

Information about Investigations in Community Care Facilities

1. The Context:

- An Investigation into a licensed community care facilities is the responsibility of the Health Authority, Medical Health Officer (MHO) as per Section 15 of the *Community Care and Assisted Living Act*. A Licensing Officer carries out an investigation on behalf of the Medical Health Officer. An investigation may be conducted in association with the police, a funding body (e.g. Ministry of Children and Families), or the licensee of the facility.
- All reportable incidents/complaints received by the licensing program regarding a community care facility, whether verbal, written, or anonymous, must be investigated. The extent to which the Licensing Officer investigates depends upon the nature and severity of the incident/complaint.

2. Goal of Investigations:

- The goal of an investigation is to obtain accurate information about a possible contravention of the Community Care and Assisted Living Act and Regulations occurring in a community care facility. The principles of and the need for due process and fairness, while maintaining a balance between the need for the safety of individuals in care and the rights of the licensees and alleged perpetrators are essential.
- The criteria used in an investigation under the Community Care and Assisted Living Act are different than the criteria used in a criminal investigation. The investigation is not dependent on criminal charges being laid or criminal conduct having occurred. It is based on the probability that the event occurred or that the facility failed to comply with the Act or the Regulations.
- The Freedom of Information and Protection of Privacy Act applies to public bodies and protects personal privacy.

3. Investigation Process:

- The Community Care Facility Program receives an incident report or a complaint.
- The licensing officer contacts the licensee.
- Depending upon the circumstances, various agencies may be notified. These could include the Police, Ministry for Child and Family Development, the Mental Health Program, or Home and Community Care.
- A facility inspection is carried out to determine the need for an investigation. The licensee is informed about the nature of the allegation and if warranted, an investigation commences.
- As part of the investigation, the licensing officer may request a health and safety plan to determine how clients will be protected during the investigation.
- The licensing officer either accepts the plan or requests an alternative plan. The licensing officer may visit the facility to ensure the plan is implemented.

Investigation Process (con't)

- Interviews with those involved may be scheduled and completed by the licensing program and/or other agencies.
- The licensing officer may request records and files to review.
- The licensing officer will request correction of any noted contraventions. This will be requested in writing and include a timeframe for correction.
- A follow up visit may be done to confirm that the facility is in compliance.
- The licensing officer completes a written report and sends a copy to the licensee. A written response to the report is requested. Upon receipt of the response, the licensing officer makes a recommendation to the Medical Health Officer regarding the status of the license.
- If the Medical Health Officer decides to take action on a license, the licensee has the right to Reconsideration. A Reconsideration is a presentation of the facts to ensure that all relevant information has been taken into account. It is giving the licensee a chance to present facts and 'be heard' a second time. It is a request to have the decision reviewed.
- If the decision is upheld, the licensee has the right to appeal the decision to the Appeal Board.

4. Timeline:

- The licensing officer must ensure confidentially and make certain that the investigation is conducted as quickly and as fairly as possible. However, depending upon the nature of an investigation, completion dates will vary.

5. Resource Web sites:

www.healthservices.gov.bc.ca/ccf
www.ombudsman.bc.ca