[Français](http://www.ontario.ca/fr/lois/loi/90h10)

Homemakers and Nurses Services Act

R.S.O. 1990, CHAPTER H.10

**Consolidation Period:** From May 12, 2020 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2020, c. 7, Sched. 4, s. 11](http://www.ontario.ca/laws/statute/S20007" \l "sched4s11).

Legislative History: 1993, c. 27, Sched.; 1994, c. 26, s. 72; 1997, c. 15, s. 6; [2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs1s1); [2006, c. 19, Sched. L, s. 11 (2)](http://www.ontario.ca/laws/statute/S06019" \l "schedls11s2); [2016, c. 5, Sched. 13](http://www.ontario.ca/laws/statute/S16005" \l "sched13s1); [2016, c. 23, s. 53](http://www.ontario.ca/laws/statute/S16023" \l "s53); [2020, c. 7, Sched. 4, s. 11](http://www.ontario.ca/laws/statute/S20007" \l "sched4s11).

Definitions

**1** In this Act,

“band”, “council of a band”, “member of a band” and “reserve” have the same meaning as in the Indian Act (Canada); (“bande”, “conseil d’une bande”, “membre d’une bande”, “réserve”)

“child” means a person under sixteen years of age; (“enfant”)

“Director” means a Director appointed for the purposes of this Act; (“directeur”)

“Minister” means the Minister of Health and Long-Term Care or any other member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the Executive Council Act; (“ministre”)

“municipality” means a regional municipality or a local municipality that is not within a regional municipality and, if the local municipality forms part of a county for the purpose of administering assistance under the Ontario Works Act, 1997, means the county and not the local municipality; (“municipalité”)

“municipal welfare administrator” means a person appointed as such under this Act; (“administrateur municipal de l’aide sociale”)

“physician” means a legally qualified medical practitioner; (“médecin”)

“regional welfare administrator” means a person employed as such by the Ministry of Community and Social Services; (“administrateur régional de l’aide sociale”)

“regulations” means the regulations made under this Act; (“règlements”)

“welfare administrator of a band” means a person appointed as such under this Act. (“administrateur de l’aide sociale d’une bande”) R.S.O. 1990, c. H.10, s. 1; 2002, c. 17, Sched. F, Table; 2016, c. 5, Sched. 13, s. 1.

**Section Amendments with date in force (d/m/y)**

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs1s1) - 01/01/2003

[2016, c. 5, Sched. 13, s. 1](http://www.ontario.ca/laws/statute/S16005" \l "sched13s1) - 19/04/2016

Duties of Director

**2** The Director shall,

(a) exercise general supervision over the administration of this Act and the regulations; and

(b) advise regional welfare administrators, municipal welfare administrators, welfare administrators of bands, and others as to the manner in which their duties under this Act are to be performed. R.S.O. 1990, c. H.10, s. 2.

Appointment of municipal welfare administrator

**3** (1)  The council of a municipality may, with the approval of the Minister, appoint a municipal welfare administrator for the purposes of this Act. R.S.O. 1990, c. H.10, s. 3 (1).

Appointment of welfare administrator of band

(2)  The council of a band may, with the approval of the Minister, appoint a member of the band as the welfare administrator of the band for the purposes of this Act. R.S.O. 1990, c. H.10, s. 3 (2).

Power to take affidavits

**4** The Director, every regional welfare administrator, every municipal welfare administrator, and every welfare administrator of a band is, in the performance of his or her duties under this Act, a commissioner for taking affidavits within the meaning of the Commissioners for Taking Affidavits Act. R.S.O. 1990, c. H.10, s. 4; 2020, c. 7, Sched. 4, s. 11.

**Section Amendments with date in force (d/m/y)**

[2020, c. 7, Sched. 4, s. 11](http://www.ontario.ca/laws/statute/S20007" \l "sched4s11) - 12/05/2020

Provision of services

**5** A municipality or the council of a band may employ homemakers or nurses or both for the purposes of this Act or may enter into an agreement with any person or organization for the furnishing of any services that may be provided under this Act for such person as may be agreed upon. R.S.O. 1990, c. H.10, s. 5; 1994, c. 26, s. 72 (1).

**Section Amendments with date in force (d/m/y)**

1994, c. 26, s. 72 (1) - 31/12/2011

Homemakers services

**6** The services of a homemaker may be furnished under this Act,

(a) for households in which there is a child who might otherwise be cared for in other than his or her own home during the absence, illness, convalescence or incapacity of a parent or other person in whose charge he or she is, where an adult is available to furnish any care that the child may require when the homemaker is not on duty;

(b) for a person with a disability or a person who is elderly, ill or convalescent so that the person may remain in his or her own home; or

(c) for households in which the standard of housekeeping requires improvement to avoid familial or financial difficulties which are likely to cause or contribute to dependency on public assistance. R.S.O. 1990, c. H.10, s. 6; 1994, c. 26, s. 72 (2); 2016, c. 5, Sched. 13, s. 2; 2016, c. 23, s. 53.

**Section Amendments with date in force (d/m/y)**

1994, c. 26, s. 72 (2) - 31/12/2011

[2016, c. 5, Sched. 13, s. 2](http://www.ontario.ca/laws/statute/S16005" \l "sched13s2) - 19/04/2016; [2016, c. 23, s. 53](http://www.ontario.ca/laws/statute/S16023" \l "s53) - 01/01/2017

Nurses services

**7** The services of a nurse may be furnished under this Act on a visitation basis in the home of a person with a disability or a person who is elderly, ill or convalescent, where a physician certifies that such services are necessary to enable the person to remain in his or her own home or to make possible his or her return to his or her home from a hospital or other institution. R.S.O. 1990, c. H.10, s. 7; 1994, c. 26, s. 72 (3); 2016, c. 5, Sched. 13, s. 3.

