

## What is an Exemption?

The *Community Care and Assisted Living Act* (CCALA), and the *Residential Care Regulation* (RCR) provide the minimum health and safety standards that community care facilities are expected to meet. In some cases a Licensee is not able to meet the required standard. Section 16 of the CCALA allows a Licensee to apply for an exemption when the requirements of the legislation cannot be met by a Licensee.

An exemption can only be approved if:

1. There will be no increased risk to the health and safety of persons in care.
2. The exemption request is made in writing on the CCFL Residential Care Application for Exemption Form and includes all information needed to evaluate the request.
3. The exemption is permitted in the legislation (not listed in Schedule A of the RCL).

## General Information and Instructions

- An Application for Exemption Form may be obtained online at [www.fraserhealth.ca/residentialcare](http://www.fraserhealth.ca/residentialcare). It must be completed by the Licensee, Licensee contact, or Facility Manager.
- Read Schedule A of the *Residential Care Regulation* to ensure that the request you are making is not listed as being prohibited from exemption.
- Complete the Application Form in full, answer all applicable questions and attach any other documents that would support your request. An incomplete application may result in delays. If you require assistance completing the application form, please contact your licensing officer.
- Forward the completed exemption application to your licensing officer. Be sure to keep a copy of all documentation for your own records. Additional information or documentation may also be requested once the application is reviewed.
- Each application will be evaluated, based on its own merit, and considered within its own context. In addition to the information submitted by you, the following will be considered:
  - Number of exemptions which are currently granted to your facility.
  - Your history of compliance and non-compliance, reportable incidents, complaints and/or investigations.
  - Your current Risk Assessment Tool Rating.
  - Your Inspection Hazard Ratings.

- Your exemption application will be reviewed and you will be notified in writing of the decision. Dependent on the complexity of the application, the time frame for a decision may vary. Every attempt will be made to process your request within two weeks. Prior to making a decision, an inspection of your facility may occur to validate your proposal.
- If additional terms and conditions are necessary to consider approval of the exemption request you will be contacted to discuss the proposed terms and conditions and informed of your rights regarding reconsideration and appeal of the decision.
- Once an exemption has been approved, it is the Licensee's responsibility to ensure that the submitted plan is maintained. If it is found that the approved plan is not being met, or there is an increased risk to persons in care, there may be a decision to Suspend, Cancel, Attach or Vary Terms and Conditions of an Exemption, as per Section 16(2) of the CCALA. If any of this action is taken you will be informed of your right to appeal and reconsideration of the decision.
- The denial of an exemption request is not appealable; however you can re-apply if there is new information.

An exemption approval must be posted in a prominent place in the facility for a minimum of 30 days from the date of the decision. An approval of an exemption may be appealed by a family member, personal representative, and/or friends to the Community Care and Assisted Living Appeal Board within 30 days of the decision.