

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. 03-07-00-0084
Your File/V/Réf.

DATE 22 November 2000

TO/DEST. Community Services Committee

FROM/EXP. Committee Coordinator

SUBJECT/OBJET **REPORT OF THE TASK FORCE ON THE
REGULATION OF RETIREMENT RESIDENCES**

REPORT RECOMMENDATION

That the Community Services Committee recommend the Council of the (new) City of Ottawa approve the recommendations contained in the Report of the Task Force on the Regulation of Retirement Residences, dated November 2, 2000.

BACKGROUND

On 28 Jun 00, the Council of the Region of Ottawa-Carleton approved the establishment of a Task Force to develop recommendations for Committee and Council on the establishment and enforcement of care standards for retirement residences (Community Services Report No. 49, Item 1 refers).

Attached is a report dated 2 Nov 00 from Councillor Wendy Byrne, Chair, Task Force on the Regulation of Retirement Residences. The Task Force recommendations appear at Appendix 1 of the document.

This report is respectfully submitted.

Approved by
M. J. Beauregard

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DATE 2 November 2000

TO/DEST. Committee Co-ordinator

FROM/EXP. Councillor Wendy Byrne, Chair
Task Force on the Regulation of Retirement Residences

SUBJECT/OBJECT **REPORT OF THE TASK FORCE ON THE
REGULATION OF RETIREMENT RESIDENCES**

Please find attached the Report from the joint Council on Aging/Region of Ottawa-Carleton Task Force on the Regulation of Retirement Residences, with recommendations.

Original Signed By
Wendy Byrne, Chair
Task Force on the Regulation of Retirement Residences

**The Council on Aging - Ottawa-Carleton
The Region of Ottawa-Carleton**

***Task Force on the
Regulation of Retirement Residences
Report***

November 2, 2000

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Introduction:

The Council on Aging - Ottawa-Carleton is a voluntary, bilingual, non-profit organization dedicated to enhancing the quality of life for all seniors in Ottawa-Carleton. Founded in 1975 and now a United Way agency, the Council works with and for seniors in the community to voice issues and concerns to all levels of government and to the general public.

The Council on Aging publishes, following every census, a *Fact Book on Aging*, which documents trends in the demography of aging in Ottawa-Carleton. The Council's latest *Fact Book on Aging* (based on the 1996 census) shows that seniors are the fastest growing demographic group in Ottawa-Carleton, increasing by 10,000 from the 1991 census to just over 80,000 in 1996, reaching 11.1% of the region's population. By the year 2031 it is estimated that nearly one in five (19%) of the region's population will be seniors.

This trend in aging has been accompanied by an expansion in retirement homes, which provide unregulated care, but not by a corresponding expansion of long term care facilities such as nursing homes (note: the term retirement home and retirement residence are used interchangeably in this report). Within Ottawa-Carleton there are some 50 retirement homes providing accommodation and varying degrees of care for approximately 4,000 residents. Currently in Ottawa-Carleton there is a waiting list of 1,400 persons for long term care beds, in a region that has only 3,490 LTC beds. As a result, some retirement residences have become quasi-nursing homes, without the corresponding regulations and inspections that long term care facilities receive.

This situation prompted the membership of the Council on Aging to identify as an area of concern and an issue worth investigating the regulation of retirement residences. While many (if not most) retirement homes provide excellent care, Council on Aging members, through either direct experience or anecdotal evidence, came to the conclusion that standards of care needed to be established and enforced in retirement homes. As a result, the Council on Aging sponsored, in partnership with the Region of Ottawa-Carleton, a one-day Community Forum on the Regulation of Retirement Residences, on April 29, 2000.

The Region of Ottawa-Carleton is a municipal government serving the 720,000 residents of Ottawa-Carleton, with direct responsibility for three municipal homes for the aged (long term care facilities). As an upper-tier government, the Region has responsibilities for public health, and contracts with private sector providers for the provision of domiciliary hostels, which provides room and board for low-income individuals, including seniors. Responsibility for Building Code, Fire Code, and property standards fall to lower-tier municipal governments (11 in Ottawa-Carleton).

