



May 29, 2020

For Immediate Release

Attn: Assignment Editor

Fact Check & Briefing Note on Inspections in Ontario's Long-Term Care Homes

Toronto – The Ontario Health Coalition, which has advocated for more than two decades for annual unannounced full resident quality inspections of all long-term care homes, issued a fact checker to clarify what has happened with the homes' inspection and enforcement regimen. The following are the facts as released today by the Ontario Health Coalition:

"Types of Inspections:

"There are multiple different types and intensity of inspections. Following the CBC investigative report here: <https://www.cbc.ca/news/canada/seniors-homes-inspections-1.5532585> on the Ford government's failure to conduct annual unannounced comprehensive inspections on all homes since it took office, Merrilee Fullerton, Minister of Long-Term Care, has declared that the province has performed thousands of inspections. The fact is that the government only conducted 9 comprehensive inspections in 2019.

"The annual unannounced inspections that the Ontario Health Coalition, the Advocacy Centre for the Elderly, Concerned Friends of Ontario Citizens in Care Facilities, unions and other public interest advocates have been advocating for are currently called Resident Quality Inspections (RQIs). As per the CBC report, most of the province's 626 long-term care homes received full RQIs in 2015, 2016 and 2017, but that number dropped to half in 2018 and only 9 were done in 2019. The provincial election was half-way through 2018 (June 7, 2018). Since the election of the Ford government RQI inspections slowed to a trickle.

"When the Long-Term Care Homes Act (2007) was enacted in July 2010, the Liberal government promised that an RQI would be performed annually on every long-term care home. The RQI required interviews with 40 residents, as well as family, staff and family and resident councils, and had mandatory areas of review. In 2016, the RQI was split into two tiers of inspections: intensive and not (the latter colloquially called RQI Lite). The Intensive RQIs were the original full inspections. The RQI Lite inspections interviewed fewer people and only inspected in areas that were "triggered". Under this new scheme, every home was to have an "intensive" RQI at least every 3 years, with those homes identified by the Ministry as being at risk having them more frequently.

"Other inspections are not the same thing. They are based on complaints (usually made by residents or relatives of residents), or critical incident reports (which are reports required by the Act when certain incidents occur and which are supposed to be reported to the Ministry by the home). These inspections look at specific issues, and do not look at the conditions throughout the home and do not require interviews with residents, families, and staff as well as management, except insofar as these are needed to investigate the specific complaint or critical incident. They do not provide a comprehensive view of the home as occurs in a full RQI.

"However, since 2018, the Government has indicated that any type of inspection done by the Ministry qualifies as an "annual" inspection under the Act. To count complaint- and critical incident- based inspections as being equivalent to comprehensive annual RQI inspections is misleading.

“The Long-Term Care Industry Lobby for Deregulation:

“The long-term care homes industry has lobbied against the full inspection regime. They have called for an end to the annual surprise comprehensive RQI inspections and enforcement. They have a set of language to cover for this, calling it “quality based” or “risk based” approach versus a “punitive” “inspection and enforcement driven” approach. They have also pushed for the removal of regulations that require homes to have at least one Registered Nurse 24/7, advocated to hire untrained aides and other workers instead of being required to hire trained PSWs, pushed for less annual training requirements, and recommended deregulation of existing requirements for admissions, use of funds, built facility, reporting and more. They call this “flexibility”.”

“The History of Regulation/Deregulation of Inspections in Ontario:

“ 1990 – 1994: NDP Rae government passed Long-Term Care Homes Statute Amendment Act to amend all three types of facilities – nursing homes (for-profit and non-profit), homes for the aged (public – municipally owned) and charitable homes (non-profit)– under the umbrella of the Ministry of Health, and under one administrative system and put into place stricter oversight. Among the most important features of this new regime were the Residents’ Bill of Rights and the mandatory establishment of Residents’ Councils in all long-term care facilities. These Councils had the power to advise residents of their rights, file complaints, monitor the operation of the facility, review inspection reports and financial statements including the allocation of government funds. Under the Long-Term Care Facility Program Manual annual inspections were required for every long-term care home.

The Conservative Harris government was elected in 1995. In the spring of 2000, NDP Health Critic Frances Lankin, who had been the Minister of Health previously, discovered that many nursing homes hadn’t been inspected in two years, even though their licenses were renewed. For months, Lankin hammered the government in the Legislature and in the media to explain the gap in inspections and reinstate annual inspections. The Ontario Health Coalition and other public interest advocates supported the call for the reinstatement of annual inspections. In the fall of 2000, the Canadian Press reported that documents obtained through a Freedom of Information request revealed that regular inspections had dropped close to 40% between 1996 and 1999. In some instances, facilities were not inspected for three years, a clear violation of government policy. When inspections did actually take place, they were not the three- to seven-day examinations mandated by the Ministry. Instead they were quick and often cursory reviews. By 2001 Ernie Eves was the Conservative Premier and his government reinstated annual inspections.

The Liberal McGuinty government was elected in 2003. In 2007 they passed the Long-Term Care Homes Act rolling the three existing Acts (Nursing Homes, Homes for the Aged and Charitable Homes) into one, set up a system of Family Councils and created a new regulatory regime. The new Act required annual inspections the Ontario Health Coalition, Concerned Friends and other public interest groups advocated for residents, families and staff to be interviewed by inspectors, not only facility management. The new RQI system was born and annual inspections continued until 2012 when Health Minister Deb Matthews attempted to stop the annual RQI inspections. The Advocacy Centre for the Elderly (ACE) was instrumental in getting the inspections reinstated. Jane Meadus, a lawyer with ACE and a specialist in long-term care, brought the documents from the passage of the 2007 Act to the government, forcing them to acknowledge that the legislated requirement for an annual inspection was meant to require an RQI. OPSEU also intervened actively pushing for the hiring of more inspectors and reinstatement of the annual inspection regime. The Ontario Health Coalition also campaigned actively on this issue: see <http://www.ontariohealthcoalition.ca/wp-content/uploads/ltcjune132012.pdf> . Annual inspections were reinstated. Under Health Minister Eric Hoskins, new fines were created as penalties for homes that were not compliant with inspection orders. The legislation, The Strengthening Quality and Accountability for Patients Act (2017), was passed in late 2017 but was not enacted before the Liberals lost power and has not been enacted by the Ford government.

When the Ford government took power in 2018 the comprehensive annual unannounced inspections were ended.