

Involving Seniors in the Development of the Long-Term Care Homes Act and Regulation

An Innovative Approach to Developing Partnerships and Shared Ownership to Improve the Lives of People Living in Long-Term Care Homes in Ontario

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Commitment to Change

- In his 2002 Annual Report, the Auditor General shone a light on the Ministry of Health and Long-Term Care's [the Ministry] long-term care [LTC] home program
- In 2003, to demonstrate the government's commitment to public accountability, the former Minister of Health and Long-Term Care [the Minister] announced a revolution in LTC homes to improve quality of care and strengthen public accountability
- In May 2004, the Minister released *Commitment to Care*, a review of the province's LTC homes conducted by Parliamentary Assistant, Monique Smith
- *Commitment to Care* recommended that the three Acts governing LTC homes be brought together in a single piece of legislation to ensure uniform standards and accountability. Based on this recommendation, the government began the planning to propose a new consolidated "Long-Term Care Homes Act"

Future Directions for Legislation Governing LTC Homes

- On November 3, 2004, the Minister announced the publication of the Ministry's discussion document, *Future Directions for Legislation Governing Long-Term Care Homes*, outlining the direction the government is proposing to take to improve LTC homes. *Future Directions* posed a total of 38 questions [including an "Additional Comments" section] within the five major areas to be addressed in the proposed new legislation:
 - Residents' quality of life and care standards
 - Residents' rights and safeguards to combat abuse and neglect
 - Compliance, inspection and enforcement programs in LTC homes
 - Systems for licensing homes and approving beds
 - Planning and renewal of LTC homes

Reaching out to the Sector for Input

Web Posting

- The position paper was posted on the Ministry's Web site on November 3, 2004. English and French versions of the paper were accessible. Respondents were asked to send their answers to the Ministry by December 15, 2004.
- The format of the paper itself was in a downloadable PDF file with text boxes under each question for people to write their response. The paper could be filled out in three ways:
 - completed and submitted **online**
 - downloaded by the user, completed and returned to the Ministry by **email** at a later time
 - printed, completed and **mailed** directly to the Ministry [**faxes** were also accepted]

Stakeholder Meetings with the Parliamentary Assistant [PA]

- The PA held 6 meetings between November 23rd and December 15th, 2004 and met with 36 stakeholder and consumer groups to hear their comments on the position paper

Response

- Over 750 responses were received. Responses were provided anonymously. However, respondents did identify themselves with one of nine categories that best described the respondent's relationship to the LTC homes sector: **residents** [74 = 8%], **families** [226 = 31%], Charitable or Municipal or Nursing Homes [238 = 33%], Service Provider Group [33 = 6%], Professional [61 = 7%], Union Member [12 = 2%], or Other [110 = 14%]

Bill 140: An Act Respecting Long-Term Care Homes

- In late 2005, Cabinet directed the Ministry to draft a new Act governing LTC homes
- Bill 140, the proposed *Long-Term Care Homes Act* [LTCHA] received First Reading on October 3, 2006 and Royal Assent on June 4, 2007
- Section 184 of the LTCHA sets out the requirements for public consultation before making initial regulations, which include:
 - Publishing a notice of the proposed regulation on the website of the Ministry and in any other format the Minister considers advisable
 - Giving notice of the publishing by all other means that the Minister considers appropriate
 - Publishing a description of the proposed regulation and the text of it
 - Publishing for a minimum of 30 days
 - Requiring the Minister to consider comments and submissions from members of the public

The Long-Term Care Home Landscape at the Time of Regulation Policy Development

- An external expert was leading a review of research and practice concerning staffing and care standards. This review was to guide the process of developing critical staffing and care policy and regulations
- An internal / Ministry review of feedback from the LHINs on the Aging at Home Strategy relating to the current constraints within the LTC home program
- Policy development was being aligned with work under development for Emergency Department Wait times, Alternate level of care pressures, LTC Homes Renewal [B & C redevelopment]
- Five provincial 'LTC Quality Summits' – "A Common Vision of Quality in Long-Term Care"
- Informal dialogues with ministry inspection staff, other ministries [including the Ontario Seniors' Secretariat], other jurisdictions and experts in the field to identify contentious issues

Original [standard] Approach Used for Stakeholder Input

The plan was to engage the sector at **multiple levels** [residents, families, front-line staff, clinical and sector experts, advocacy groups, associations and bargaining agents]

Phase 1- General dialogues on key issues (winter 07 / 08)

- Obtain specific focused information from external experts and/or stakeholders through an electronic survey and/or follow-up discussions to further refine policy development, products and highly complex regulatory subject areas
- All stakeholders who were invited to briefings on the legislation will be included
- External sources would include LHINs, professional colleges, professional associations, provider associations, experts in the field, etc.

