

April 6, 2021

Mr. Christopher Tyrell
Acting Senior Clerk - Committees
Procedural Services Branch
Legislative Assembly of Ontario
1405-99 Wellesley Street West
Toronto, Ontario M7A 1A2

Re: Value-for-Money Audit: Retirement Homes Regulatory Authority Status Report

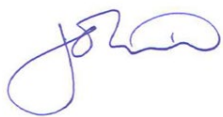
Dear Mr. Tyrell,

Thank you for the invitation to meet with the Standing Committee on Public Accounts on April 21, 2021 to provide a response to the Auditor General of Ontario's December 7, 2020 value-for-money audit report on the Retirement Homes Regulatory Authority (RHRA).

Please find enclosed the RHRA Status Report, which outlines in detail completed and anticipated work plans that the RHRA has developed to address matters outlined in the Auditor General's report. Information is provided for each of the recommendations for which the RHRA is solely responsible and for those for which the RHRA is jointly responsible with the Ministry for Seniors and Accessibility.

I look forward to having the opportunity to answer questions from the Committee Members and discussing with them steps the RHRA continues to take to ensure the safety and protection of retirement home residents.

Sincerely,



Jay O'Neill,
CEO and Registrar, RHRA

Copy: Taras Natyshak, MPP, Chair of the Committee
Bonnie Lysyk, Auditor General of Ontario
Denise Cole, Deputy Ministry, Ministry for Seniors and Accessibility
Jacqueline Cureton, Assistant Deputy Minister, Ministry for Seniors and Accessibility
Kathryn Chopp, Director, Communications and Stakeholder Engagement, RHRA
Carita Edwards, Senior Manager, Government and Public Affairs, RHRA

Attachment: RHRA Value-for-Money Status Report

Summary Status Table in Response to the 2020 Annual Report of the Auditor General of Ontario
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BACKGROUND/CONTEXT

The Auditor General of Ontario's Value for Money Audit: Retirement Homes Regulatory Authority was released on December 7, 2020 with recommendations to protect retirement home residents during COVID-19 and beyond.

The Retirement Homes Regulatory Authority (RHRA) provides Ontarians with choice and the protection they need to live with confidence and dignity in retirement homes, in accordance with the *Retirement Homes Act, 2010* (Act). We do this by employing the most effective means to achieve compliance, reduce harm, support residents in making informed choices, as well as to enable a strong and diverse sector. We serve as a trusted advisor with providing perspective and advice on legislation, regulation or policy with potential impact on our mandate and/or seniors living in retirement homes.

The RHRA welcomes the Auditor General's recommendations, and we have made progress in implementing some of the actions since December 2020. Since March 2020, the RHRA has directed the vast majority of its resources and efforts to support the provincial response to the COVID-19 pandemic, which includes completing some of the recommendations in the Auditor General's Report. These include:

- Publishing COVID-19 outbreak and case level information reported to us by retirement homes that details which homes are in outbreak, how many residents and staff are infected and the number of COVID-related deaths;
- Developed and disseminated infection prevention and control (IPAC) information, education material and checklists to help retirement homes and essential visitors follow IPAC protocols to help prevent the spread of infection;
- Added resources to increase the RHRA's capacity to monitor compliance, conduct inspections and deliver compliance support to retirement homes;
- Advised the Ministry for Seniors and Accessibility (MSAA) on changes to legislation and regulation, retirement home visiting policy and other COVID-19 related issues to enable the RHRA to better support provincial pandemic response efforts in the retirement home context;
- Developed an initial roster of management providers to be available in the event the RHRA determines the need for a home to be managed by a third party; and
- Continued to provide information to retirement home residents and their families on the protections and rights available to them as residents of licensed retirement homes under the Act, including how to make complaints or reports of non-compliance with the Act.

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In addition, the RHRA also has made progress on recommendations in the Auditor General's Report beyond those directly related to COVID-19. These include:

- Submitting a request to MSAA and receiving approval on a s. 108 *Request for Information Policy*, which enables the collection of aggregate resident profile information to inform our assessment of evolving resident health profiles;
- Taking actions to increase the RHRA's access to data from homes and other ministries to inform our oversight and communications activities, including the ability to collect additional information from retirement homes on resident profiles and care needs, and resident contact information;
- Taking additional enforcement actions beyond the licence conditions already in place on retirement homes that have not met automatic fire sprinkler requirements; and
- Implementing new licensing application forms to advise applicants of the RHRA's use of third parties to conduct checks to ensure licensure eligibility, including financial irresponsibility.

The Auditor General's recommendations have informed our priority-setting, and the RHRA has integrated response activities into our strategic and business plans. Several of the recommendations reinforce work already underway or planned in our strategic focus areas: to enhance our regulatory approach to encourage compliance and better protect residents; to provide strategic information through data and analytics; to promote informed decisions through communication, education and outreach; and, to optimize consumer protection and choice through transparency, accountability, and public reporting.

Auditor's Recommendation	Completed undertaking	Outstanding undertaking (including timeline)
4.1 Oversight Gap Leaves Vulnerable Residents More at Risk in Retirement Homes		
Recommendation 1: To eliminate the inspection and complaint handling gap and to protect	Action 1.1: • The RHRA is collaborating with the Ministry to eliminate statutory barriers to the sharing of information between agencies responsible for	Action 1.3, to be completed in year 2: The RHRA will: • continue to address complaints involving subsidized residents with available resolutions under the

