# 1
# LONG TERM CARE HOMES — COMMITTEE OF MANAGEMENT OBLIGATIONS AND RESPONSIBILITIES

**The Community and Health Services Committee recommends:**

1. **Receipt of the presentation by Carol Hotchkiss, Director, Long Term Care; and**

2. **Adoption of the recommendation contained in the following report dated September 24, 2012, from the Commissioner of Community and Health Services.**

## 1. RECOMMENDATION

1. It is recommended that Council receive this report for information.

## 2. PURPOSE

This report introduces and explains the way Council meets its legal obligations and responsibilities as the Committee of Management for the Newmarket and Maple Health Centres, consistent with the requirements of the *Long-Term Care Homes Act, 2007* (the Act).

## 3. BACKGROUND

### Council was established as the Committee of Management of York Region's two long term care homes in 2011

As reported to Council on June 24, 2010 in Clause 9 of Report No. 5 of the Community and Health Services Committee, the Act came into effect on July 1, 2010. The Act's prescriptive legislation and regulations provide a compliance framework for the long term care sector in Ontario. Council approved its role as the Committee of Management of the Region's two long term care homes (Homes) in accordance with the Act on October 20, 2011 through the adoption of Clause No. 7 of Report No. 8 of the Community and Health Services Committee.

## The Committee of Management is required to provide oversight of the management of the Homes

As the Committee of Management, Council must exercise reasonable care, diligence and skill and ensure that York Region's long term care homes comply with the Act and its regulations.

The role of the Committee of Management is to provide governance, finance and audit oversight of the management of the Homes and is broadly responsible for ensuring the Homes:

- Comply with applicable legislation
- Maintain appropriate service standards for the residents
- Comply with finance and audit requirements

Committee of Management will receive regular reports so that they may meet their obligations in accordance with the Act.

## Long Term Care and Seniors Division established an Integrated Quality Management Program to meet the Act's requirements

As a result of the legislative requirement to establish a review system that monitors, analyzes, evaluates and improves all aspects of resident care, an Integrated Quality Management Program was implemented. This program is managed by the Quality of Care committee with staff from both Homes. The committee evaluates performance measures to decide on where to focus improvement efforts and resources.

The following performance tools and measures are used to monitor, analyze and evaluate the Homes performance:

- Findings from any external inspection e.g., Ministry of Health and Long-Term Care, including the Health Protection Branch, Ministry of Labour, and Municipal Fire Department
- Accreditation results
- Inspection protocol and internal audit trends, e.g., dining routines, hand hygiene
- Quality indicator data, including publicly reported data, e.g. number of falls by residents, number of residents who are physically restrained, number of residents with pressure ulcers
- Number and type of critical incidents, e.g. number of injuries, medical incidents or adverse drug reactions that result in transfer to hospital
- Number and type of complaints, e.g. number of nursing, dietary, housekeeping complaints, identified trends
- Program evaluation results e.g. need identified for additional training/education, revised procedures
- Emergency Plan evaluation results
- Customer satisfaction

## Every long term care home's compliance with the Act is assessed by the Ministry of Health and Long-Term Care

When the Act came into force in July 2010, a new compliance and enforcement program called the Long-Term Care Homes Quality Inspection Program was implemented by the Ministry of Health and Long-Term Care (the Ministry). The program was implemented to test and certify every long term care home's compliance with the Act. All inspections are unannounced and conducted by trained Ministry inspectors.

All long term care homes are subject to an annual Resident Quality Inspection as well as 'triggered' inspections. Triggered inspections occur when complaints are received by the Ministry about the home. They may also be triggered by mandatory alerts to the Ministry where follow-up is warranted, such as a resident injury that results in a transfer to hospital.

## Inspection findings are presented publicly and posted on the Ministry's website

All findings of the Ministry's inspection are presented in an Inspection Report. Two versions of the Inspection Report are provided to the long term care home: a Licensee Report and a Public Report. All personal health information is removed from the Public Report and is provided to the Residents' and Family Councils. It is also posted in the home and on the Ministry's website.

## The new Ministry inspection process may mean different results than in the past

Both of York Region's Homes were inspected in 2009 with only three unmet standards in total. While the Homes have been subjected to "triggered" inspections since the new Long-Term Care Homes Quality Inspection Program was implemented, it is possible that they will not undergo the Resident Quality Inspection in the immediate future. Full implementation of the Ministry annual inspections has been delayed. Currently, approximately 60 homes of the 633 in the Province have been through the Resident Quality Inspection.

