The Board of Health presents Report 09-008 and respectfully recommends:

1. Public Health School Asthma Project Budget BOH09022 (City Wide) (Item 5.1)
   That the 2009/2010 budget for the Public Health School Asthma Project, which is 100% funded by the Province of Ontario, be approved.

2. Social Determinants of Health: Feasibility of Comprehensive Study of Health Costs of Poverty (BOH09023) (City Wide) (Item 5.2)

Council – July 9, 2009
3. Residential Care Facilities Review, Schedule 20, Licensing Code By-Law 07-170 SPH05032(e) - (City Wide) (Item 7.1)

(a) That the Board of Health approve the proposed Residential Care Facilities (RCF) Schedule 20 of By-Law 07-170 draft amending By-law attached to Report SPH05032(e) as Appendix A;

(b) That the Board of Health approve the proposed Residential Care Facilities Guidelines as issued by the Medical Officer of Health and attached to Report SPH05032(e) as Appendix B;

(c) That Public Health Services staff continue to refer Residential Care Facilities issues outside of the scope of the By-Law, to the appropriate authority or community agency;

(d) That Public Health Services staff assume the enforcement for all provisions of Schedule 20 and the Residential Care Facilities Guidelines that are under the authority of the Medical Officer of Health:

(e) That the Licensing Section continue to enforce the licensing requirements of Schedule 20 that are not under the authority of the Medical Officer of Health and to assist with PHS enforcement when required.

(f) That the Board of Health approve the use of the City’s Fees and Charges By-law by Public Health Services staff for inspections resulting from non-compliance with the Residential Care Facilities Schedule 20;

(g) That the Parking and By-law Services Division of the Planning and Economic Development Department be directed to bring forward to Committee of the Whole the amending by-law and any further amendments to the Licensing Code By-law as required;

(h) That the Board of Health advocate to the Ontario Government to take immediate action to pass legislation that will regulate and provide resources to all retirement homes;

(i) That the Board of Health endorse the correspondence from the City of Greater Sudbury attached to Report SPH05032(e) as (Appendix E) with respect to the Regulation and Provision of Resources to Monitor Retirement Homes.

4. Enhancement to Local Tobacco Control Through Amended Tobacco Retailer Licence Fees BOH07034(d) / PED09203 (City Wide) (Item 8.1)

That Report BOH07034(d) / PED09203 respecting Enhancement to Local Tobacco Control Through Amended Tobacco Retailer Licence Fees be received.

Council – July 9, 2009
FOR THE INFORMATION OF COUNCIL:

(a) **CHANGES TO THE AGENDA (Item 1)**

The Clerk advised there were no changes to the agenda however, staff were putting forward an amendment to Item 7.1, subsection (g) in order to clarify the next steps. Copies of the amendment were circulated.

The agenda was approved as presented.

(b) **DECLARATIONS OF INTEREST (Item 2)**

None declared.

(c) **MINUTES (Item 3)**

The Minutes of the June 22, 2009 meeting were approved as presented.

(d) **Delegation Requests**

(i) The delegation request from Henry Aviles, Coalition of Residential Care Facilities, respecting the proposed amendments to the Residential Care Facilities by-law was approved to address the Board at today’s meeting.

(ii) The delegation request from Wey Robinson, representing the Campaign for Adequate Welfare and Disability Benefits and the Community Food Security Stakeholder Advisory Committee wishing to address the Board at the September 28, 2009 meeting respecting the issue of ensuring safe, healthy and adequate food for those in need, was approved.

(e) **Presentations**

(i) **Residential Care Facilities Review, Schedule 20, Licensing Code By-Law 07-170 SPH05032(e) - (City Wide) (Item 7.1)**

Michelle Baird made a PowerPoint presentation which provided an overview of the report and hand outs were distributed. Her presentation included the following topics:

- Residential Care Facility Overview in Hamilton
- Stakeholder Consultation
- February Special Board of Health Meeting
- Board of Health Meeting
- Further Consultation
- Themes Emerging from Consultations to Date
- Changes Proposed:
  - Strengthen enforcement practices and accountability
  - Implement use of the City’s Fees and Charges By-law
• Implementation of a Confidential Complaint process
• Provision of Locked Storage Spaces
• Safe Provision of Medication to tenants
• Eliminate Locked Units (Appropriate placement of tenants in an RCF)
• Guidelines updated to reflect most current recommendations for TB control and nutritional requirements
• Wording changes throughout Guidelines document to allow for consistent enforcement practices
• Changes to physician assessment and opinion
• Next Steps

Staff responded to questions posed by the Board with respect to the safe provision of medications to the residents, the provision of locked storage units and the appropriate placement of residents in need.

