



INFORMATION REPORT

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| TO: Mayor and Members Board of Health | WARD(S) AFFECTED: CITY WIDE |
| COMMITTEE DATE: December 2, 2013 | |
| SUBJECT/REPORT NO: <i>Retirement Homes Act, 2010 Implications Update (BOH13044) (City Wide)</i> | |
| SUBMITTED BY: Elizabeth Richardson, MD, MHSc, FRCPC Medical Officer of Health Public Health Services Department | PREPARED BY: Jordan Walker (905) 546-2424, Ext. 7365 |
| SIGNATURE: | |

Council Direction:

In 2012, as a result of the enactment of the *Retirement Homes Act, 2010* the Board of Health accepted recommendations regarding changes to the City of Hamilton Licensing By-law respecting Residential Care Facilities. Further, at its meeting of June 27, 2012, Council approved the following with respect to *Retirement Homes Act, 2010* Implications (BOH11008(a)) report: "That staff bring forward in 1 years' time, a report which addresses any implications and ongoing challenges including changes to environmental design standards to allow for any possible amendments to the by-law, if required."

Information:

As requested by Council at its meeting of June 27, 2012, this report summarizes the implications as a result of approving the BOH11008(a) report recommendations.

Background

As of July 3, 2012, 32 Hamilton area Residential Care Facilities were deemed licensed by the Retirement Homes Regulatory Authority (RHRA) as Retirement Homes, as defined by the *Retirement Homes Act, 2010*. As per the Board of Health

recommendations, the 32 homes are exempted from the provisions of Schedule 20 that are covered in the Act. Further, the per bed health inspection fees associated with a Residential Care Facility license are no longer applied to facilities licensed under the RHRA.

Financial

Currently, all Residential Care Facilities not deemed licenced by the RHRA pay nurse inspection fees in conjunction with their annual license application. The inspection fee is applied per bed and recovers a portion of costs for nurse inspections. In 2013, the inspection fee was increased from \$57 per bed to \$58 per bed. There are approximately 1,000 Residential Care Facility beds in Hamilton. This results in \$58,000 annually in revenue generated through health inspection fees.

All facilities licensed as Residential Care Facilities, including those licensed as Retirement Homes by the RHRA, continue to pay the annual license fees. Facilities with 4-10 beds pay \$598 annually; while facilities with 11 beds or greater pay \$854 annually. The licensing fees do not go to Public Health Services (PHS), but are collected by City of Hamilton Licensing Department.

Inspections of Residential Care Facilities by PHS are conducted by Registered Nurses (RNs) and Public Health Inspectors (PHIs). There is no financial implication as a result of the changes to the Residential Care Facilities program with respect to inspections conducted by PHIs, as these inspections are mandated and funded under Ontario Public Health Standards and the *Health Protection and Promotion Act, 1990*.

The 2013 anticipated cost for two 0.5 FTE RNs is approximately \$88,000 (salary, vacation and benefits); with an additional estimated \$7,100 in operating costs. This program cost is funded in part based on the current user fees of \$58 per bed for residential care facilities and an additional \$36,000 from the levy, as approved by the Board of Health for a total of \$94,000. The annualized impact of \$36,000 is included in the 2013 PHS operating budget. This results in no increased cost to the Residential Care Facility operators, while still maintaining protection for residents residing within the licensed facilities.

In 2012, a total of \$39,138.81 was reimbursed to 21 facilities licensed, or deemed licensed, as retirement homes as of July 3, 2012 by the RHRA. The reimbursement is for a portion of the nurse inspection fees paid in 2012 for inspections that did not take place, as a result of the recommendations being approved.

Staffing and Service Levels

As result of the Board of Health recommendations, the PHS Residential Care Facilities program nurse complement has been decreased from 2.0 FTE to 1.0 FTE, configured as two 0.5 FTEs. Presently, there are two part-time RNs conducting three inspections per year per facility in 57 Residential Care Facilities, which are not licensed as Retirement Homes. Additionally, three annual nursing inspections are conducted in five of the Retirement Homes which have a portion of their beds subsidized by the City of Hamilton's Housing Services Division of the Community and Emergency Services Department. These nursing inspections apply only to those residents for whom bed space is subsidized. The 2013 reduction in staffing did not decrease the service level for these Residential Care Facilities. Nursing inspections are no longer conducted in the remaining 27 Retirement Homes or for the non-subsidized beds in the five above mentioned Retirement Homes, as the nursing provisions of Schedule 20 are covered in the *Retirement Homes Act, 2010* and enforced by the RHRA.

Additionally, all Residential Care Facilities, including licensed Retirement Homes, receive three food safety inspections; and one environmental health inspection annually. These are conducted by PHIs from PHS. The scope of the *Retirement Homes Act, 2010* does not include environmental design standards, and so environmental health inspections of licensed Retirement Homes will continue. Food safety inspections in these homes are not impacted by the Act, and will continue. There is no staffing or service implication with respect to these inspections as a result of the recommendations approved.

Licensing and Responsibility

In 2012, PHS raised additional concerns regarding homes which are licensed by the RHRA as Retirement Homes. Firstly, the potential for a high frequency of change to Retirement Home's licensing status as a result of changing resident population. This instability of licensing status has not been realized and licensing status of Retirement Homes has remained consistent. Secondly, challenges were anticipated as a result of potentially having two responsible bodies; City of Hamilton and the RHRA, in homes licensed as Retirement Homes which also have a number of additional beds subsidized by the Housing Services Division of the City of Hamilton's Community and Emergency Services Department. Presently, there are five such Retirement Homes which also have beds subsidized by the City of Hamilton. PHS continues to work in conjunction with the Retirement Homes Regulatory Authority in those homes and challenges as a result of the enactment of the *Retirement Homes Act, 2010* have not been realized.

Conclusion

Public Health service levels for the Residential Care Facilities are being maintained at the levels recommended by the Board of Health, without exceeding the approved operating budget, providing protection for the residents residing within these facilities. When issues arise, PHS staff continue to work in cooperation with RHRA staff to ensure the provision of services to the residents.