MEMBER COMMUNICATION

To the attention of the Clerk and Council
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Ministry of Health and Long Term Care Tables
New Long Term Care Legislation

Issue: On October 3, 2006 the Government of Ontario introduced Bill 140, legislation that would, if passed, govern all long term care homes in the Province.

Background:
Bill 140 would replace the Nursing Homes Act, the Charitable Homes Act and the Homes for the Aged and Rest Homes Act.

AMO is supportive of the principles of Bill 140 that are concerned with the care and safety of long term care residents.

AMO is concerned with a number of areas in the proposed legislation. Of immediate interest are the following: section 57. (6).2 which prohibits members of municipal councils to participate on Family Councils, section 133 pertaining to orders for renovations and section 156 relating to compliance and enforcement.

Even more troubling is section 67 of the Bill which would make members of homes for the aged, boards of management or committees of management, "guilty of an offence" for failing to, "to take all reasonable care to ensure that the corporation complies with all requirements of this Act" (and regulations). The implication is that municipal officials could be found guilty of an offence for infractions of administrative requirements that have no connection to the well-being of residents.

AMO strongly advised the government against including these provisions on the proposed legislation.

AMO’s concerns lie specifically with issues of fairness and a heavy handed approach set out in the proposed legislation particularly as municipalities continue to be leaders and significant contributors in the provision of long term care in Ontario.

It must also be kept in mind that the Government’s commitment to increase operating funding to $6,000 per resident has yet to be achieved. Increases to date by the Government have reached less than $2,000 per resident. Given this, increased provincial powers and expectations for compliance to the legislation including renovations in an under-funded climate seem unreasonable.

Action: AMO will be convening its Long Term Care Working Group to review the proposed legislation in detail.

This information is available in the Policy Issues section of the AMO website at www.amo.on.ca.