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## ONTARIO REGULATION 299/10

made under the

### SERVICES AND SUPPORTS TO PROMOTE THE SOCIAL INCLUSION OF PERSONS WITH DEVELOPMENTAL DISABILITIES ACT, 2008

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### QUALITY ASSURANCE MEASURES

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#### PART I GENERAL

**Definitions and application**

1. (1) In this Regulation,

“abuse” means action or behaviour that causes or is likely to cause physical injury or psychological harm or both to a person with a developmental disability, or results or is likely to result in significant loss or destruction of their property, and includes neglect; (“mauvais traitements”)

“individual support plan” means a written document that is developed by a service agency that identifies specific strategies that are to be undertaken to help a person with a developmental disability to achieve their goals, and the services and supports that are to be provided to the person; (“plan de soutien individualisé”)

“mission statement” means a written statement that describes a service agency’s or application entity’s overarching purpose or goals; (“énoncé de mission”)

“neglect” means the failure to provide a person with a developmental disability with the support and assistance that is required for their health, safety or well-being and includes inaction or a pattern of inaction that jeopardizes the health or safety of the person; (“négligence”)

“police records check” means a record of a person’s involvement with the police obtained through a search of police data bases and shall include a review of the vulnerable sector screen; (“vérification des dossiers de police”)

“service principles” means a written statement that describes a service agency’s or application entity’s service philosophy and approaches to service delivery. (“principes en matière de service”)

(2) For the purposes of the definition of “abuse”, abuse includes any and all of physical, sexual, emotional, verbal and financial abuse.

(3) Where a service agency or application entity is required to have policies and procedures in respect of its quality assurance measures, the agency or entity,

(a) shall follow the policies and procedures and shall ensure that its staff members, volunteers and members of its board of directors follow them, to the degree that is appropriate given the role of the staff member, volunteer and board member; and

(b) shall ensure that the policies and procedures are in writing, are dated and reflect the service agency’s or application entity’s most current practice.

**PART II****QUALITY ASSURANCE MEASURES WITH RESPECT TO SERVICE AGENCIES, GENERAL****Application**

2. This Part applies to all service agencies.

**Quality assurance measures**

3. (1) Every service agency shall address the following quality assurance measures:

1. Promotion of social inclusion, individual choice, independence and rights.
2. Development of individual support plans.
3. Assistance with the management of finances.
4. Health promotion, medical services and medication.
5. Abuse prevention and reporting and the review of policies and procedures on abuse.
6. Notification of incidents of abuse.
7. Confidentiality and privacy.
8. Safety around agency owned or agency operated premises.
9. Safety and security of persons with developmental disabilities.
10. Human resource practices.
11. Service records.

(2) Subject to subsection (3), where a service agency contracts with a third party to provide services and supports to persons with developmental disabilities, the service agency,

(a) shall ensure that the contract requires that the third party comply with the quality assurance measures that would apply to the service agency if it were providing the services and supports; and

(b) shall monitor the performance of the contract to ensure that the third party complies with the quality assurance measures.

(3) The requirements of subsection (2) do not apply to contracts with a third party to provide professional or specialized services, or to provide both, on a one-time or time limited basis.

#### **Promotion of social inclusion, individual choice, independence and rights**

4. (1) In addressing quality assurance measures respecting the promotion of social inclusion, individual choice, independence and rights, each service agency shall include the following in its policies and procedures:

1. A mission statement that promotes social inclusion.
2. Service principles that promote individualized approaches to supporting persons with developmental disabilities.
3. A statement that outlines the rights of persons with developmental disabilities who are receiving services and supports from the service agency and is based on respect for, and the dignity of, the individual.

(2) In addressing quality assurance measures respecting the promotion of social inclusion, individual choice, independence and rights, each service agency shall,

- (a) conduct a mandatory orientation to its mission statement, service principles and statement of rights with persons receiving services and supports and any persons acting on their behalf when they begin to receive services and supports and an annual refresher on the mission statement, service principles and statement of rights thereafter;
- (b) conduct a mandatory orientation to its mission statement, service principles and statement of rights with its new staff members, new volunteers and new members of its board of directors and an annual refresher for staff and volunteers of the mission statement, service principles and statement of rights thereafter;
- (c) ensure that its board of directors conduct an annual review of its mission statement, service principles and statement of rights, which shall include updating as necessary; and
- (d) record the dates of all orientations, refreshers and reviews conducted under clauses (a), (b) and (c).

