

## **Nova Scotia Residential Agencies Association (NSRAA)**

### **Membership: 45 Community Based Residential Service Providers**

#### **Response to Bill No. 65 - May 10, 2010**

##### **Background:**

NSRAA was incorporated in 1993. Members operate not-for-profit community-based residential services throughout Nova Scotia for more than 1200 persons with disabilities in a range of support models; Group Homes, Developmental Residences, Small Options, Associate Families, Supported Apartments, Independent Living Supports, and Respite Services.

Group Homes and Developmental Residences have long been operated under the Regulations as set forth for the Homes for Special Care Act. As service trends evolved and became increasingly individualized and person centered it became recognized that the language/requirements of the Homes for Special Care Act and the Regulations as set forth had become increasingly less relevant. While some minor changes have been instituted through modifications to the Regulations in an effort to reflect the changing nature of service models in Nova Scotia the sector has long awaited a total revamping/repeal of the Act with a view to moving toward a model of licensing/accreditation of Service Providers rather than the licensing of facilities.

As a result of the above the membership was shocked mid day last Wednesday when the news outlining amendments to the Homes for Special Care Act as proposed in Bill No. 65 was released. We have been perplexed since the enactment of the Protection of Persons in Care Act in Nova Scotia as to what rationale would exclude persons in care from protection purely based on models of service by size/number.

Since the Protection of Persons in Care Act did not apply to facilities/services that were unlicensed the sector, funded by Community Services, has continued to adhere to the requirement for timely reporting of serious occurrences as defined by the Department of Community Services through the Notification of Incident process. The sector is concerned that the HSC Act and Regulations, outdated in view of the evolving trends toward more individualized support, with this Bill may only serve to further restrict the rights of persons in care rather than enhance their protection through amendment to the PPC Act.

##### **NSRAA Position:**

1. The NSRAA supports a legislative framework guaranteeing the rights and entitlements of persons with disabilities to live inclusively in community with portable individualized resources.
2. The NSRAA supports the inclusion of all persons in any supported care relationship under the provisions of the Protection of Persons in Care Act.
3. The NSRAA supports licensure by the Dept., and third party accreditation of, Agencies/Service Providers.

##### **NSRAA Proposes Legislation, Licensing & Accreditation of Agencies**

##### **Rationale:**

- NSRAA supports this option as it represents a comprehensive approach to ensuring that persons with disabilities are supported by service providers that demonstrate compliance with Departmental standards along with compliance of an external accreditation regime guaranteeing quality assurance.
- NSRAA supports this option as it provides the Department with broad latitude to monitor and intervene proactively.

- NSRAA supports this options as it provides the Province of Nova Scotia a framework to develop a unified set of statutes reflective of overlapping Departmental jurisdictions, along with a cross referencing for revisions from other statutes.
- NSRAA supports investment in developing a statutory framework that reflects 21<sup>st</sup> century norms/trends for supporting persons with disabilities.
- NSRAA supports this option as it permits continuation of advantages conferred by the Interim Standards while clearly establishing a framework for revision.
- NSRAA supports this option as it requires a new and relevant Act with respect to services for persons with disabilities and other vulnerable persons.
- NSRAA supports this option as it provides opportunity to replace outdated legislation with a clear, simple future oriented statutory framework reflective of International standards, Canadian Charter of Rights and Freedoms and the United Nations Declaration of the Rights of Persons with Disabilities.
- NSRAA supports this approach as a means of addressing the following issues related to inclusion of small option homes for three (3) persons or more under the HSC Act:
  - A) Funding
  - B) Real Estate – owned, leased
  - C) ILS and Supervised Apartment clients
  - D) Stand alone and two person options.
  - E) Residential Care Facilities, Boarding Homes, Alternate Family, Respite
  - F) Food Service
  - G) Medical Services
  - H) Program and Recreational Services
  - I) Staffing/Supervisory Ratios
  - J) Client care needs
- NSRAA supports this approach as it is predicated on the individual rather than the facility or the service provider.

#### **Ministerial Intervention**

##### **Rationale:**

- NSRAA supports the inclusion of all persons with disabilities in care under the provisions of the Persons in Protective Care Act. The proposed Bill No. 65 will not serve to protect individuals supported in models serving fewer than three.
- NSRAA supports the Minister's intention to intervene to protect persons in care however, where concerns regarding standard of care exist does the Minister now not have authority to restrict or cease business with a Service Provider in the first instance?

#### **In Summary**

The Membership of NSRAA commends the Minister for her commitment to act in this matter to protect Nova Scotians in care however we respectfully request opportunity for consultation in matters of import to the sector in the days ahead.

Respectfully Submitted,

Carol Ann Brennan, President  
On Behalf of the Membership of NSRAA