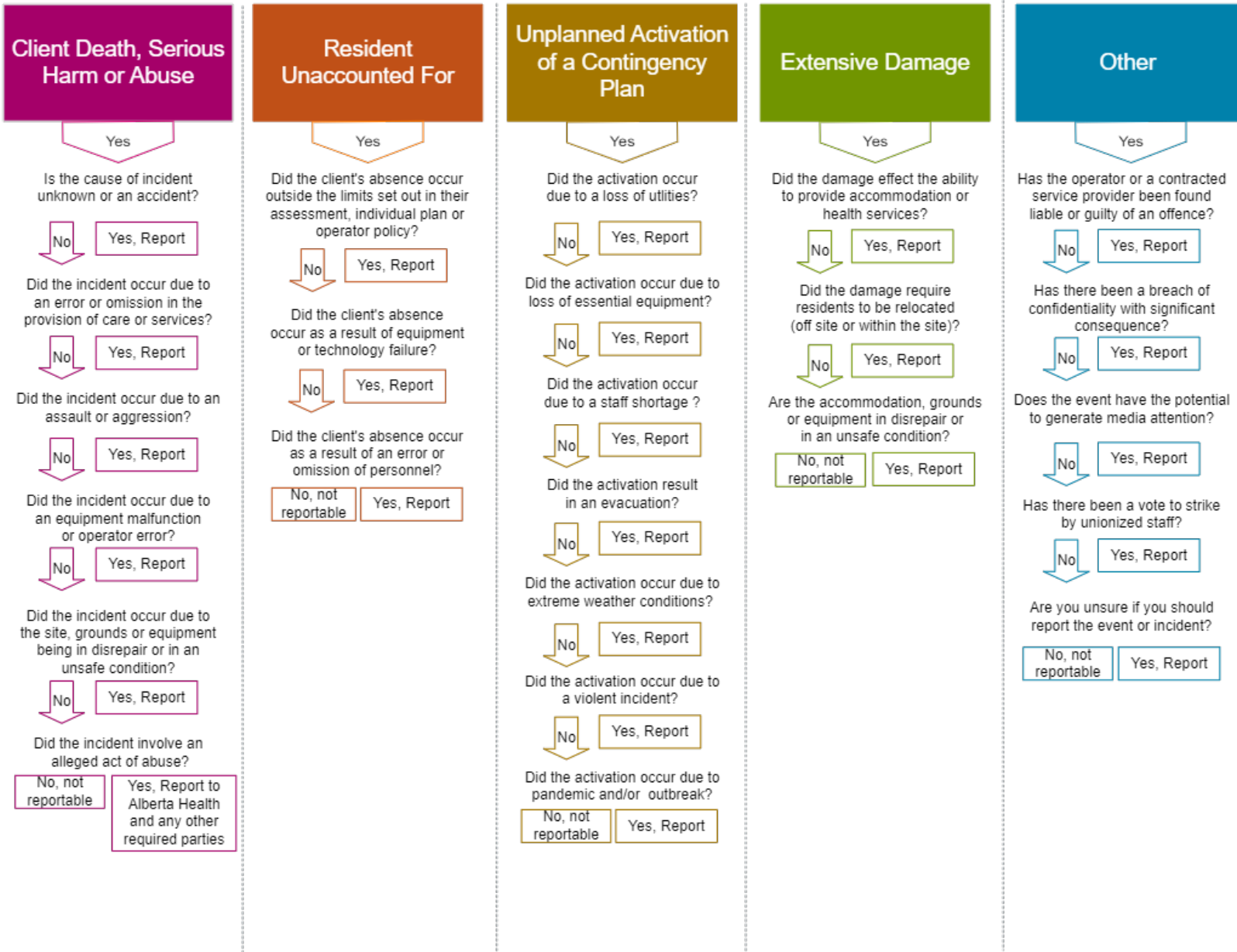
The table below provides examples of incidents or events that should be reported. It is not an exhaustive list, operators and providers are expected to use their good judgement.