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residents in retirement home beds that are exempted from the Retirement Homes Regulatory Authority's oversight under the <i>Retirement Homes Act, 2010</i>, some of whom are designated as alternate level of care, from harm and neglect, regardless of who is funding the beds, we recommend that the Retirement Homes Regulatory Authority and the Ministry for Seniors and Accessibility, in conjunction with the Ministry of Health, the Local Health Integration Networks, and other ministries, governments and parties that fund these spaces in retirement homes: 1.1 clarify the responsibility of inspection and complaint handling of spaces occupied by patients designated as alternate level of care and subsidized beds in retirement homes; 1.2 inspect homes with such residents as soon as possible to ensure that they are safe and are being properly cared for;	protecting residents (subject to a decision by government). Action 1.2: Retirement home resident safety and protection are our absolute top priority. - Throughout the pandemic, the RHRA continued to conduct reactive inspections in response to mandatory reports and complaints. In addition, we conducted inspections focused on compliance with Directive #3 and IPAC requirements when a risk was identified internally or externally through our partnerships. With respect to the recommendation: - The RHRA resumed routine inspections in November 2020; during COVID-19 the RHRA focused on mandatory report and compliance inspections. Routine inspections include homes which have subsidized beds. - Identifying a means to confirm which homes have Alternate Level of Care beds is underway. - Reactive inspections continue to occur where allegations involving subsidized residents may impact the care and safety of residents. - The RHRA is currently increasing inspection resources to enable more inspections to be completed.	<i>Retirement Homes Act, 2010</i> and through referrals to appropriate agencies. Action 1.4, to be completed in year 2: The RHRA will proactively provide communications to residents and families regarding rights and protections, and the complaints process.
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1.3 regularly inspect these homes and track and address complaints related to subsidized beds; and 1.4 clearly and effectively communicate the complaints process to residents and their families for residents in subsidized beds.	Inspection focus areas and response will continue to evolve if there are changes in legislation as a result of government decision or/and recommendations from the Internal Advisory Committee are considered.	
4.2 Needed Level of Care Rising		
<u>Recommendation 2:</u> To protect residents of retirement homes who may require increasing levels of care, and in some cases to the extent of the level of care provided in long-term-care homes, we recommend that the Retirement Homes Regulatory Authority work in conjunction with Ontario Health, the Ministry of Long-Term Care and the Ministry for Seniors and Accessibility to: 2.1 resume and accelerate its work to develop different and appropriate approaches to regulate different types of retirement homes with consideration of the evolving resident health profiles;	The RHRA indicated it supports this recommendation. Action 2.1: - The RHRA has included the resumption of its licence classes evaluation project in its fiscal year (FY) 2021/2022 business plan. - The RHRA has received approval from MSAA on its s. 108 <i>Request for Information Policy</i> which enables it to collect aggregate resident profile information to inform its assessment of evolving resident health profiles. Action 2.4: - Dedicated compliance monitoring resources are in place to track and evaluate compliance with enforcement action. The RHRA has completed plans to add resources to this area	Action 2.1, to be completed in year 1: To address this recommendation, the RHRA will: - collaborate with MSAA in its comprehensive review of the Act, and with other government agencies, industry and public stakeholders to support reasonable care standards proportionate to a resident's needs. - provide advice to MSAA in its review of the Act to identify potential statutory amendments that would provide the RHRA with flexibility to address the evolving nature of care service delivery in retirement homes. - accelerate development of a purposeful approach to regulatory oversight of varying and evolving business models that ensures residents are protected, while eliminating any barriers to innovation and avoiding unnecessary red tape.

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2.2 examine, reassess and identify the most efficient and cost-effective way to deliver support services in retirement homes for the safety and protection of residents; 2.3 implement an inspection process (assigning clear roles and responsibilities), as soon as possible that sufficiently addresses the increasing complexities and levels of care required for residents in retirement homes; and 2.4 take more timely and rigorous compliance support or enforcement actions against retirement homes that do not provide adequate care services to residents.	to provide additional oversight and align with increased enforcement action. • Compliance support processes to assist homes in understanding the legislative requirements and how to come into compliance outside of enforcement action are in place. The RHRA has completed plans to add resources to this area to supplement online operator compliance assistance materials and mitigate the number of incidents requiring enforcement action. The Ministry for Seniors and Accessibility has started a comprehensive review of the <i>Retirement Homes Act, 2010</i>. As part of this review, the Ministry has indicated that it will work with the Retirement Homes Regulatory Authority and key partners, including the Ministry of Health and the Ministry of Long-Term Care, to identify opportunities to enhance protections for retirement home residents, especially those who may require increasing levels of care.	To support the RHRA in addressing this recommendation, MSAA will: • consult with the sector and ministry partners. • review policy advice from the RHRA on the development of licensing classes. • develop options and consult with the RHRA on recommended approach. • seek direction/approval for recommended approach and potential implementation. Action 2.2: To address this recommendation, the RHRA will: • continue to assess licensees and hold them accountable for their obligation to assist residents in accessing external care providers, should a resident's needs exceed the care services offered by the retirement home. To support the RHRA in addressing this recommendation, MSAA will: • collaborate with the RHRA to determine whether there is a role for the ministry to support the implementation of this recommendation (e.g., to facilitate meetings with ministry partners). Action 2.3, to be completed in year 2: • The RHRA will continue its ongoing Regulatory Program Modernization Project, which includes
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		more flexible approaches to inspections that take into account the compliance history and risk assessment of individual homes and their resident population. Action 2.4, to be completed in year 1: The RHRA has identified means of improving its systems and processes, and focusing more resources as needed to ensure that non-compliant licensees are efficiently escalated to, and assessed by, enforcement when appropriate. The implementation of improvements is part of the FY 2021/2022 business plan.
<u>Recommendation 3:</u> To allow it to make more effective, timely, data-driven decisions to strengthen the oversight of staffing and care services provided in retirement homes and support the Ministry for Seniors and Accessibility (Ministry) in developing policy on senior housing and care, we recommend that the Retirement Homes Regulatory Authority: 3.1 work with the Ministry to obtain the necessary approvals to collect	The RHRA indicated that it had, prior to the audit completion, begun drafting the criteria for data collection for submission to MSAA. Action 3.1: - The RHRA completed and submitted its draft criteria for data collection from licensees to the Minister, who approved the <i>Request for Information Policy</i>, as noted above. - The Policy, which outlines processes and procedures the RHRA will use to obtain information, now enables the RHRA to collect	Action 3.1, to be completed in year 1: To support the RHRA in addressing this recommendation, MSAA will: - conduct policy analysis, including consideration of a potential legislative change to permit the RHRA to collect a broader range of information such as resident names and contact information. Action 3.2 to be completed in year 2: To address this recommendation, the RHRA will: - collaborate with MSAA in its review of the Act by providing advice and supporting the development of a proposed approach to enable effective data collection, allow for improved data-sharing with its