(3) In addressing quality assurance measures respecting the promotion of social inclusion, individual choice, independence and rights, each service agency shall,

- (a) support the participation of persons with developmental disabilities in various activities in the community, including work, recreation and social, cultural and religious events, as desired by the person with a developmental disability and identified in their individual support plan; and
- (b) so persons with developmental disabilities can make informed decisions, provide information and supports to persons with developmental disabilities regarding activities in their individual support plan, including the consideration of risks.

#### **Development of individual support plans**

5. (1) In addressing quality assurance measures respecting development of individual support plans, each service agency shall do the following:

1. Develop an individual support plan for each person with a developmental disability who receives services and supports from the agency that addresses the person's goals, preferences and needs.
2. Review the individual support plan annually with the person with a developmental disability and any persons acting on their behalf and update the plan as necessary.
3. Discuss with the person with a developmental disability both during the development of the individual support plan and at its annual review, the circumstances when, if any, the person would permit the information in the support plan to be shared with persons other than agency staff members and the persons with whom it may be shared.
4. Record the date of the individual support plan and the dates of any updates of the plan.

(2) The service agency shall ensure that the person with a developmental disability is supported to participate as fully as possible in the development and annual review of their individual support plan.

(3) The service agency shall base the individual support plan on information contained in the application form, the needs assessment used by the application entity, the stated goals and preferences of the person with a developmental disability and other relevant clinical assessments.

(4) The individual support plan shall identify,

- (a) the persons who were involved in its development;
- (b) the specific short-term and long-term goals of the person with a developmental disability and expected outcomes;
- (c) other community resources that may be required or accessed or both, including medical, vocational, recreational, cultural, religious and social resources;

- (d) the specific funded services and supports that are to be provided to the person with a developmental disability;
- (e) actions required to achieve expected outcomes;
- (f) the persons responsible for implementing the actions, including setting out their roles and responsibilities;
- (g) the manner in which services and supports are to be provided;
- (h) amount of allocated resources;
- (i) the date of review to update the individual support plan to clarify goals, expected outcomes and allocated resources;
- (j) any necessary safeguards to protect the health and safety of the person with a developmental disability when receiving services and supports; and
- (k) the level of support the person has requested or requires to manage their day-to-day finances.

#### **Assistance with the management of finances**

6. (1) Each service agency shall have policies and procedures regarding assistance with the management of finances for a person with a developmental disability who receives services and supports from the agency, where the person requests assistance with the management of their day-to-day finances or the assistance is identified in the person's individual support plan.

(2) The service agency shall prepare and maintain separate books of accounts and financial records for each person with a developmental disability who receives assistance from the service agency with the management of their day-to-day finances for each fiscal year.

(3) The service agency shall ensure books of accounts and financial records prepared and maintained in accordance with subsection (2) are independently reviewed by a third party annually; the independent review shall include a report to the board of directors.

#### **Health promotion, medical services and medication**

7. (1) In addressing quality assurance measures respecting health promotion, medical services and medication, each service agency shall have the following:

1. Policies and procedures respecting the provision of public health information that may help persons with developmental disabilities who are receiving services and supports from the agency make informed choices about their health.
2. Policies and procedures to monitor the health concerns of persons with developmental disabilities who are receiving services and supports from the agency, where the supports have been identified in their individual support plan.
3. Policies and procedures, including documentation, regarding,
  - i. medical services that are provided to the person with a developmental disability, where the service agency is providing assistance,
  - ii. administration of medication, including self-administration by the person with a developmental disability,
  - iii. any medication errors and any refusals to take any prescribed medication,
  - iv. any refusals by the person with a developmental disability to obtain or accept medical services that are recommended by a legally qualified medical practitioner or other health professional, and
  - v. emergency medical services.
4. Policies and procedures regarding access to and the storage of prescribed and non-prescribed medication.
5. Policies and procedures,
  - i. for the transfer of medication between different locations where the person with a developmental disability is receiving services and supports, and
  - ii. for the responsibility for access to and the storage and administration of medication at each of the different locations.

(2) A service agency shall ensure that the public health information is available and presented in a language and manner, and with the level of support, that the person with a developmental disability needs.

(3) In addressing quality assurance measures respecting health promotion, medical services and medication, each service agency shall provide training to its staff members on first aid and CPR or shall arrange for the training to be provided by third party health professionals or medical professionals.

- (4) In addressing quality assurance measures respecting health promotion, medical services and medication, each service agency shall,
- (a) provide training to its staff members on meeting the specific needs for the health and well-being of persons with developmental disabilities who are receiving services and supports from the agency, including any controlled acts as required; or

(b) arrange for the training to be provided by third party health professionals or medical professionals.

