

**Comparison of Existing City of Hamilton Governance of Domiciliary Hostel Program to  
MMAH's new Housing with Related Supports Standards Framework**

CHPI Standard	Current City of Hamilton Provisions	Standard Met?
<p><b>Eligibility:</b> Service Managers must establish standards that define the tenant eligibility criteria and the intake process.</p>	<p>Eligibility criteria for admission to an RCF described in City of Hamilton By-law 07-170 – Schedule 20.</p> <ul style="list-style-type: none"> <li>• 33. (1) The operator shall obtain an up-to-date assessment from a physician or other member of a regulated health profession which provides an opinion as to the level of care services the individual requires.</li> <li>• (2) An operator shall determine whether the level of care services which is provided in the home is adequate to meet the individual's needs in relation to the activities of daily living.</li> <li>• 34. An operator shall not admit an individual as a tenant who is not ambulatory or who requires placement in a locked unit or who requires a level of care services which the operator is not authorized to provide in the facility, except in accordance with the Guidelines.</li> <li>• The MOH's Schedule 20 Guidelines provide additional direction regarding the definition of a regulated health profession. They also specify that the up-to-date assessment shall be obtained from member of one of the following disciplines regulated under the Regulated Health Professions Act, 1991: medicine, nursing, physiotherapy, or occupational therapy.</li> <li>• The MOH's Schedule 20 Guidelines also discuss emergency referrals. In the event of referrals made on an emergency basis by an emergency service - for example, by the Crisis Outreach and Support Team (COAST) - the up-to-date assessment shall be obtained within one week of placement.</li> <li>• The MOH's Schedule 20 Guidelines also indicate that the regulated health professional employed by a referring agency or the physician completing the assessment shall have specific knowledge of the individual's care needs.</li> </ul>	<p>Yes</p>

	<ul style="list-style-type: none"><li>• The assessment shall be completed not more than thirty days before the tenant is accepted into the facility. It shall include information on the mental and physical function of the individual in regards to activities of daily living. In Schedule 20, “activities of daily living” means activities of an individual that maintain his/her sufficient nutrition, hygiene, warmth, rest and safety. The assessment will be reviewed to determine if admission is appropriate. The review will consider if the individual will need additional care services and whether the tenant is ambulatory.</li><li>• The MOH Schedule 20 Guidelines also state that, “An individual who has episodes of confusion causing him/her to wander shall not be admitted. Instead, the individual shall be referred to a facility offering a higher level of care.</li><li>• 35. An operator shall not admit an individual as a tenant without their consent or the consent in writing of their next-of-kin, or attorney for personal care.</li><li>• 36. The operator shall enter into a written tenancy agreement with each individual who is admitted as a tenant of the facility and shall give each such individual a residential care facility information package prior to entering into the tenancy agreement.</li><li>• According to the MOH Schedule 20 Guidelines, the tenancy agreement includes: all ongoing care services and meals that the tenant agrees to pay for and the cost of each; a statement that the tenant has the right to cancel the agreement within five days and to discuss the agreement with anyone; how much the tenant will pay in rent and how often the payments will occur; the term of agreement; the cost of optional services; and a residential care facility information package. The agreement may include anything else the tenant and operator agree to such as house rules, limits on subletting and permission for the operator to enter their room.</li><li>• Either the tenant or the operator may terminate the tenancy in accordance with the Residential Tenancy Act, 2006 and each has the rights and obligations set out in that Act and any other relevant legislation.</li></ul>	
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	<ul style="list-style-type: none"> <li>The MOH Guidelines provide a detailed description of the Care Home Information Package.</li> </ul> <p>The City of Hamilton's subsidy agreement with Domiciliary Hostel Operators requires that they follow the requirements laid out in City of Hamilton By-law 07-170 Schedule 20.</p>	
<p><b>Staffing:</b> Service Managers must establish standards for the minimum qualifications of staff and volunteers, staff/volunteer levels, staff/volunteer conduct and staff/volunteer training.</p>	<p>City of Hamilton By-law 07-170 – Schedule 20 speaks to the qualifications required for those who hold licenses to operate Residential Care Facilities and those who work there.</p> <ul style="list-style-type: none"> <li>5. (1) Prior to a license being issued the applicant shall prove that (a) he is at least 18 years of age, that (b) he has an Ontario Secondary School Graduation Diploma and (c) evidence of employment experience in work comparable to the administration of a residential care facility.</li> <li>14. The operator must prove that employees are (a)(i) between sixteen and years of age or (ii) eighteen years of age or older. If the employee is 18 or older it must be documented that they have an Ontario Secondary School Certificate, or equivalent standing or (ii) employment experience in comparable work. (c) Employees who communicate with tenants must be able to communicate clearly and effectively with the tenants.