



BILL 140, LONG-TERM CARE HOMES ACT, 2006

**St. Lawrence Lodge and Maple View Lodge
Presentation to the Standing Committee on Social Policy**

January 22, 2007

Introduction

Good afternoon Ladies and Gentlemen. My name is Mike Kalivas. I am Chair of the Committee of Management of St. Lawrence Lodge, located just outside the City of Brockville. I am a Councilor with the City of Brockville. With me today is United Counties of Leeds and Grenville Councilor Mayor Ron Holman, Chair of the Committee of Management of Maple View Lodge, located in Athens, Ontario. Joining Mayor Holman and I are Tom Harrington, Administrator of St. Lawrence Lodge and Denise Owsianicki, Administrator of Maple View Lodge. Together, our Homes provide care and services to 284 residents.

General Comments

First, let me state, that we believe that the quality of life and well-being of our residents is our number 1 priority.

Our homes are proud of the care and services that we provide to our residents. Furthermore, our municipal partners believe in providing for the vulnerable in our society – particularly frail persons requiring long term care. Our municipal partners have a long history of going the extra mile for our residents.

This tremendous commitment is evidenced by on-going substantial financial contributions and annual top up to Provincial operating funding levels through municipal contributions to the operating budget and most recently the major redevelopment and rebuilding of these two Homes at significant capital cost to our municipal partners.

Consequently, we believe that our leadership and commitment to providing residents with quality care services is consistent with the spirit expressed in Bill 140 in that “a long-term care home is the home of its residents ... it is a place where they may live with dignity and in security, safety, and comfort.”

However, we are quite concerned about several aspects of the proposed legislation.

We believe that, without significant amendment, Bill 140 imposes a formula for disappointment, rather than success for our long term care Homes. Furthermore, we are very concerned that if Bill 140 is proclaimed in its present form, without a substantial new financial commitment by the Province, then our municipal partners' ability to sustain their legacy of caring will be severely jeopardized.

We further contend that the Government of this Province needs to clearly reflect on the feedback received through this consultation process about the serious negative implications of Bill 140, in its present form, on the Homes in Ontario. It is incumbent on the Government to ensure that our comments and concerns, and those of others, be given serious consideration before this Bill is passed. Significant changes to the proposed legislation are needed, if it is to have the intended positive effect on the daily lives and well-being of our residents.

Specific Comments

Resident Rights, Care, and Services

The first point I wish to comment on is the immediate and direct impact on resident care of Bill 140, since this Bill places great emphasis on the enforcement of standards.

As you are no doubt aware, Long Term Care Homes are already seriously challenged financially by current funding levels. Our Homes are challenged daily to deploy scarce human and financial resources to meet the ever-increasing care needs and expectations of the people we serve. Staff, in particular, find it more demanding and difficult to meet significant daily workloads. They report that work duties are rushed and there is not enough time to do the "little" things that are so meaningful for our residents. The need for substantially more new operating dollars is well-documented and I don't believe that we need to expand on the increasing acuity and demands related to direct resident care experienced by long term care Homes across Ontario.

To meet this very evident need in our Homes, our municipal partners invest an additional \$1.7 million over and above Ministry of Health and Long Term Care operating dollars. We believe that this necessary investment provides stable levels of direct care staffing for our residents.

The concern we have here is that Bill 140 proposes a significant increase in accountability and compliance with standards. Specifically, we are concerned about the level of detail that will have to be produced to “prove beyond a reasonable doubt” that our Homes are in compliance with all aspects of the legislation and regulations. This undoubtedly will require extensive time for staff surveillance, monitoring and supervision, and subsequent documentation, reporting and follow-up.

The new expectations, as outlined in Bill 140, will surely deflect more staff time and energy away from the bedside. Resident care will diminish, unless there is a dedicated investment of new funding in direct support of Bill 140.

We believe this required investment has to be clearly distinct from the investment required to close the current funding deficit gap between resident care requirements and operating funding provided by the Province.