Phase 2- Host a 2-day Stakeholder and Experts forum (Spring 2008)

- Invite interested stakeholders to discuss subject areas and topics related to regulation policy development
- Build on findings of the Staffing and Care Standards review
- Focus groups and roundtables based on subject areas would assist in refinement and finalization of regulatory policies and informed decision-making
- Significant potential to make positive connection with stakeholders, allows stakeholders to share their best/promising practices and successes, raise concerns and influence the policy development process

Phase 3- Formal Public Consultation (Winter)

- Consultation provisions in the Act ensure that the public has an opportunity to review and comment on the proposed regulations and requires that the Minister considers comments and submissions

Phase 1: Regulation Policy Development

- On March 10, 2008 the Long-Term Care Homes Act Project Team [the Project Team] distributed an electronic survey inviting a number of stakeholders / organizations to provide comments and feedback to assist in the development of regulation policy. Stakeholders were encouraged to share the survey with their members. Respondents were asked to return the survey with their comments by March 28, 2008
- The format of the survey was in a downloadable Microsoft word file with text boxes under each question for people to provide their response. An additional section at the end of the survey was made available for any “other comments” that were not specifically addressed in the survey
- A designated email account was set up for submitting responses, LTCHAProject@ontario.ca, the survey was sent to 110 stakeholders, over 50 responses were received and reviewed
- The Project Team was receiving many requests for meetings and briefings from organizations, associations, stakeholder groups and interested parties

Phase 2: Recognition that it is Essential to Engage with Seniors in Regulation Policy Development

- An External Planning Group was assembled. The group was to assist the with the coordination of the Phase-2 Stakeholder and Experts forum; sessions and attendees and the development of session themes and specific questions based on the audience. The broad representation in this Group was to enhance the legitimacy and promote buy-in and ownership to both the event and the process of regulations development:
 - Ontario Association of Residents' Councils
 - Ontario Family Councils Program
 - Advocacy Centre for the Elderly
 - Concerned Friends
 - Ontario Association of Non-Profit Homes and Services for Seniors
 - Ontario Long-Term Care Association
 - Ontario Association of Community Care Access Centres
 - Seniors' Health Research Transfer Network
- Following the first meeting, it was clear that a **change in approach** was warranted

A New Approach for Stakeholder Input

- A change in approach was recommended for Phase 2 of the LTHCA Consultation Strategy to support the development of regulatory policy. Rationale for the change is that using a 1-day large forum would not enable adequate representation from the groups we want to engage, **residents** or the **front-line staff** in homes
- Vision was to conduct an inclusive and dynamic meeting of representatives of key stakeholder groups, residents and LTC home front-line staff to build on the common findings of the Staffing and Care Standards Review and the Regulatory Content Development Survey. Stakeholder Groups had already shared their success stories in the Quality Forums; our goal was to provide focused questions to challenge the groups to explore ways in which regulations can support and promote these ideas and practices and to identify what is required to meet the desired outcomes
- New approach was to hold a series of dialogues in May / June 2008 with the groups
- Emphasized the value the government places on input and advice from residents, front line staff, family members, experts and stakeholders
- Provided informed decision-making, transparency, and most importantly, shared ownership
- Responds positively to calls from the LTC sector for engagement in the regulatory policy development process

The Residents' Home: Many Views ⇔ One Vision

**Stakeholder Dialogues on the Regulation of
Long-Term Care Homes**

Stakeholder Dialogues on Regulation Policy Development

- Seven different Dialogue sessions were planned in order to focus the discussion on themes and topics specifically related to the **unique advice**, experiences and expertise of the attendees
- Attendees were given, in advance, a set of focused themes and prompting questions based on **key components** of the Act and who they represent. This was to assist in getting the discussion flowing and to ensure that the ideas generated link to the current priority of regulatory policy development
- Initially, five LTC homes were randomly selected based on size, ownership, location and compliance record. Here, the Ministry would bring the Dialogue to each home and hold three separate sessions with residents, family and frontline staff to discuss key issues. The home's LHIN was also invited. Holding the sessions in the LTC home responded to the concerns raised over other forums where **participation of residents** and front line staff was not feasible
- Additional Dialogues were held with groups from the categories of provincial associations, resident advocacy groups, home operations and leadership, and LHINs

