

New legislation protects Ontario's seniors

Ontario has a new provincial regulator to improve standards and protections for Ontario seniors living in retirement homes. The Retirement Homes Regulatory Authority (RHRA) was established to enforce the Retirement Homes Act, 2010 (Act) and is responsible for licensing all retirement homes in Ontario.

"It comes as a surprise for most, but this is the first time in the history of the province that retirement homes have required a licence to operate," explained Mary Beth Valentine, RHRA Chief Executive Officer and Registrar. "Homes were notified in April about the requirement to apply for a licence and had until early July to submit applications, if they met the Act's definition of a retirement home."

Under the Act the Registrar can issue homes a licence, issue a licence with conditions or refuse a licence. Licence decisions are made using a risk-based assessment that looks at the home's past conduct, its ability to provide care and the likelihood it will operate in accordance with the Act.

Valentine says that through the licensing process over the last few months, the number of retirement homes in Ontario (often confused with nursing or long-term care homes) is now known to be close to 700 and serve about 50,000 residents. Prior to mandatory licensing, no definitive data on the number of homes was available.

"Information about homes that have applied for a licence or been granted one is posted on our website (www.rhra.ca) in the Public Register," said Valentine. Part of our job is to ensure specific information about each home is available to residents and their families," said Valentine.

The Register is searchable by home name, city or postal code and provides contact information for each home, the number of residents it accommodates, a list of care services it provides, the availability of fire sprinklers in each suite, summaries of inspections completed by the RHRA and any conditions that have been placed on the licence for the home.

The new legislation also means homes are now expected to meet specific care standards and introduces a Residents' Bill of Rights. "Retirement homes are required to post, promote and respect resident rights," advised Valentine. "Homes are also required to train all staff about the rights before they start work."

The Bill of Rights must be posted publicly in retirement homes, but is also available on the RHRA website. "The law exists to protect residents so they need to know what their rights are. Concerns about resident rights or reports of harm or risk of harm to a resident can be reported to us at 1-855-ASK-RHRA (275-7472)."

Valentine also notes that reports of harm can be placed anonymously. Legislation enforced by the RHRA includes whistle-blowing protections for those that disclose information. Harm in a retirement home setting can include abuse, neglect, incompetent care or misuse of a resident's money. Homes will be inspected when harm or risk of harm is suspected and at least every three years.

The RHRA is a non-profit organization, established by government, and is governed by a new nine-member permanent board made up of elected and appointed members. New care and safety standards come into place on January 1, 2013. To contact the Authority, visit: www.rhra.ca, or call 1-855-ASK-RHRA (275-7472).

Sidebar:

The Residents' Bill of Rights is a comprehensive list, but includes, among other things, the right to:

- Know what care services are provided and how much they cost
- Be informed before fees for a care service are increased
- Receive notice before a care service is discontinued
- Apply for publicly funded care services and assessments
- Have a choice of care services provided by qualified and trained staff
- Participate fully in making care decisions
- Privacy during treatment and care
- Give or refuse informed consent to any treatment, care or service where consent is required by law
- Live in a safe and clean environment with dignity and respect
- Have lifestyle choices respected
- Raise concerns or recommend changes in policies and services without fear of coercion

Under the Act homes must also:

- Allow residents to establish a residents' council
- Have a written procedure for a person to complain about the operation of the home
- Have a written procedure for how it will respond to complaints
- Post their RHRA licence in public view
- Enter into a written agreement with each resident before the resident starts living in the home