The lack of regulation for the care of retirement home residents has from time to time led to efforts by municipalities to attempt to use what regulatory powers they have to correct abuses in the delivery of care at problematic retirement homes, with frustrating results (*Standards of Care in Retirement and Lodging Homes*, City of Toronto 1999). This has led to calls for provincial legislation to govern this sector. However, the Ontario Government has instead insisted that municipalities have sufficient powers to correct problems in the delivery of care to retirement home residents (*“Protecting seniors in ... retirement homes doesn’t hinge on more provincial legislation, but a commitment by city council to enforce what’s already on the books* Responsible for Seniors Issues Helen Johns, October, 1999). Alternatively, the Ontario Residential Care Association (representing 55% of the retirement homes in the Province of Ontario) has been urging a system of self-regulation. Others have suggested that municipalities be given additional powers in order to deal with care issues in retirement homes.

On March 2, 2000 Community Services Committee of Regional Council approved the recommendations of a report entitled *Senior Citizens Living in Unregulated Residential Care* by Councillors Alex Munter and Clive Doucet. It proposed that Regional Government co-sponsor with the Council on Aging a one-day community forum to bring together seniors, stakeholders and interested citizens to discuss the issue of seniors living in unregulated residential care, and that a report from the forum be submitted to Community Services Committee.

This initiative was prompted in part by an earlier City of Toronto Task Force which examined problems in the un-regulated retirement home sector in Toronto, by the introduction of Private Members’ Bills in the Ontario Legislature, the round of public consultations on this issue conducted by M.P.P. Brenda Elliott, Parliamentary Assistant to the Minister Responsible for Seniors (which included the possibility of municipal regulation and enforcement), by the fact that approximately 4,000 seniors in Ottawa-Carleton live in unregulated retirement homes, and by the waiting list for long term care beds in Ottawa-Carleton. The initiative was supported by the Council on Aging, whose own membership had identified the issue of the regulation of retirement residences as one of its two priorities for the year. The Council on Aging agreed to co-sponsor the Community Forum with the Region, and organize it.

On April 29, 2000 the Community Forum on the Regulation of Retirement Residences was held at Regional Government Headquarters. The 120 participants at the Forum included seniors, representatives from the Ontario Residential Care Association (ORCA - representing 55% of retirement homes in Ontario), from the Ontario Association of Non-Profit Homes & Services for Seniors (OANHSS), other un-affiliated service providers, staff from the Region’s Homes for the Aged Department, Health Department, and Social Services Department, and the public. Participants heard from a panel composed of Homes for Aged Commissioner Garry Armstrong, ORCA representative David Porter (owner/operator of Blackburn Lodge in Gloucester), OANHSS representative Christina O’Neill (Director of Care at Unitarian House in Ottawa), Lynne Landry (Compliance Consultant, Ministry of Health & Long Term Care), and Jim Lumsden (a senior and member of the Council on Aging).

Following the panel presentation, participants then discussed 4 questions, the responses of which are summarized below:

Should retirement residences be regulated?

There was overwhelming consensus on this question: all discussion groups said “yes” to regulating retirement residences, including licensing and inspections.

Who should regulate?

All discussion groups agreed that the Provincial Government should be the primary regulator of retirement residences in order to provide uniform standards. Additional suggestions voiced included using ORCA’s self-regulation model (based on ORCA licensing and standards); others suggested establishing an independent agency with representatives from consumers, retirement home operators, professionals from geriatrics, seniors advocacy groups, and other agencies such as municipalities, public health agencies, and community care access centres, to license and inspect retirement homes.

What standards should be set?

There was consensus that there needs to be different standards of care to reflect different needs of seniors. Other concerns raised included developing a Residents Bill of Rights for retirement home residents (similar to what exists under long term care legislation); and the need for some public funding to assist low income seniors in accessing the care required in these residences.

Who should enforce them?

All groups agreed that the Provincial Government had primary responsibility to set standards and direct enforcement. However, different suggestions were made regarding actual enforcement, such as municipalities, an independent agency (with statutory powers and broad representation from providers, seniors, etc.), ORCA, the community care access centres, or a provincially-appointed Ombudsman with a 1-800 number.

Following the Community Forum a report of the conference proceedings was made to the Region’s Community Services Committee in June 15, 2000, which recommended that, among other things, a task force be formed to develop recommendations for Regional Council concerning the establishment and enforcement of care standards for retirement residences, including the role of municipalities. On June 28, 2000 Regional Council agreed. On August 10, 2000 the Task Force held its first organizational meeting, and on September 7, 2000 began its work.

Terms of Reference and Membership:

The terms of reference for the Task Force on the Regulation of Retirement Residences as adopted by Regional Council on June 28, 2000 were:

“To examine the proceedings of the April 29, 2000 Community Forum on the Regulation of Retirement Residences and develop recommendations consistent with the proceedings on the regulation of retirement residences, including the role of municipalities, to be presented to Community Services Committee by October 2000.