(5) For the purposes of this section,

“controlled act” means a controlled act within the meaning of section 27 of the *Regulated Health Professions Act, 1991*.

### **Policies and procedures on abuse prevention and reporting**

**8.** (1) In addressing quality assurance measures respecting abuse prevention and reporting, each service agency shall include the following in its policies and procedures:

1. The documentation and reporting of any alleged, suspected or witnessed incidents of abuse of persons with developmental disabilities.
2. The manner of supporting a person with a developmental disability, where abuse of that person has been alleged, suspected or witnessed.
3. The manner of dealing with service agency staff members and volunteers who have abused or are alleged to have abused persons with developmental disabilities.

(2) In addressing quality assurance measures respecting abuse prevention and reporting, each service agency shall,

(a) provide,

- (i) mandatory training on abuse prevention, identification and reporting to all of its staff members and volunteers who have direct contact with persons with developmental disabilities who are receiving services and supports, and
- (ii) a refresher course on the matters referred to in subclause (i) every year thereafter;

(b) provide a mandatory orientation to all new members of the board of directors on the agency’s policies and procedures on abuse prevention, identification and reporting and a refresher on the policies and procedures every year thereafter;

(c) provide mandatory education and awareness-building on abuse prevention and reporting to persons with a developmental disability receiving services and supports from the service agency in a language and manner that is appropriate to the capacity of the person with a developmental disability when the person begins to receive services and supports from the service agency and every year thereafter; and

(d) conduct a mandatory review of its policies and procedures on the prevention, identification and reporting of abuse annually and update the policies and procedures as determined by the review.

(3) A service agency’s policies and procedures on abuse shall promote zero tolerance toward all forms of abuse.

(4) Where a service agency suspects any alleged, suspected or witnessed incidents of abuse of a person with a developmental disability may constitute a criminal offence,

- (a) the service agency shall immediately report to the police the alleged, suspected or witnessed incident of abuse; and
- (b) the service agency shall not initiate an internal investigation before the police have completed their investigation.

(5) A service agency shall,

- (a) complete a review of its policies and procedures to promote zero tolerance of abuse of persons with developmental disabilities at least once a year;
- (b) assess whether changes to its policies and procedures may be necessary to prevent occurrences of abuse; and
- (c) promptly implement the changes that are determined to be necessary as a result of the review.

(6) A service agency shall prepare a written record of its review of its policies and procedures to promote zero tolerance of abuse and of any changes to the policies and procedures that are determined to be necessary as a result of the review.

### **Notification of incidents of abuse**

**9.** (1) A service agency shall have policies and procedures on the notification of persons acting on behalf of the person with a developmental disability of an alleged, suspected or witnessed incident of abuse.

(2) The policies and procedures on notification shall require the service agency to obtain the consent of the person with a developmental disability before notifying others, if the person is capable of providing consent.

### **Confidentiality and privacy**

**10.** (1) In addressing quality assurance measures respecting confidentiality and privacy, each service agency shall have the following:

1. Policies and procedures that comply with applicable privacy legislation and its privacy and confidentiality obligations under any funding agreement made under the Act.
2. Policies and procedures regarding consent to any collection, use or disclosure of personal information.

(2) In addressing quality assurance measures respecting confidentiality and privacy, each service agency shall train its staff members and volunteers and provide an orientation to new members of its board of directors regarding its policies and procedures respecting privacy and confidentiality and consent to collection, use or disclosure of personal information.

(3) Each service agency shall review its policies and procedures on privacy and confidentiality and consent to collection, use or disclosure of personal information with persons who receive services and supports from the agency and shall do so in a language and manner, and with a level of support, that is appropriate to the capacity of the person with a developmental disability and with any person acting on their behalf.

### **Safety around agency owned or operated premises**

**11.** (1) In addressing quality assurance measures respecting safety around agency owned or agency operated premises, each service agency shall have the following:

1. An approved fire safety plan, where required under Ontario Regulation 213/07 (Fire Code) made under the *Fire Protection and Prevention Act, 1997*, for each of the premises that the service agency owns or operates.
2. An emergency preparedness plan to address the following emergency situations,
  - i. emergencies that may occur inside premises owned or operated by the service agency where persons with developmental disabilities are receiving services and supports from the agency, examples of which include power outages, fire, flood, storm damage, pandemic and medical emergency, and
  - ii. emergencies that may occur outside premises owned or operated by the service agency where persons with developmental disabilities are receiving services and supports from the agency, examples of which include a medical emergency and instances where a person with a developmental disability runs away or becomes lost.
3. Training for its staff members in the procedures outlined in the emergency preparedness plan.
4. A continuity of operation plan that ensures safety around agency owned or agency operated premises during a service disruption.