The new Long-Term Care Homes Quality Inspection Program is much more rigorous in nature. In the past, only serious issues of non-compliance were generally noted as "unmets" while other issues may have been verbally noted or included under observations. Today, all issues of non-compliance are identified and included in the inspection report. MOHLTC staff report that during the pilot phase of the Quality Inspection Program in 2010, the 23 homes that participated had a higher number of non-compliant findings, ranging from 10 – 50. This increase in findings does not necessarily mean that the care in the Home has changed but may instead reflect the requirements under the new legislation.

## Long term care homes are inspected by the Health Protection Branch

Public Health inspects all long term care homes to ensure compliance with the *Health Protection and Promotion Act* and its associated regulations. The areas they inspect may include, but are not limited to:

- Infection Prevention and Control
- Food Safety
- Air Quality
- Pest Control

Newmarket and Maple Health Centres have generally performed well with only the occasional non-compliance issue that is usually corrected during the inspection or soon thereafter.

## Long term care homes are inspected by the Ministry of Labour

The Ministry of Labour inspects long term care homes to ensure compliance with the *Occupational Health and Safety Act, 1990,* the *Health Care and Residential Facilities Regulation, (O. Reg. 07/93)* and *Needle Safety Regulation (O. Reg. 474/07).*

## Long term care homes must conduct an annual customer satisfaction survey

Each year every long term care home must survey the residents and their families to measure their satisfaction with the home, and the care, services, programs and goods provided at the home.

The most recent customer satisfaction survey indicated that family members and residents consider care to be excellent, with competent and compassionate staff members and the environment was found to be clean and organized. The survey also indicated that additional review should be given to meals and continence protection. As a result, an action plan to address these two items has been created and implemented.

## Ministry of Health and Long-Term Care audits the Homes' financial reports

Every long term care home must complete the following financial requirements for the Ministry's audit review:

- Annual Reconciliation Report
- Quarterly financial and statistical performance for the Management Information System (MIS) of the Central Local Health Integrated Network (CLHIN)
- Compliance with the reporting standards of the Long-Term Care Service Accountability Agreement with the CLHIN

York Region's Homes have not received any negative audit reviews or findings by the Ministry.

Long Term Care also participates in annual Corporate Audits conducted by the Internal Audit Division out of the CAO's office.

### Financial indicators are closely monitored, analyzed and evaluated

Table 1 provides a sample of the type of information York Region's Homes submits to the Ministry and the Ontario Municipal Benchmarking Initiative (OMBI).

**Table 1**
Annual Financial Indicators

| Long Term Care and Seniors Division Information | Collector of Information | 2011 Data | 2011 OMBI Average |
|---|---|---|---|
| Gross operating cost per resident day | OMBI, CLHIN, MIS | $310.66 | $253.57 |
| Resident acuity level | OMBI, MIS | 100.20 | 98.47 |
| Number of nursing staffing hours per resident day | OMBI, CLHIN, MIS | 2.89 | 2.88 |
| Average number of hospital days avoided per month through the Convalescent Care Program | CLHIN, MIS | 917 | N/A |

## 4. ANALYSIS AND OPTIONS

### Beginning in 2013, the Long Term Care and Seniors Division will present to Council an annual Risk Management Report demonstrating how both Homes meet their responsibilities

The Risk Management Report will consolidate information gathered through the Integrated Quality Management Program and will show Council, in its role as Committee of Management, how both Homes comply with the Act. *Attachment 1* outlines the performance measures that will be provided. The first Long-Term Care Risk Management Report will be presented to Council in winter 2013 based on 2012 data and will be aligned with the operational areas of the Homes.

### York Region's long term care homes have been accredited through Accreditation Canada

Accreditation is a voluntary external peer review carried out to assess the quality of services based on standards of excellence. In 2010 the Long Term Care and Seniors Division met 553 criteria out of the possible 561 applicable criteria and achieved a three-

year accreditation award from Accreditation Canada. This accreditation award will expire in 2014.

Accredited homes receive additional funding of $0.33 per resident-day from the Ministry. This means additional funding of $27,945 annually for York Region's Homes. The accreditation process, evaluation and annual fees are approximately $14,000 every three years with an additional annual fee of $2,135.