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needed information as soon as possible; 3.2 in conjunction with the Ministry, establish processes to collect data on residents and retirement homes from other relevant organizations with consideration of appropriate processes to respect the protection of personal health information; and 3.3 commence the collection, analysis and use of this information to inform policy development in this sector.	information to facilitate timely and further evidence-based decision-making. To support the RHRA in addressing this recommendation, the Minister for Seniors and Accessibility has approved the RHRA's "Request for Information" Policy (January 2021): - the Policy outlines the process and criteria to be used in order to make new requests for data/information from licensees. The Ministry has started a comprehensive review of the <i>Retirement Homes Act, 2010</i> which will include the development of a proposed approach to improve the collection and use of information in order to allow for more effective, timely and data-driven decisions. Action 3.2: - The RHRA has submitted an external Data Request to Ontario Health to obtain data on retirement home residents waiting for placement in long-term care (pending approval). To support the RHRA in addressing this recommendation, MSAA has:	community partners and inform data-driven decision-making. - consider this recommendation as it continues to progress with a project underway renewing its technology platform. Considerations in its requirements for data gathering and data sharing needs in a secure and efficient manner are included in design. To support the RHRA in addressing this recommendation, MSAA will: - work with the Ministry of Labour, Training and Skills Development to request that the <i>Retirement Homes Act, 2010</i> be designated under the <i>Regulatory Modernization Act</i> (RMA) to facilitate information sharing between regulators. - examine any barriers to information sharing between regulators, other organizations, ministries (e.g., Ministry of Health) not addressed by the RMA designation. - consult with the Information and Privacy Commissioner of Ontario (IPC). - conduct policy/process development re: collecting resident and retirement home information from other relevant organizations e.g., Public Health Units, Public Health Ontario, Ontario Health, etc.
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	established an Internal Advisory Committee with key ministry partners to discuss cross-sector issues including identifying any barriers to information sharing between entities as well as possible solutions.	Action 3.3 to be completed in year 2: The RHRA will develop a framework to begin collecting operational data under s.108.
4.3 Inspections		
<u>Recommendation 4:</u> So that risks and harm to retirement home residents can be more effectively reduced through more frequent and risk prioritized inspections, we recommend that the Retirement Homes Regulatory Authority expand the factors considered, beyond just inspection history, in its risk model for selecting homes for more frequent inspection.	The RHRA has been reviewing and refining its risk model annually, since it was first introduced in 2016. The RHRA believes that continuing to expand the data and factors included in the risk model will contribute to making the model increasingly robust and enhance our compliance approaches to reduce the risk of harm to retirement home residents. - The RHRA has been prescribed for data-sharing under the Ministry of Revenue Act to enhance our risk model with relevant financial indicators. - The RHRA has submitted an external Data Request to Ontario Health to obtain data on retirement home residents waiting for placement in long-term care (pending approval).	To be completed in year 2: - The RHRA will seek to identify relevant data for its inclusion in our risk assessment of harm outside of its information collected through inspection. - The RHRA looks forward to using this enhanced information obtained through information-sharing with other agencies to provide for an increasingly comprehensive approach to risk assessment. - The RHRA is working with the Ministry of Finance to sign a memorandum of understanding to begin data sharing for the purpose of obtaining relevant data to augment its risk model.
<u>Recommendation 5:</u>	Action 5.1: The RHRA has:	Action 5.1, to be completed in year 1: The RHRA will continue infection prevention and control compliance inspections on a risk-informed

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To confirm that retirement homes have appropriate infection and prevention controls in place, we recommend that the Retirement Homes Regulatory Authority: 5.1 put processes, including continuing use of its COVID-19 checklist, in place to assess whether all retirement homes have appropriate practices on infection prevention and control; 5.2 routinely obtain data from public health officials on issues or concerns in retirement homes; 5.3 regularly incorporate into its inspector training any lessons learned from public health inspections; 5.4 going forward, request that retirement homes incorporate pandemic plans in their emergency plans that also address the requirement to include a personal protective equipment supply.	• updated its routine inspections process to incorporate infection prevention and control assessment in alignment with the infection prevention and control guidelines it released concurrent with the resumption of its routine inspections that recommenced in November 2020 (after their suspension in March 2020 due to COVID-19). • developed and distributed Infection Prevention and Control (IPAC) Compliance Assistance Material in November 2020 to assist retirement home licensees and operators in understanding their obligations under the Act as it relates to IPAC. • shared information and reinforced the participation of retirement homes in IPAC Hubs in November 2020. • reinforced expectations related to IPAC, including regarding visits over the December holidays and staying at home, masking and social gatherings under the provincial emergency. • increased inspection capacity through the Fall and Winter by hiring additional Inspectors. • continued to work with the Canadian Red Cross to support retirement homes that have been escalated for additional IPAC and non-clinical staffing interventions.	basis, with priority given to those homes the RHRA is aware are in receipt of public health orders. Action 5.2, to be completed in year 2: • The RHRA will assess options with the MSAA and Public Health Ontario to obtain access to public health compliance data. • The RHRA will continue to provide advice to MSAA on high priority amendments to the Act and regulation to enable greater information sharing between the RHRA and other sector partners. To support the RHRA in addressing this recommendation, MSAA will: • conduct policy development and maintain ongoing collaboration with RHRA to outline data requirements, existing barriers to data sharing between RHRA and public health officials, feasibility of legislative/ regulatory changes to allow the RHRA to obtain data from homes directly. Action 5.3, to be completed in year 2: • Pending government decisions related to 5.2, the RHRA will incorporate any high-level learnings and/or insights obtained from the public health data into inspector training.
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	- continued to make resources available online to provide operators with COVID-19 materials and resources to support IPAC, including COVID-19 checklists. - amended training and evaluation of compliance on an ongoing basis, as Chief Medical Officer of Health directives, MSAA recommendations and RHRA compliance standards change. - continued to use the COVID-19 checklist when significant IPAC concerns are identified through proactive outreach activities or information received from external sources. To support the RHRA in addressing this recommendation: - The government authorized the RHRA to issue a new compliance order power under the <i>Emergency Management and Civil Protection Act</i> (Feb. 5, 2021). This power enables the RHRA to issue mandatory compliance orders to retirement homes where there is a risk of harm to residents resulting from COVID-19 without having to establish that a contravention of the <i>Retirement Homes Act, 2010</i> has occurred. The RHRA is now able to issue a compliance order to a home to implement recommendations, including those made by an appointed manager and other parties such as the local public health	Action 5.4, to be completed in year 1: Subject to a decision by government related to 5.2, the RHRA will continue to assess COVID-19 preparedness and response in retirement homes based on existing Chief Medical Officer of Health (CMOH) directives, MSAA recommendations and RHRA compliance standards during inspections and proactive outreach.
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	unit, thereby enabling the Registrar to take enforcement action if steps are not taken by the home. - These measures could include recommendations made by an appointed manager and community partners, such as public health units or hospitals. A retirement home who fails to comply with the new emergency order may face penalties. - MSAA has released updated guidelines for visitors to retirement homes (Retirement Home COVID-19 Visiting Policy). These guidelines came into effect on October 13, 2020. In this update, MSAA aligned the escalation precautions for homes with the provincial COVID-19 Response Framework. Action 5.4: - The RHRA supports the recommendation and has begun discussions with MSAA related to potential regulatory amendments to include pandemic planning in emergency plan requirements.	
<u>Recommendation 6:</u>	The RHRA has indicated to the Auditor General that it has taken the following actions toward the end of the audit:	Action 6.1, to be completed in year 1: The RHRA has in place a prioritized plan for routine inspections and will monitor execution using its pre-