(2) Upon the request of a Director, a service agency shall produce to the Director its approved fire safety plan where required under Ontario Regulation 213/07 (Fire Code) made under the *Fire Protection and Prevention Act, 1997*.

(3) A service agency shall have policies and procedures regarding the maintenance of equipment on premises owned or operated by the agency and shall maintain the equipment as recommended by the manufacturer.

### **Safety and security of persons with developmental disabilities**

**12.** (1) In addressing quality assurance measures respecting the safety and security of persons with developmental disabilities, each service agency shall have policies and procedures regarding the personal safety and security of persons with developmental disabilities who receive services and supports from the service agency.

(2) A service agency shall maintain adequate support staff, at a level identified in the person's individual support plan, to address the safety, security and well-being of persons with developmental disabilities who receive services and supports from the service agency.

### **Human resource practices**

**13.** (1) In addressing quality assurance measures respecting human resource practices, each service agency shall have policies and procedures for staff members and volunteers that address the following:

1. Orientation and initial training on,
  - i. the service agency and its policies and procedures, and
  - ii. the individual needs of the persons with developmental disabilities whom the staff member or volunteer will support.
2. Regular ongoing training for staff members and volunteers regarding support for persons with developmental disabilities and service agency policies and procedures as may be appropriate or required.

(2) A service agency shall arrange for a personal reference check and require a police records check for all new staff members.

(3) A service agency shall arrange for a personal reference check and require a police records check for volunteers and board members, if they will have direct contact with the persons with developmental disabilities who receive services and supports from the service agency.

(4) A service agency shall have written protocols with their local police services to ensure that the type of information provided through a police records check is appropriate to the position being applied for.

(5) The service agency shall ensure that the personal reference check and police records check are completed as soon as possible for the new staff member, volunteer or board member before or after they assume their responsibilities with the agency.

(6) Until the completion of their reference check, their police records check and their orientation and initial training, a staff member, volunteer or board member shall have direct contact with persons with developmental disabilities only when being supervised.

**Service records**

14. (1) In addressing quality assurance measures respecting service records, each service agency shall,

- (a) keep a record for each person receiving services and supports from the service agency; and
- (b) have policies and procedures on service record retention and secure storage.

(2) At a minimum, the service record shall include a copy of the person's,

- (a) Application for Developmental Services and Supports;
- (b) Supports Intensity Scale needs assessment; and
- (c) individual support plan.

(3) The service agency shall retain a person's service record for a minimum of seven years after the person is no longer receiving services and supports from the agency.

**PART III****QUALITY ASSURANCE MEASURES WITH RESPECT TO SERVICE AGENCIES, BEHAVIOUR INTERVENTION STRATEGIES****Application and definitions**

15. (1) This Part applies to service agencies when they are providing any of the following types of services and supports:

- 1. Supported group living residences.
- 2. Intensive support residences.
- 3. Community participation services and supports.
- 4. Activities of daily living services and supports.
- 5. Caregiver respite services and supports.

(2) In this Part,

“behaviour support plan” means a document that is based on a written functional assessment of the person that considers historical and current, biological and medical, psychological, social and environmental factors (a bio-psycho-social model) of the person with a developmental disability that outlines intervention strategies designed to focus on the development of positive behaviour, communication and adaptive skills; (“plan de soutien au comportement”)

“challenging behaviour” means behaviour that is aggressive or injurious to self or to others or that causes property damage or both and that limits the ability of the person with a developmental disability to participate in daily life activities and in the community or to learn new skills or that is any combination of them; (“comportement problématique”)

“crisis situation” means circumstances where,

- (a) a person with a developmental disability is displaying challenging behaviour that is new or more intense than that which was displayed in the past and the person lacks a behaviour support plan or the strategies outlined in the person's behaviour support plan do not effectively address the challenging behaviour,
- (b) the challenging behaviour places the person at immediate risk of harming themselves or others or causing property damage, and
- (c) attempts to de-escalate the situation have been ineffective; (“situation de crise”)

“intrusive behaviour intervention” means a procedure or action taken on a person in order to address the person with a developmental disability's challenging behaviour, when the person is at risk of harming themselves or others or causing property damage; (“intervention comportementale perturbatrice”)

“positive behaviour intervention” means the use of non-intrusive behaviour intervention strategies for the purpose of reinforcing positive behaviour and creating a supportive environment, with a goal of changing the behaviour of the person with a developmental disability. (“intervention comportementale positive”)

(3) For purposes of the definition of “behaviour support plan”, the behaviour support plan shall be in addition to the person's individual support plan and shall do the following:

- 1. Outline positive behaviour intervention strategies and, where applicable, intrusive behaviour intervention strategies, including the least intrusive and most effective strategies possible, for a person with a developmental disability who has challenging behaviour.
- 2. Ensure that the strategies referred to in paragraph 1 are designed to focus on the development of positive behaviour, communication and adaptive skills to enable the person to reduce, change and overcome their challenging behaviour that limits their potential for inclusion in the community.