It should be noted that our Resident Councils and Family Councils wholeheartedly support this principle. Furthermore, these Councils believe that closing the gap between the level of care required and the level of care funded should be a major government funding priority in the upcoming budget.

Extensive requirements to monitor and prevent resident abuse is another potential area of concern related to the new Act. Our Homes take their duty to ensure “zero tolerance” very seriously. However, section 17 of the Bill imposes a duty on Homes to “protect residents from abuse by anyone” This mandatory obligation has inherent and significant obligations for our Homes. For example, imposing this obligation requires the Home to somehow manage and monitor, not only all interactions between residents

and staff, but also other residents, their family members, friends, personal caregivers, and other external service providers. A big task indeed with over 284 residents under our care.

Use of restraints will also pose new challenges under Bill 140. Our Homes promote a least restraint philosophy; however, St. Lawrence Lodge is particularly concerned about the inclusion of a Secure Unit as a restraint.

Our concerns stem from the following situations. First, from our review of the Bill, there are no defined timelines identified to guide the provision of rights advice for individuals admitted or transferred to a secure unit. Therefore, we see real implications and challenges for our local, health care system. For example, an admission to the Secure Unit coming from the local hospital could be delayed due to an extended rights advice consultation process. Second, it is also uncertain what the current capacity in our region is for skilled people with the necessary qualifications to provide rights advice. Finally, extended delays in the Secure Unit admission and transfer process could conceivably cause St. Lawrence Lodge to be financially disadvantaged by loss of resident days, and subsequently, Ministry revenues.

This new legislation will impede or deny residents the special care they need in a Secure Unit and will again have a profound impact, not only on the Home itself, but also the Home's health care system partners.

Impact on Governance

The next theme I want to speak to is governance.

Bill 140 imposes a heightened level of liability for municipal councilors, appointed by their municipalities to our Committee of Management, through its harsh approach to duty of care.

The Bill states that every person on the Committee of Management who fails to “take all reasonable care to ensure” that the operation of our Home complies with “all requirements under this Act” is “guilty of an offence.” The penalties under Bill 140 far exceed similar accountability sanctions against members of Hospital Boards and this approach seems unreasonably excessive and harsh for work of a similar nature to hospital governance. If Bill 140 proceeds, our Municipalities may find it difficult to get councilors that are willing and prepared to assume personal liability and risk by accepting an appointment to our Committee of Management.

Funding and Government Obligations

As I stated earlier, the level of care provided to residents living in long term care homes across Ontario is not keeping pace with the level of acuity. Our municipal partners are exhausting their ability to augment current Provincial Government operating funding. Bill 140 will no doubt place a tremendous administrative burden on our Homes and this burden should not be borne by our long term care residents and our municipal taxpayers. The funding provision in Section 88 must commit the government to properly fund long term care homes for the work that they do, day in and day out. The current language states that the Government “may” provide funding. Our residents, their families, and our municipal partners are unanimous and adamant that this wording should be changed to “Shall”. The Provincial government can no longer rely on our municipalities to fund the Provincial Government’s shortfalls.

Support of AMO and OANHSS Presentations to the Standing Committee on Social Policy

As part of our submission, I would like at this time to also express our Homes’ support and endorsement of the Presentations to the Standing Committee on Social Policy submitted by the Association of Municipalities of Ontario and the Ontario Association of Non-Profit Homes and Services for Seniors (OANHSS).

Conclusion

In conclusion, St. Lawrence Lodge and Maple View Lodge are proud of their tradition and heritage of caring for frail and vulnerable persons requiring long term care. Our municipal partners strongly support that caring tradition.

Our Homes want to continue to work with our partners to deliver the best care possible to those persons entrusted to our care. However, as it stands, this new legislation will impose substantial hardship on our Homes. We fear we will fail our residents because our Homes will not receive the Provincial operating funding necessary to meet these new requirements. Our municipal partners have answered the call to help meet the need. Now, it is the Province's turn to truly be a leader in long term care. Our residents who built this Province deserve the best!