

## Understanding Our Law and Residents' Councils: Long-Term Care Homes Act, 2007

### Long Term Care Homes Act, 2007, & Ontario Regulation 79/10

The Long-Term Care Homes Act (LTCHA) is rooted in the philosophy of resident-centered care. The act strongly supports collaboration and mutual respect among residents, their families, staff and volunteers, to ensure that the care and services provided will meet the needs of residents and enable them to live their lives to the fullest extent possible.

The following excerpts from the LTCHA, 2007, address specific clauses outlining the rights, roles and responsibilities of residents as members of Residents' Councils. OARC has provided brief explanations in **blue text** to assist you in understanding these critical aspects of the law. OARC has developed this document to support Residents' Councils in understanding their full scope of influence as outlined in the LTCHA, 2007.

As a companion in support of OARC's Provisional Agenda and Minute Template. The sections of the Provisional Agenda and Minute Template which align with excerpts from the law are indicated in the right hand column.

For more information on the Long Term Care Homes Act, 2007 please visit [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_07108\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_07108_e.htm) .

For more information about LTCHA Act, 2007 Regulation 79/10, please visit [http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_100079\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_100079_e.htm)

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| Residents in Attendance .....                          | 3, 5               |
| Approved Guests.....                                   | 5                  |
| Residents' Council Assistant .....                     | 8                  |
| 1.0 Call to Order, Welcome, Adoption of Agenda         |                    |
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| 2.1 Concern Response Review .....                      | 8                  |
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| 3.0 Community Involvement Discussion.....              | NA                 |
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| 6.5 Dining and Snack Review:                           |                    |
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| 6.6 Residents' Council Assistant .....                 | 8                  |
| 6.7 Homes' Mission Statement.....                      | 3-4                |
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| 8.0 Adjournment.....                                   | NA                 |
| Approval of Minutes.....                               | 11                 |
| Administrator Acknowledgement.....                     | 8                  |

| LONG-TERM CARE HOMES ACT, 2007  | OARC Minute Template Reference |
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| <p><b>Residents' Bill of Rights</b></p> <p><b>3. (1)</b> Every licensee of a long-term care home shall ensure that the following rights of residents are fully respected and promoted: 2007, c. 8, s. 3 (1).</p> <p>The owner and/or administrator of every long-term care home must ensure that everyone working and volunteering in the home knows, respects and promotes the Residents' Bill of Rights.</p>  | 2.2                            |
| <p><b>17.</b> Every resident has the right to raise concerns or recommend changes in policies and services on behalf of himself or herself or others to the following persons and organizations without interference and without fear of coercion, discrimination or reprisal, whether directed at the resident or anyone else,</p> <p>i. the Residents' Council, 2007, c. 8, s. 3 (1).</p> <p>As a resident, you have the right to raise concerns or recommend changes to policies and services, on behalf of yourself or any other resident. Your comments can be confidently raised and discussed at Residents' Council meetings and you can do so:</p> <ul style="list-style-type: none"> <li>• without any interaction or involvement from any staff member, volunteer or resident.</li> <li>• free from fear of anyone using their power or intimidating behaviour towards you, or anyone else, in trying to prevent you from speaking up.</li> <li>• free from fear of discrimination from anyone because you spoke up.</li> </ul> <p>This applies to all residents in your long-term care home.</p> | 2.2                            |
| <p><b>20.</b> Every resident has the right to participate in the Residents' Council. 2007, c. 8, s. 3 (1).</p>  | Residents in Attendance        |
| <p><b>Mission statement</b></p> <p><b>4. (1)</b> Every licensee shall ensure that,</p> <p>(a) there is a mission statement for each of the licensee's long-term care homes that sets out the principles, purpose and philosophy of care of the home: and</p> <p>Every long-term care home has a mission statement that states the purpose, the principles and philosophy of care of the home. Residents' Council members should be aware of this statement and understand the home's goals.</p>   | 6.7                            |