(4) For purposes of the definition of “intrusive behaviour intervention”, the following are examples of intrusive procedures or actions:

1. Physical restraint, including a holding technique to restrict the ability of the person with a developmental disability to move freely, but does not include the restriction of movement, physical redirection or physical prompting if the restriction of movement, physical redirection or physical prompting is brief, gentle and part of a behaviour teaching program.
2. Mechanical restraint, which is a means of controlling behaviour that involves the use of devices and equipment to restrict movement, but does not include any restraint or device,
  - i. that is worn most of the time to prevent personal injury, such as a helmet to prevent head injury resulting from seizures or a device to safely transport a person in a motor vehicle,
  - ii. that helps to position balance, such as straps to hold a person upright in a wheelchair, or
  - iii. that is prescribed by a physician to aid in medical treatment, such as straps used to prevent a person from removing an intravenous tube.
3. Secure isolation or confinement time out in a designated, secure space that is used to separate or isolate the person from others and which the person is not voluntarily able to leave.
4. Prescribed medication to assist the person in calming themselves, with a clearly defined protocol developed by a physician as to when to administer the medication and how it is to be monitored and reviewed.

(5) For purposes of the definition of “positive behaviour intervention”, the following are examples of non-intrusive behaviour intervention strategies:

1. Teaching or learning components, including teaching proactive skills and communication strategies to maximize the person’s abilities and to minimize challenging behaviour.
2. Reinforcement.
3. A review of the person’s living environment, including the physical space, and support and social networks, to identify possible causes of challenging behaviour and making changes to the living environment to reduce or eliminate those causes.

### **Quality assurance measures**

**16.** Each service agency to which this Part applies shall address the following quality assurance measures:

1. Training with respect to general behaviour intervention strategies.
2. Behaviour support plan.
3. Strategies and policies and procedures with respect to behaviour intervention.
4. Use of intrusive behaviour intervention.
5. Crisis intervention and the use of physical restraint.

### **General behaviour intervention strategies, training**

**17.** (1) Each service agency shall have policies and procedures regarding training for staff and volunteers to assist them in working with persons with developmental disabilities who have challenging behaviour.

(2) Each service agency shall train all staff members who work directly with persons with developmental disabilities on the use of physical restraint.

(3) Each service agency shall ensure that staff members who work directly with persons with developmental disabilities who have challenging behaviour are trained on the following, before beginning work with the person they will support:

1. The behaviour support plan of the person they will be supporting.
2. The use of behaviour interventions that are outlined in the behaviour support plan of the persons they will be supporting.

(4) Each service agency shall ensure that, where the service agency’s policies and procedures permit volunteers to work directly with persons with developmental disabilities who have challenging behaviour, the volunteers are trained on the matters referred to in subsection (3), before beginning volunteer work with the person they will support.

(5) Each service agency shall maintain training records on the use of behaviour interventions for staff members and volunteers who work directly with persons with developmental disabilities who have challenging behaviour.

(6) The training on the use of behaviour interventions for staff members and volunteers, including refresher courses required under a training program, may be provided by the service agency or by a third party.

### **Behaviour support plan**

**18.** (1) In addressing quality assurance measures with respect to behaviour support plans, each service agency shall develop an



individual behaviour support plan for each person with a developmental disability who has challenging behaviour.

(2) The behaviour support plan shall outline positive behaviour intervention strategies, and where applicable, intrusive behaviour intervention strategies and how the strategies may be used to reduce or change challenging behaviour and address the acquisition of adaptive skills.

(3) The service agency shall ensure that the behaviour support plan,

- (a) addresses the challenging behaviour identified in the behavioural assessment of the person with a developmental disability;
- (b) considers the risks and benefits of the various interventions that can be used to address the behaviour;
- (c) sets out the least intrusive and most effective strategies possible;
- (d) is monitored for its effectiveness;
- (e) is approved by a psychologist, a psychological associate, a physician, a psychiatrist or behaviour analyst certified by the Behaviour Analyst Certification Board, where the behaviour support plan includes intrusive behaviour intervention strategies; and
- (f) is reviewed at least twice in each 12-month period.