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To return to its proactive, routine inspection process focused on resident safety, care and choices about their care options, we recommend that the Retirement Homes Regulatory Authority: 6.1 establish an appropriately prioritized action plan that includes targeted timelines to clear the backlog of proactive routine inspections, enhanced with additional infection prevention and control coverage; 6.2 conduct the required inspections; and 6.3 monitor its compliance with this plan.	- communicated with licensees on August 27, 2020, outlining its expectations of retirement homes for a “Return to Normal” on items it had temporarily paused in March 2020 due to the COVID-19 pandemic; and - resumed routine inspections on an unannounced basis as of November 9, 2020.	existing method for measuring and monitoring any backlog of routine inspections according to its risk model schedule. A review of the risk model was under way when the audit was completed, which will update inspection volume forecasts. A time frame for addressing any outstanding inspections will be finalized concurrently with the model update. - The RHRA is adding inspection resources to clear the backlog of proactive routine inspections. Action 6.2, to be completed in year 2: - The RHRA will clear the backlog of proactive routine inspections, while continuing to be responsive in conducting reactive inspections. Action 6.3, to be completed in year 1: - The RHRA will continue to monitor the backlog of proactive routine inspections on a monthly basis using its current reports and will make adjustments to its resource allocation as required.
<u>Recommendation 7:</u> To fully self-assess and monitor its inspection process for coverage and distribution of work, we recommend that the Retirement Homes Regulatory	Action 7.1: The RHRA has indicated that it supports this recommendation and continues to manage its inspector caseloads, reassigning cases as needed.	Action 7.1, to be completed in year 1: The RHRA will complete a review of applicable targets for volumes to ensure that inspection resources are optimally deployed across these

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Authority continually monitor inspector caseloads, revisit caseload targets and reassign cases as needed.	- The RHRA has observed an increase in the number of issues addressed through inquiries, and inspectors are involved in completing such inquiries as well as conducting inspections. - Inspectors also participate in and lead other activities and initiatives in support of the RHRA's legislative mandate.	processes, while sustaining a focus on outcomes for residents.
4.4 Impact of COVID-19		
<u>Recommendation 8:</u> To minimize the safety, health and other impacts to residents and families of residents in retirement homes that undergo management orders, we recommend that the Retirement Homes Regulatory Authority: 8.1 establish a back-up network of qualified management candidates that can be quickly deployed to retirement homes during times of crisis; 8.2 establish criteria for making emergency funding available should managers deployed to a retirement home under management order	Action 8.2: The RHRA has developed an initial formal roster of qualified management candidates who could be deployed quickly to retirement homes during crises, if required. This roster was in place as of October 2020. The RHRA will explore options for emergency funding for circumstances where managers identify the need for financial resources with due consideration given to mitigating any financial impact on residents. Action 8.3: The RHRA continues to: release guidance for visiting retirement homes under the Retirement Homes COVID-19 Visiting Policy (updated December 11, 2020) which reflects guidance from the Office of the Chief Medical Officer of Health.	In its role as advisor, the RHRA will collaborate with MSAA through its review of the Act to identify and address any necessary actions required to ensure equity in protections for seniors living in retirement homes that were identified during the COVID-19 pandemic. Action 8.1, to be completed in year 1: - The RHRA is taking steps to maintain a number of qualified available manager candidates in preparation for the potential of future management orders being required. Action 8.2, to be completed in year 3: - The RHRA will work with MSAA to develop criteria for allocating any available funds to homes under a management order where financial constraints are a barrier for the manager to protect residents.

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require justifiable financial resources; and 8.3 in conjunction with the Ministry for Seniors and Accessibility, ensure that residents in retirement homes are protected in a manner consistent with residents in long-term-care homes in circumstances of public health threats during and beyond the COVID-19 pandemic.	• support MSAA in increasing uptake of rapid antigen screening and in revising the testing policy for retirement homes based on public health advice. • work with the MSAA through ongoing joint monitoring meetings to discuss retirement home sector needs in order to inform supports and resources required for Covid-19 response. • support the Province's roll out of vaccines in retirement homes. In December 2020, at the request of the MSAA, the RHRA conducted a survey of all licenced retirement homes and ensured 100% completion to inform allocations required for the sector. RHRA also has distributed key information to retirement homes to support their readiness for vaccinations. Based on feedback from the RHRA and local partners that IPAC is a key factor in preventing and containing outbreaks and that retirement homes require additional support, the Ministry for Seniors and Accessibility sought and received Cabinet approval for an additional \$30M to support retirement homes with costs related to ongoing IPAC, including personal protective equipment (PPE) and staffing, including staffing to support increased IPAC expertise through IPAC audits,	Action 8.3, to be completed in year 3: • The RHRA will continue to provide advice to MSAA on potential amendments to legislation and regulation. To support the RHRA in addressing this recommendation, MSAA will: • partner with the RHRA to help ensure that: ○ Chief Medical Officer of Health directives to Long-Term Care related to COVID-19 are implemented in retirement homes, as per the regulation (ongoing). ○ recommendations from Ontario's Long-Term Care COVID-19 Commission are reviewed to determine feasibility and implementation for retirement homes. • conduct policy development, including analysis of RHRA input, to support possible changes to the legislative and regulatory framework.
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	supervision, training and leadership, and on-site testing. The Ministry has started a comprehensive review of the Act, which will look for opportunities to address gaps that were identified during the COVID-19 pandemic. As part of this review, the Ministry will work with key partners, including the Ministry of Health and Ministry of Long-Term Care, to coordinate consistent protection measures. To support the RHRA in addressing this recommendation, the government has: • authorized the RHRA to issue a new compliance order power under the <i>Emergency Management and Civil Protection Act</i> (February 5, 2021). This power enables the RHRA to issue a mandatory compliance order to a retirement home for the purpose of preventing, responding to or alleviating the effects of COVID-19.	
<u>Recommendation 9:</u> To protect retirement home residents from the risk of neglect, we recommend that the Retirement	Action 9.1: • The RHRA recognizes the vital role that families and friends fulfill in critical personal care and support of residents.	Action 9.1, to be completed in year 1: • The RHRA will continue to communicate and support retirement homes in adhering to public health directives and guidance, including appropriate

