

Ontario's Retirement Homes Act, 2010 – An Update

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In 2011, the Ontario government continued its gradual phase-in of the *Retirement Homes Act, 2010* (the "Act").



The Act, which received Royal Assent on June 8th, 2010, introduced comprehensive regulation for retirement homes for the protection of seniors. Several of the Act's sections are currently in force, with many additional sections to come into force on a day to be named by the provincial government.

Scope of the Act

The fundamental principle underlying the Act is that a retirement home is to be operated so it is a place where residents live with dignity, respect, privacy and autonomy, in security, safety and comfort and can make informed choices about their care options.

The Act is intended to regulate retirement homes which were previously not governed under any other provincial legislative scheme. Consequently, various other facilities such as "long term care homes", "nursing homes", or hospitals which are governed or funded under other legislation are not considered a "retirement home" under the Act.

The Act provides for establishment of the following:

- licensing requirements
- a residents' bill of rights including a resident's right to full participation and informed consent regarding treatment, and the right to trained and qualified staff
- care and safety standards including the requirement for a written plan of care for each resident, the screening and hiring of staff, including a mandatory police background check, a written policy to promote zero tolerance of abuse and neglect, and reporting requirements for suspected abuse or neglect
- A Retirement Homes Regulatory Authority to administer the Act, licensing, inspections, investigations, and enforcement
- Procedures for complaints and enforcement

The 2011 Regulations

On May 17th, 2011, the Ontario government passed new regulations under the Act, not yet in force, which provide additional definitions and interpretations. These include:

- further definition of a retirement home and the number of residents which will bring a facility under the scope of the Act
- definitions of prohibited emotional, financial, physical, sexual and verbal abuse
- types of documentation and information that must be provided by an operator for licensing
- types of information which must be provided to residents, including the timing for disclosure
- standards for police and background checks of staff and volunteers
- training for staff and volunteers, which must include strategies for encouraging the mental stimulation of residents and an understanding of the care services provided at the applicable retirement home
- standards for assessment of care needs, physical safety, infection control, cleanliness, temperature control, food preparation, assistance with feeding, bathing, and personal hygiene
- the storage and administration of drug

While not yet in force, retirement home operators should be aware of these impending Regulations and begin to prepare now.

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