Approximately 50% of long-term care homes in Ontario are currently accredited. The Ontario Municipal Benchmarking Initiative reported in March 2011 that some municipally owned long-term care homes are considering opting out of the accreditation process for the following reasons:

- The Act requires that all programs within each home adhere to best or evidence-based practices. If best practices are implemented throughout the home and homes are inspected on these, then the accreditation process may be viewed as a form of duplication. In addition, the rigor of the new regime brings into question the value added of accreditation.

- Despite additional funding from the MOHLTC, the additional staff time and resources required to prepare for the accreditation process, and the fees themselves, may not be cost effective for a home.

- Accreditation is not a requirement of the recent legislation, nor is it a requirement of any Local Health Integration Network (LHIN) for long term care homes in the Province, unlike community and home care agencies and mental health agencies.

All long term care homes are subject to the same rigorous regulations and the multiple forms of inspections of the new *Long-Term Care Homes Act, 2007*, therefore there may not be the same sense of importance or value to the accreditation process as there was in the past.

The Long Term Care Division is currently focusing on implementing of the full requirements of the legislation. The role of accreditation in the Homes is under review.

## Link to key Council-approved plans

Compliance with applicable legislation and maintaining appropriate service standards for the residents at the Region's long term care homes contributes to the goals of the Community and Health Services Multi-Year Plan, Goal #3: *Optimize the health of the community for all ages and stages through health protection, prevention and promotion initiatives.*

These homes support the most vulnerable in the community by focusing on the health, safety, independence and social well-being of the frail, cognitively impaired and the elderly.

## 5. FINANCIAL IMPLICATIONS

The long term care homes 2012 gross operating budget to deliver the program is $31.4 million, offset by revenues of $17.6 million for a net tax levy of $13.8 million including corporate support costs. Funding sources for these programs include resident accommodation fees and charges and provincial funding provided by the Ministry of Health and Long-Term Care.

Table 2 summarizes the financial implications.

**Table 2**
Long Term Care Homes 2012 Operating Budget

| | **$ Million** |
|---|---|
| Long Term Care Operating Costs | 28.9 |
| Allocated Corporate Support Costs | 2.5 |
| Gross Operating Budget | 31.4 |
| Less: Revenues | (17.6) |
| Net Tax Levy | 13.8 |

## 6. LOCAL MUNICIPAL IMPACT

Residents from across York Region benefit from the care that the long term care homes in Newmarket and Vaughan provide.

Long term care homes support the health of a municipality's citizens, offering short and long-stay services, respite care, continuing care, and full-time residential nursing care. By extension, these services also support the families of those who live in long term care homes.

## 7. CONCLUSION

York Region's Long Term Care and Seniors Division is committed to provide a high level of care for its residents by monitoring, analyzing and evaluating performance measures and implementing quality improvements. The Risk Management Report presented to Council by the Long Term Care and Seniors Division will demonstrate to what extent the long term care homes meet its legal requirements and assure the

Committee of Management that appropriate service standards are maintained in the Region's Homes.

For more information on this report, please contact Sylvia Patterson, General Manager, Housing and Long Term Care at Ext. 2091.

The Senior Management Group has reviewed this report.

*(The attachment referred to in this clause was included in the agenda for the October 10, 2012 Committee meeting.)*