(The Task Force may wish to consult with representatives from the Ministry of Health & Long Term Care, as well as municipal by-law enforcement officials regarding property standards, health & safety, and fire regulations, as part of its deliberations.)”

The membership of the Task Force included:

- Member of Regional Council as Chair of the Task Force - Councillor Wendy Byrne
- Commissioner, RMOC Homes for the Aged - Garry Armstrong
- Representative from RMOC Public Health Department - Andy Roche
- Representative from RMOC Social Services Department - Luc Legault

- 2 representatives from the Council on Aging - Doris Pringle, Alex Cullen
- 2 seniors, resident in Ottawa-Carleton (1 anglophone, 1 francophone) - John Lupton, Paul Parent
- 2 residents of Ottawa-Carleton who are or whose family members are in a retirement residence - Marion Routledge, Jim Lumsden

- Representative from the Ontario Residential Care Association (operating in Ottawa-Carleton) - David Porter (Blackburn Lodge Seniors Residence)
- Representative from the Ontario Association of Non-Profit Housing & Services to Seniors (operating in Ottawa-Carleton) - Oris Retallack (Unitarian House)
- Representative from a domiciliary hostel (non-ORCA member, operating in Ottawa-Carleton) - Yuri Brouchkov (Jardins Belle Rive)

- Representative from the Community Care Access Centre of Ottawa-Carleton - Lucy Carriere

The Task Force was very ably assisted by Riitta Vaissi-Nagy, from the Council on Aging.

Task Force Work Plan

The Task Force met 6 times (August 10, September 7 and 21, October 5 and 19, and November 2, 2000) in its deliberations, received 37 items of information and heard from 9 public delegations (see appendices), including a presentation from the City of Ottawa's Property Standards By-Law Enforcement. The Task Force reviewed the proceedings of the April 29 Community Forum on the Regulation of Retirement Residences, and examined the components of regulation for retirement homes, including licensing, standards of care, enforcement of standards, and dealing with complaints.

While the timeline for this Task Force seemed brutally short, the Task Force believes it has been able to deal with the essentials of the issues placed before it, and has prepared this report with recommendations for Regional Council's and the Provincial Government's consideration.

While the recommendations of this report originate from the Task Force, the text was written by Alex Cullen and reviewed by the Task Force.

The Need for Regulation

The Task Force began its proceedings by examining the question of “what is a retirement home?”, particularly as there is no legal definition of a retirement residence or residential care home outside of the *Tenant Protection Act*. The Task Force considered related issues concerning group homes, domiciliary hostels, and long term care facilities, much of which is regulated under the *Charitable Institutions Act*, the *Child and Family Services Act*, the *Homes for the Aged and Rest Homes Act*, the *Mental Hospitals Act*, the *Nursing Homes Act*, the *Private Hospitals Act*, and the *Public Hospitals Act*. The Task Force agreed to the following definition, recognizing that much of its application would be on those private facilities providing services to seniors:

“A retirement residence is a residential care home facility providing care services (beyond room and board) to three or more un-related adults age 18 years and older, and is not a Long Term Care facility.”

The Task Force reviewed the proceedings of the April 29th Community Forum on the Regulation of Retirement Residences, and noted the strong consensus of the Community Forum that retirement homes should be regulated by the Ontario Provincial Government. It was recognized that many, if not most, retirement homes were well run, and that there was a variety of care packages and services for residents, varying in availability of service, residents needs, and ability to pay. However, it was felt that provincial regulation was needed to assure quality of care for retirement home residents and “fill-in the gaps”.

This became more apparent following presentations to the Task Force by municipal property standards by-law enforcement officers, public health officials, and representatives from the local Community Care Access Centre. The absence of legislated care standards meant that in some situations where insufficient care for vulnerable seniors resident in care homes was observed, there was no means to correct the situation. For municipal by-law enforcement officers, by-law enforcement meant correcting deficiencies in building standards, i.e. building code or fire code violations. The municipality could not regulate nourishment or personal hygiene issues, levels of social and physical activity, appropriate staffing support, or even the distribution of medications. For public health officials, enforcing public health regulations meant correcting deficiencies in food preparation, vermin control, and the control of contagious diseases. The public health department could not regulate nourishment or personal hygiene issues, levels of social and physical activity, appropriate staffing support, or even the distribution of medications.

The Community Care Access Centre, which provides home care services to qualifying residents of retirement homes, also lacks the power to either regulate or intervene in response to concerns regarding nourishment or personal hygiene issues, levels of social and physical activity, appropriate staffing support, or the distribution of medications.

