



November 23, 2021

MPP Laurie Scott, Committee Chair
Standing Committee on the Legislative Assembly

Dear MPP Scott:

We are writing with respect to Bill 37, *Providing More Care, Protecting Seniors, and Building More Beds Act, 2021*. If passed, Bill 37 would replace the *Long-Term Care Homes Act, 2007* and lay the foundation for the Ministry of Long-Term Care's oversight of the sector. The purpose of this submission is to highlight the potential of Section 44, "Long-Term Care Quality Centre" and to offer Perley Health's support in its implementation, along with comments on other sections of the Bill.

Perley Health is a unique and innovative community that empowers Seniors and Veterans to live life to the fullest. A non-profit home to more than 600 Seniors and Veterans in long-term care and in independent apartments, Perley Health provides a growing number of clinical, therapeutic and recreational services to residents, tenants and people from across the region. Perley Health includes one of the largest and most progressive long-term care homes in Ontario and is a centre for research, education, and clinical innovation. Our Centre of Excellence in Frailty-Informed Care conducts and shares the practical research needed to improve care. Future caregivers come here to study and to acquire hands-on skills and experience.

While regulatory compliance is critical, the Long-Term Care sector shares the aim stated in the Preamble to Bill 37, to "foster an environment that supports continuous quality improvement and innovation." For this reason, we were heartened by the inclusion of Section 44, "Long-Term Care Quality Centre."

Subsection 44 (1) uses the discretionary "may" rather than the obligatory "shall" in terms of the Minister establishing the Quality Centre. While we support this provision, we feel that the opportunity and the potential for such a Centre is such that Section 44 should be amended to *require* the Minister to establish it as follows:

44 (1) The Minister **shall** establish a Long-Term Care Quality Centre.

Perley Health has the expertise to help ensure the Quality Centre reaches its full potential. Our Centre of Excellence has a vision to be the leading provider, educator and innovator in frailty-informed care for seniors in Canada. It was formed with the specific intent of developing actionable knowledge to improve care. We do this by integrating practice, research and knowledge translation (including education).

In partnership with Ontario Health and the Canadian Foundation for Healthcare Improvement (CFHI), our Centre of Excellence acted to support the Long-Term Care sector in managing COVID-19. A few of our initiatives included a Mobile Outreach Team, the development of an Infection Prevention and Control education program and supporting CFHI's coaching program.

We are developing a Knowledge Translation Hub, which has the potential to support the Long-Term Care Quality Centre envisioned under Bill 37. In partnership with organizations who require support, Perley Health will use a goal-oriented change management model to design and implement evidenced-based changes and sustain outcomes. We have the opportunity to leverage our many strengths for the benefit of the entire Long-Term Care sector, including:

- Infection Prevention and Control
- Vaccine Program Support
- Frailty-Informed Care
- Quality Improvement
- Innovations in Education and Training

Contrary to popular belief, there is a treasure trove of excellent care practices within many Long-Term Care homes in general and at Perley Health in particular. Subsection 44 (2) provides the Long-Term Care Quality Centre with a broad mandate. We would be pleased to work with the Ministry as it seeks to define the precise nature and scope of this mandate. In addition, if the Centre is to be headed by a Board of Directors, I would be pleased to put my name forward to serve on whatever governing body will be established. We urge you to engage with partners such as Perley Health. Doing so will enable us to support other Long-Term Care homes as they seek to improve the care they provide.

Dr. Donald Berwick, former president of the Institute for Healthcare Improvement made the following recommendation following his review of care challenges and deaths in the UK's National Health Service:

Foster wholeheartedly the growth and development of all staff, especially with regard to their ability and opportunity to improve the processes within which they work.

With this philosophy in mind, we feel compelled to sound a note of caution regarding the continued reliance on inspections and penalties as a means of quality assurance. A prescriptive framework with compliance inspections will only get us so far. Penalties have unintended consequences, not the least of which is driving reporting and disclosure underground. Indeed, the Ministry of Long-Term Care's 2020 *Long-Term Care Staffing Study* noted:

Justice Gillese recommended that long-term care homes should cultivate a "just culture – one in which human error is dealt with openly rather than punitively." The consequence of a compliance-based culture... is that staff can become overly focused on regulated tasks to the detriment of positive resident outcomes, resident rights, safety, security or quality of life.

A principle-based regulatory framework, along with strong implementation support through the Quality Centre can help shift culture and focus staff on those positive resident outcomes. Balancing regulatory compliance with the development of a culture of quality will require significant investment and partnership across the sector. Please rest assured of Perley Health's commitment to supporting this critical initiative.

Finally, we would like to take this opportunity to congratulate the Ministry on the inclusion of Sections 8 and 9 of the Bill, which establish increased direct hours of care targets. Supporting these targets with the

additional funding that is already starting to be provided to the sector will help set the conditions within which the aspirations we all share can be met.

Thank you for this opportunity to comment on Bill 37. In addition to this submission, we have applied to appear before the Standing Committee on the Legislative Assembly. We are committed to supporting the government with implementation of this new legislation, particularly as it relates to the LTC Quality Centre. In addition, we would welcome the opportunity to partner with the Ministry of Long-Term Care when the time comes to develop the regulations under the Act.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Akos Hoffer', with a stylized, cursive script.

Akos Hoffer MHSc CHE CEC
Chief Executive Officer