



August 19, 2022

MEDIA RELEASE

Doug Ford's new legislation being pushed through the Legislature gives new powers to force the elderly & persons with disabilities into substandard long-term care homes: "morally repugnant"

Toronto -- Advocates and experts spoke with one voice today decrying the new law that the Ford government introduced yesterday and intends to pass within just two weeks. The new law, disingenuously titled "More Beds, Better Care Act" gives new powers to force the elderly and persons with disabilities who are waiting in hospitals into long-term care homes against their choice, in what legal experts and patient advocates warn is a fundamental violation of their rights.

The second sentence of the government's own summary of the bill states:

"This new provision authorizes certain actions to be carried out without the consent of these patients. The actions include having a placement co-ordinator determine the patient's eligibility for a long-term care home, select a home and authorize their admission to the home. They also include having certain persons conduct assessments for the purpose of determining a patient's eligibility..."

Fact Check:

Long-Term Care Minister Paul Calandra said yesterday that the bill is not to force patients but to enable them to have "conversations", to tell patients how much better off they would be if they moved out. This is untrue. They have always been able to have conversations with patients and indeed coercive tactics have been a major problem. The legislation clearly gives new powers to assess the patient without their consent, to send their personal information to an array of long-term care homes (including information about their health and mental status, drug use etc.) without their consent, and to admit them into a long-term care home not of their choosing without their consent.

The second major claim is that this bill will address the staffing crisis in hospitals. However, what we are seeing in hospitals is a crisis in emergency and intensive care units staffed by specialized RNs and health professionals. ALC units are staffed by RPNs and PSWs, not emergency and critical care staff. Furthermore, the leader of Ontario's long-term care homes warned just yesterday that long-term care homes are experiencing crisis-level staffing shortages.

It is not acceptable to override the fundamental human rights and the right to consent for the elderly in any case. The right to consent is cornerstone to the practice of medicine and health care.

Quotes:

"This legislation overrides the fundamental human rights of frail vulnerable elderly patients," said Natalie Mehra, executive director of the Ontario Health Coalition. She noted that the good long-term care homes, mostly public and non-profit homes, have huge wait lists and no capacity. It is the horrible long-term homes, exposed for egregious practices and having terrible reviews where no one wants to go, that may have free beds to push patients into. The operators, mostly for-profit, of those homes do not get their full funding unless their beds are 98% full.

"What we think it is about is filling up the beds of the worst long-term care homes that people do not want to go to, for good reason," said Ms. Mehra. "The government cannot override the rights of seniors to shore up the profits of long-term care operators with terrible records and reputations." The Ford government has come under fire for its [connections with the for-profit long-term care companies](#) before.

"What this legislation does is take away the fundamental right to consent to health care, a right that has been upheld by the Supreme Court," reported Jane Meadus, lawyer and institutional advocate and the Advocacy Centre for the Elderly. "People are going to be pressured to make bad decisions and the chance of them getting out of the home they do not want to be in and into a home of their choice in their lifetime is frankly low."

"It can have quite dire results on the senior or the disabled person," she warned.

"Forcing patients into homes that they are afraid to go to, that are substandard homes, potentially far away from their families, causes early death and suffering. It is morally repugnant," concluded Dr. Vivian Stamatopoulos, long-term care advocate and professor at UOIT.