Operators should report any serious event or incident within the categories below. If an operator is unsure if an event or incident constitutes a reportable event, they should contact Alberta Health Continuing Care Licensing Office at CCLO@gov.ab.ca.

Examples of Incidents and Events to Report Through the Duty to Notify Form

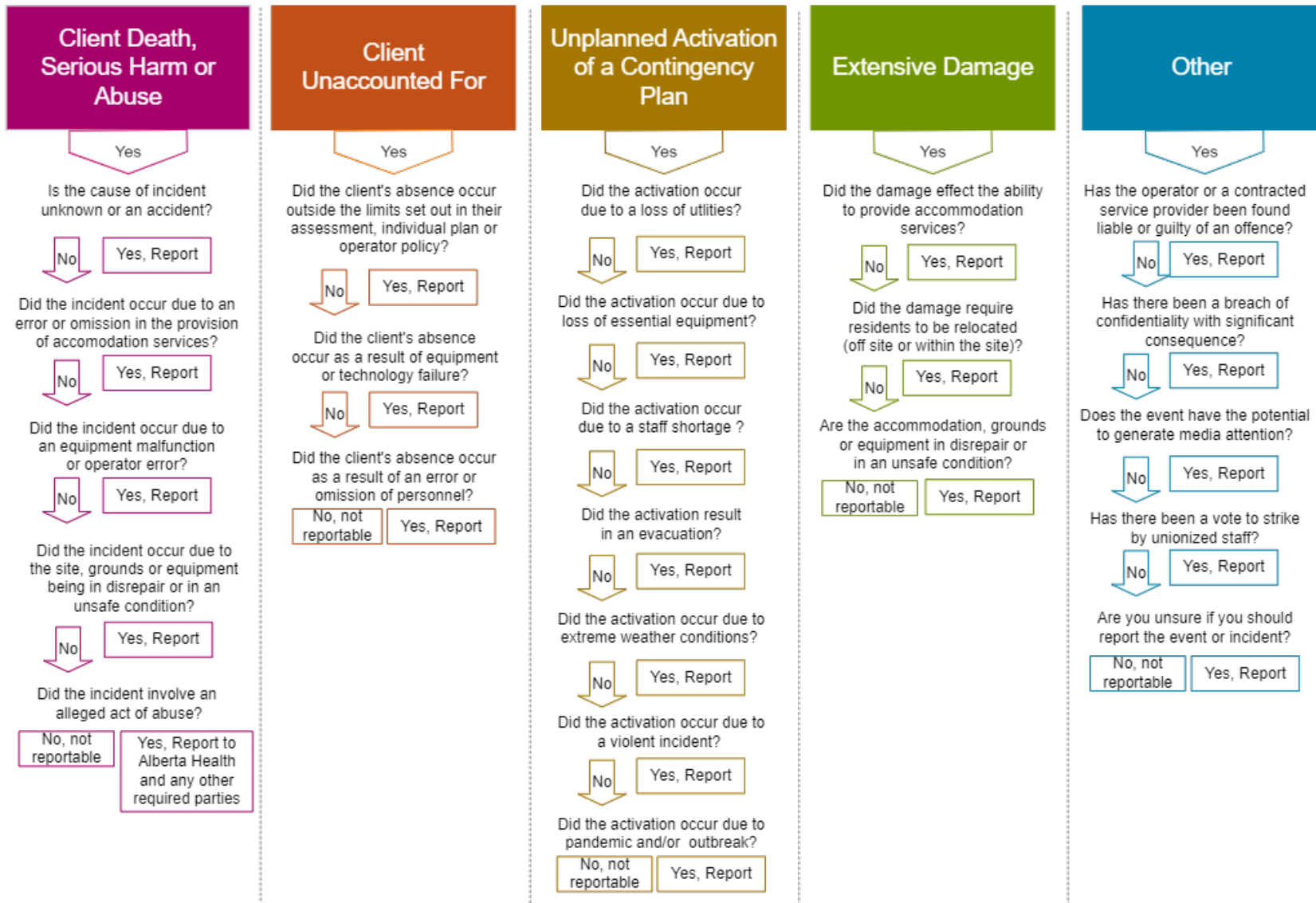
Client Death, Serious Harm or Abuse	Client Unaccounted For	Unplanned Activation of a Contingency Plan	Extensive Damage
Accident <ul style="list-style-type: none"> An event that happened by chance, that is without apparent or deliberate cause that led to death or serious harm May include events identified below where the cause or an error or omission in care is not identified Includes unexpected deaths where the cause is under investigation 	Client absence <ul style="list-style-type: none"> Unexplained client absence Abnormal extended absence of a client Elopement 	Disruption of utilities <ul style="list-style-type: none"> Power Gas Water (including contamination of supply) Telephone or Internet Service 	Damage or relocation of client due to: <ul style="list-style-type: none"> Fire Flood Natural Disaster Building or Equipment Failure Other
Assault or aggression <ul style="list-style-type: none"> Self-harm Aggressive behaviour to others Sexual Assault Attempted suicide Any other incident reported to or investigated by the police 		Evacuation <ul style="list-style-type: none"> Any emergency, including fire or gas leaks leading to an unplanned evacuation or intake of evacuees 	Extensive damage or losses: <ul style="list-style-type: none"> Impact ability to coordinate or provide care
Error or omissions <ul style="list-style-type: none"> Falls* (witnessed & unwitnessed) Risk agreement or care plan not adhered to Choking Burns, scalding Ingestion of chemicals or toxins Sharps injury 	Equipment or technology failure <ul style="list-style-type: none"> Failure of: <ul style="list-style-type: none"> Door alarms Pendants Call bells Roam alert systems Communication systems Client care systems 	Staff Disruption <ul style="list-style-type: none"> Strike Shortage* Pandemic or Outbreak 	Other Situations <ul style="list-style-type: none"> A breach of confidentiality with significant consequences An event that has the potential to generate media attention An event that is beyond the accommodation's ability to manage Notice of a Strike Vote (unionized staff) Termination of a Type 2 Home and Community Care Agreement