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Homes Regulatory Authority communicate and support retirement homes in ensuring that family members and friends providing critical personal care and support to retirement homes residents are able to do so during the pandemic, as long as appropriate infection prevention and control procedures are followed.	• The RHRA has collaborated with MSAA and provided advice related to changes in the Visitors Policy for retirement homes. • The RHRA continues to provide guidance on current visitor allowances to residents, families and operators through posted information on its website and responding to inquiries.	infection prevention and control procedures for visitors.
<u>Recommendation 10:</u> To better inform the public about the extent of COVID-19 cases in retirement homes, we recommend that the Retirement Homes Regulatory Authority: 10.1 work with the Ministry for Seniors and Accessibility and the Ministry of Health to obtain available validated data directly from the Ministry of Health or directly from local public health agencies; and 10.2 publish outbreak data on a weekly basis or more frequently as available, by retirement home,	Action 10.1 The RHRA continues to: • work with local partners to monitor and support retirement homes in outbreak, including working with local public health units to confirm case data when required. • work with MSAA and the Ministry of Health to obtain data from the Ministry of Health on the risk of outbreaks in retirement homes based on modelling that considers community factors such as community size and demographic factors within a neighbourhood. Action 10.2: • The RHRA has been providing information about COVID-19 in retirement homes to the public on its website.	Action 10.1, to be completed in year 1: • The RHRA will work with MSAA and the Ministry of Health on directly obtaining validated data. • The RHRA also will collaborate with MSAA in its review of the Act to identify opportunities to enhance the information available to residents and families by addressing any data collection gaps that were identified during the COVID-19 pandemic. • RHRA is collaborating with the Ministry of Health to update the terms of an Anonymous Information Agreement (AIA), in which the RHRA obtains COVID19 data directly from the Case and Contact Management system. The RHRA has been obtaining data on a monthly basis since November 2020, but updated terms would allow for more frequent updates and for the RHRA to publish.

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on the number of residents and staff who test positive or die.	• From April 2020 through September 2020, the RHRA published on its website daily a list of homes where a COVID-19 outbreak had been declared. • Since July 2020, the RHRA has made its data sets publicly available on its online “RHRA COVID-19 Dashboard”. • In addition to the reported active and resolved outbreak data, since September 2020, the dashboard, updated daily, has included reported cumulative staff and resident cases of COVID-19 and associated deaths. • While the official record of COVID-19 case information is collected and compiled by Public Health Ontario, the RHRA collects this data to inform our ongoing efforts to support the retirement home residents and communities through this difficult time. • As of March 2021, the RHRA publishes on its website COVID outbreak and case-level information (infections and deaths for residents and staff) by retirement home. The case-level information is self-reported by retirement homes on a voluntary basis. • The RHRA has made this data available to keep the public, including residents, families, researchers and health-care professionals,	To support the RHRA in addressing this recommendation, MSAA will: • conduct policy analysis and ongoing collaboration with the RHRA to outline data requirements, range of situations, existing barriers to data sharing between the RHRA and public health officials, feasibility of legislation/regulation changes to allow the RHRA to obtain data from homes directly. • participate in discussions with key partners (e.g., Ministry of Health, Public Health Ontario) to assess the feasibility of data sharing (including Information Privacy concerns) and development of a process to share data, if feasible. Action 10.2, to be completed in year 1: • The RHRA has initiated phase 3 of its public dashboard project. The RHRA has made the decision to post self-reported COVID-19 case data at a facility level, while pursuing the updated terms of the AIA with the Ministry of Health in parallel.
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	informed about how the pandemic is affecting licensed retirement homes. Ontario seniors benefit from having easy-to-access information and education needed to make informed choices when researching retirement homes. The Ministry has started a comprehensive review of the Act and will be looking for additional opportunities to enhance information available to residents and families, and address data collection gaps that were identified during the COVID-19 pandemic.	
<u>Recommendation 11:</u> To identify alternative accommodations for patients should future waves of COVID-19 overwhelm long-term-care homes and hospitals, and for residents who need to be moved from retirement homes that are affected by outbreaks, we recommend that the Retirement Homes Regulatory Authority: 11.1 work with the Ministry for Seniors and Accessibility to require retirement homes to	Action 11.1 The RHRA recognizes and agrees that it is uniquely positioned to collect information from Ontario's retirement homes in support of the province's pandemic planning and response. The RHRA has contemplated including this kind of data when it submitted criteria for data collection for approval by the Minister for Seniors and Accessibility and in the drafting of its <i>Request for Information Policy</i>. To support the RHRA in addressing this recommendation, the Minister for Seniors and	Action 11.1, to be completed in year 2: - The RHRA will assess the feasibility of options related to the data collection process with consideration of its own current technology capabilities; cost efficiency; and, minimizing administrative burden on licensees whose priority of protecting and caring for their residents is paramount. To support the RHRA in addressing this recommendation, MSAA will: - Work with the RHRA to validate the need to collect monthly occupancy information.