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| <p>(b) the principles, purpose and philosophy of care set out in the mission statement are put into practice in the day-to-day operation of the long-term care home. 2007, c. 8, s. 4 (1).</p> <p>Homes are responsible for putting their stated purpose, principles and philosophy of care into practice.</p>  | <p><b>6.7</b></p> |
| <p><b>Collaboration</b></p> <p>(3) The licensee shall ensure that the mission statement is developed, and revised as necessary, in collaboration with the Residents' Council and the Family Council, if any, and shall invite the staff of the long-term care home and volunteers to participate. 2007, c. 8, s. 4 (3).</p> <p>The administration in the home is responsible for working together with the Residents' Council, Family Council and any staff or volunteers who wish to participate in the development or revision of the home's mission statement.</p>   | <p><b>6.7</b></p> |
| <p><b>Updating</b></p> <p>(4) At least once every five years after a mission statement is developed, the licensee shall consult with the Residents' Council and the Family Council, if any, as to whether revisions are required, and shall invite the staff of the long-term care home and volunteers to participate. 2007, c. 8, s. 4 (4).</p> <p>Every five years, the administration of your long-term care home is responsible for re-examining the current mission statement to determine if revisions are needed. In doing so, the administration must engage in discussion with, and seek the advice of Residents' Council and the Family Council members, and of any other staff or volunteer who wishes to contribute. The administration is also responsible for extending an invitation to these people to participate in this collaborative process.</p> | <p><b>6.7</b></p> |

## PART IV: COUNCILS

### **Residents' Council**

(Sections 56-68 are displayed chronologically in the LTCHA under PART IV, COUNCILS.)

| <b>LONG-TERM CARE HOMES ACT, 2007</b>  | <b>OARC Minute Template Reference</b>                |
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| <b>56. (1)</b> Every licensee of a long-term care home shall ensure that a Residents' Council is established in the home. 2007, c. 8, s. 56 (1).   | <b>5.1</b>   |
| <b>Only residents</b><br><b>(2)</b> Only residents of the long-term care home may be members of the Residents' Council. 2007, c. 8, s. 56 (2).   | <b>Residents in Attendance</b>                       |
| <b>Licensee duty to meet with Council</b><br><br><b>63.</b> If invited by the Residents' Council or the Family Council, the licensee shall meet with that Council or, if the licensee is a corporation, ensure that representatives of the licensee meet with that Council. 2007, c. 8, s. 63.   | <b>2.5</b><br><b>5.0</b><br><b>5.1</b><br><b>5.2</b> |
| <b>Attendance at meetings – licensees, staff, etc.</b><br><br><b>64.</b> A licensee of a long-term care home shall attend a meeting of the Residents' Council or the Family Council only if invited, and shall ensure that the staff, including the Administrator, and other persons involved in the management or operation of the home attend a meeting of either Council only if invited. 2007, c. 8, s. 64.<br><br><ul style="list-style-type: none"><li>• The licensee, usually through their designate (the home's Administrator), must ensure that they, or any other staff member, do <b>not</b> attend a Residents' Council meeting unless invited. Residents' Council meetings are for <b>residents only</b>. Any other person must not attend the Council meeting unless invited. This is to ensure residents have the opportunity to meet privately to discuss any of their experiences as a resident, in a safe, secure environment among their peers.</li><li>• All Council members need to be in agreement with a guest being invited to a meeting. Guests may be invited to attend a meeting for a specific purpose and then asked to leave while the Council continues their business, or guests may be invited to attend a meeting for a specific purpose and then permitted to stay for the duration of the meeting. Council members make this decision <b>prior</b> to extending the invitation.</li></ul> | <b>Approved Guests</b>                               |

| LONG-TERM CARE HOMES ACT, 2007   | OARC Minute Template Reference |
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| <p><b>Powers of Residents' Council</b></p> <p><b>57. (1)</b> A Residents' Council of a long-term care home has the power to do the following:</p> <p>1. Advise residents respecting their rights and obligations under this Act.</p> <p>Council members/residents have the right to ask for and understand their rights and obligations under the Long-Term Care Homes Act, 2007.</p>  | 2.2                            |
| <p>2. Advise residents respecting the rights and obligations of the licensee under this Act and under any agreement relating to the home.</p> <p>Council members/residents have the right to ask for and understand the rights and obligations of the licensee/owner under the Long-Term Care Homes Act, 2007, and any other agreement relating to the home, such as the agreement the home has with their local health integration network.</p> | 2.2                            |
| <p>3. Attempt to resolve disputes between the licensee and residents.</p> <p>Council members have the right to use their collective voice to attempt to resolve an issue between the home administration and a resident or residents.</p>  | 2.5<br>5.0<br>5.1              |
| <p>4. Sponsor and plan activities for residents.</p> <p>Council members have the right to plan activities for residents and, if there is a cost involved, Council will use its Residents' Council funds to pay for the activity.</p>   | 2.3<br>2.5                     |
| <p>5. Collaborate with community groups and volunteers concerning activities for residents.</p> <p>Council members have the right to work together with community groups and volunteers on activities of interest to residents and make their own arrangements using Residents' Council funds.</p>   | 2.3<br>2.5                     |
| <p>6. Advise the licensee of any concerns or recommendations the Council has about the operation of the homes.</p> <p>Council has the right to advise the owner/administrator of any concerns or recommendations they have about the operation of their home.</p>  | 2.4<br>2.5<br>6.3              |