The Task Force recognized the work done by members of the Ontario Residential Care Association (ORCA), which has developed care standards covering resident care, recreation, nutrition, housekeeping, and physical environment for its membership. ORCA members gain accreditation upon successfully meeting specified standards, and are inspected on a regular basis by their peers. There is a complaint resolution process, including a 1-800 hotline to report problems. However, ORCA represents only 55% of the retirement homes in Ontario, leaving a large gap in terms of coverage of retirement homes. Further, the Task Force recognized the need for third-party enforcement of care standards, and for third-party review of complaints, to ensure integrity in providing appropriate services to and protecting vulnerable residents.

The Task Force also recognized that in the case of domiciliary hostels, the setting and enforcement of standards was possible through purchase-of-service agreements between the service providers and the funders (usually the regional municipality or county government). However, this varied from municipality to municipality, leading to concerns over both the quality of standards set, and the ability to enforce them.

The Task Force concluded that it was necessary for there to be an over-all provincial regulatory framework, enshrined by law, governing retirement residences. This legislative framework should include establishing the requirement for retirement home licensing by an independent agency, the setting of minimum (baseline, or basic) care standards (to be determined in consultation with stakeholders and the public), their enforcement by an independent agency, and a defined complaint-resolution process that includes third-party review.

Recommendation 1 - Provincial Regulation:

That the Provincial Government enact legislation that establishes the framework for governing the activities of retirement homes, including:

- A licensing process for retirement homes,
- The development of minimum care standards for retirement home residents by an independent third-party agency,
- The enforcement of minimum care standards for retirement home residents by an independent third-party agency, and
- The establishment of a complaint resolution process available to residents, their families, retirement home staff, and the public, that includes third-party review.

Licensing

The Task Force discussed the issue of licensing retirement homes, and whether the responsibility should lie with the industry through self-regulation (the ORCA model), or be done by municipalities, or by the province. The Task Force concluded that mandatory licensing was required and should be based on provincially-set criteria, which would ensure equity across the province. The Task Force suggested that such criteria should be developed by a Provincial Task Force through a public consultative process, and that the granting and revoking of licenses should be done by an independent regulatory agency composed of stakeholders and the public. The Task Force suggested that some of the work of the agency (i.e. processing applications, inspections) could be delegated to municipalities as a means of reducing bureaucratic overload and duplication. The Task Force noted that, as municipalities vary in their fiscal capacities, there would have to be appropriate resources provided to municipalities should this role be undertaken by them.

The Task Force concluded that:

Recommendation 2 - Licensing:

- 2.1 The term “retirement residence” should be defined in legislation;**
- 2.2 Criteria for licensing should be established;**
- 2.3 The Province should set the licensing requirements;**
- 2.4 An independent third-party agency (composed of stakeholders and the public) should be established to grant and revoke licenses based on the provincial criteria;**
- 2.5 The provincial criteria be based on recommendations developed by a Provincial Task Force, composed of stakeholders and the public, through a public consultative process; and**
- 2.6 The process of licensing and enforcement of license conditions by the agency include a role for municipalities (including the adequate provision of resources to undertake this role).**

Standards

The Task Force recognizes that retirement homes vary in the provision of care, depending on seniors needs and their ability to pay. It is a market for services, and is subject to market pressures in terms of costs and profits. Not all retirement homes provide the same services, nor can afford to provide all services (as their residents may not be able to afford to pay for these services). Therefore the question of setting standards must be approached with caution, as setting standards too high may force some retirement homes to close, thereby losing an important service.

While it is recognized that not all retirement homes offer the same services, for what services are offered there should be minimum (baseline or basic) standards so to ensure that what is being paid for is being delivered. The *Tenant Protection Act* requires that care homes (i.e. residences that provide more than meals, housekeeping and recreational activities) provide tenants with a Care Home Information Package, which lists the services being paid for. While it must be recognized that retirement homes vary greatly in services delivered (and therefore in Care Home Information Packages), the Task Force believes that some minimum standards and definitions should be developed so that Care Home Information Packages can be comparable and enforceable, while still allowing for individual care home tailoring of services. Common definitions mean that common expectations of services being delivered can be developed, the interests of both the residents and the service-provider better protected, and deficiencies more easily identified and corrected. Residents (and their families) would know better what to expect for their money.

The Task Force therefore recommends that the Provincial Task Force envisaged in Recommendation 2 above review, as part of its mandate, Care Home Information Packages in order to develop standard terms and conditions of the services being offered.