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11.2 provide monthly occupancy information (and any related requirements) to the Retirement Homes Regulatory Authority; and collect occupancy rates of retirement homes on a monthly basis to be used for monitoring and planning outbreak responses that may be needed during the COVID-19 pandemic.	Accessibility has approved the RHRA's "Request for Information" Policy: • The RHRA currently collects various types of data/information from licensees in accordance with the Act. • The Policy outlines the process and criteria to be used in order to make new requests for data/information from licensees. • The Policy was approved by the Minister for Seniors and Accessibility in January 2021.	Action 11.2, to be completed in year 1: • RHRA will work with MSAA to determine whether it requires interim occupancy data and at what frequency for COVID-19 planning purposes. • If MSAA determines information is necessary, the RHRA will collect information that is required.
4.5 Retirement Home Licensing		
<u>Recommendation 12:</u> To strengthen the licensing process of retirement homes, and the safety and protection of residents that may require different levels of services as its primary focus, we recommend that the Retirement Homes Regulatory Authority: 12.1 accelerate and complete the development of its licence classes; 12.2 update its licensing procedures to include conducting applicant background checks to identify any indication of financially	The RHRA has indicated that it supports this recommendation. Action 12.2: • The RHRA has revised and implemented its licensing forms to inform applicants of the RHRA's use of third parties to conduct checks to ensure licensure eligibility. This includes the identification of financial irresponsibility indicators. • The Ministry has started a comprehensive review of the Act and will examine approaches to strengthen the licensing framework for retirement homes in Ontario.	Action 12.1, to be completed in year 2: In January 2020, the RHRA began work to assess options related to distinct licence classes. Such licence classes may allow for greater flexibility and ability to respond to the evolving nature of the seniors' housing sector. As well, the regulatory response to these realities, including costs to residents, would be strengthened. The work on licence classes was put on hold in order to redirect resources to the RHRA's COVID-19 pandemic response. The RHRA will: • resume its work on licence classes evaluation on a priority basis as part of its future operations development plan.

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irresponsible conduct and proof of financial viability; 12.3 develop a communications strategy to remind applicants that they are obligated to monitor their licence conditions and report changes as needed to the Authority; and 12.4 follow up on a timely basis on any licence conditions made.		- provide advice to MSAA in its review of the Act to examine approaches to strengthening the licensing framework for retirement homes. To support the RHRA in addressing this recommendation, MSAA will: - consult with the sector and ministry partners. - review and consider policy advice from RHRA on the development of licensing classes. - develop options and consult with RHRA on recommended approach. - seek direction/ approval for recommended approach and potential implementation of any required legislative or regulatory changes to support the implementation of licensing classes. - work with RHRA to implement changes (e.g., education and outreach to sector). Action 12.2, to be completed in year 1: - The RHRA has developed its licensing forms and is revising related procedures to identify indications of financially irresponsible conduct; set standards and develop related educational tools. Action 12.3, to be completed in year 1: - The RHRA will communicate through existing channels to homes about financial responsibility and engage with the industry association to understand
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		the training and other supports that may be available for use by homes. Action 12.4, to be completed in year 1: • In September 2020, the RHRA expanded its capacity to address issues related to ongoing compliance monitoring for certain issues, including compliance with licence conditions. • The RHRA's expanded capacity will facilitate a structured follow-up for conditions and other similar actions where ongoing monitoring of compliance apart from inspections is required.
<u>Recommendation 13:</u> To protect retirement home residents from the risk of fire, we recommend that the Retirement Homes Regulatory Authority: 13.1 impose a deadline for all licensees that have not completed the installation of their fire sprinkler systems to have this done as soon as possible; and 13.2 if a licensee does not comply, follow up with enforcement action where appropriate.	Action 13.1: • The RHRA has taken additional enforcement measures, including revoking one licence. This includes communicating to homes expectation of timeline for compliance with <i>Fire Code</i> requirements.	Action 13.2, to be completed in year 1: • The RHRA will follow up with further enforcement action with licensees who have not provided proof of <i>Fire Code</i> compliant sprinkler systems.

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<u>Recommendation 14:</u> To protect consumers from unknowingly purchasing accommodation and care services from retirement homes that could possibly be unlicensed and unregulated under the <i>Retirement Homes Act, 2010</i>, we recommend that the Retirement Homes Regulatory Authority: 14.1 expedite the completion of its strategy to follow up on the 234 retirement homes that may possibly require a licence and take appropriate enforcement actions as required; and 14.2 expedite the consideration and reduction of the potential risk to these homes in subsequent waves of COVID-19 by either addressing the risk or bringing these risks to the attention of the Ministry for Seniors and Accessibility.	Action 14.2 • The RHRA advised MSAA of the scope and scale of the unlicensed homes project and the types of congregate settings captured as part of this initiative. The MSAA will engage other regulators where RHRA's oversight does not apply. • A communication plan has been developed to inform other sectors related to the lack of oversight in these congregate care settings. • The Ministry has started a comprehensive review of the Act and will consider approaches to improve protection for consumers who may be unknowingly purchasing accommodation and care services from residences that are not licensed under the Act.	Action 14.1, to be completed in year 1: • The RHRA continues to assess, on a risk-informed basis, which of the 234 congregate settings as of July 2020 that previously did not meet the legislative definition of a retirement home under the Act may now be subject to the Act due to a change in their circumstances. • The RHRA will follow its established enforcement process to take action, where warranted. Action 14.2, to be completed in year 1: • In its role of advisor, the RHRA will inform MSAA of the scope and scale of the risk to seniors living in these congregate settings that do not meet the legislative definition of a retirement home. Further, the RHRA will collaborate with the MSAA on its review of the Act to support the establishment of appropriate oversight of congregate settings. To support the RHRA in addressing this recommendation, MSAA will: • collaborate with the RHRA on its unlicensed retirement homes initiative (e.g., provide support as RHRA engages with other ministries on issues related to unlicensed homes/congregate care settings). • consider any policy recommendations identified by the RHRA; conduct research and analysis, hold consultations, as needed.
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		develop policy options and recommendations and seek approval to proceed with any required legislative or regulatory changes
<u>Recommendation 15:</u> To improve the Retirement Homes Regulatory Authority's effectiveness in overseeing the retirement home sector and protect public safety, we recommend that the Authority work with the Ministry for Seniors and Accessibility to critically assess the effectiveness of its enforcement tools. In particular, an increase of the maximum administrative penalty amount allowed under the <i>Retirement Homes Act</i>, 2010 could be considered.	<u>Action 15.1:</u> The RHRA has indicated that it supports this recommendation. The RHRA has provided the MSAA with advice related to the Enhanced Management order to reduce implementation barriers, including indemnity for managers appointed to assume operational control of a retirement home, and provided preliminary advice on adjusting administrative monetary penalties. The Ministry has started a comprehensive review of the Act and will work with the RHRA to critically assess the effectiveness of the enforcement tools and to identify additional regulatory processes that are available to other regulatory authorities that could help to achieve desired compliance outcomes. To support the RHRA in addressing this recommendation: MSAA has analyzed the effectiveness of the RHRA's existing enforcement tools within the	Action 15.1, to be completed in year 2: - The RHRA will work with MSAA in its review of the Act to critically assess the effectiveness of the enforcement tools and to identify additional regulatory processes that are available to other regulatory authorities that could help to achieve desired compliance outcomes. To support the RHRA in addressing this recommendation, MSAA will: - finalize proposals to broaden the RHRA's compliance and enforcement powers to respond to challenges identified during the COVID-19 pandemic; consult with the RHRA to assess feasibility/resourcing impacts and confirm recommended approach. - consult on administrative penalties and the effectiveness of the RHRA's enforcement tools and seek direction and approval to proceed with any required legislative or regulatory changes.

