



*Continuing Care Act*

# CONTINUING CARE FEES REGULATION

**B.C. Reg. 330/97**

Deposited October 2, 1997 and effective December 1, 1997

Last amended November 5, 2021 by B.C. Reg. 278/2021

**Consolidated Regulations of British Columbia**

*This is an unofficial consolidation.*

B.C. Reg. 330/97 (O.C. 1106/97), deposited October 2, 1997 and effective December 1, 1997, is made under the *Continuing Care Act*, R.S.B.C. 1996, c. 70, s. 6.

This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at [www.bclaws.ca](http://www.bclaws.ca).

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at [www.bclaws.ca](http://www.bclaws.ca).

Prepared by:  
Office of Legislative Counsel  
Ministry of Attorney General  
Victoria, B.C.

## *Continuing Care Act*

# CONTINUING CARE FEES REGULATION

B.C. Reg. 330/97

### *Contents*

- 1 Definitions
- 2 Consent to release of documentation
- 3 Daily charge for clients receiving home support services
- 4 [Repealed]
- 5 Monthly charge for long-term care services
- 5.1 [Repealed]
- 6 Hardship waiver
- 7 Monthly charge for assisted living services
- 8 Public interest waivers and exclusions

### Definitions

**1** In this regulation:

“**Act**” means the *Continuing Care Act*;

“**after tax income**” means a monthly amount calculated using the following formula:

$$ATI = (C - IT - UCCB - RDSP) \div 12$$

where:

“**ATI**” means after tax income;

“**C**”, “**UCCB**” and “**RDSP**” have the same meaning as in the definition of “remaining annual income”;

“**IT**” means the total income tax paid by the client as reported on line 43500 of the client’s relevant notice of assessment or reassessment;

“**assisted living services**” means the Assisted Living Services continuing care program prescribed under the Continuing Care Programs Regulation;

“**client**” means a person who is receiving continuing care;

“**consumer price index**” means the Consumer Price Index for Canada, as published by Statistics Canada under the authority of the *Statistics Act* (Canada);

“**earned income**” means the sum of the following amounts as reported on lines 10100, 10400, 13500, 13700, 13900, 14100 and 14300 of the relevant notice of assessment or reassessment of the client or the client’s spouse, as applicable:

- (a) employment income;
- (b) other employment income;
- (c) net business income;
- (d) net professional income;
- (e) net commission income;

- (f) net farming income;
- (g) net fishing income;
- “family unit size”** means the client, the client’s spouse and a child as defined in the Hospital Insurance Act Regulations;
- “health authority”** means a regional health board designated under the *Health Authorities Act*;
- “home support services”** means the Home Support Services continuing care program prescribed under the Continuing Care Programs Regulation;
- “long-term care services”** means the Long-Term Care Services continuing care program prescribed under the Continuing Care Programs Regulation;
- “notice of assessment”** means the notice of assessment issued to an individual by the Canada Revenue Agency under the *Income Tax Act* (Canada);
- “notice of reassessment”** means the notice of reassessment issued to an individual by the Canada Revenue Agency under the *Income Tax Act* (Canada);
- “person with disabilities”** has the same meaning as in the *Employment and Assistance for Persons with Disabilities Act*;
- “relevant notice of assessment or reassessment”** means an individual’s
- (a) notice of assessment for the immediately preceding taxation year, if there has been no notice of reassessment for that year, or
  - (b) notice of reassessment for the immediately preceding taxation year, if there was a notice of reassessment for that year;
- “remaining annual income”** means an amount calculated using the following formula:
- $$RAI = C + S - CT - UCCB - CI - I - RDSP$$
- where:
- “RAI”** means remaining annual income;
- “C”** means the net income of the client as reported on line 23600 of the client’s relevant notice of assessment or reassessment;
- “S”** means the net income of the client’s spouse as reported on line 23600 of the spouse’s relevant notice of assessment or reassessment;
- “CT”** means the total income tax paid by the client and, if the value of S is greater than 0, by the client’s spouse, as reported on line 43500 of the relevant notice of assessment or reassessment of the client and, if applicable, the client’s spouse;
- “UCCB”** means the amount of the annual benefit under section 4 of the *Universal Child Care Benefit Act* (Canada) that
- (a) is paid to the client, as reported on line 11700 of the client’s relevant notice of assessment or reassessment,

(b) is paid to the spouse of the client, as reported on line 11700 of the spouse's relevant notice of assessment or reassessment, or

(c) is paid to both the client and the spouse of the client, as reported in the manner referred to in paragraphs (a) and (b);

“**CI**” means the annual earned income for the client and, if the value of S is greater than 0, for the client's spouse, to a maximum of \$25 000 per person;

“**I**” means the amount of income that corresponds to the client's family unit size in the following table:

Family Unit Size	Amount of Income
1	\$10 284
2	\$16 752
3	\$19 164
4	\$20 880
5	\$22 716
6	\$24 312
7	\$25 908
8	\$27 384
9	\$28 860
10	\$30 336

“**RDSP**” means the amount of income from the Registered Disability Savings Plan that

(a) is paid to the client, as reported on line 12500 of the client's relevant notice of assessment or reassessment,

(b) is paid to the spouse of the client, as reported on line 12500 of the spouse's relevant notice of assessment or reassessment, or

(c) is paid to both the client and the spouse of the client, as reported in the manner referred to in paragraphs (a) and (b);

“**spouse**” means a person who is married to, or is living in a marriage-like relationship with, a client;

“**taxation year**” means a year commencing January 1.