Recommendation 3 - Care Home Information Packages:

That the Provincial Task Force review, as part of its mandate, Care Home Information Packages in order to develop common terms and conditions for the services being offered, and make recommendations to the Provincial Government to be incorporated in its retirement home regulatory framework.

The Task Force also recognized that retirement homes offer different levels of care, depending on the resident's needs (and ability to pay). It is clear, however, that some retirement homes now provide services comparable to nursing homes, due to the long waiting lists for long term care facilities (a situation exacerbated by the trend in population aging). Yet these "quasi-nursing homes", while providing similar care (such as secure floors, etc.), do not face the same requirements of care standards or inspections that long term care facilities do. The Task Force believes that such retirement homes offering these services should be required to meet long term care standards.

The Task Force believes that basic care standards should be established all along the care continuum, from home care to retirement home care to long term care. As retirement home residents often require additional care as they age, there should be minimum (baseline or basic) standards to assure that this care is being delivered appropriately where it is indeed being offered. These standards should be tiered, in recognition that some residents may not require the full range of care. The standards should also include appropriate staffing ratios, in order to ensure that the required care can be properly given. As well, the Task Force noted the Residents' Bill of Rights that has legislative status in long term care facilities, and recommends that a similar residents' bill of rights should be developed in the retirement home sector.

In recognition that there are different components of care, the Task Force identified 6 areas where minimum care standards should be developed:

- Personal Care (including hygiene, continence, etc.);
- Nursing care (including the provision of medications);
- Nutrition;
- Social and recreational activities;
- Building environment (including safety);
- Administration (eg. transfers, access, finances, contracts, etc.).

While many retirement homes (including ORCA members) already have care standards that cover these areas, evidence of residents with soiled clothing, inadequate staffing (or inadequately trained staff), insufficient social contact or recreational activity, were mentioned frequently at Task Force meetings. As a result, the Task Force recommends:

Recommendation 4 - Standards of Care:

That the Provincial Task Force develop, as part of its mandate and involving a public consultation process, minimum care standards for retirement home residents - recognizing the diversity of care services offered, the requirement for a tiered-approach in the provision of these services, and including a residents' bill of rights - and make recommendations to the Provincial Government to be incorporated in its retirement home regulatory framework.

Enforcement

Standards without enforcement become empty, and this has as much to do with the style of enforcement (how often and by whom) as it does with the substance. If the intent of the exercise is to ensure the adequate provision of care for retirement home residents who need it (and are paying for it) and “fill-in the gaps”, then enforcement of care standards becomes a necessary part of the equation.

The Task Force recognized the consensus from the Community Forum that called for a third-party independent agency to perform the enforcement of retirement home regulations. Such an agency should be the body issuing retirement home licenses. While ORCA provides an inspection function as part of its member certification process, the Task Force was sensitive to the issue of the integrity of the enforcement process. However, in terms of inspections to enforce retirement home regulations, concern was raised about creating new bureaucracies duplicating the activities of other agencies (i.e. municipal property standards, public health inspections, MOH long term care facility inspections). While municipalities may be viewed as a possible agent to provide some of these activities, there would be the necessity to ensure the provision of appropriate resources to enable the municipalities to do the job. Further, the role of the Community Care Access Centres should also be considered in supporting the enforcement of retirement home regulations. As a result, the Task Force proposes:

Recommendation 5 - Enforcement:

- 5.1 The overall framework for the enforcement of retirement home regulations should be set out in provincial legislation;**
- 5.2 The Provincial Task Force should examine regulation enforcement issues, through a public consultation process, and make recommendations to the Provincial Government;**
- 5.3 The provincial agency responsible for licensing retirement homes should also be responsible for regulatory enforcement, including regular inspections; and**
- 5.4 The provincial agency should be authorized to delegate regulatory powers to existing public agencies active in the field (i.e. municipalities, provincial ministries, etc.).**

The Task Force recognizes that most retirement residences are well run and have good complaint resolution processes (a requirement of ORCA membership), and that the first step of any complaint resolution process must begin in the retirement residence itself. However, the Task Force heard considerable concern regarding the inability of individuals (and agencies), following the lack of co-operation at the first level by a retirement home operator, to report complaints to an independent agency who could then conduct impartial investigations.

