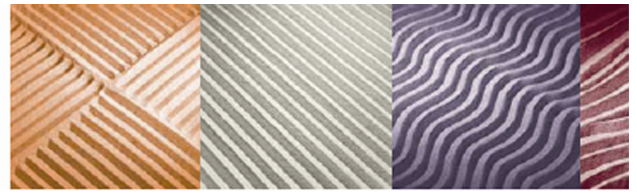


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LONG AWAITED REGULATIONS FOR THE ONTARIO LONG-TERM CARE HOMES ACT, 2007 PROPOSED

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In June 2007, the new *Long-Term Care Homes Act, 2007* (“*LTC Homes Act*”) received Royal Assent in Ontario. The stated intention of the *LTC Homes Act* is to improve and strengthen care for residents in long-term care homes. It replaces three existing pieces of legislation governing long-term care: the *Nursing Homes Act*, the *Homes for the Aged and Rest Homes Act*, and the *Charitable Institutions Act*.

While the *LTC Homes Act* provides the framework for long-term care homes in Ontario, its regulations are intended to operationalize the Act. The regulations under the *LTC Homes Act* provide details regarding day-to-day operation for homes that are subject to the Act. The *LTC Homes Act* has not come into force because the regulations necessary to carry out the Act have not been in place.

The Ontario Ministry of Health and Long-Term Care (the “Ministry”) released its long awaited initial draft regulation. On May 5, 2009, a 30-day public consultation on the proposed draft regulation commenced. A second set of regulations will be released at a future date. As part of this consultation, the Ministry invited interested parties to provide written comments and submissions by **June 5, 2009**.

Once consultations are complete, the Minister must report to the Lieutenant Governor in Council, who may then make the regulation with or without changes. After all the necessary regulations have been made, the *LTC Homes Act* will be proclaimed in force and the *Nursing Homes Act*, the *Homes for the Aged and Rest Homes Act*, and the *Charitable Institutions Act* will be repealed. The Long-Term Care Homes Program Manual will also cease to exist.

The proposed draft regulation is highly prescriptive in terms of policies and procedures and other systems requirements that homes must have in place. The regulation prescribes staffing levels and other resources that must be brought to bear in certain circumstances. In all, the amendments have significant implications for long term care homes.

The proposed regulation introduces a number of changes from the current scheme and addresses the following broad areas:

- Admission of residents – i.e. sets out requirements for eligibility for admission, application and approval processes, as well as placement into categories on waiting lists, etc.;
- Plans of care – i.e. initial plans of care to be developed within 24 hours of each resident's admission and assessments to support a comprehensive plan of care to be completed within

14 days, with the plan to be developed within 21 days. The plan of care must include a number of specified components;

- Identified high-risk areas of resident care – i.e. requires development of interdisciplinary programs, with supporting policies and procedures, assessment and monitoring, to address identified areas of high-risk, including skin and wound care, continence care and bowel management, falls prevention and management, responsive behaviours and pain management;
- Infection prevention and control – i.e. sets out requirements for an interdisciplinary team approach for the coordination and implementation of an infection prevention and control program;
- Abuse (defined as including emotional abuse, financial abuse, physical abuse, sexual abuse, and verbal abuse) and neglect – i.e. in addition to the requirement under the Act to develop policy to promote zero tolerance for abuse and neglect, the proposed regulation sets out requirements relating to interventions for residents and staff, notification requirements (including notification of police) and evaluation; and
- Use of restraints – i.e. prescribes detailed requirements relating to development of policy to minimize use of restraints and requirements relating to restraint.

Obtaining a Copy of the Proposed Draft Regulation

The proposed regulation and a description of the initial draft regulation are available on Ontario's Regulatory Registry website at www.ontariocanada.com/registry.

At the request of the Ministry, copies have also been made available to long-term care home Residents' and Family Councils; and members of the public may also obtain copies through a Local Health Integration Network (LHIN) office.

Providing Feedback

Written comments or submissions on the proposed regulation may be sent to the Ministry of Health by **June 5, 2009** at the following:

E-mail: LTHCA Project@ontario.ca

Mail: Ms. Colleen Sonnenberg
 Ministry of Health and Long-Term Care
 LTCHA Regulation Project
 9th Floor, 56 Wellesley St. West
 Toronto, Ontario, M47 2J9

Assistance from Miller Thomson

Our Health Industry Group is pleased to provide assistance and advice with respect to the potential implications of the proposed regulations and compliance obligations. We will be monitoring these changes and will provide further updates. For further information, please contact us:

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