

Bill 37, Providing More Care, Protecting Seniors, and Building More Beds Act, 2021

AMO Submission to Standing Committee on the
Legislative Assembly

November 24, 2021

Introduction

The Association of Municipalities of Ontario (AMO) appreciates the opportunity to provide comments on Bill 37. Municipal governments are deliverers, co-funders, and employers for long-term care homes in Ontario. AMO is supportive of transformation and modernization, not only to respond to the learnings of the COVID-19 pandemic, but also to address long-standing issues. AMO has examined the Bill closely and is generally supportive of it. The proposed legislation meets many key priorities that resonate and are in line with the changes sought by AMO's Board of Directors. We do, however, have suggestions for a few substantive amendments to the Bill.

Our association's comments relate specifically to long-term care homes as will be impacted by the changes outlined in Schedule 1: *Fixing Long-Term Care Act, 2021*. AMO is mindful to focus our attention on significant aspects of the Act relating primarily to impacts on systems policy, governance, and funding commitments. We appropriately defer to the long-term care associations and health professionals on a wider range of operational and technical matters. We encourage the committee members to carefully consider their advice to you.

Schedule 1: *Fixing Long-Term Care Act, 2021*

1. Emotion-Focused Models of Care

Given the rising acuity levels and complex needs of residents, including dementia and other cognitive impairments, the Act and its regulations should commit to enhanced resident-centered care by enabling emotion-focused models of care. Long-term care should be a home-like setting, and not an institution. Emotion-focused models pay attention to the mental health and well-being of residents. This is just as important as physical care and should be reflected in the Act as such.

Increasing to four hours of care will increase quality of care, however, quality could be increased further and more appropriately for residents through emotion-focused models of care. A commitment to these models in legislation is needed with accompanying guidance and additional funding for long-term care homes to implement them. A comprehensive review of all the regulations applying to long-term care will also be required to remove barriers to achieving this. Promoting these models of care through research and information should also be a function of the Quality Centre that the Minister will have the authority to establish as proposed by the Act.

In short, we need a comprehensive enabling legislative and regulatory framework, as well as resources, to implement emotion-focused models of care that will provide residents with the highest standard of care possible. It will also contribute to making long-term care an appealing environment to work for existing and new staff.

Proposed Amendment:

- The Act should include explicit wording to enable emotion-focused models of care. The fundamental principle of the Act should include the word "emotional needs" in addition to the commitment to adequately meeting the physical, psychological, social, spiritual, and cultural needs. [Part 1, 1]

2. Enforcement and Compliance

Enforcement plays a role to provide oversight to help ensure that residents are safe and receiving good quality care. However, it cannot be just punitive with a ‘gotcha’ culture or else we will not achieve success and the desired outcomes. It is equally important to provide compliance support for home operators to continuously improve and make all operators aware of their obligations. As well, a focus on just punitive enforcement is creating challenges to attract and retain staff to work in the sector.

The Bill should balance the need for more inspections and effective enforcement with compliance support from the government. This could be achieved by incorporating the Coaching for Quality proposal made by AdvantAge Ontario, the staff association representing municipal and non-profit homes. Compliance support should be built into the role of inspectors and include guidance through coaching. The ministry should also provide tools to home operators. Expertise from homes can be leveraged through the collection and dissemination of best practices throughout the sector. This will improve compliance, increase quality of care, and facilitate innovation.

Proposed Amendment:

- The Act should commit to compliance support for Long-Term Care Home operators. [Part III and Part X]

3. Hours of Care and Allied Professional Care

Enshrining four hours of care for residents in the Act is the right thing to do. At the same time, allied professionals play a critical role for residents’ health and well-being, both physically and mentally. Appropriate staff expertise by professionals such as Occupational Therapists, Physiotherapists, and recreation providers are all needed. The Act mandates a minimum of 36 minutes for allied care work. Increasing this minimum to 60 minutes is recommended based on the experience and recommendations of home operators as well as the Long-Term Care COVID-19 Commission.

Proposed Amendment:

- The Act should include a minimum number of 60 minutes for allied care work to improve resident health and well-being. [Part II, 92]

Conclusion

On behalf of municipal governments across Ontario, thank you for the opportunity to provide comments to the Committee. We look forward to working together on next steps and trust that our proposed amendments will be duly considered. Now is the time to transform long-term care.