| LONG-TERM CARE HOMES ACT, 2007  | OARC Minute Template Reference                                      |
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| <p>7. Provide advice and recommendations to the licensee regarding what the residents would like to see done to improve care or the quality of life in the home.</p> <p>Council has the right to provide advice or recommendations to the owner/administrator regarding what the residents would like to see done to improve care or the quality of life in their home.</p>   | <p>2.4<br/>2.5<br/>6.3</p>  |
| <p>8. Report to the Director any concerns and recommendations that in the Council's opinion ought to be brought to the Director's attention.</p> <p>Council has the right to report directly to the Director of the Ministry of Health and Long-Term Care's Performance Compliance and Improvement Branch any concerns and recommendations that the Council believes should be brought to the Director's attention.</p>   | <p>4.0</p>  |
| <p>9. Review,</p> <ul style="list-style-type: none"> <li>i. inspection reports and summaries received under sections 149,<br/>A copy of all inspection reports issued by the Ministry of Health and Long-Term Care's Performance Compliance and Improvement Branch that concern your home is sent directly to the President of the Residents' Council. These reports are intended to be shared at Residents' Council meetings.</li> <li>ii. the detailed allocation, by the licensee, of funding under this Act and amounts paid by residents,</li> <li>iii. the financial statements relating to the home filed with the Director under the regulations,</li> <li>iv. the financial statements relating to the home filed with the Director under the regulations or provided to a local health integration network, and</li> <li>v. the operation of the home.<br/>The Residents' Council has the right to review any of the above reports or statements whenever requested. OARC suggests that Councils extend an invitation to the home administrator to attend a Council meeting for the purpose of having an open discussion about each document on an annual basis.</li> </ul> <p>10. Exercise any other powers provided for in the regulations. 2007, c. 8, ss. 57 (1), 195 (4, 5).</p> | <p>4.0</p> <p>6.2</p> <p>6.1</p> <p>2.5<br/>5.0<br/>5.1<br/>5.2</p> |

| LONG-TERM CARE HOMES ACT, 2007  | OARC Minute Template Reference                                |
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| <p><b>Duty to respond</b></p> <p>(2) If the Residents' Council has advised the licensee of concerns or recommendations under either paragraph 6 or 8 of subsection (1), the licensee shall, within 10 days of receiving the advice, respond to the Residents' Council in writing. 2007, c. 8, s. 57 (2).</p> <p>There may be some underlying confusion because in another area of the legislation (LTCHA, 2007 101. (1)), dealing with the 'reporting and complaints' process in the home, the Administrator is directed to respond within 10 business days. OARC has received clarification from our government, that the requirement for responding to advice that comes through the Residents' Council, is within 10 calendar days (i.e. includes weekends and holidays).</p>  | <p><b>Administrator Acknowledgement</b></p> <p>2.1</p>        |
| <p><b>Residents' Council Assistant</b></p> <p>58. (1) Every licensee of a long-term care home shall appoint a Residents' Council assistant who is acceptable to that Council to assist the Residents' Council. 2007, c. 8, s. 58 (1).</p> <p>Residents' Councils have the right to receive help and support from a staff member who is <b>acceptable</b> to the Council members. Securing this person, who serves as an assistant to the Residents' Council, should be a negotiated process with the home administrator. It is not appropriate for the administrator to assign this responsibility to a staff member without having first discussed this with a member of the Residents' Council's leadership team.</p>   | <p><b>Residents' Council Assistant</b></p> <p>6.6<br/>6.7</p> |
| <p><b>Duties</b></p> <p>(2) In carrying out his or her duties, a Residents' Council assistant shall take instructions from the Residents' Council, ensure confidentiality where requested and report to the Residents' Council. 2007, c. 8, s. 58 (2).</p> <p>The Residents' Council assistant has a pivotal role in most Council operations. The assistant is effectively working for the Council while in this role, not the long-term care home. This person is not a member of the Council and they are not part of the Council. If it is determined that assistance is required, an acceptable person is secured through negotiations with the administrator. Duties may include, but are not limited to, assisting with agenda preparation, organizing the meeting space, recording minutes, facilitating discussion, and assisting with elections. The assistant is the link between the Council operations and the long-term care home.</p> | <p><b>Residents' Council Assistant</b></p> <p>6.7</p>         |