[am. B.C. Regs. 2/2003, s. 1; 316/2003, s. 1; 344/2003, s. 2 (a); 75/2005, s. 1; 84/2005, s. 1; 359/2007, s. 1; 278/2009, s. 1; 356/2012; 83/2019, App. 1, s. 1; 177/2020, App. 1.]

#### Consent to release of documentation

- 2 (1) The client and, if applicable, the spouse must, in the form and manner specified by the minister, consent to and authorize Canada Revenue Agency to release to the minister any documentation necessary to verify the information required by this regulation in order that the minister may determine whether the client is eligible for

- 
- (a) home support services that are funded, in whole or in part, by the ministry of the minister, or
  - (b) a monthly charge which is less than the highest monthly rate charged to a client who resides in a facility or a family care home.
- (2) If the client and, if applicable, the spouse do not give the consent and authorization required by subsection (1), the client
- (a) will be required to pay the highest monthly rate charged under this regulation for accommodation in a facility or family care home, or
  - (b) will not receive home support services that are funded, in whole or in part, by the ministry of the minister.

[am. B.C. Regs. 75/2005, s. 2; 278/2009, s. 2; 17/2013, s. 1; 134/2016, Sch. 1, s. 1.]

#### Daily charge for clients receiving home support services

- 3** (1) A client who receives home support services must pay a daily charge calculated as the client's remaining annual income multiplied by 0.00138889.
- (1.1) A client is not required to pay more than \$300 for home support services in a month if the client, or the client's spouse, receives earned income.
- (2) Despite subsection (1), a client is not required to pay a daily charge for home support services if the client receives any of the following:
- (a) the guaranteed income supplement, the spouse's allowance or the survivor's allowance under the *Old Age Security Act* (Canada);
  - (b) income assistance under the *Employment and Assistance Act*;
  - (c) disability assistance under the *Employment and Assistance for Persons with Disabilities Act*;
  - (d) a war veteran's allowance under the *War Veterans Allowance Act* (Canada).

[am. B.C. Regs. 75/2005, s. 3; 84/2005, s. 2; 278/2009, s. 3; 84/2010.]

- 4** Repealed. [B.C. Reg. 278/2009, s. 4.]

#### Monthly charge for long-term care services

- 5** (1) Subject to subsections (2), (3) and (4), a client who receives long-term care services must pay a monthly charge that equals
- (a) if the client's after tax income is at least \$1 625, 80% of the client's after tax income, or
  - (b) if the client's after tax income is less than \$1 625, an amount that equals the client's after tax income minus \$325.
- (2) The maximum charge under subsection (1) is \$3 198.50, adjusted every year on January 1, beginning on January 1, 2017, by the percentage increase, if any, of the consumer price index for the 12 month period ending on July 31 of the previous year and rounded down to the nearest \$0.10.
- (3) The minimum charge under subsection (1) is

- 
- (a) the monthly maximum total amount of Old Age Security and Guaranteed Income Supplement to which a person is entitled under the *Old Age Security Act* (Canada) as of July 1 of the previous year,  
minus
- (b) \$325, adjusted every year on January 1, beginning on February 1, 2012, and rounded down to the nearest \$0.10.
- (4) Despite subsection (1), a client who resides in a facility or a family care home who receives either of the following must pay a monthly charge in an amount equal to the minimum charge under subsection (3):
- (a) income assistance under the *Employment and Assistance Act*;
- (b) disability assistance under the *Employment and Assistance for Persons with Disabilities Act*.
- [en. B.C. Reg. 278/2009, s. 4; am. B.C. Regs. 231/2011, s. 1; 134/2016, Sch. 1, s. 2; 83/2019, App. 1, s. 2.]

**5.1** Repealed. [B.C. Reg. 330/97, s. 5.1 (3).]

**Hardship waiver**

- 6** (1) The minister may waive all or some portion of the monthly charge up to a maximum of one year for a client residing in a facility or family care home if the client is unable to pay because of financial hardship.
- (1.1) The minister may waive all or some portion of the daily charge up to a maximum of one year for a client receiving home support services if the client is unable to pay because of financial hardship.
- (2) A client who has been granted a hardship waiver under subsection (1) or (1.1) must inform the local health authority, in writing and within 10 days, of any changes in the client's, or, if applicable, the spouse's, monthly disposable income which may affect that client's hardship waiver.
- (3) A client who has been granted a hardship waiver under subsection (1) or (1.1)
- (a) may, at any time, be required to, and
- (b) must, in each calendar year,  
re-establish the client's need for the hardship waiver.
- (4) A client who fails to re-establish the client's need for a hardship waiver must repay all charges that were waived during the time that that client did not qualify for the waiver.
- (5) Unpaid charges under subsection (4) are a debt owed by the person to the health authority and the health authority may take action to recover the debt.

[am. B.C. Regs. 17/2013, s. 2; 278/2021, s. 1.]

**Monthly charge for assisted living services**

- 7 A client who receives assisted living services must pay a monthly charge that equals 70% of the client's after tax income.  
[en. B.C. Reg. 278/2009, s. 4.]

**Public interest waivers and exclusions**

- 8 If satisfied that it is in the public interest to do so, the minister may do one or both of the following for a client or a class of clients:
- (a) waive all or some portion of any charge payable under this regulation, for up to a maximum of one year;
  - (b) exclude from the calculation of a client's after tax income or remaining annual income amounts in relation to one or more types of credits, deductions or other payments, for up to a maximum of one year.
- [en. B.C. Reg. 278/2021, s. 2.]