As well, the Task Force examined who could make complaints - residents, their families, staff of the facility, outside care agencies (such as the CCAC), or the public. The Task Force recognized that some 30% of seniors do not have family around to advocate for them. Further, the Task Force recognized the difficulty of retirement home staff reporting problems, given possible job repercussions in this highly transient and low-paying sector. The Task Force supported the development of some “whistle-blower” protection for care home staff as part of the retirement home regulatory framework.

As well, the Task Force discussed the provision of 1-800 hotline numbers to handle complaints, and the possibility of an “ombudsman” to investigate or advocate on behalf of all retirement home residents. While ORCA’s 1-800 hotline telephone number is a step in the right direction, the fact that it can only be used to enforce its own standards regarding its own members (55% of the retirement home sector) only illustrates the need for overall provincial regulation and enforcement.

Recommendation 6 - Complaints:

- 6.1 The provincial regulatory framework should include a defined complaints resolution process, including the opportunity for third-party review. The investigation of complaints should first start at the retirement home itself; if not resolved it then should be pursued by the provincial agency responsible for the regulation of retirement residences;**
- 6.2 Any resident, family member, retirement home staff, care giver, or member of the public can file a complaint. Retirement home staff should be protected from adverse employer reaction.**
- 6.3 The Provincial Task Force should examine, as part of its mandate, the development of an appropriate complaints resolution process, and make recommendations to the Provincial Government.**

Conclusion

The Task Force realizes that many other related issues could not be addressed within the mandate and short timeline of its existence - such as the provision of supportive housing for seniors, the use of volunteers and their training, how to provide services to low-income seniors, gaps in the continuum of care, the role of convalescent care, continuity of residence vs. capacity to provide appropriate care, advocacy for residents, advance directives, etc. In particular, given the limits on home care (home-making is capped at 15 hours a week) and the requirements for supervision to qualify for long term care, issues of accessibility and affordability to the “intermediate” care provided by the retirement home sector were of concern to the Task Force. These are subjects that should be examined as part of a larger review of the needs of an aging population.

The Task Force is also aware of the resistance by the Provincial Government to creating another regulatory framework to achieve a public good, and the efforts of ORCA to achieve self-regulatory status. But the Task Force believes that the on-coming impact of the aging of our population and the need to ensure adequate care in retirement homes for those who cannot (or choose not) to live independently will ultimately lead to regulations for retirement homes, and that sooner is better than later. The Task Force also believes the evidence is convincing and overwhelming that municipalities lack the ability to ensure the provision of appropriate care to retirement home residents, but that, under a provincial regulatory framework, there is a role for municipalities to play, given appropriate resources..

The Task Force, in order to expedite what it perceives of necessity to be the inevitable, recommends:

Recommendation 7 - Distribution of Report and Recommendations:

- 7.1 Regional Council approve the report of the Task Force and its recommendations;**
- 7.2 Regional Council write to the Ontario Minister of Health and Long Term Care as well as the Ontario Minister Responsible for Seniors Issues urging provincial regulation of retirement homes, based on this report (and including the report from the April 29, 2000 Community Forum);**
- 7.3 Copies of this material be provided to both Opposition Party Critics and to area M.P.P.s; and**
- 7.4 Copies be also sent to the Association of Municipalities of Ontario the Ontario Residential Care Association (ORCA), the Ontario Association of Non-profit Housing and Seniors’ Services (OANHSS), and the Ottawa - Eastern Ontario Residential Care Association, for their consideration.**

Appendix 1 - Summary of Recommendations:

Recommendation 1 - Provincial Regulation:

That the Provincial Government enact legislation that establishes the framework for governing the activities of retirement homes, including:

A licensing process for retirement homes,

- 1.2 The development of minimum care standards for retirement home residents by an independent third-party agency,
- 1.3 The enforcement of minimum care standards for retirement home residents by an independent third-party agency, and
- 1.4 The establishment of a complaint resolution process available to residents, their families, retirement home staff, and the public, that includes third-party review.

Recommendation 2 - Licensing:

- 2.1 The term “retirement residence” should be defined in legislation;
- 2.2 Criteria for licensing should be established;
- 2.3 The Province should set the licensing requirements;
- 2.4 An independent third-party agency (composed of stakeholders and the public) should be established to grant and revoke licenses based on the provincial criteria;
- 2.5 The provincial criteria be based on recommendations developed by a Provincial Task Force, composed of stakeholders and the public, through a public consultative process; and
- 2.6 The process of licensing and enforcement of license conditions by the agency include a role for municipalities (including the adequate provision of resources to undertake this role).