| LONG-TERM CARE HOMES ACT, 2007  | OARC Minute Template Reference  |
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| <p><b>Licensee to co-operate with and assist Councils</b></p> <p><b>62.</b> A licensee shall co-operate with the Residents' Council, the Family Council, the Residents' Council assistant, and the Family Council assistant and shall provide them with such financial and other information and such assistance as is provided for in the regulations. 2007, c. 8, s. 62.</p>  | <p><b>5.0</b><br/><b>5.1</b><br/><b>5.2</b><br/><b>6.1</b><br/><b>6.2</b></p> |
| <p><b>No interference by licensee</b></p> <p><b>65.</b> A licensee of a long-term care home,</p> <p>(a) shall not interfere with the meetings or operation of the Residents' Council or the Family Council;</p> <p>(b) shall not prevent a member of the Residents' Council or Family Council from entering the long-term care home to attend a meeting of the Council or to perform any functions as a member of the Council and shall not otherwise hinder, obstruct or interfere with such a member carrying out those functions;</p> <p>(c) shall not prevent a Residents' Council assistant or a Family Council assistant from entering the long-term care home to carry out his or her duties or otherwise hinder, obstruct or interfere with such an assistant carrying out those duties;</p> <p>(d) shall ensure that no staff member, including the Administrator or other person involved in the management or operation of the home, does anything that the licensee is forbidden to do under clauses (a) to (c). 2007, c. 8, s. 65.</p> | <p><b>Administration Home Area</b></p> <p><b>2.5</b></p>                      |
| <p><b>Immunity – Council members, assistants</b></p> <p><b>66.</b> No action or other proceeding shall be commenced against a member of a Residents' Council or Family Council or a Residents' Council assistant or Family Council assistant for anything done or omitted to be done in good faith in the capacity as a member or an assistant. 2007, c. 8, s. 66.</p> <p><i>This clause relates to an action or proceedings against an individual, not the long-term care home (licensee). There will be no action or other proceedings (legal action, for example) against a member of either the Residents' Council or Family Council, nor their respective assistant. If that person, in their capacity as member or assistant, works in good faith in the conduct of his or her duties, no proceeding or action can be taken against that person.</i></p>  |   |

| LONG-TERM CARE HOMES ACT, 2007   | OARC Minute Template Reference |
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| <p><b>Duty of licensee to consult Councils</b></p> <p><b>67.</b> A licensee has a duty to consult regularly with the Residents' Council, and with the Family Council, if any, and in any case shall consult with them at least every three months. 2007, c. 8, s. 67.</p> <p>OARC believes that the intent here is to promote regular communication and develop a mutually respectful working relationship between Residents' Council members and the administration. Meeting every three months provides the administration with an opportunity to update the Council on the home's quality improvement work, along with any other items of mutual interest.</p>  | <p><b>5.1</b></p>              |
| <p><b>Regulations</b></p> <p><b>68.</b> The Lieutenant Governor in Council may make regulations for carrying out the purposes and provisions of this Part. 2007, c. 8, s. 68 (1).</p> <p><b>Specific inclusions</b></p> <p><b>(2)</b> Without restricting the generality of subsection (1), the Lieutenant Governor in Council may make regulations,</p> <p>(a) requiring a licensee to assist in the formation of Residents' Councils and Family Councils, and governing the assistance that the licensee is required to provide those Councils. 2007, c. 8, s. 68 (2).</p>   |                                |
| <p><b>Information for residents, etc.</b></p> <p><b>78. (1)</b> Every licensee of a long-term care home shall ensure that,</p> <p>(a) a package of information that complies with this section is given to every resident and to the substitute decision-maker of the resident, if any, at the time that the resident is admitted;</p> <p>(b) the package of information is made available to family members of residents and persons of importance to residents;</p> <p>(c) the package of information is revised as necessary;</p> <p>(d) any material revisions to the package of information are provided to any person who has received the original package and who is still a resident or substitute decision-maker of a resident; and</p> <p>(e) the contents of the package and of the revisions are explained to the person receiving them. <u>2007, c. 8, s. 78 (1)</u></p> | <p><b>6.4</b></p>              |

