

For Information

DATE: April 8, 2010

REPORT TITLE: **UPDATE ON PROVINCIAL PLAN TO REGULATE RETIREMENT HOMES
IN ONTARIO**FROM: Janette Smith, Commissioner of Health Services
Janet Menard, Commissioner of Human Services**OBJECTIVE**

To update Regional Council on Region of Peel input into regulation of the retirement homes sector, and to summarize key parts of the *Retirement Homes Act, 2010 (the Act)* currently before the Ontario Legislature.

REPORT HIGHLIGHTS

- Over the past several years, Regional Council has received staff reports on the status of the retirement home sector.
- Retirement homes are becoming a more important part of the health and human service systems serving seniors.
- In Peel, the Retirement Homes/Boarding and Lodging Homes Advisory Committee (the Committee) was formed in 2005 to promote the protection of vulnerable people living in the unregulated retirement home sector.
- In 2007, Ontario's Minister Responsible for Seniors held consultations on regulating retirement homes. The Committee submitted recommendations as part of these consultations.
- In its submission to the provincial government, the Committee suggested a model where provincial standards are monitored and enforced by a local body involving local authorities who have the necessary expertise and knowledge of local conditions.
- In March 2010, Ontario's Minister Responsible for Seniors introduced *the Act* proposing protections for seniors living in retirement homes.
- A new Retirement Home Regulatory Authority, responsible for administering *the Act*, was created.
- Region of Peel staff will continue to monitor developments concerning *the Act* and will update Regional Council on this legislation as details become available.

DISCUSSION**1. Background**

Over the past several years, Regional Council has received staff reports on the status of the retirement home sector and the important role this unregulated sector plays in accommodating and caring for older adults.

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The term "retirement home" generally refers to multi-unit residential facilities allowing older adults to live independently with varying levels of support for daily activities such as common facilities for food preparation and eating, and where housekeeping and medical services are provided when needed.

The Region of Peel has a minimal role with respect to overseeing retirement homes. Peel Public Health is mandated, through the *Health Protection and Promotion Act (HPPA)* and regulations in the Ontario Public Health Standards, to inspect retirement residences for health hazards. Inspections focus on water supply, sewage disposal and structural integrity, with referral of problems such as fire prevention to the appropriate agencies. Homes which prepare common meals for ten or more residents are also subject to regular inspection for compliance with food premises regulations under the *HPPA*.

While the Region of Peel does not operate retirement homes, Regional staff have worked across departments and with area municipalities to better understand this sector and to explore issues relating to accommodating and caring for Peel's growing seniors' population.

As reported to Council in August 2001, there is no clear definition of a retirement home, no provincial inventory of retirement homes and no specific provincial legislation focusing on retirement homes. Nevertheless, retirement homes are becoming a more important part of the health and human service systems serving seniors.

a) Retirement Homes and Long-Term Care Homes

The lack of any specific regulations governing care in retirement homes contrasts sharply with the long-term care (LTC) homes sector. Retirement homes are operated by for-profit businesses renting units, subject to provisions in the *Residential Tenancies Act, 2006*. The sector receives no public funding and no provincial government oversight or regulation with respect to care for residents. Some retirement residence operators implement voluntary standards established through the Ontario Retirement Communities Association (ORCA) that cover a number of important areas essential to the safe operation of a retirement home.

In contrast, LTC homes are licensed by the Ministry of Health and Long-Term Care (MOHLTC) and receive ministry funding to care for frail elderly residents. LTC homes are operated by for-profit, non-profit and municipal operators equally subject to detailed and prescriptive provincial regulations, with enforcement by the MOHLTC. Community Care Access Centres assess eligibility for long-term care and manage the wait lists.

The Ontario government estimates that there are about 750 retirement homes in Ontario which operate 41,000 beds. An inventory of retirement homes (2006) estimated that Peel Region has 23 retirement homes of varying sizes that together operate about 1,100 beds.

The rapid growth in the seniors' population in Peel has placed pressure on community support services. There is also limited funding of services delivered in the home, and throughout the community, that help seniors remain in their own homes. Retirement homes have begun to fill this gap.

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b) Retirement Homes / Boarding and Lodging Homes Advisory Committee

The Retirement Homes/Boarding and Lodging Homes Advisory Committee (Committee) was formed in 2005 to promote the protection of vulnerable people living in the unregulated retirement home sector in Peel.