**Section Amendments with date in force (d/m/y)**

1994, c. 26, s. 72 (3) - 31/12/2011

[2016, c. 5, Sched. 13, s. 3](http://www.ontario.ca/laws/statute/S16005" \l "sched13s3) - 19/04/2016

**8** Repealed: 1994, c. 26, s. 72 (4).

**Section Amendments with date in force (d/m/y)**

1994, c. 26, s. 72 (4) - 31/12/2011

[2006, c. 19, Sched. L, s. 11 (2)](http://www.ontario.ca/laws/statute/S06019" \l "schedls11s2) - 22/06/2006

Application for services

**9** (1)  Application for the services of a homemaker or a nurse under this Act shall, where the person applying for the services resides,

(a) in a municipality, be made to the municipal welfare administrator;

(b) on the reserve of a band, be made to the welfare administrator of the band; or

(c) in territory without municipal organization, be made to the regional welfare administrator of that territory. R.S.O. 1990, c. H.10, s. 9 (1).

(2)  Repealed: 1994, c. 26, s. 72 (5).

**Section Amendments with date in force (d/m/y)**

1994, c. 26, s. 72 (5) - 31/12/2011

[2006, c. 19, Sched. L, s. 11 (2)](http://www.ontario.ca/laws/statute/S06019" \l "schedls11s2) - 22/06/2006

Payment for services

**10** (1)  A person who applies for the services of a homemaker or nurse under this Act and receives the services,

(a) from a municipality or the council of a band or pursuant to an agreement with a person or organization under section 5; or

(b) where the applicant resides in territory without municipal organization, provided for by the Minister or pursuant to an agreement with the Minister,

shall pay the fee for the services so long as and to the extent that the person’s financial circumstances permit as determined by the regulations. R.S.O. 1990, c. H.10, s. 10 (1); 1994, c. 26, s. 72 (6, 7).

Idem

(2)  Where the financial circumstances of a person referred to in subsection (1) as determined by the regulations do not permit him or her to pay in full the fees for such services, they may be paid in whole or in part by the municipality or council of the band, as the case may be, in which case an amount determined by the regulations shall be reimbursed to the municipality or council of the band by the Province of Ontario in accordance with the regulations or, where the applicant resides in territory without municipal organization, the services may, with the approval of the regional welfare administrator, be paid for by the Province of Ontario in accordance with the regulations. R.S.O. 1990, c. H.10, s. 10 (2).

**Section Amendments with date in force (d/m/y)**

1994, c. 26, s. 72 (6, 7) - 31/12/2011

Money for purposes of Act

**11** The provincial contribution to the cost of furnishing services under this Act for the grants and subsidies payable under the regulations and the expenses of the administration of this Act and the regulations are payable out of the money appropriated therefor by the Legislature. R.S.O. 1990, c. H.10, s. 11.

Regulations by Lieutenant Governor in Council

**12** (1)  The Lieutenant Governor in Council may make regulations,

(a) defining homemaking services and nursing services;

(b) prescribing the qualifications of homemakers and nurses;

(c) establishing courses of instruction for homemakers and providing for the granting of certificates to those who have satisfactorily completed the course of instruction;

(d) providing for the payment of grants or subsidies and prescribing classes thereof, to persons, municipalities or other organizations or any class thereof towards the cost of courses of instruction for homemakers;

(e) prescribing terms and conditions under which grants or subsidies or classes thereof shall be made under clause (d), the methods of determining the amounts of such grants or subsidies or classes thereof and providing for the manner in which such grants, subsidies or classes thereof shall be paid;

(f) adding to or extending the conditions under which services may be furnished;

(g) adding to or extending the classes of persons to whom services may be furnished;

(h) prescribing the manner of computing the amount of reimbursement by the Province of Ontario to a municipality or the council of a band under section 10;

(i) Repealed: 1994, c. 26, s. 72 (8).

(j) prescribing residence qualifications for applicants or recipients;

(k) defining “residence”, “reside” and similar expressions;

(l) prescribing the conditions, terms and manner under which claims may be submitted to the Province of Ontario for reimbursement of money under section 10;

(m) prescribing maximum fees for services to which the Province of Ontario may contribute;

(n) prescribing the maximum financial circumstances of applicants for or recipients of services to which the Province of Ontario may contribute to the cost under section 10;

(o) Repealed: 1994, c. 26, s. 72 (10).

(p) prescribing forms to be used in determining, for the purpose of section 10, the extent to which a person’s financial circumstances permit him or her to pay the fees for the services of a homemaker or nurse. R.S.O. 1990, c. H.10, s. 12 (1); 1993, c. 27, Sched.; 1994, c. 26, s. 72 (8-10); 1997, c. 15, s. 6 (1); 2006, c. 19, Sched. L, s. 11 (2).

Idem

(2)  A regulation made under clause (1) (g) or (l) is, if it so provides, effective with reference to a period before it was filed, but not earlier than the 31st day of March, 1985. R.S.O. 1990, c. H.10, s. 12 (2); 1994, c. 26, s. 72 (11).

Regulations by Minister

(3)  The Minister may make regulations prescribing the content and form of applications for the services of a homemaker or nurse, requiring that the applications be accompanied by specified documents and prescribing the content and form of those documents. 1997, c. 15, s. 6 (2).

**Section Amendments with date in force (d/m/y)**

1993, c. 27, Sched. - 31/12/1991; 1994, c. 26, s. 72 (8-11) - 31/12/2011; 1997, c. 15, s. 6 (1, 2) - 31/12/2011

[2006, c. 19, Sched. L, s. 11 (2)](http://www.ontario.ca/laws/statute/S06019" \l "schedls11s2) - 22/06/2006

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