</li> <li>15. (1) Within 30 days of employment, the employee must have successfully completed the new staff in-service orientation training as described in the Guidelines. Additional direction is provided in the MOH's Schedule 20 Guidelines.</li> <li>(2) Where an employee's duties involve the supervision of tenants, the employee must have successfully completed at least five hours of continuing education as described in the Guidelines. The MOH's Schedule 20 Guidelines elaborate further on what constitutes continuing education.</li> <li>16. Within 7 days after employment the operator must demonstrated that the employee or volunteer has had a negative TB test not more than thirty days before commencing employment or volunteering.</li> <li>(2) The operator shall ensure (a) that one employee is designated as the individual responsible for the operation of the facility. (b) At all times, the operator or an employee is</li> </ul>	Yes

	<p>present at the facility who has the primary duty of supervising the tenants and is able to carry out this duty without interference.</p> <ul style="list-style-type: none"> <li>• 17 (2) The operator shall ensure: (a) that one employee is designated as the individual responsible for the operation of the facility and can be contacted immediately at the telephone number posted for that employee under subsection 12(f) at any time when the operator cannot be contacted immediately at the telephone number posted for the operator under subsection 12(f)</li> <li>• The operator shall ensure that, at all times, a qualified employee has been designated as the person responsible for the operation of the facility and either the operator or a qualified employee is present at the facility with the primary duty of supervising the tenants.</li> <li>• The MOH's Schedule 20 Guidelines elaborate on these requirements stating that "Enough employees shall be on duty to meet all tenants' care needs. Recommendations may be made by a nurse inspector about the number of hours worked in a row by an employee and the number of employees on duty each shift...The recommendations made by a nurse inspector shall be followed."</li> <li>• The Guidelines also state that "All employees whose primary duty is the supervision of the tenants shall be familiar with Schedule 20 and the Guidelines. The name of the operator or employee who has the primary duty of supervising the tenants shall be posted for tenants to see during his/her shift."</li> </ul> <p>The by-law also speaks to rules for the conduct of employees.</p> <ul style="list-style-type: none"> <li>• 12 (f) (v) (v) Rules for the conduct of employees and tenants of the facility must be posted.</li> </ul> <p>Action: Staff to develop code of conduct template for RCF staff.</p>	
<b>Insurance and Monitoring:</b> Service Managers must establish standards for	City of Hamilton By-law 07-170 – Schedule 20 speaks to insurance requirements for Residential Care Facilities. This requirement is reinforced in Community and Emergency Services' subsidy agreement with Domiciliary Hostel Providers.	Yes

<p>insurance coverage and standards for regular monitoring of the housing provider to ensure compliance with local standards.</p>	<ul style="list-style-type: none"> <li>• (12) (i) Ensure that a policy of commercial general liability insurance, including coverage for bodily injury and property damage resulting from the operation of the facility, with an inclusive limit of at least one million dollars (\$1,000,000) per claim or occurrence, is in force at all times when one or more tenants is present in the facility.</li> </ul> <p>Compliance with the requirements of City of Hamilton By-law is monitored by Public Health Services, Fire Services and Municipal Law Enforcement.</p> <ul style="list-style-type: none"> <li>• 54.(1) The Medical Officer of Health, the General Manager of Planning and Economic Development, the Chief Fire Prevention Officer, the Chief of the City of Hamilton Police, the Issuer of Licences, or an Officer, at all reasonable times, may inspect any facility and list of tenants.</li> <li>• (2) The Medical Officer of Health or a member of a regulated health profession authorized by them may inspect the file of any tenant.</li> <li>• 55. The operator shall allow the Medical Officer of Health or a member of a regulated health profession authorized by them, as often as they deem reasonably necessary, to make inspections of the facility and its operation in order to determine compliance with this Schedule.</li> <li>• 56. The Medical Officer of Health, the Issuer of Licences, the General Manager of Planning and Development and the Chief Fire Prevention Officer are authorized to enforce the provisions of this Schedule which are within their respective jurisdiction, and to serve such notices and make and serve such orders as may be necessary to ensure compliance by the operator.</li> </ul>	
<p><b>Conflict Resolution, Complaints Processes and Reporting:</b> Service Managers must establish standards for conflict resolution and complaint processes, and for the reporting of serious</p>	<p>City of Hamilton By-law 07-170, Schedule 20 speaks to a complaint process and the reporting of serious incidents.</p> <ul style="list-style-type: none"> <li>• 12 (f) (iv) that a notice stating the operator is licensed by the City of Hamilton and that a complaint about the operation of the facility may be made by telephoning the City of Hamilton at 905-546-2063 shall be posted in a conspicuous place.</li> </ul> <p>The subsidy agreement with RCF Operators who participate in the Domiciliary Hostel Subsidy</p>	<p>Yes</p>

incidents.	Program states that disputes between the Operator and the City of Hamilton shall be resolved through the General Manager of Community and Emergency Services.	
