

# Cutting Ontario’s red tape in long-term care:

## Immediate solutions to unleash capacity now and for the future

Legislation and regulations are important to safeguard long-term care residents and staff, and are effective in enforcing minimum standards. However, they are not sufficient in creating a culture of innovation and learning that is required to deliver the best care and outcomes for residents. **Immediate changes** are required to alleviate the human resource (HR) emergency and unleash long-term care home capacity to help solve the hallway health care crisis.

This document outlines short-term, easily implementable recommendations and solutions to reduce red tape within the long-term care sector, all while ensuring that caring for residents comes first. The recommendations will signal a more outcome-focused and collaborative approach that supports frontline staff in providing the best care to residents and will begin to cultivate a “just culture” in long-term care homes across Ontario.

### 1. Respond to the HR emergency through increased flexibility and reduced administrative burden.

Recommendation	Required policy, legislative or regulative change
<p><b>1.1</b> Allow operators to staff their homes according to resident needs and human resources.</p>	<p>The Ministry of Long-Term Care (MLTC) should:</p> <ul style="list-style-type: none"> <li>Amend the <i>Long-Term Care Homes Act</i> (LTCHA), s. 8(3) and O. Reg. 79/10, s. 45 and 45.1 to expand continuous nursing coverage (24/7 Registered Nurses) to include both Registered Nurses and Registered Practical Nurses based on resident care needs assessed by the medical and nursing staff in the home.</li> </ul>
<p><b>1.2</b> Allow staffing and funding flexibility so that adjunct care and service staff can provide personal support services.</p>	<p>The MLTC should:</p> <ul style="list-style-type: none"> <li>Support the recommendation from the Long-Term Care Homes Public Inquiry to expand the funding parameters of the care and services envelopes to permit use of these funds to pay for a broader spectrum of care and services staff, including porters, etc.<sup>1</sup></li> <li>Amend O. Reg. 79/10, s. 47 to:               <ul style="list-style-type: none"> <li>Remove the requirement that every person hired to provide personal support services, regardless of title, must meet the mandated qualifications for hiring a Personal Support Worker (PSW).</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Facilitate the hiring of individuals from additional health and social service occupational classes as “qualified PSWs”.</li> <li>• Remove the existing requirement for nurses hired as PSWs to hold current licensure.</li> <li>• Remove the requirement for “instructor supervision” of students working as PSWs and allow students enrolled in any recognized health and social service education program to work as PSWs.</li> <li>• Replace the requirements for candidates from other Canadian provinces to re-qualify by accepting proof of having met mandated qualifications in their province of origin.</li> </ul>
<p><b>1.3</b> Shorten hiring and onboarding times for new staff by resolving redundant police record checks and Vulnerable Sector Screening requirements for regulated staff.</p>	<p>The MLTC should:</p> <ul style="list-style-type: none"> <li>• Amend O. Reg. 79/10, s. 215 to allow a person who has completed a police record check as defined in O. Reg. 79/10, s. 215 1-3 within the past <b>12 months</b> to be hired as regulated staff or agency regulated staff in a long-term care home if the person provides a signed declaration of disclosure of any offences per O. Reg. 79/10, s. 215 (4) 1-3 as a condition of employment.</li> </ul>
<p><b>1.4</b> Abandon the implementation of the Personal Support Worker registry.</p>	<p>The MLTC should:</p> <ul style="list-style-type: none"> <li>• Abandon the implementation of the PSW Registry and work with the sector to identify alternate solutions to continue to ensure resident quality outcomes and protect the public.</li> </ul>

## 2. Start to cultivate a more “just culture” in long-term care through a focus on resident outcomes and more predictable approach to compliance.

Recommendation	Required policy, legislative or regulative change
<p><b>2.1</b> Apply inspection protocols consistently across the province.</p>	<p>The MLTC should:</p> <ul style="list-style-type: none"> <li>• Issue a policy directive to clarify the meaning of “requirement under this Act” in order to eliminate ambiguities and inconsistency in application by inspectors in determining non-compliance that reflect reasonableness, materiality and context.</li> </ul>
<p><b>2.2</b> Adopt a balanced and risk-based approach to inspections.</p>	<p>The MLTC should:</p> <ul style="list-style-type: none"> <li>• Revise the inspection protocols to focus on high risk areas and implement the recommendations of the Long-Term Care Homes Public Inquiry to:               <ul style="list-style-type: none"> <li>• Move to a more balanced approach to inspections to support long-term care homes in achieving regulatory compliance.</li> <li>• Encourage innovation and the use of new technologies in the long-term care system to build capacity and excellence in the long-term care system.<sup>2</sup></li> </ul> </li> </ul>

### 3. Streamline low-value or redundant requirements to reduce the administrative burden and redirect staff effort and hours to resident care.