| LONG-TERM CARE HOMES ACT, 2007   | OARC Minute Template Reference |
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| <p><b>Contents</b></p> <p>(2) The package of information shall include, at a minimum,</p> <p>(o) information about the Residents' Council, including any information that may be provided by the Residents' Council for inclusion in the package. 2007, c. 8, ss. 78 (2),</p> <p style="padding-left: 40px;">Councils have the right to provide information about their home's Residents' Council, so that it can be included in the information package for new residents and their families. For example, the Residents' Council may wish to include a brochure or information sheet.</p>  | 6.4                            |
| <p><b>Posting of information</b></p> <p>79. (1) Every licensee of a long-term care home shall ensure that the required information is posted in the home, in a conspicuous and easily accessible location in a manner that complies with the requirements, if any, established by the regulations. 2007, c. 8, s. 79 (1).</p> <p><b>Communication</b></p> <p>(2) Every licensee of a long-term care home shall ensure that the required information is communicated, in a manner that complies with any requirements that may be provided for in the regulations, to residents who cannot read the information. 2007, c. 8, s. 79 (2).</p> <p style="padding-left: 40px;">OARC views Council meetings as an opportunity to share required information with residents who are unable to read the information.</p> | Posting of Approved Minutes    |
| <p><b>Required information</b></p> <p>(3) The required information for the purposes of subsections (1) and (2) is,</p> <p>(n) the most recent minutes of the Residents' Council meetings, with the consent of the Residents' Council. 2007, c. 8, ss. 79 (3)</p> <p style="padding-left: 40px;">Posting of Residents' Council meeting minutes needs the approval of Council members.</p>   | Final minutes approved by      |
| <p><b>Satisfaction survey</b></p> <p>85. (1) Every licensee of a long-term care home shall ensure that, at least once in every year, a survey is taken of the residents and their families to measure their satisfaction with the home and the care, services, programs and goods provided at the home. 2007, c. 8, s. 85 (1).</p>   | 6.3                            |

| LONG-TERM CARE HOMES ACT, 2007   | OARC Minute Template Reference |
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| <p><b>Action</b></p> <p>(2) A licensee shall make every reasonable effort to act on the results of the survey and to improve the long-term care home and the care, services, programs and goods accordingly. 2007, c. 8, s. 85 (2).</p> <p><b>Advice</b></p> <p>(3) The licensee shall seek the advice of the Residents' Council and the Family Council, if any, in developing and carrying out the survey, and in acting on its results. 2007, c. 8, s. 85 (3).</p> <ul style="list-style-type: none"> <li>• Residents' Council members have the right to have input into the development of their home's annual satisfaction survey.</li> <li>• Residents' Council members have the right to have input into how the survey is carried out in their home.</li> <li>• Residents' Council members have the right to offer suggestions on how to act upon areas requiring improvement in their home.</li> </ul>   |                                |
| <p><b>Documentation</b></p> <p>(4) The licensee shall ensure that,</p> <p>(a) the results of the survey are documented and made available to the Residents' Council and the Family Council, if any, to seek their advice under subsection (3);</p> <p style="padding-left: 40px;">The administration (as designate of licensee) must share the survey results with the Residents' Council members with the intent of receiving their advice on areas requiring improvement.</p> <p>(b) the actions taken to improve the long-term care home, and the care, services, programs and goods based on the results of the survey are documented and made available to the Residents' Council and the Family Council, if any;</p> <p style="padding-left: 40px;">The administration (as designate of licensee) must ensure that any actions the home is undertaking to improve identified areas within the home are documented and shared with Residents' Council.</p> <p>(c) the document required by clauses (a) and (b) are made available to residents and their families; and</p> <p style="padding-left: 40px;">The document produced under (b) is available to any resident and any family member.</p> | <p><b>6.3</b></p>              |

| LONG-TERM CARE HOMES ACT, 2007  | OARC Minute Template Reference |
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| <p>(d) the documentation required by clauses (a) and (b) is kept in the long-term care home and made available during an inspection under Part IX. 2007, c. 8, s. 85 (4).</p> <p>The document must be kept by the home and OARC suggests that Residents' Council meeting minutes reflect their involvement in the home's satisfaction survey process in detail.</p> |                                |