Staff were requested to briefly review the courses that the residential care facilities staff are required to complete in order to be qualified to provide medications to the residents and determine if the training is adequate.

On a motion (Bratina/Pearson) the Board received the staff presentation.

SPEAKERS LIST

1. Roy Bennett on behalf of the Ontario Homes for Special Needs Association (Approved May 26, 2009)

Mr. Bennett addressed the Board and indicated that he is representing the Ontario Homes for Special Needs Association.

He explained that the Association is not opposed to this by-law but is concerned with the resulting costs to the operators in order to comply with the by-law.

The Association is asking that these costs be analysed by an accountant and that the City provide adequate funding to the operators to cover these expenses.

Roy Bennett submitted a prepared statement which was read by Valentina Mesaros, on his behalf, and a copy was provided for the Clerk’s record.

The presenters responded to questions posed by the Board members and a short discussion followed.
2. Michael D. Power, Community Residential Care Homes (Approved May 26, 2009)

Michael Power was in attendance but declined to speak.

3. Lance Dingman, Chair, Coalition of Residential Care Facilities (Added speaker)

Henry Aviles of the Coalition of Residential Care Facilities was not in attendance. Lance Dingman, Chair of the Coalition of Residential Care Facilities addressed the Board in his place. He read from a prepared statement and copies were distributed.

He expressed the following concerns of the Coalition:

- The size of the storage space which is to be provided by the operator and when an operator can have access;
- The directions on how to make a complaint should be included in the Residential Care Facility Package;
- Access to a phone in a private setting is not always provided by operators – “access” and “private” should be better defined;
- The frequency of inspections should be stated;
- A lock should be provided on a bedroom door.

Staff commented on the above concerns.

The Chair asked if there were any further speakers. No one came forward.

On a motion (Pearson/Jackson) the Board received the delegations.

A discussion followed and staff provided input with respect to the enforcement of the by-law, the locked storage units, the difficulty of determining across the board costs to the operators as a result of the proposed new requirements, the existing funding formula, the per diem fees and the issue that the City cannot provide bonuses to businesses.

On a motion (Collins/Morelli) the Board amended the staff recommendations by deleting subsection (g) in its entirety and replacing it with the following in lieu thereof:

Council – July 9, 2009
“(g) That the Parking and By-law Services Division of the Planning and Economic Development Department be directed to bring forward to Committee of the Whole the amending by-law and any further amendments to the Licensing Code By-law as required.”

On a motion (McHattie/Pearson) the Board approved the staff recommendations as amended.

It was noted that the next step is for the Licensing By-law amendments to be presented to Committee of the Whole.

Staff were directed to report back in September, prior to the Licensing By-law amendments being presented to Committee of the Whole, on the issues raised today by the speakers.

(f) Verbal update from the Medical Officer of Health respecting the Novel H1N1 Influenza A Virus. (Item 8.2)

Doctor Elizabeth Richardson provided a verbal update respecting the Novel H1N1 Influenza A Virus and responded to questions.

On a motion (Pearson/Pasuta) the Board received the verbal update.

(g) Outstanding Business List (Item 11.1)

On a motion (Pearson/Mitchell) the following Outstanding Business List Items were deleted as reports respecting these Items are on this agenda:

(i) Item “A” – Planning and Economic Development and Public Health Services joint report re: review of tobacco licence fees to enhance tobacco control. (See Item 8.1)

(ii) Item “D” Analysis (report) of stakeholder and citizen feedback respecting the proposed amendments to the Residential Care Facilities By-law and Guidelines. (See Item 7.1)

(iii) Item “E” Feasibility of conducting a comprehensive study re: health costs associated with poverty; cause and effect of poverty; and plan to fight poverty and report back. (See Item 5.2)
(h) **Adjournment**

The Mayor thanked staff for all their work.

There being no further business, the meeting adjourned at 10:50 a.m.

Respectfully submitted,

Mayor F. Eisenberger, Chair
Board of Health

Ida Bedioui
Legislative Assistant
Board of Health
July 7, 2009