### **Behaviour intervention, strategies and policies and procedures**

**19.** (1) Each service agency shall have policies and procedures regarding the use of behaviour intervention strategies for persons with developmental disabilities who have challenging behaviour.

(2) A service agency shall ensure that positive behaviour interventions and intrusive behaviour interventions are used as outlined in the behaviour support plan of the person with a developmental disability.

(3) Each service agency shall have policies and procedures regarding the use of behaviour intervention strategies by volunteers, including whether volunteers are permitted to use behaviour intervention strategies and, if so, under what circumstances.

### **Use of intrusive behaviour intervention**

**20.** (1) A service agency shall ensure that intrusive behaviour intervention is used solely when the person with a developmental disability is at immediate risk of harming themselves or others or causing property damage.

(2) A service agency shall ensure that physical or mechanical restraint is carried out using the least amount of force that is necessary to restrict the person's ability to move freely.

(3) A service agency shall ensure that when intrusive behaviour intervention is used, the person with a developmental disability is monitored on a regular basis.

(4) A service agency shall record all incidents in the person's file where intrusive behaviour intervention is used on a person with a developmental disability.

(5) A service agency shall, based on the incidents recorded in respect of a person under subsection (4), evaluate the use and effectiveness of the intrusive behaviour interventions used on the person.

### **Crisis intervention, use of physical restraint**

**21.** In a crisis situation, the following rules apply to service agencies:

- 1. Physical restraint is the only intrusive behaviour intervention that a service agency may use in crisis situations and may only be used where positive behaviour interventions have proven to be ineffective.
- 2. The service agency shall ensure that the physical restraint is carried out using the least amount of force that is necessary to restrict the person's ability to move freely.
- 3. The service agency shall record all crisis situation incidents in the person's file, including the details of the incident.

## **PART IV**

### **QUALITY ASSURANCE MEASURES WITH RESPECT TO SERVICE AGENCIES, RESIDENTIAL SERVICES AND SUPPORTS**

#### **Application**

**22.** This Part applies to service agencies that own or operate any of the following types of residential services and supports:

- 1. Supported group living residences.
- 2. Intensive support residences.

#### **Quality assurance measures**

**23.** Each service agency to which this Part applies shall address the following quality assurance measures:

- 1. Well-being of the person.
- 2. Residences.

### **Supporting the well-being of the person, general**

**24.** In addressing quality assurance measures respecting the well-being of the person, each service agency shall ensure the following is done:

1. Assistance is provided to the person to attend regular medical and dental appointments, as needed, and that a log is kept or documentation is kept on file with respect to the person's regular medical and dental appointments.
2. A medicine administration record is kept for the person.
3. Information, as applicable and appropriate, is provided to the person with respect to,
  - i. prescription medication,
  - ii. diet and nutrition,
  - iii. personal hygiene,
  - iv. personal fitness,
  - v. sexual health,
  - vi. behaviour that may pose a threat to the person's health, safety or well-being,
  - vii. self-esteem and well-being,
  - viii. communication skills, and
  - ix. developing relationships.

### **Supporting the well-being of the person, policies and procedures**

**25.** Every service agency to which this Part applies shall have policies and procedures on the following:

1. Food and nutrition, which policies and procedures shall be consistent with the recommendations made under Canada's Food Guide and which shall recognize diversity, reflecting the culture and diversity of the persons with developmental disabilities who receive services and supports from the service agency.
2. Inventory, care and maintenance of the personal property owned by the persons with developmental disabilities who receive services and supports from the service agency.
3. Pets and service animals in the residence.
4. Scalding prevention, which shall ensure that the service agency has a method of temperature control, monitoring and documentation to ensure that in each residence water from a faucet is not hotter than 49 degrees Celsius.
5. Supervision during bathing and showering to ensure the safety of the person, as appropriate to the needs of the person with a developmental disability.