<b>Rights and Responsibilities:</b> Service Managers must establish standards for tenant and landlord rights and responsibilities, including tenancy agreements, tenant confidentiality and privacy, and management of tenant files and other documentation.	<p>Residents of RCFs are covered by the <i>Residential Tenancies Act, 2006</i>. Additionally, City of Hamilton By-law 07-170 – Schedule 20 establishes standards for tenant and landlord rights and responsibilities.</p> <ul style="list-style-type: none"> <li>• 12(f)(i)(g) comply with all applicable access to information and protection of privacy legislation;</li> <li>• 36 The operator shall enter into a written tenancy agreement with each individual who is admitted as a tenant of the facility and shall give each such individual a residential care facility information package prior to entering into the tenancy.</li> </ul> <p>It also speaks to management of tenant files and documentation:</p> <ul style="list-style-type: none"> <li>• 49.(1) The operator shall maintain an up-to-date, alphabetical list of the tenants of a facility which includes the name, sex, date of birth, age and date of admission of each tenant.</li> <li>• (2) The operator shall maintain a separate file for each tenant, which contains the following information:               <ul style="list-style-type: none"> <li>(a) sex, date of birth, age, date of admission and date of discharge or death;</li> <li>(b) name, address and telephone number of next-of-kin;</li> <li>(c) name and telephone number of the tenant's attorney for personal care, if any;</li> <li>(d) the name and telephone number of the tenant's physicians;</li> <li>(e) completed assessment;</li> <li>(f) the name, address and telephone number of any community agency which is providing support to the tenant;</li> <li>(g) tuberculin or chest x-ray testing results, and the dates thereof;</li> <li>(h) a brief medical history of the tenant, in respect of the care services provided by the operator under the tenancy agreement (section 36) or any additional care services made available by the operator(subsection 45(1)), from the date of their admission, including medication information, laboratory results, physicians' orders and staff notes or other records necessary to determining the level of care services provided;</li> <li>(i) a residential care facility information package;</li> <li>(j) particulars of each accident suffered by the tenant while in the facility; and</li> </ul> </li> </ul>	Yes

	<ul style="list-style-type: none"> <li>• 50. The operator shall make a record in Form 3 of every occurrence with respect to a tenant of assault, injury or of death that has been reported to coroner, and shall place the completed Form 3 in the tenant's file and keep it available for inspection by the Medical Officer of Health.</li> <li>• Sections 51, 52 and 52 describe how personal information are files are to be maintained and the length of time they must be retained.</li> </ul>	
<b>Physical Safety, Health and Well-being of Tenants:</b> Service Managers must establish standards for tenants' physical health, safety and well-being, including medication storage and/or management.	City of Hamilton By-law 07-170, Schedule contains a number of provisions relating to physical safety, health and well-being of tenants. <ul style="list-style-type: none"> <li>• 5(e) specifies that applicants must provide a single facility incident plan. Additional direction is provided in the MOH's Schedule 20 Guidelines.</li> <li>• 6(a, b) states that certificates must be provided stating compliance with the Ontario Electrical Safety Code and all health and safety standards.</li> <li>• 12(d) ensure that no firearms are kept in the facility.</li> <li>• 12(e) (I, ii) states that a phone must be available for staff, volunteers and residents.</li> <li>• 16 specifies that employees and volunteers shall have TB tests.</li> <li>• 19-22 speak to appropriate water service, room types, sizes and amenities include toilet facilities.</li> <li>• 23 speaks to appropriate waste disposal.</li> <li>• 24-28 addresses lighting, ventilation, ramps, stairways, floors, and balconies.</li> <li>• 31 speaks to general health provisions stating that the operator shall ensure that:</li> <li>• (a) the facility is kept in a clean and sanitary condition, including but not limited to providing for professional pest control as needed;</li> </ul>	Yes

