Amendments To The Long-Term Care Homes Act Proclaimed Into Force

February 22, 2018

On February 1, 2018, certain provisions of the *Strengthening Quality and Accountability for Patients Act*, 2017 entered into force amending the *Long-Term Care Homes Act* ("LTCHA").

While the bulk of the new amendments to the LTCHA have yet to be proclaimed into force, including those with respect to confinement, the amendments proclaimed into force on February 1, 2018 are note-worthy in that they authorize the Minister of Health and Long-Term Care (the "Minister") to issue operational or policy directives. At this time, no proactive steps are required of long term care homes. However, it is advisable to stay tuned and up to date with respect to directives that are issued as they will apply across the board, and may not be institution specific. It remains to be seen how the Minister will make use of this new tool.

Amendments Currently in Force

1. Operational and Policy Directives

Section 174.1 of the LTCHA now permits the Minister to issue operational or policy directives where they are considered by the Minister to be in the public interest. This includes, but is not limited to:

1. the proper management and operation of long-term care homes in general;
2. the availability of financial resources for the management and operation of the long-term care home system and for the delivery of long-term care home services; and
3. the quality of care and treatment of residents within long-term care homes generally.

Licensees are required to carry out the directives that apply. Notably, under the new section 174.1 of the LTCHA the Minister is not able to make operational or policy directives that target a particular home or licensee.

2. No Remedy for Acts or Omissions Done in Good Faith

Section 181 of the LTCHA, lists individuals who are granted immunity "for anything done or omitted to be done in good faith in the execution or intended execution of a power or duty under this Act". Section 181(2) further reinforces this by providing that no remedy is available to persons in relation to acts referenced in section 181.

When fully in force, the *Strengthening Quality and Accountability for Patients Act*, will make significant amendments to the LTCHA including changes to minimize the restraining and confining of residents and providing additional regularity and inspection powers to the Minister.

By

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