As of July 1, 2010, the Long-Term Care Homes Act, 2007 (LTCHA) and Ontario Regulation 79/10 (Regulation) are in force

New Funding for Long-Term Care Homes

In June 2010 the Minister of Health and Long-Term Care, announced a total of $157.2 M in new funding for the long-term care (LTC) Homes sector. This funding will support LTC Homes as they engage in a number of initiatives aimed at improving the quality of care, safety and overall health of LTC residents in Ontario.

The announcement includes $34.6 M in base and one-time funding to support LTC Homes in implementing the LTCHA and Regulation.

- $21 M of this funding will be provided through increases in the level of care per diems.
- $6.7 M will be provided for education, training, quality improvement and capacity building initiatives led by the Ontario Health Quality Council and other partners.
- In addition to these investments, the Ministry will also invest $6.9 M in 2010-11 to modernize and update the compliance inspection process for LTC Homes.

An additional $122.6 M is being invested, which will provide foundational support for LTC Homes during this important transition year. This includes:

- $58.9 M increase in base funding for the Nursing and Personal Care (NPC) and Program and Support Services (PSS) envelopes to support resident care needs.
- $21.1M base funding increase for additional Personal Support Workers (PSWs) to improve care for residents.
- $42.6M base funding increase, first announced on May 14, 2010, to annualize last year’s $1.55 increase to the per diem funding for the Other Accommodation envelope.

In addition, base funding will increase by $3 M in the Raw Food and Other Accommodation envelopes consistent with the consumer price index.

LTCHA Implementation Materials Are Available on LTChomes.net

To access the most up to date LTCHA Implementation communication and education materials as they become available visit www.LTChomes.net. The site will be updated regularly and will provide access to FAQs, presentations, the LTCHA Guide, Starter Kit, Education Webinars and more. If you were not able to attend the LTCHA Implementation Roadshow dates, slide decks have been posted and a video recording of the session in Toronto will be made available shortly.

The following information will be available in the coming week:

- FAQs
- Additional presentations

Please refer to the site regularly for updated information. Select information will also be made available on the Ministry’s public website for those that are not able to access LTChomes.net.

Where to Find Amendments to Regulation Under the LTCHA

In the LTCHA Implementation Newsletter #3, an update was provided on the recent technical amendments made to Regulation 79/10. These amendments relate to the full-time cook’s qualifications, Short-Stay Programs (stays in the respite care and convalescent care programs in the calendar year 2010 are included in the calculation of the maximum annual length of stay) and Rate Reduction provisions. These amendments came into force on July 1, 2010 and can be found at:

### Frequently Asked Questions

**Resident Trust Accounts**

**Q:** What should LTC Homes do with monies that exceed $5,000 in trust accounts?

**A:** Licensees are not required to comply with the requirement related to the $5,000 limitation on resident trust accounts detailed in Subsection 242(4) of the LTCHA until January 1, 2011. This means that before January 1, 2011, licensees will have to make arrangements with the resident, or the person who is legally authorized to manage the resident’s money, to remove the money in excess of $5,000 from the trust account. If licensees encounter difficulties in returning excess funds to the resident to whom it belongs, they should seek advice from their legal counsel. If a LTC Home complies with this requirement prior to January 1, 2011, the licensee must notify the Director and the limitation applies from the time the Director is notified.

**Safe and Secure Homes**

**Q:** Will LTC Home licensees need to replace their bed rails in order to meet the requirements in the LTCHA?

**A:** The LTCHA and Regulation do not set out equipment requirements specific to bed rails but do include requirements for all equipment:

- Equipment that is used under a program (e.g. nursing and personal support) must be appropriate for the resident based on the resident’s condition
- Licensees must implement procedures to ensure that equipment is kept in good repair, at a level that meets manufacturer specifications at a minimum
- Staff must be trained in the safe and correct use of equipment, as relevant to their responsibilities

(Sections 30 (1) 2, 90 (2) (a) and (b) and 218 of the Regulation respectively)

Section 15 of the Regulation provides that every licensee of a long-term care home shall ensure that the following is complied with when bed rails are used.

(a) the resident must be assessed and his or her bed system evaluated in accordance with evidence-based practices and, if there are none, in accordance with prevailing practices, to minimize risk to the resident;

(b) steps must be taken to prevent resident entrapment, taking into consideration all potential zones of entrapment; and

(c) other safety issues related to the use of bed rails must be addressed, including height and latch reliability.

Licensees will need to determine whether the above requirements can be met with the bed rails that are currently used in their home. If the requirements cannot be met then the bed rails will need to be replaced.

Also, see sections 31 and 33 of the LTCHA, Restraining by Physical Devices and PASDs that limit or inhibit movement, as these sections may apply depending on the purpose for which the bed rail is used.

**Training**

**Q:** What are the training requirements for Food Service Workers under the LTCHA Regulation?

**A:** Food Service Workers who were employed in the home before July 1, 2010 and who have not completed a “food handler training program” must complete the program within 3 months after the Regulation comes into force (October 1, 2010) if they have not successfully completed a Food Service Worker training program as set out in Subsection 78(1) sooner. All new food service workers hired after July 1, 2010 must have completed or be enrolled in a Food Service Worker training program, as described in subsection 78(1) of the Regulation. (There are some exceptions to this requirement as set out in Subsection 78(4)). In relation to hires after July 1, 2010, licensees must cease to employ a person as a food service worker if they stop being enrolled in the program or fail to successfully complete the program within three years of being hired, as provided for in Subsection 78(2) of the Regulation.

**Family Councils**

**Q:** Are the family members of current residents the only ones allowed to be members of a LTC home’s Family Council?

**A:** No. Subsection 59(5) of the LTCHA provides that a family member of a resident or a person of importance to a resident is entitled to be a member of the Family Council of a LTC home and therefore cannot be refused membership. Subsection 59(6) of the LTCHA provides a list of the people that are not permitted to be a member of a Family Council. The determination of the membership of other persons is left up to the Family Council. The licensee does not have the authority to interfere with decisions relating to membership.

### Need More Information?

- Visit e-Laws to read the Act and Regulation for yourself: [www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_07l08_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_07l08_e.htm)
- **Long-Term Care Homes Act, 2007** [www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_07l08_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_07l08_e.htm)
- Please submit your questions or feedback to LTCHA@Ontario.ca