The Committee was comprised of staff from the Region's Social Services, Housing and Property, Health Services and Planning departments, the Cities of Mississauga and Brampton, the Town of Caledon, and Peel Regional Police.

The objectives of the Committee included:

- Determining options for the assessment of the unregulated residential retirement sector;
- Providing advice to Regional Council and local Municipal Councils and input on provincial standards; and
- Developing and implementing an advocacy strategy that suggests appropriate roles and responsibilities for municipal, regional and provincial levels of government.

c) Provincial Consultation on Retirement Homes

As previously reported to Council in the Report entitled "Update on Retirement Homes/Boarding and Lodging Homes Advisory Committee Activities Including Input into Provincial Consultation", the provincial government committed to establishing standards of care for retirement homes in the 2006 budget. The Ontario Seniors Secretariat was chosen to lead consultations for developing these regulations, including:

- Defining "retirement home";
- Defining and regulating care services in retirement homes, including minimum provincial standards for administering homes, food services, and the home environment; and
- A model for enforcing these new standards.

The Committee submitted recommendations to the Ontario Seniors Secretariat as part of these consultations. Regional Council received a copy of the Committee's recommendations in spring 2007.

d) Peel Input on Standards for Retirement Homes

In its submission to the Ontario Seniors Secretariat, the Committee strongly supported the provincial government's plan to regulate care provided in the retirement home sector.

With respect to enforcing standards, the Committee expressed concern that a third-party agency may not adequately represent the interests of all stakeholders. The Committee pointed to other models where provincial standards are monitored and enforced by a body involving local authorities who have the necessary expertise and knowledge of local conditions. Provincial and local responsibilities assigned under the *Fire and Protection Act, 1997* were cited as an example of such a model.

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The Committee also recommended that:

- The definition of retirement home include boarding and lodging homes occupied by vulnerable adults; and
- The voluntary standards in place through the Ontario Retirement Communities Association (ORCA) regarding the governance of residential services are a good starting point for regulating this industry.

2. Findings

In March 2010, Ontario's Minister Responsible for Seniors introduced Bill 21, the *Retirement Homes Act, 2010 (the Act)* to the Legislature proposing protections for seniors living in retirement homes.

The Act's fundamental principle is that retirement homes are operated so they are a place where residents live with dignity, respect, privacy and autonomy, in security, safety and comfort and can make informed choices about their care options.

The Act defines a retirement home as a residential complex, or part of a residential complex, occupied primarily by persons 65 years or older who are not related to the operator and where the operator provides at least two care services available to residents. The definition excludes emergency hostel services, homes for special care and other government-funded services.

Provisions in *the Act* address a range of issues required to regulate the retirement homes sector, including a new regulatory authority, a resident's bill of rights, and provisions to regulate care standards.

a) Retirement Home Regulatory Authority

The Act will create a new Retirement Home Regulatory Authority ("Authority"), a corporation without share capital, governed by a board of directors, that is responsible for administering *the Act* and its regulations, and that reports to the Minister Responsible for Seniors. The Authority will license all retirement homes, employ inspectors and a Registrar with powers to review complaints about homes, and, in the case of non-compliance, issue Orders to homes with a range of penalties from imposing fines to revoking a home's license.

The Authority will also educate licensees, consumers and the public about matters addressed in *the Act* and about retirement homes, and will also advise the Minister Responsible for Seniors on issues related to retirement homes.

b) Residents' Bill of Rights

The Act contains a Residents' Bill of Rights requiring written agreements between operators and residents to be in place before residency, ensuring that residents receive information from operators about their rights, and that residents have the right to establish Residents' Councils.

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c) Standards of Care

Regulations under *the Act* can set out standards of care and safety in retirement homes, including those for fire, safety, public health and emergency requirements. Residents may seek and receive care services from external providers. *The Act* includes provisions to ensure employees and volunteers are screened by police background checks, and meet specific qualifications and training requirements. Provisions in *the Act* protect residents from abuse and neglect, and prohibit resident restraint measures.

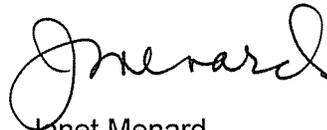
CONCLUSION

The retirement home sector's role in the health and human service systems for seniors continues to expand as Peel's seniors' population grows. It is anticipated that provincial government efforts to regulate the care and environment in the retirement home sector will provide more protection to this population.

Region of Peel staff will continue to monitor developments concerning the *Retirement Home Act, 2010* and will update Regional Council on this legislation as details become available.



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Approved for Submission:



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