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	context of the COVID-19 pandemic, conducted research and analysis on administrative penalties models, consulted with partner ministries and the RHRA on preliminary proposals, and developed preliminary policy options. The government has authorized the RHRA to issue compliance orders under the <i>Emergency Management and Civil Protection Act</i> (Feb. 5, 2021). This power enables the RHRA to issue a compliance order to a retirement home for the purpose of preventing, responding to or alleviating the effects of COVID-19.	
<u>Recommendation 16:</u> To reduce the risk to retirement home residents that could be affected by loss or damage to their homes, we recommend that the Retirement Homes Regulatory Authority: 16.1 request that retirement homes renew policies 30 days prior to expiry and notify the Authority that ongoing coverage of residents is available; 16.2 assess current research, and as necessary supplement, to derive	The RHRA has indicated that it accepts this recommendation.	Action 16.1, to be completed in year 2: The current process is for insurance companies to renew extra expense insurance certificates close to the expiration date. The RHRA will assess the ability for homes to obtain renewed EEI certificates at least 30 days in advance of their expiry date. The RHRA will explore opportunities to recommend to the MSAA that this practice be amended through legislative requirement or other means to align with the recommendation of 30 days prior to the expiration date.

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an appropriate specific minimum amount of extra expense insurance coverage for licensees to obtain; and 16.3 recommend a regulatory change that either specifies a minimum amount of extra expense insurance coverage to the Minister for Seniors and Accessibility or provides authority for the Authority to set a minimum amount of extra expense insurance coverage.		Action 16.2, to be completed in year 2: - The RHRA will complete an assessment of its current research on an appropriate minimum amount of insurance, and it will undertake further research as necessary to derive an appropriate minimum standard for implementation. Action 16.3, to be completed in year 2: - The RHRA will provide advice to the MSAA as part of its review of the Act on a revision to the regulation that could appropriately enable the implementation of a minimum standard for extra expense insurance coverage. To support the RHRA in addressing this recommendation, MSAA will: - review the results for the assessment on an appropriate minimum amount of insurance from the RHRA. - work with the RHRA to identify revisions to legislation or regulation to enable the implementation of a minimum standard for extra expense insurance coverage. - seek approval to proceed with any required legislative or regulatory changes.
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4.6 Complaints		
<u>Recommendation 17:</u> To enhance the public's knowledge and awareness of the Authority's oversight role for the retirement home industry and to minimize safety risks to retirement home residents, we recommend that the Retirement Homes Regulatory Authority develop a more comprehensive communications strategy to specifically target groups that include residents and families, retirement home staff, and the public about its role, emphasizing how complaints can be best brought to its attention or to the attention of other appropriate parties.	Action 17.1: The RHRA has implemented an education and awareness campaign that includes paid advertising targeted to retirement home residents and their families, as well as others with interest in the sector. The campaign also seeks to leverage media coverage to incorporate messages that encourage the public to report to RHRA any harm or risk of harm to retirement home residents. While the original campaign plan was suspended in March 2020 to redirect resources to the RHRA's COVID-19 response, the campaign re-launched in early October 2020 and focused on messages about reporting concerns regarding harm or risk of harm to residents, residents' rights and the RHRA's role in resident protection.	Action 17.1, to be completed in year 1: - The RHRA will sustain and, where needed expand, these efforts as part of a multi-year campaign to raise awareness among residents and families, retirement home staff, and the public about its role and how to raise complaints related to retirement homes. - The RHRA has recommended legislative/regulatory amendments to enable it to collect resident contact information from retirement home licensees to enable the RHRA to establish two-way direct communication with residents and substitute decision makers. - The RHRA has included a plan for a dedicated resident communications campaign in its 2021/2022 work plan.
<u>Recommendation 18:</u> To provide for more clarity and timely responses to retirement home residents, family members of residents, or other persons who may have concerns about retirement homes, we	The RHRA agrees with the importance of responding to persons with concerns about retirement homes in a clear and timely manner, and with reducing any administrative barriers that impair the complainant's ability to having their complaint heard and adjudicated.	Action 18.1, to be completed in year 1: The RHRA is refining its existing processes for intake of complaints to provide contact information to other regulatory bodies and referral of inquiries not within its jurisdiction to the appropriate regulatory body.