	<ul style="list-style-type: none"><li>• (b) the facility is free from hazards to the safety of tenants of the facility, employees, volunteers or visitors</li><li>• (c) the facility is supplied with heat in accordance with City of Hamilton By-law 04-091 with respect to the supply of adequate and suitable heat for rental residential premises;</li><li>• (d) all food storage, preparation and service areas meet the requirements of the Food Premises Regulation under the Health Protection and Promotion Act; and</li><li>• (e) the facility meets all requirements of the Building Code under the Building Code Act, 1992 and of the Fire Code under the Fire Protection and Prevention Act, 1997</li><li>• 38-40 speak to the storage and administration of medication. The MOH Schedule 20 Guidelines further elaborate. The operator shall make sure that all prescription drugs are kept in a locked cabinet, are provided to the tenant for whom it was prescribed use a unit dose dispensing system.</li><li>• The Guidelines also state that medications kept with the tenant for immediate use shall be kept where the tenant can easily reach them but away from other tenants. They also state that employees shall be well-trained in giving medications safely and properly, what the medication is used for, and how the medication is to be stored.</li><li>• The operator or an employee shall watch to make sure that a tenant has taken his/her medication. If a tenant does not take his/her medication, a note shall be made in the tenant's file, or on a medication record sheet. The reason for the tenant not taking his/her medication should also be noted. The tenant's physician shall be notified if the tenant does not take his/her medication.</li><li>• A tenant may need medication by needle in which case the operator shall make sure that a registered nurse determines that the operator or non-professional employee is allowed to be trained to give the insulin.</li></ul>	
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	<ul style="list-style-type: none"> <li>• A tenant may ask to store their own medications. The MOH Guidelines describe the controls on tenants storing and taking their own medication.</li> <li>• 41 addresses nutrition and further information is provided in the MOH's Schedule 20 Guidelines. The guidelines state that three meals (breakfast, lunch, and dinner) shall be served to tenants daily and that snacks and fluids shall be available between meals and in the evening. The total amount of food served during meals and snacks shall provide each tenant with at least the minimum number of servings from each of the four food groups of Canada's Food Guide. Meals and snacks shall provide an appropriate energy intake to maintain each tenant's weight within a healthy weight range.</li> <li>• The Guidelines state that menus shall be written, dated and posted in advance of the current week for tenants to see. The total number of servings of each food group served daily shall be included. Changes to a meal shall be marked on the posted menu prior to the meal being served.</li> <li>• 42 address infection control. The MOH's Schedule 20 Guidelines describe the requirements for TB testing and vaccinations. They also state the operators must be familiar with the diseases that must be reported and immediately report any suspected or diagnosed communicable diseases to Public Health Services.</li> <li>• 43 and 44 state that the tenant, their representative or the RCF Operator shall arrange for emergency medical care and specifies that that health professional must be given access to the home to provide care.</li> <li>• 45. (1) addressed the provision of additional care when directed by a health professional. The MOH's Schedule 20 Guidelines elaborate saying that "extra care shall be given to the tenant if the physician, the operator, the Medical Officer of Health, or a regulated health professional employed by a referring agency is of the opinion that it is needed and the tenant, their next-of-kin, or attorney for personal care has not arranged for such additional care." Special needs shall be discussed with "the tenant, the tenant's next of kin, and the tenant's community worker (social worker from a psychiatric agency, a nurse from CCAC) about what needs are to be included in the tenant's care plan to meet the special needs.</li> </ul>	
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	<ul style="list-style-type: none"><li>• The tenant's care plan shall include a description of the health issue and the services being provided to address that health issue. The plan may include additional care services, such as additional personal care services and/or rehabilitative services. This includes the care provided by external care providers</li><li>• Enough employees shall be on duty to provide additional care services arranged for by the operator and the employees shall be trained to provide these care services.</li><li>• If a tenant appears to need more care services than what the operator is allowed to give:<ol style="list-style-type: none"><li>1. The tenant's physician shall be requested to provide an updated assessment.