## PART IX COMPLIANCE AND ENFORCEMENT

### Inspections

| LONG-TERM CARE HOMES ACT, 2007   | OARC Minute Template Reference |
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| <p><b>Detailed allocation</b></p> <p><b>211.</b> For the purpose of subparagraph 9 ii of subsection 57 (1) and subparagraph 7 ii of subsections 60 (1) of the Act, “detailed allocation” means the reconciliation report for a calendar year submitted to the Minister and to the LHIN and the auditor’s report on that reconciliation report. O. Reg. 79/10, s. 211.</p> <p>Council has the right to review the Annual Reconciliation Report submitted to the Minister and to the home’s local health integration network along with the associated auditor’s report. OARC suggests that this take place at the spring/June meeting, as the calendar year for homes to report is March 31<sup>st</sup>.</p>   | 6.2                            |
| <p><b>Meeting with Councils</b></p> <p><b>145.</b> Where an inspection is required under section 143, the inspector may meet with the Residents’ Council or the Family Council, if requested or permitted to do so by the Council. 2007, c. 8, s. 145.</p> <ul style="list-style-type: none"> <li>The inspection referred to in section 143 covers any inspection of the home whether it is intended to investigate a complaint, investigate a critical incident, or carry out a follow-up inspection or an in-depth inspection of the home, known as an RQI (Resident Quality Inspection).</li> <li>During an RQI, a Residents’ Council representative will always be interviewed.</li> <li>A Residents’ Council may request an interview with an inspector relating to any of the other reasons for an investigation in the home.</li> </ul> | 4.0                            |

| LONG-TERM CARE HOMES ACT, 2007   | OARC Minute Template Reference |
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| <p><b>Inspection report</b></p> <p><b>149. (1)</b> After completing an inspection, an inspector shall prepare an inspection report and give a copy of the report to the licensee and to the Residents' Council and the Family Council, if any. 2007, c. 8, s. 149 (1).</p> <p>A Residents' Council President will receive a summary of the inspection report directly from the Ministry of Health and Long-Term Care. It is expected that this report be shared with Council members and discussed at a Council meeting.</p> | <p>4.0</p>                     |

| ONTARIO REGULATION 79/10   | OARC Minute Template Reference |
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| <p><b>Communication methods</b></p> <p><b>43.</b> Every licensee of a long-term care home shall ensure that strategies are developed and implemented to meet the needs of residents with compromised communication and verbalization skills, of residents with cognitive impairment and of residents who cannot communicate in the language or languages used in the home. O. Reg. 79/10, s. 43.</p> <p>The administration (as designate of licensee) must develop alternative ways to communicate with residents who have difficulty communicating. Alternative methods need to be developed and implemented to ensure there are ways to communicate with all residents, e.g., Residents' Bill of Rights produced by the Aphasia Institute.</p> |                                |
| <p><b>Menu planning</b></p> <p><b>71. (1)</b> Every licensee of a long-term care home shall ensure that the home's menu cycle,</p> <p>(a) is reviewed by the Residents' Council for the home; O. Reg. 79/10, s. 71 (1).</p> <p>The Residents' Council is aware of the home's menu cycle and has a committee in place to review menus being introduced prior to each cycle.</p>   | <p>2.4<br/>6.5 (a)</p>         |
| <p><b>Dining and snack service</b></p> <p><b>73. (1)</b> Every licensee of a long-term care home shall ensure that the home has a dining and snack service that includes, at a minimum, the following elements:</p>  | <p>2.4<br/>6.5 (b)</p>         |

| ONTARIO REGULATION 79/10  | OARC Minute Template Reference |
|---|--------------------------------|
| <p>2. Review, subject to compliance with subsection 71 (6), of meal and snack times by the Residents' Council. O. Reg. 79/10, s. 73 (2).</p> <ul style="list-style-type: none"> <li>• The Residents' Council has the right and responsibility to review the dining room service, including choices available, as well as meal times.</li> <li>• The Residents' Council has the right and responsibility to review the snack service, including choices available, as well as the snack times.</li> </ul>  |                                |
| <p><b>Recreational and social activities program</b></p> <p><b>65. (2)</b> Every licensee of a long-term care home shall ensure that the program includes,</p> <p>(c) recreation and social activities that include a range of indoor and outdoor recreation, leisure and outings that are of a frequency and type to benefit all residents of the home and reflect their interests;</p> <p>(d) opportunities for resident and family input into the development and scheduling of recreation and social activities;</p> <p>(e) the provision of information to residents about community activities that may be of interest to them; and O. Reg. 79/10, s. 65 (2).</p> <ul style="list-style-type: none"> <li>• The Residents' Council has the right to provide input in the choices of activities.</li> <li>• The Residents' Council has the right to provide input relating to the scheduling of activities.</li> <li>• See 57 (1) 4. Powers of a Residents' Council for related information.</li> </ul> | <p><b>2.5</b></p>              |