		Equipment malfunction or operator error <ul style="list-style-type: none"> Equipment malfunction Operator error (improper use of equipment or insufficient maintenance and / or monitoring) 	
Accommodation, grounds, equipment in disrepair or unsafe <ul style="list-style-type: none"> Ice or snow not been removed Injury due to disrepair, tripping hazards Motor vehicle accident Roof leak, collapse, damage to section of building 	Error or omission of personnel <ul style="list-style-type: none"> Failure of daily accounting systems or inability to complete wellness checks Failure of site security 	Loss of essential equipment <ul style="list-style-type: none"> Loss of heating equipment Loss of service equipment* Loss of equipment relating to food services or supply Loss of elevator 	Offences <ul style="list-style-type: none"> Operator or provider has been charged with an offence Operator or provider has been found liable or guilty of an offence
Medication error <ul style="list-style-type: none"> Missed dose, extra dose, Incorrect client, medication, dose, route, or frequency Monitoring, prescription or transcription problem Unsecured medications being ingested Missing narcotics or controlled substances 			Other <ul style="list-style-type: none"> Report any other event which may jeopardize the ability of the operator or provider to provide facility-based care, supportive living services or home and community care
Abuse alleged or confirmed <ul style="list-style-type: none"> Emotional Financial Neglect Physical Sexual Verbal Exploitation 	Impact on Care <ul style="list-style-type: none"> Contingency plan for unexpected client absence has failed Concern for client safety due to care not being provided (e.g. client unavailable for Home and Community Care) 	Other Activations <ul style="list-style-type: none"> Violent incidents Unlawful entry by an unauthorized person or persons 	

Duty to Notify Decision Guide: Continuing Care Homes



Duty to Notify Decision Guide: Supportive Living Accommodations

Report incidents that have occurred related to the accommodation itself or as a result of the services provided by the operator or any employees acting for the operator.



Duty to Notify Decision Guide: Home and Community Care Providers

Report incidents that have occurred during the provision of care services and/or incidents that impact the ability for a client to receive care