# *Long-Term Care Homes: Committee of Management - Obligations and Responsibilities*

## Presentation to

## Community and Health Services Committee

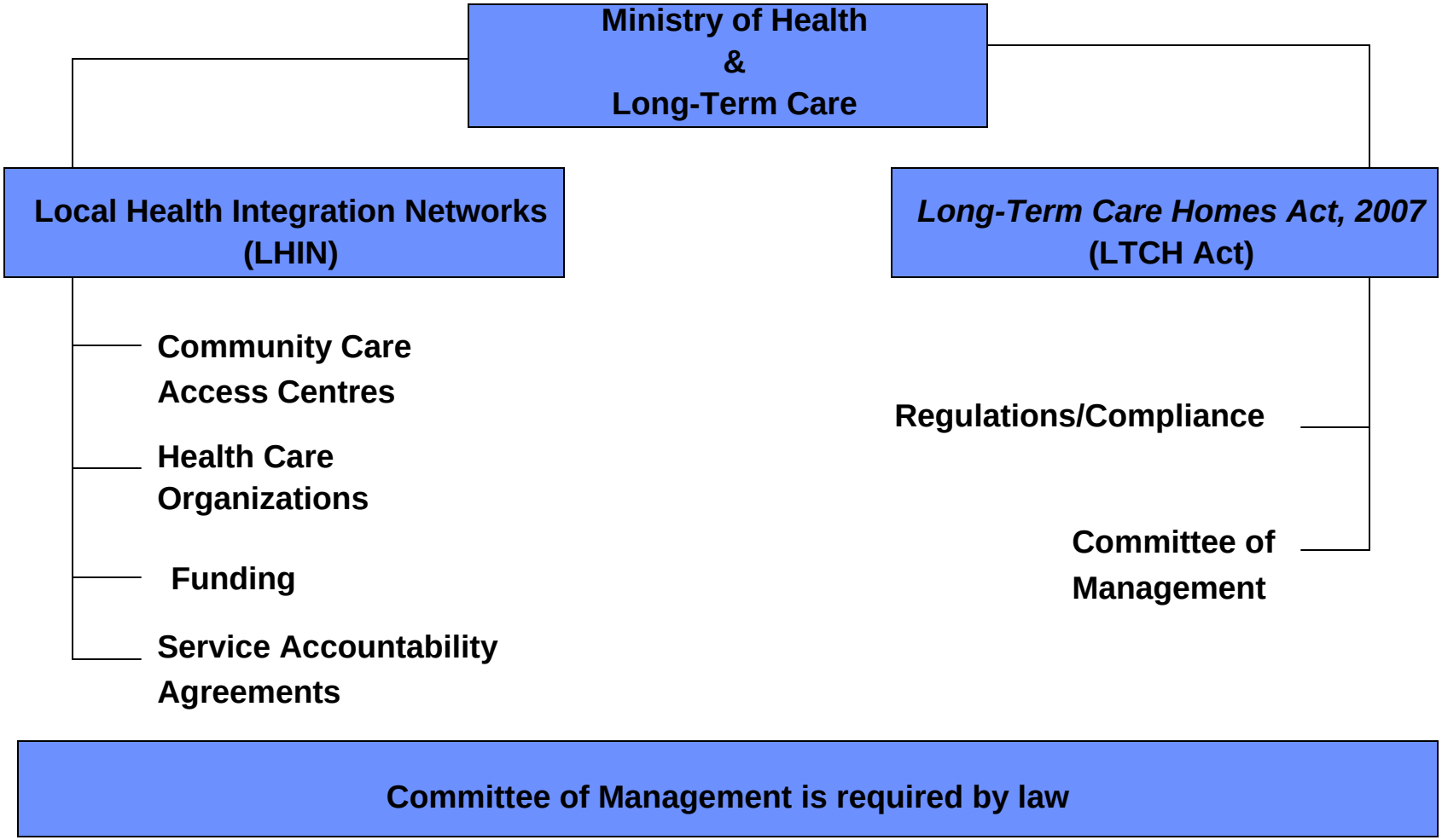
**Carol Hotchkiss**

**October 10, 2012**

# Overview

- Committee of Management
- Obligations and Responsibilities
- Risk Management Report
- Next Steps