## REPORTING AND COMPLAINTS

The following legislation outlines the expectations for the general complaint process in the home. Note that this complaint process is separate from the one that exists for Residents' Councils.

### **Dealing with complaints**

**101. (1)** Every licensee shall ensure that every written or verbal complaint made to the licensee or a staff member concerning the care of a resident or operation of the home is dealt with as follows:

1. The complaint shall be investigated and resolved where possible, and a response that complies with paragraph 3 provided within 10 business days of the receipt of the



complaint, and where the complaint alleges harm or risk of harm to one or more residents, the investigation shall be commenced immediately.

All complaints, verbal or written, by an individual or a Residents' Council, should be investigated by the management of the home and resolved as quickly as possible.

2. For those complaints that cannot be investigated and resolved within 10 business days, an acknowledgement of receipt of the complaint shall be provided within 10 business days of receipt of the complaint including the date by which the complainant can reasonably expect a resolution, and a follow-up response that complies with paragraph 3 shall be provided as soon as possible in the circumstances.

Given that it may not be possible to investigate and resolve some complaints within 10 business days, management must acknowledge receipt of the complaint, communicate their plan to pursue the investigation, and provide the complainant with a schedule for resolving the issue.

3. A response shall be made to the person who made the complaint, indicating,
  - i. what the licensee has done to resolve the complaint, or
  - ii. that the licensee believes the complaint to be unfounded and the reasons for the belief. O. Reg. 79/10, s. 101 (1).

The complainant, whether an individual or the Council, has the right to receive a report detailing what has been done to resolve the complaint. If the licensee considers the complaint to be unfounded, they must provide an explanation as to why.

- (2) The licensee shall ensure that a documented record is kept in the home that includes,
  - (a) the nature of each verbal or written complaint;
  - (b) the date the complaint was received;
  - (c) the type of action taken to resolve the complaint, including the date of the action, time frames for actions to be taken and any follow-up action required;
  - (d) the final resolution, if any;
  - (e) every date on which any response was provided to the complainant and a description of the response; and
  - (f) any response made in turn by the complainant. O. Reg. 79/10, s. 101 (2).

The licensee, through their designate, must keep a detailed record of the complaint. OARC suggests if Council is making the complaint, they also keep a detailed record of the complaint and all investigation correspondence for review at a Council meeting.



(3) The licensee shall ensure that,

- (a) the documented record is reviewed and analysed for trends at least quarterly;
  - (b) the results of the review and analysis are taken into account in determining what improvements are required in the home; and
  - (c) a written record is kept of each review and of the improvements made in response.
- O. Reg. 79/10, s. 101 (3).

| ONTARIO REGULATION 79/10   | OARC Minute Template Reference                  |
|--|---|
| <p><b>Continuous Quality Improvement</b></p> <p><b>228.</b> Every licensee of a long-term care home shall ensure that the quality improvement and utilization review system required under section 84 of the Act complies with the following requirements:</p> <p>3. The improvements made to the quality of the accommodation, care, services, programs and goods provided to the residents must be communicated to the Residents’ Council, Family Council and the staff of the home on an ongoing basis.</p> <p>4. A record must be maintained by the licensee setting out,</p> <ul style="list-style-type: none"> <li>i. the matters referred to in paragraph 3;</li> <li>ii. the names of the persons who participated in evaluations and the dates improvements were implemented;</li> <li>iii. the communications under paragraph 3. O. Reg. 79/10, s. 228</li> </ul> <p>Every home must develop a continuous quality improvement plan and Residents’ Council has the right to know which areas their home is focusing on. OARC suggests that the administrator share the details and progress of the quality improvement plan as part of their report to Council every three months. This could be a time for celebration by both the administration and the Council. OARC also recommends that Council members and the administration discuss resident involvement with the Quality Committee process in their home.</p> | <p><b>2.4</b><br/><b>5.1</b><br/><b>5.2</b></p> |