</li><li>2. The tenant, next of kin, or attorney for personal care, as the case may be, shall be consulted about contacting the Community Care Access Center (CCAC) for extra help with care and/or to have an assessment for placement into another type of facility.</li><li>3. The tenancy agreement shall be amended to include any additional care services.</li></ol></li><li>• The by-law (46) and MOH Schedule 20 Guidelines speaks to situation in which a tenant leaves an RCF. A tenant may no longer need to live in a residential care facility because he/she can live on his/her own. Alternatively, because of changes in physical or mental health, a tenant may need to go to a facility that provides a higher level of care such as a nursing home.</li><li>• If a tenant who needs to move is not willing to, under the Residential Tenancy Act, 2006 the operator may apply for an order to terminate the tenancy agreement from the Landlord and Tenant Board. The operator would have to prove to the Board that other appropriate accommodation is available for the tenant, and that the operator is not able to meet the tenant's care needs in the facility, even with additional care services.</li><li>• When an operator is told that a tenant will be moving out of the facility, the operator shall, as soon as possible, to the tenant about the provisions of Residential Tenancy Act, 2006. The operator may arrange for the move if the tenant agrees.</li><li>• 47 states that no facility shall have a locked unit.</li></ul>	
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<p><b>Provision of, or Access to, Activities and Support Services:</b> Service Managers must establish standards for the provision of, or access to, activities and support services for tenants (both within the housing and the community).</p>	<p>City of Hamilton By-law 07-170, Schedule 20 Section 37 states that “The operator shall provide care services to each tenant in a facility in accordance with the Guidelines.” The MOH’s Guidelines elaborate on provision of care services.</p> <ul style="list-style-type: none"> <li>• In Schedule 20, “care services” means advice, information, or supervision provided to tenants in the activities of daily living and may also include: (i) periodic personal care, as required, such as the giving of medications, bathing assistance, assistance with feeding, incontinence care, dressing assistance, assistance with personal hygiene, and ambulatory assistance; (ii) provision of recreational or social activities, housekeeping, laundry services, and assistance with transportation; (iii) personal emergency response services, including assistance in evacuating under emergency conditions due to mental limitations and/or developmental handicaps and limitations of the tenants.</li> <li>• A nurse inspector may review a tenant’s physical and mental health condition and care services provided to the tenant. A nurse inspector shall be consulted for suggestions for follow up with care if needed.</li> <li>• Sufficient care services shall be provided to meet the care needs of a tenant, with consideration being given to input from the tenant. Enough appropriately trained employees shall be on duty to provide care services to tenants.</li> <li>• Recreational activities shall be provided for tenants with a list of activities posted for each tenant to see. Recreational activities may include a variety of planned activities such as movie nights, card or board games, crafts and offsite activities like swimming, picnics, walks, etc.</li> <li>• Tenants shall be encouraged to take part in activities and a note shall be made on the tenant’s file about any activities in which the tenant is involved in. If a tenant refuses to take part in any activities, a note shall be made on the tenant’s including the reason why.</li> <li>• A plan shall be in place to deal with tenant’s physical or mental health emergencies and crises that occur in the facility. All employees shall know how to deal with physical or mental health emergencies and crises in the facility. Operators shall ensure all employees</li> </ul>	
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	receive appropriate training with respect to the facility's emergency/crisis plan.	
<b>Monthly Allowance for Personal Use:</b> Service Managers must establish standards for the management of the monthly allowance for personal use for tenants.	<p>The City of Hamilton's subsidy contract specifies that residents will retain PNA. Business Processes indicate it is set by province.</p> <p><b>Recommended Action</b></p> <ul style="list-style-type: none"> <li>Existing Business Processes and Contracts should be amended to reflect new language.</li> </ul>	Yes