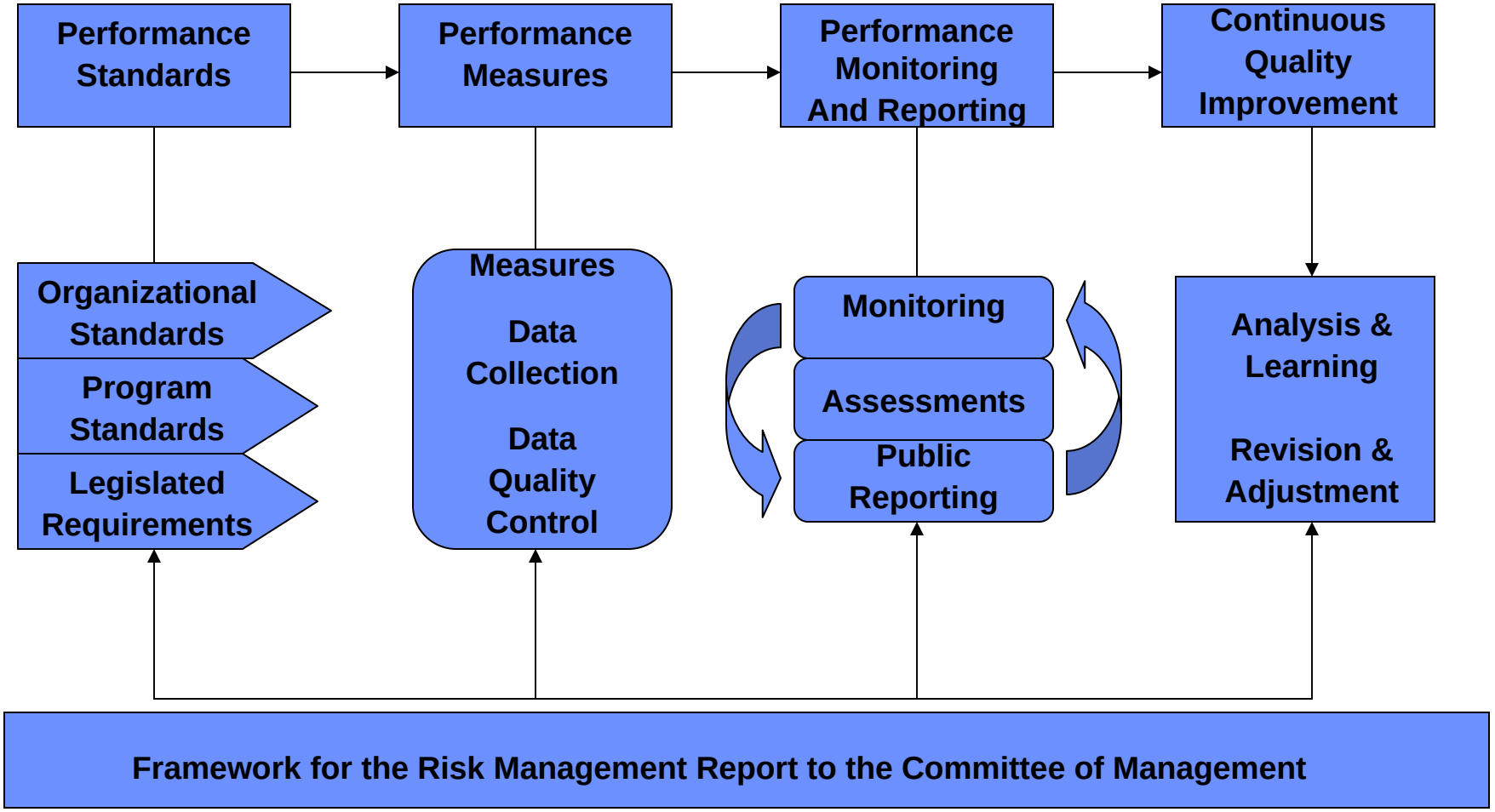
# Committee of Management within the Long-Term Care Sector