Exploring the Issues, Sharing Ideas

Focused themes and prompted questions guided by the relevant parts of the Act. Specific but **different questions on common themes** were developed depending on the **Dialogue's audience**

Plan of Care

- What measures best demonstrate the effectiveness of the plan of care in supporting enhanced care delivery and outcomes for the resident?
- What are the areas that you feel you do not need to document? [front-line staff {S}]

Care and Services

- What outcomes could be measured to demonstrate that residents are treated with respect and dignity, safe, living in a clean home and receiving care according to their needs [S]
- In your opinion, what services in the home promote your independence? [resident & family]
- What are key factors that influence resident participation in recreation activities? [R & F]

Mandatory Reporting

- How can the regulations support improved communication across all homes and to all health care providers in the event of an infectious disease outbreak or other emergency? [S]

Home Leadership, Management and Operations

- What measurable outcomes demonstrate strong leadership in a home? What needs to be in place to allow homes to build a strong leadership capacity? [S, advocacy and associations, bargaining agents]
- In your view, what makes a good Personal Service Worker? [R & F]
- How important do you think volunteers are in the home? [R & F]

Training

- What can the regulations do to ensure that staff receive timely and meaningful training? How is it measured? [S]

Compliance and Inspection

- How can the regulations incorporate ideas of quality management and performance improvement into recognizing homes with an excellent record of compliance? [advocacy and associations]

Success of the Initial Dialogues set the Stage for Additional Dialogues on Other Sections of the Act

- The quality of the feedback obtained through the dialogue sessions was more valuable than we had anticipated
- Additional dialogues were organized for February – March 2009:
 - Five LTC homes,
 - Collective bargaining agents
 - Key stakeholders for licensing and funding
 - First Nations Homes [3 teleconferences held]
- In total, **34 Dialogues** were held to gather input, this was in addition to the **multiple** clinical and sector expert **roundtables** on specific targeted areas used to develop the regulation policy and the sessions on licensing and funding

Public Consultation

- The extensive consultation conducted prior to and during the development of regulation policy resulted in a proposed draft regulation that reflected the sector's ideas and concerns and was generally supported by stakeholders.
- The Part 1 proposed initial draft regulation was posted for public consultation on both the Ministry's website as well as the Regulatory Registry from May 5 to June 5, 2009. The Ministry reviewed the comments received.
 - Number of pages of draft regulation: 70
 - Subject matter: admissions, abuse, restraints, plan of care, high risk areas of resident care and infection control
 - Number of submissions received: 211 with 1044 recommendations and comments
- The Part 2 proposed initial draft regulation was posted for public consultation both the Ministry's website as well as the Regulatory Registry from September 15 to October 15, 2009. The Ministry reviewed the comments received.
 - Number of pages of draft regulation: 154
 - Subject matter: care, services, staffing, training, operations of homes, drugs, safe and secure homes, specialized units, complaints and reporting, funding, licensing, compliance, resident charges, non-arm's length transactions, criminal reference checks, trust accounts, etc.
 - Number of submissions received: 105 with 846 recommendations and comments
- The average length and detail of each Part 2 submission is greater than was what submitted during the Part 1 public consultation. The majority of Part 2 submissions were provided by stakeholders rather than members of the public and include specific feedback on many provisions as opposed to general commentary.

Outcome from the New Approach to Stakeholder Engagement

- The *Long-Term Care Homes Act, 2007* was proclaimed into force on July 1, 2010. There were initially some opponents to the Act when it received Royal Assent in 2007, raising concerns that it was too strong or controlling and would stifle innovation in the sector.
- The LTCHA Project Team has been applauded by stakeholders for both the level of engagement and the reflection of stakeholder comments in the proposed policies, initial proposed draft, and the final Regulation. This level of engagement and the transparent process used in policy development has resulted in a **shared ownership** of the policy direction that is necessary to effect **change** in the LTC home sector
- The Ministry is currently working with stakeholders on education and the implementation of the LTCHA

Questions?