### **Quality assurance measures respecting residences**

**26.** (1) In addressing quality assurance measures respecting residences, each service agency shall ensure that,

- (a) the residence is kept safe and clean;
- (b) the residence has a recreation area or common area;
- (c) the recreation and common areas, both inside and outside the residence, are kept safe and clean, where these areas are owned or operated by the service agency;
- (d) all exits in the residence are kept clear at all times;
- (e) appliances and furnishings in the residence are clean and are in good condition and working order;
- (f) hazardous household products are stored and used safely within the residence;
- (g) a residence that is owned or operated by the service agency has a minimum temperature of 20 degrees Celsius throughout the residence from October 1 to May 31 each year; and
- (h) the sleeping accommodations for each person with a developmental disability that the service agency supports is provided with,
  - (i) a bed of appropriate size,
  - (ii) a suitable mattress,
  - (iii) bedding appropriate to weather,
  - (iv) appropriate individual furniture and clothing storage (in the bedroom, where possible),
  - (v) sufficient space to keep their personal possessions and to pursue hobbies and interests without unwanted or unwarranted

intrusion from others, and

(vi) an exterior window and window coverings.

(2) Each service agency shall ensure that,

(a) the residence has at least one cooling room for extreme heat days; and

(b) the cooling room is maintained at a humidex level below 35 degrees Celsius at all times.

## **PART V**

### **QUALITY ASSURANCE MEASURES WITH RESPECT TO APPLICATION ENTITIES**

#### **Application**

**27.** This Part applies to application entities.

#### **Quality assurance measures**

**28.** Each application entity shall address the following quality assurance measures:

1. Promoting social inclusion, individual choice, independence and rights.
2. Abuse prevention and reporting and the review of policies and procedures on abuse.
3. Notification of incidents of abuse.
4. Confidentiality and privacy.
5. Safety around premises owned or operated by the application entity.
6. Human resource practices.
7. Records.

#### **Promoting social inclusion, individual choice, independence and rights**

**29.** (1) In addressing quality assurance measures respecting the promotion of social inclusion, individual choice, independence and rights, each application entity shall include in its policies and procedures:

1. A mission statement that promotes social inclusion.
2. Service principles that promote individualized approaches to supporting persons with developmental disabilities.
3. A statement that outlines the rights of persons with developmental disabilities who have applied for services and supports or funding and is based on respect for, and the dignity of, the individual.

(2) In addressing quality assurance measures respecting the promotion of social inclusion, individual choice, independence and rights, each application entity shall,

- (a) conduct a mandatory orientation to its mission statement, service principles and statement of rights with its new staff members, new volunteers and new members of its board of directors and an annual refresher for staff and volunteers of the mission statement, service principles and statement of rights thereafter;
- (b) ensure that its board of directors conduct an annual review of its mission statement, service principles and statement of rights, which shall include updating as necessary; and
- (c) record the dates of all orientations, refreshers and reviews conducted under clauses (a) and (b).

(3) In addressing quality assurance measures respecting the promotion of social inclusion, individual choice, independence and rights, each application entity shall provide information and supports to persons with developmental disabilities regarding activities in their individual support plan, including the consideration of risks so they can make informed decisions.

#### **Policies and procedures on abuse prevention and reporting**

**30.** (1) In addressing quality assurance measures respecting abuse prevention and reporting, each application entity shall include the following in its policies and procedures:

1. The documentation and reporting of any alleged, suspected or witnessed incidents of abuse of persons with developmental disabilities.
2. The manner of supporting a person with a developmental disability, where abuse of the person has been alleged or witnessed or is suspected.
3. The manner of dealing with application entity staff members and volunteers who have abused or are alleged to have abused persons with developmental disabilities who have applied for services and supports or funding.

(2) In addressing quality assurance measures respecting abuse prevention and reporting, each application entity shall,

(a) provide,

- (i) mandatory training on abuse prevention, identification and reporting to all of its staff members and volunteers who have direct contact with persons with developmental disabilities who have applied for services and supports or funding, and
- (ii) a refresher course on the matters referred to in subclause (i) every year thereafter;

(b) provide a mandatory orientation to all new members of the board of directors on the entity's policies and procedures on abuse prevention, identification and reporting and a refresher on the policies and procedures every year thereafter; and

(c) conduct a mandatory review of its policies and procedures on the prevention, identification and reporting of abuse annually and update the policies and procedures as determined by the review.

(3) An application entity's policies and procedures on abuse shall promote zero tolerance toward all forms of abuse.

(4) Where an application entity suspects any alleged, suspected or witnessed incidents of abuse of a person with a developmental disability may constitute a criminal offence,

(a) the application entity shall immediately report to the police the alleged, suspected or witnessed incident of abuse; and

(b) the application entity shall not initiate an internal investigation before the police have completed their investigation.

(5) An application entity shall,

(a) complete a review of its policies and procedures to promote zero tolerance of abuse of persons with developmental disabilities at least once a year;

(b) assess whether changes to its policies and procedures may be necessary to prevent occurrences of abuse; and

(c) promptly implement the changes that are determined to be necessary as a result of the review.