Recommendation	Required policy, legislative or regulative change
<p><b>3.1</b> Reduce the administrative burden by clarifying, streamlining and consistently inspecting reporting of complaints and critical incidents.</p>	<p>The MLTC should:</p> <ul style="list-style-type: none"> <li>• Implement the recommendations of the Long-Term Care Homes Public Inquiry to issue a policy directive to clarify the meaning of “reasonable grounds” and “improper or incompetent care”<sup>3</sup> to eliminate ambiguities and inconsistency related to reporting under LTCHA section 24 and related findings of non-compliance.</li> <li>• Streamline provisions related to complaints and critical incident reporting to clearly differentiate between critical incidents and complaints by eliminating requirement (LTCHA s. 23(2)) to submit all written complaints related to care and the operation of the home to ministry. The only complaints that should be reported to the ministry are the ones related to harm, neglect, and abuse (LTCHA s. 24).</li> </ul>
<p><b>3.2</b> Reframe the complaint process to support a “just culture” and better complaint resolution.</p>	<p>The MLTC should:</p> <ul style="list-style-type: none"> <li>• Amend the act and its regulation such that complaints that are not related to harm, neglect and abuse (LTCHA s.24) shall be directed to the long-term care home licensee or the provincial Patient Ombudsman for resolution.</li> </ul>
<p><b>3.3</b> Streamline reporting requirements to avoid duplicative reporting.</p>	<p>The MLTC should:</p> <ul style="list-style-type: none"> <li>• Review all Local Health Integration Network (LHIN) and Health Quality Ontario (HQQ) reporting currently required by the sector to eliminate duplication as its moves forward with the implementation of Ontario Health.</li> <li>• Eliminate duplication within MLTC reporting requirements to address redundancies in the Ontario Health Care Reporting Standards (OHRS)/Management Information Standards (MIS) and Annual Reconciliation Reports; staffing surveys, occupancy reports and Behavioural Supports Ontario and/or other reporting of line funding and LHIN surveys regarding services.</li> </ul>
<p><b>3.4</b> Remove redundant training requirements to refocus staff hours and funding to resident care.</p>	<p>The MLTC should:</p> <ul style="list-style-type: none"> <li>• Revise regulatory requirements for ongoing training of direct care staff required by LTCHA s. 76(5-7) and O. Reg 79/10 s. 216-223 to reflect training and orientation in high risk areas and emerging best practices.</li> </ul>

<p><b>3.5</b> Move to the InterRAI Long-Term Care Facilities Assessment Instrument to provide improved clinical assessment while also reducing administrative burden.</p>	<p>The MLTC should:</p> <ul style="list-style-type: none"> <li>• Replace InterRAI MDS 2.0 with the InterRAI Long-Term Care Facilities Assessment Instrument (LTCF) and work with the Canadian Institute of Health Information that is currently supporting the implementation of the InterRAI LTCF resident assessment system and its improved model of data capture across Canada.</li> </ul>
<p><b>3.6</b> Reduce the administrative burden created by the admission process and streamline placement to meet the current and future needs of Ontario seniors.</p>	<p>The MLTC should:</p> <ul style="list-style-type: none"> <li>• Engage the long-term care sector in developing a consistent and efficient approach to home admissions and discharges.</li> <li>• Amend LTCHA Part III Admissions s. 39-55 and O. Reg. 79/10 Part III s.152-210 to streamline the admission requirements.</li> </ul>
<p><b>3.7</b> Realign supplementary funding into base funding for reduced administration and greater flexibility.</p>	<p>The MLTC should:</p> <ul style="list-style-type: none"> <li>• Realign supplementary funding to base funding and convene a joint ministry sector working group.</li> <li>• Eliminate the outdated eligibility “lists” and allow operators the flexibility to use the 2018 falls funding to support equipment and resident assessed needs guided by the home’s falls prevention program.</li> </ul>
<p><b>3.8</b> Defer non-critical capital improvements for homes requiring redevelopment and instead expedite the redevelopment process.</p>	<p>The MLTC should:</p> <ul style="list-style-type: none"> <li>• Amend O. Reg. 79/10 s.299 to prevent citation of non-compliance for low-risk issues requiring non-critical capital improvement for homes pending redevelopment.</li> </ul>
<p><b>3.9</b> Refrain from introducing new administrative red tape by repealing the <i>Pay Transparency Act, 2018</i>.</p>	<p>The Ontario Government should:</p> <ul style="list-style-type: none"> <li>• Repeal <i>The Pay Transparency Act, 2018</i>.</li> </ul>
<p><b>3.10</b> Exempt homes from reporting requirements on energy and water consumption.</p>	<p>The Ontario government should:</p> <ul style="list-style-type: none"> <li>• Amend O. Reg. 506/18: Reporting of Energy Consumption and Water use under <i>The Electricity Act, 1998</i>, S.O. 1998, c. 15, Sched. A to grant an ongoing exemption to long-term care homes to conduct these energy reports.</li> </ul>

## What's next?

The Ontario Long Term Care Association is committed to working with the Ontario Government to achieve the common goals of eliminating hallway health care, addressing the current HR emergency and alleviating the administrative burdens that prevent staff from providing seniors with the care they deserve.

The 16 recommendations outlined in this submission are easily implementable and have the potential to directly and positively impact the care residents receive. As a result, the government should consider implementing these changes prior to 2020 to ensure home and resident needs are being met on a short-term basis.

In the new year, the Association will partner with the government to conduct a more extensive review of the *Long-Term Care Homes Act* to recommend longer-term system-wide solutions to cut red tape and relieve pressure on our hospitals, community resources and long-term care homes.

## About the Ontario Long Term Care Association

The Ontario Long Term Care Association is the largest association of long-term care providers in Canada and the only association that represents the full mix of long-term care operators – private, not-for-profit, charitable, and municipal. We represent nearly 70% of Ontario's 630 long-term care homes, located in communities across the province. Our members provide care and accommodation services to more than 70,000 residents annually.

1 Public Inquiry into the Safety and Security of Residents in the Long-Term Care Homes System. Final Report Volume 1: Executive summary and Consolidated Recommendations. Queen's Printer July 2019.

2 Ibid.

3 Ibid.