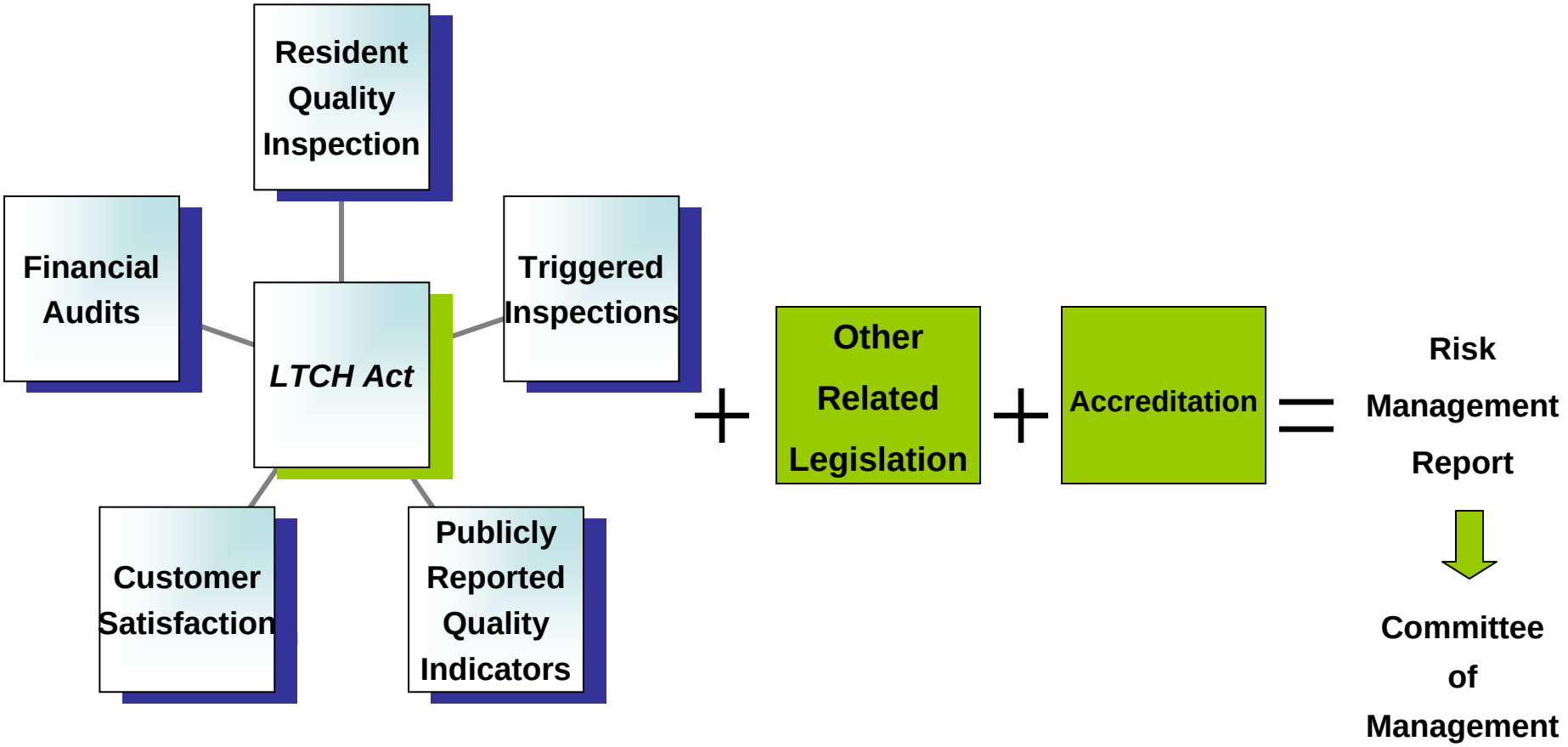
# Committee of Management Role

- Oversight
  - Governance
  - Management
  - Legislated Compliance

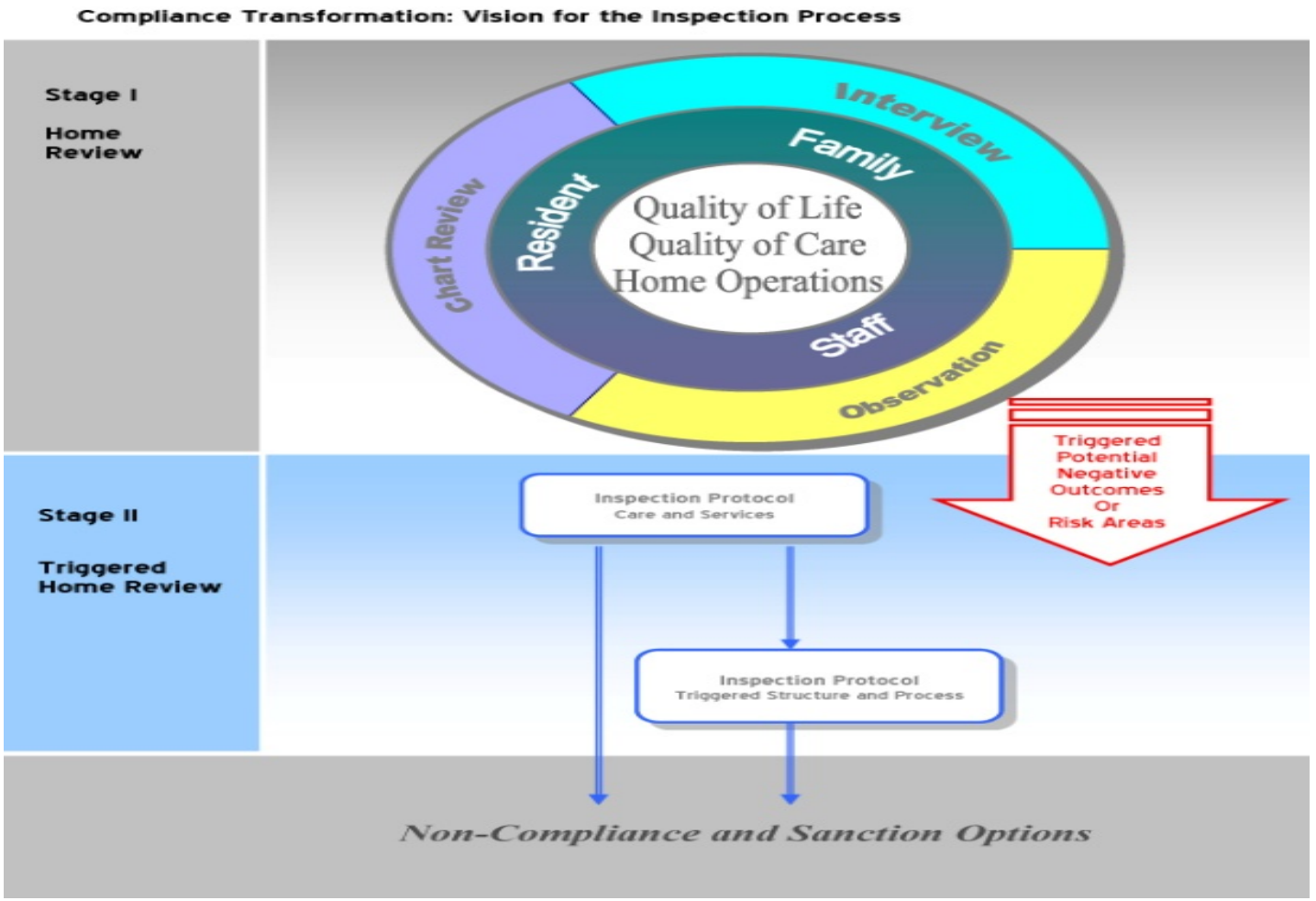
# Integrated Quality Management Program



# Risk Management Report



# MOHLTC Quality Inspection Program



# Publicly Reported Quality Indicators

- All LTC Homes to report publicly by September 2012:
  - Residents with worsened bladder control
  - Residents with worsened pressure ulcers
  - Residents who had a recent fall
  - Residents who were physically restrained

- Increase transparency and accountability

# Customer Satisfaction

- Satisfaction Surveys
  - Residents
  - Families
  - Staff
- Wait List

# Financial Indicators

- MOHLTC's Audit Review
- Annual Reconciliation Report
- Quarterly financial and statistical performance
- Central LHIN reporting standards

# Annual Financial Indicators

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# Next Steps

- Provide Risk Management Report to Committee of Management to:
  - Show how each Home abides by *the Act*
  - Show how Homes will make necessary improvements
- Annual reporting will begin in 2013, using 2012 data

# Questions

**ATTACHMENT 1**

Long Term Care Performance Measures Categories

| Key Components | LTC Performance Measure | Description |
|---|---|---|
| Compliance | Ministry of Health and Long-Term Care Compliance Summary | A summary of the results/trends of all MOHLTC Inspections for both NHC and MHC and an action plan to address any areas of improvement. |
| | Public Health Compliance Summary | A summary of the results of all Public Health Inspections for both NHC and MHC and an action plan to address any areas of improvement. |
| | Ministry of Labour Compliance Summary | A summary of the results of all Ministry of Labour Inspections for both NHC and MHC and an action plan to address any areas of improvement. |
| Accreditation | | Final Accreditation Results-based on a 3 year cycle. |
| Customer Satisfaction | Resident Satisfaction | Resident Satisfaction Survey results and an overview action plan to explore opportunities for improvement |
| | Family Satisfaction | Family Satisfaction Survey results and an overview action plan to explore opportunities for improvement |
| | Staff Satisfaction | Staff Satisfaction Survey (Corporate) results and an overview action plan to explore opportunities for improvement |
| Financial / Service level | Financial / service level accountability | Financial and service level performance indicators |
| Community Focus | Community Care Access Centre (CCAC) Accommodation Priority Waitlist | Percentage of individuals on the wait list for a LTC bed that are requesting one of York Region's Homes as first priority; as compared to other homes. |