(6) An application entity shall prepare a written record of its review of its policies and procedures to promote zero tolerance of abuse and of any changes to the policies and procedures that are determined to be necessary as a result of the evaluation.

#### **Notification of incidents of abuse**

**31.** (1) An application entity shall have policies and procedures on the notification of persons acting on behalf of the person with a developmental disability of an alleged, suspected or witnessed incident of abuse.

(2) The policies and procedures on notification shall require the application entity to obtain the consent of the person with a developmental disability before notifying others, if the person is capable of providing consent.

#### **Confidentiality and privacy**

**32.** (1) In addressing quality assurance measures respecting confidentiality and privacy, each application entity shall have the following:

1. Policies and procedures that ensure compliance with applicable privacy legislation and its privacy and confidentiality obligations under any funding agreement made under the Act.
2. Policies and procedures regarding consent to any collection, use or disclosure of personal information.

(2) In addressing quality assurance measures respecting confidentiality and privacy, each application entity shall train its staff members and volunteers and provide an orientation to its new members of its board of directors regarding its policies and procedures respecting privacy and confidentiality and consent to collection, use or disclosure of personal information.

(3) Each application entity shall review its policies and procedures on privacy and confidentiality and consent to collection, use or disclosure of personal information with persons with a developmental disability who have applied for services and supports or funding from the entity in a language and manner, and with a level of support, that is appropriate to the capacity of the person with a developmental disability and any person acting on their behalf.

#### **Safety around entity owned or operated premises**

**33.** (1) In addressing quality assurance measures respecting safety around application entity owned or operated premises, each application entity shall have the following:

1. An approved fire safety plan, where required under Ontario Regulation 213/07 (Fire Code) made under the *Fire Protection and Prevention Act, 1997*, for each of the premises that the application entity owns or operates.
2. An emergency preparedness plan to address emergency situations that may occur inside premises owned or operated by the application entity, examples of which include power outages, fire, flood, storm damage, pandemic and medical emergency.
3. Training for its staff members and volunteers in the procedures outlined in the emergency preparedness plan.
4. A continuity of operation plan that ensures safety around entity owned or entity operated premises during a service disruption.

(2) Upon the request of a Director, an application entity shall produce to the Director its approved fire safety plan where required under Ontario Regulation 213/07 (Fire Code) made under the *Fire Protection and Prevention Act, 1997*.

(3) An application entity shall have policies and procedures regarding the maintenance of equipment on premises owned or operated by the entity and shall maintain the equipment as recommended by the manufacturer.

#### **Human resource practices**

**34.** (1) In addressing quality assurance measures respecting human resource practices, each application entity shall have policies and procedures for staff members and volunteers that address the following:

1. Orientation and initial training on the application entity and its policies and procedures.
2. Regular, ongoing training for staff members and volunteers as may be appropriate or required.

(2) An application entity shall arrange for a personal reference check and a police records check for new staff members, volunteers and board members, where they will have direct contact with the persons with developmental disabilities.

(3) The application entity shall ensure that the personal reference check and police records check are completed as soon as possible for a new staff member, volunteer or board member before or after they assume their responsibilities with the entity.

(4) Until the completion of their reference check, their police records check and their orientation and initial training, a staff member, volunteer or board member shall have direct contact with persons with developmental disabilities only when being supervised.

(5) An application entity shall have written protocols with their local police services to ensure that the type of information provided through a police records check is appropriate to the position being applied for.

#### **Records**

**35.** (1) In addressing quality assurance measures respecting records, each application entity shall,

- (a) keep a record for each person with a developmental disability who has applied for services and supports or funding; and
- (b) have policies and procedures on record retention and secure storage.

(2) At a minimum, the record shall include a copy of the person's,

- (a) Application for Developmental Services and Supports;
- (b) Supports Intensity Scale needs assessment; and
- (c) individual support plan.

(3) The application entity shall retain a person's record for a minimum of seven years after the application entity has assessed the person's needs for services and supports.

## **PART VI COMMENCEMENT**

#### **Commencement**

**36. (1) Subject to subsections (2) and (3), this Regulation comes into force on the day it is filed.**

**(2) Sections 1 to 26 come into force on January 1, 2011.**

**(3) Sections 27 to 35 come into force on July 1, 2011.**

Made by:  
Pris par :

*La ministre des Services sociaux et communautaires,*

MADELEINE MEILLEUR

*Minister of Community and Social Services*

Date made: July 7, 2010.  
Pris le : 7 juillet 2010.

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