

## Improving Care For Long-Term Care Home Residents

September 15, 2009

The *Long-Term Care Homes Act, 2007* (LTCHA), which received Royal Assent on June 4, 2007, is the cornerstone of the government's strategy to improve care for residents in long-term care (LTC) homes and to strengthen the LTC home sector.

In developing the proposed draft regulation under the LTCHA, the ministry focused on the fundamental principle that a LTC home is a resident's home and adopted a resident-centred and risk-based approach. The proposed draft regulation emphasizes flexibility for LTC home operators and includes a renewed focus on quality outcomes in resident care and services.

Once proclaimed into force, the LTCHA would be the legislative authority for safeguarding resident rights, improving the quality of care and improving the accountability framework of LTC homes for the care, treatment and well-being of more than 75,000 residents.

The LTCHA cannot be proclaimed into force until all of the draft regulations necessary to implement the Act are consulted on and approved by the government. Once proclaimed into force, the current legislation governing LTC homes would be repealed.

The Ministry of Health and Long-Term Care is posting Part two of the proposed draft regulation for a 30-day public consultation on its website. This proposed draft regulation would address:

### **RESIDENT RIGHTS, CARE AND SERVICES**

#### **Safe and Secure Homes**

Promote consistent safety and security requirements across all LTC homes by requiring a resident-staff communication and response system, a hot weather illness prevention and management plan and at least one cooling area per every 40 residents.

#### **Accommodation Services**

Ensure that residents live in a safe, comfortable and clean environment by requiring housekeeping and maintenance services to be provided seven days a week and all heating, ventilation and air conditioning (HVAC) systems to be cleaned, kept in a good state of repair and inspected every six months by a certified individual.

#### **Nursing and Personal Support Services**

Enhance residents' quality of life and satisfaction by requiring minimum qualifications for unregulated Personal Support Workers in LTC homes, staffing based on the assessed needs of residents that are consistent with [Shirlee Sharkey's report](#) and a staffing plan that promotes continuity of care and minimizes the number of different staff who provide nursing and personal support services to each resident.

### **Restorative Care**

Maximize residents' functional abilities to support their independence and promote their health, well-being and improved quality of life by requiring restorative care approaches to be integrated into care delivery along with therapy services, and social work and social services.

### **Dietary Services and Hydration**

Meet residents' nutrition and hydration needs and preferences and promote a home-like dining experience by requiring increased hours of service provided to residents by food service workers, nutrition managers and Registered Dietitians.

### **Reporting and Complaints**

Introduce strong accountability mechanisms for addressing complaints by requiring all complaints made to the licensee or a staff member about the care of a resident or operation of the home to be investigated and resolved, where possible. The proposed draft regulation would also require that complaints be reviewed and analyzed at least quarterly to determine if any improvements are required in the home.

### **Interim Bed Short-Stay Program**

Help reduce emergency room wait times and Alternate Level of Care pressures by replacing the existing long-stay interim bed program with a new short-stay interim bed program.

## **SPECIALIZED UNITS**

### **Designation of Specialized Units**

Provide mechanisms to allow for the creation of and access to specialized units in LTC homes. These specialized units may be developed for specific resident populations supported by unique admission, waiting list, assessment and discharge criteria.

## **OPERATION OF LTC HOMES**

### **Continuous Quality Improvement (CQI) and Utilization Review**

Support LTC homes in developing and implementing flexible quality improvement practices by requiring a continuous quality improvement and utilization review system where the outcomes are communicated to the Residents' Council, Family Council and staff.

### **Training**

Ensure that staff has the knowledge and skills required to provide quality resident care by requiring initial, ongoing and retraining for staff in high risk areas.

### **Staffing**

Support leadership in LTC homes by requiring a full time Director of Nursing and Personal Care (DONPC) for homes with 65 beds or more and continuing to enable smaller homes to combine the roles of Administrator and DONPC.

### **Medication Management Systems**

Ensure proper management of drugs in LTC homes while allowing flexibility for licensees by requiring the development of a medication management system informed by evidence-based or prevailing practices to ensure accurate use and storage of drugs.

## **FUNDING**

### **Co-payment and Non-allowable Charges**

Lessen the risk of financial hardship for residents by requiring the maximum basic and preferred accommodation rates for residents to be specified, and an equitable and consistent approach for assessing financial needs and providing support to low income residents through rate reductions and exceptional circumstances reductions.

The proposed draft regulation would also address the need for clarity of the types of non-allowable charges for residents, including bed-holding fees prior to admission and during medical/psychiatric leaves to ensure residents are not financially disadvantaged and charged for goods and/or services for which they should not be charged.

## **LICENSING**

### **Support for Residents Who Need Immediate Accommodation**

Support residents who are in need of immediate accommodation assistance by permitting a temporary emergency licence to be issued where there are circumstances affecting a home that makes it necessary to remove one or more residents (fires, floods, etc) and short term authorization for a temporary additional bed to be issued where a person requires immediate admission to a home as a result of a crisis arising from their condition or circumstances.

### **Closure of a Home**

Reduce disruption to residents and provide adequate time for system planning by requiring licensees to provide at least five years written notice before the intended closure of a home. With the consent of the ministry, the licensee would be able to withdraw the notice or change the closure date. The ministry could also agree to a shorter notice period.

## **COMPLIANCE AND ENFORCEMENT**

### **Action if Non-Compliance Is Found**

Reduce potential risks to residents and promote consistency relating to compliance and enforcement by requiring inspectors to consider the severity and scope of risk of harm or actual harm to residents and the home operator's compliance history in determining what action to take or orders to make.

## **PUBLIC CONSULTATION**

All interested individuals and groups are invited to comment on Part 2 of the proposed draft regulation by October 15, 2009. Submissions received after October 15, 2009 will not be considered as part of the public consultation feedback. Send comments to:

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**For public inquiries call ServiceOntario, INFOline at 1-866-532-3161 (Toll-free in Ontario only)**

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