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recommend that the Retirement Homes Regulatory Authority: 18.1 develop a form letter containing contact information for other regulatory bodies and send the letter to all complainants at the earliest opportunity before it investigates the complaints; 18.2 establish a process to refer complaints not within its jurisdiction directly to the appropriate regulatory body and follow up with the complainant and the other regulatory body to ensure that the complaint has reached the appropriate organization; 18.3 update its website to include contact information of relevant regulatory bodies to address concerns that the public commonly brings to the Authority's attention but are outside of the Authority's jurisdiction; 18.4 establish a performance indicator to measure turnaround time for investigating and resolving		Action 18.2, to be completed in year 2: - The RHRA recognizes the importance of removing barriers to access for complainants who are referred to other regulatory bodies, and it has provided advice to MSAA as part of its review of the Act regarding the removal of barriers to information-sharing among the RHRA and other regulators as it relates to enhancing complaints handling. Pending legislative changes, the RHRA has developed a process which allows referrals through consent or current exemptions under the Act which will be implemented in the first year. Action 18.3, to be completed in year 1: - The RHRA will update its website to include contact information of other regulatory bodies and agencies for complainants to contact directly based on the nature of the allegation and whether it falls outside of the Act. Action 18.4, to be completed in year 2: - While recognizing that there is significant variation in the complexity of complaints the RHRA receives, and that information-gathering to adjudicate complaints can be delayed due to availability of interviewees, the RHRA will develop a framework to measure turnaround times for investigating and resolving complaints.
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complaints, set and review targets on an annual basis and monitor relevant performance; and 18.5 publish expected service standards about its complaint resolution process and its actual performance against these standards on its website.		Action 18.5, to be completed in year 3: • The RHRA will set baselines for these metrics and subsequently review and monitor the performance against the target on an annual basis, which will be published on the Authority's website. • These indicators and standards will focus on responsiveness to complainants and promptly escalating issues that pose a significant risk to residents.
<u>Recommendation 19:</u> To more clearly and effectively communicate information about retirement home complaints to existing and future residents and family members, and to improve the effectiveness of retirement home inspection choices by inspectors, we recommend that the Retirement Homes Regulatory Authority: 19.1 publish data publicly and regularly on common complaint areas raised by consumers about the retirement home industry; 19.2 publish the nature and quantity of complaints filed with the Authority for each retirement	The RHRA indicated that it supports this recommendation. The RHRA agrees that residents, prospective residents and their families can benefit from even greater transparency related to complaint areas and trends.	Action 19.1, to be completed in year 2: • The RHRA will expand on its current practice of publishing an annual analysis of complaints and trends and will make this information available with greater frequency and detail. Action 19.2, to be completed in year 2: • The RHRA will augment its current practice of reporting the enforcement measures taken against a home that originated with a complaint to include the nature and quantity of complaints for each home with appropriate context. • Increased transparency regarding the nature and quantity of complaints for each home will be considered in the development of enhanced inspection reports and the report card.

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home on the Authority's website while respecting the privacy of the complainant; 19.3 analyze complaint trends to identify significant areas of focus and to better inform its selection of retirement homes for routine inspections; and 19.4 establish a training module for the retirement home sector and update training for its inspectors based on the most frequent and significant complaints raised to identify areas of focus for inspections.		Action 19.3, to be completed in year 1: • The RHRA's annual complaints analysis currently informs the frequency of routine inspections, and the RHRA will reinforce complaints trends with inspectors through additional training. • A review of complaints data and Mandatory Report data is included within the scope of the next risk model annual review. Action 19.4, to be completed in year 2: • The RHRA will amend its existing complaints related compliance assistance module, as well as other modules as appropriate, to reflect common complaint areas. • Common complaint areas will be incorporated into inspection focus areas and training as part of the regulatory program modernization improvements.
4.7 Information on Pricing of Rent, Care Services and Performance History Not Easily Available to Consumers		
<u>Recommendation 21:</u> To better inform and protect consumers when purchasing accommodation and care services from retirement homes, we recommend that the Retirement Homes Regulatory Authority accelerate its efforts to	The RHRA has indicated it supports this recommendation. The RHRA has included the public report card development in its 2021/2022 business plan.	Action 21.1, to be completed in year 3: • The RHRA will resume developing a public report card, commencing with enhancing the information currently contained in the Retirement Homes Database to make existing information more accessible and user friendly, and subsequently with a standard evaluation.

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develop a public report card for each retirement home.		
4.8 Board and Ministry Lack Sufficient Oversight of Authority's Activities		
<u>Recommendation 24:</u> To improve the safety and protection of retirement home residents and to support the work and effectiveness of the Risk Officer, we recommend that the Retirement Homes Regulatory Authority: 24.1 establish targeted time frames to phase in the Risk Officer's recommendations; 24.2 track the enactment of these recommendations; and 24.3 report this information to the Board of Directors and to the Ministry for Seniors and Accessibility semi-annually.	In late September 2020, the RHRA Board of Directors confirmed the scope of the Risk Officer's 2020–2021 annual report, part of which contemplates the actions outlined in this recommendation. Action 24.1, to be completed in year 1: The RHRA has: • Proceeded with its previously identified plans to develop and implement time frames to phase in recommendations from the Risk Officer. Complexity of the matter addressed by the Risk Officer recommendation, organizational priority and available resources are considered when establishing targeted time frames. Action 24.2, to be completed in year 1: The RHRA has: • Undertaken tracking implementation of the Risk Officer's recommendations. Implementation progress of any outstanding recommendations will be reviewed quarterly.	The RHRA has no outstanding action items related to this item.

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	Action 24.3: The RHRA has: • Added regular reporting on implementation of Risk Officer recommendations to the Board of Director's annual work plan. • In 2021, begun providing this information to the Board of Directors at quarterly meetings, through its Governance, Regulatory Affairs and Nomination Committee, as part of its accountability and regular reporting. • Begun informing MSAA semi-annually of implementation of the Risk Officer's recommendations.	
4.9 Authority Lacks Financial Capacity to Fully Meet Regulatory Mandate		
<u>Recommendation 26:</u> To collect sufficient fees to cover the Retirement Homes Regulatory Authority's mandated activities to protect current and former retirement home residents, we recommend that the Retirement Homes Regulatory Authority annually reassess the appropriateness of its fees or identify other revenue sources to cover its operating expenses in performing more	The RHRA agrees with this recommendation. Annual reassessment of its fees is a practice that currently exists within the Memorandum of Understanding in the RHRA's <i>Fee Setting Policy</i>. Action 26.1: Management undertook an assessment of future development needs for next fiscal year as part of normal business planning and budget development. Management has assessed the likely future needs over the next two years, and it identified the necessary organizational changes required to address and sustain operations over	Annual reassessment of its fees is a practice that currently exists within the Memorandum of Understanding in the RHRA's <i>Fee Setting Policy</i>. Action 26.1, to be completed in year 1: • The RHRA continues to work within this framework to address shortfalls in the funding required for resources and infrastructure to continue to meet its mandated activities, including to implement the recommendations in the Auditor General's report. • As part of its future strategic and business plans, the RHRA will work to identify and assess other viable

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inspections and other mandated activities.	this period and beyond within its current mandate. Included with this assessment were: 1. Considerations for changes in RHRA’s core operations resulting from the pandemic, and assessment of what changes were likely indefinite; what activities related to pandemic environment would retract/change, and how quickly (or not) that may happen. 2. Considerations for which items from the existing strategic plan remained relevant and which required ongoing attention in the next 2-3 years. 3. Assessment of priority and effort for addressing the Auditor General’s recommendations over a 1–3-year period, factoring in the expectation of a follow-up audit process in 24 months’ time. 4. External environmental factors that would impact the RHRA longer term.	revenue sources to cover operating expenses for its regulatory oversight.
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