Recommendation 3 - Care Home Information Packages:

That the Provincial Task Force review, as part of its mandate, Care Home Information Packages in order to develop common terms and conditions for the services being offered, and make recommendations to the Provincial Government to be incorporated in its retirement home regulatory framework.

Recommendation 4 - Standards of Care:

That the Provincial Task Force develop, as part of its mandate and involving a public consultation process, minimum care standards for retirement home residents - recognizing the diversity of care services offered, the requirement for a tiered-approach in the provision of these services, and including a residents' bill of rights - and make recommendations to the Provincial Government to be incorporated in its retirement home regulatory framework.

Recommendation 5 - Enforcement:

- 5.1 The overall framework for the enforcement of retirement home regulations should be set out in provincial legislation;
- 5.2 The Provincial Task Force should examine regulation enforcement issues, through a public consultation process, and make recommendations to the Provincial Government;
- 5.3 The provincial agency responsible for licensing retirement homes should also be responsible for regulatory enforcement, including regular inspections; and
- 5.4 The provincial agency should be authorized to delegate regulatory powers to existing public agencies active in the field (i.e. municipalities, provincial ministries, etc.).

Recommendation 6 - Complaints:

- 6.1 The provincial regulatory framework should include a defined complaints resolution process, including the opportunity for third-party review. The investigation of complaints should first start at the retirement home itself; if not resolved it then should be pursued by the provincial agency responsible for the regulation of retirement residences;
- 6.2 Any resident, family member, retirement home staff, care giver, or member of the public can file a complaint. Retirement home staff should be protected from adverse employer reaction;
- 6.3 The Provincial Task Force should examine, as part of its mandate, the development of an appropriate complaints resolution process, and make recommendations to the Provincial Government.

Recommendation 7 - Distribution of Report and Recommendations:

- 7.1 Regional Council approve the report of the Task Force and its recommendations;
- 7.2 Regional Council write to the Ontario Minister of Health and Long Term Care as well as the Ontario Minister Responsible for Seniors Issues urging provincial regulation of retirement homes, based on this report (and including this report and the report from the April 29, 2000 Community Forum);
- 7.3 Copies of this material be provided to both Opposition Party Critics, and to area M.P.P.s; and
- 7.4 Copies be also sent to the Association of Municipalities of Ontario, the Ontario Residential Care Association (ORCA), the Ontario Association of Non-Profit Housing and Seniors' Services (OANHSS) and the Ottawa-Eastern Ontario Residential Care Association, for their consideration.

Appendix 2 - List of Presenters:

Connie Delahanty (No-Name Seniors Action Network)

Henri Diotte (Property Standards Officer, City of Ottawa)

Beth LeBlond

Louise Malloy

Sheila Pepper (Council of Women)

Evelyn Shore (No-Name Seniors Action Network)

Appendix 3 - List of Documents Received

August 10, 2000 Task Force Meeting:

1. Report on Community Forum on the Regulation of Retirement Residences (April 29, 2000)
2. Briefing Note of Report on Action Taken by the City of Toronto (*Standards of Care in Retirement and Lodging Homes*, 1999)
3. “Snapshot” of Seniors Accommodation in Ottawa-Carleton
4. Executive Summaries:
 - Lightman Report
 - Holzman Report
5. OANHSS Position Paper
6. ORCA - Standards Program Information
7. Directory of Housing & Residences for Seniors in Ottawa-Carleton (RMOC)
8. Guide for Selecting a Retirement Residence (Council on Aging)
9. *Canada’s Hidden Crime: In some seniors’ homes, the elderly might as well be dead* (Reader’s Digest article)
10. Residents’ Bill of Rights
11. Glossary

September 7, 2000 Task Force Meeting:

12. Statistics Report on Ottawa-Carleton CCAC Placement Services
13. ORCA Expansion of 1-800 hotline (Canada News Wire article) and ORCA Fact Sheet
14. COA's letter to the Minister of Citizenship, Culture & Recreation With Responsibility for Seniors on Possible Corrective Action Resulting from an ORCA Hotline Call
15. *Interprovincial Comparisons of Public and Private Sector Long-Term Care Facilities for the Elderly in Canada* (Canadian Public Policy article)
16. Excerpt from Report of Continuing Care Organization and Terminology (Health Canada-Division of Aging and Seniors)
17. Suggested Points for Consideration in TF Deliberations
18. Regional Councillor's request letter to the Regional Director, Healthcare Programs at the Ministry of Health & LTC for Participation on the Task Force on the Regulation of Retirement Residences

September 21, 2000 Task Force Meeting:

19. Ministry of the Solicitor General - Lorne Pinkerton et al. Inquest: Verdict of Coroner's Jury
20. Excerpt from Ontario Building Code 1997
21. Excerpt from Ontario Fire Code
22. Current Activities of the ROC Health Department Relating to Retirement Homes
23. Components and Possible Care Standard Topics
24. ORCA - What the Standards Should Cover

October 5, 2000 Task Force Meeting:

25. Task Force on the Regulation of Retirement Residences: A Work Plan
26. Blackburn Lodge Seniors Residence - Care Home Information Package
27. Central Park Lodges, Sterling Place - Care Home Information Package
28. Thorncliffe Place Retirement Home - Care Home Information Package
29. Dr. Clark's remarks on the report "A Review of the Responses to the Recommendations of the Lorne Pinkerton et al. Inquest"
30. Executive Summary of Responses to the Lorne Pinkerton et al. Inquest Jury Recommendations
31. Possible Standards Topics Input by Louise Malloy
32. Ottawa-Eastern Ontario Residential Care Association Standards
33. Possible Areas for Standards of Retirement Homes by Marion Routledge
34. Possible Areas for Standards of Retirement Residences from Unitarian House
35. ORCA - Standards Evaluation Program (Excerpt from Draft 2001)
36. Minimal Care Recommendations - Retirement Homes (CCAC)
37. Agreement between the RMOC and the "Operator" (Domiciliary Hostel)

Appendix 4 - Residents' Bill of Rights

Bill of Rights for people who live in Ontario Nursing Homes

1. Every resident has the right to be treated with courtesy and respect and in a way that fully recognizes the resident's dignity and individuality and to be free from mental and physical abuse.

Every resident has the right to be properly sheltered, fed, clothed and cared for in a manner consistent with his or her needs.

Every resident has the right to be told who is responsible for and who is providing the resident's direct care.

Every resident has the right to be afforded privacy in treatment and in caring for his or her personal needs.

Every resident has the right to keep in his or her room and display personal possessions, pictures and furnishings in keeping with safety requirements and other residents' rights.

- 6a. Every resident has the right to be informed of his or her medical condition, treatment and proposed course of treatment.
- 6b. Every resident has the right to give or refuse consent to treatment, including medication, in accordance with the law and to be informed of the consequences of giving or refusing consent.

- 6c. Every resident has the right to have the opportunity to participate fully in making any decision and obtaining an independent medical opinion concerning any aspect of his or her admission, discharge or transfer to or from a nursing home.
- 6d. Every resident has the right to have his or her medical records kept confidential in accordance with the law.
7. Every resident has the right to receive reactivation and assistance towards independence consistent with his or her requirements.
8. Every resident who is being considered for restraints has the right to be fully informed about the procedures and the consequences of receiving or refusing them.
9. Every resident has the right to communicate in confidence, to receive visitors of his or her choice and to consult in private with any person without interference.
10. Every resident whose death is likely to be imminent has the right to have members of the resident's family present twenty-four hours per day.
11. Every resident has the right to designate a person to receive information concerning any transfer or emergency hospitalization of the resident and where a person is so designated to have that person informed forthwith.
12. Every resident has the right to exercise the rights of a citizen and to raise concerns or recommend changes in policies and services on behalf of himself or herself or others to the residents' council, nursing home staff, government officials or any other person inside or outside the nursing home, without fear of restraint, interference, coercion, discrimination or reprisal.
13. Every resident has the right to form friendships, to enjoy relationships and to participate in the residents' council.

14. Every resident has the right to meet privately with his or her spouse in a room that assures privacy and where both spouses are residents in the same nursing home, they have a right to share a room according to their wishes, if an appropriate room is available.
15. Every resident has the right to pursue social, cultural, religious and other interests to develop his or her potential and to be given reasonable provisions by the nursing home to accommodate these pursuits.
16. Every resident has the right to be informed in writing of any law, rule or policy affecting the operation of the nursing home and of the procedures for initiating complaints.
17. Every resident has the right to manage his or her own financial affairs where the resident is able to do so, and where the resident's financial affairs are managed by the nursing home, to receive a quarterly accounting of any transactions undertaken on his or her behalf and to be assured that the resident's property is managed solely on the resident's behalf.
18. Every resident has the right to live in a safe and clean environment.
19. Every resident has the right to be given access to protected areas outside the nursing home in order to enjoy outdoor activity, unless the physical setting makes this impossible.

(The Bill of Rights for residents of Ontario nursing homes became law in 1987)