



## **Volume 2, September 2017**

RHRA Update is published by the Retirement Homes Regulatory Authority (RHRA) for retirement home operators and licensees. This e-newsletter is also available in French upon request.

### **Sprinkler Installation Deadline**

Retirement homes licensed under the *Retirement Homes Act, 2010*, are required to be equipped with automatic sprinklers by January 1, 2019. The RHRA is committed to supporting fire safety measures and continues to work with other partners, including the Office of the Fire Marshal and Emergency Management, to ensure there is appropriate monitoring and sharing of relevant information related to sprinkler retrofits. The *Retirement Home Act, 2010*, requires us to provide information about a home's sprinklers on the public register. If you have completed a sprinkler retrofit or otherwise made changes to the sprinklers in your home, please complete a [Notice of Change](#) and send it to us so we can update your home's public register information. As more information becomes available from the Ministry of Seniors Affairs on their Sprinkler Funding Program, RHRA will make it available.

### **Vulnerable Sector Screening**

The *Retirement Homes Act, 2010* requires Licensees to conduct vulnerable sector screening (VSS) of staff and volunteers over the age of 18. The requirements are set out in s.64 RHA and O.Reg 166/11 s.13 and specify that vulnerable sector checks must be conducted by the local Canadian police service where an applicant lives, or by an authorized body. Information outlining the process for VSS can be found on regional police services websites. Some police departments have expedited services. Private companies that offer background checks as well as other pre-employment screening services may be helpful in a home's efforts to screen potential or existing staff, however, vulnerable sector screening must be conducted by the police. If you're planning to use a third-party service for pre-employment screening, ensure that you are complying with the requirements set out in the RHA with respect to vulnerable sector screening.

## Medical Assistance in Dying (MAID) Bill C-14 legislation update

In June 2016, the federal government passed Bill C-14, a law to amend the Criminal Code to permit medical assistance in dying (MAID). MAID refers to when a physician or nurse practitioner (NP) administers a substance to a person at his or her request that causes his or her death. It also refers to when a physician or NP prescribes or provides a substance to a person at his or her request to self-administer and cause his or her own death.

The Criminal Code permits physicians and nurse practitioners to provide MAID. It is against the law for other care providers or persons to provide MAID, although they may provide help during the MAID process. The Criminal Code has rules for eligibility, assessment, consent and other matters relating to the administration of MAID.

There is also a law in Ontario that amends the content of existing provincial laws that relate to MAID, for example the *Coroners Act*. The Ontario law also protects physicians and nurse practitioners and those who assist them while performing MAID. This protection would extend to licensees under the *Retirement Homes Act, 2010* (the "Act") and their staff members. Note that the law does not protect providers and those who assist them if they act negligently or in bad faith in the context of MAID.

### MAID and the *Retirement Homes Act, 2010*: What you need to know as a retirement home licensee and operator:

The *Retirement Homes Act, 2010* does not address MAID and the RHRA does not have a direct role in regulating it. However, there are a few requirements in the Act that licensees should consider in the MAID context. An important set of requirements are the rules relating to external care providers in sections 61 and 62. A resident has the right under the Act to choose his or her own external care provider and to receive external care without the licensee's interference. Also, if a resident wants to receive an assessment from an external care provider, the licensee must facilitate access to the provider.

Licensees are not responsible for ensuring that external care providers meet the care standards set out in the *Retirement Homes Act, 2010*. The rule relating to non-interference with external care providers is subject to the licensee's duty under section 67 to protect residents from abuse by anyone. A licensee may have to take steps should it be aware of an instance of MAID in the home and have reason to believe that a resident is at risk of physical or other abuse. Steps may include making a report to the RHRA under section 75 of the Act or making inquiries with the resident or his or her provider. Any inquiries must respect the privacy and autonomy of the resident.

Licensees do not have to report MAID deaths to the RHRA. Licensees do not have to report MAID deaths to the coroner. The Act does not require licensees to keep records relating to involvement in a MAID death, but it would certainly be good practice to do so to ensure that records are available explaining their involvement in MAID should there be a complaint or report to the RHRA.

The law does not force someone to provide or assist with MAID. There are rules and guidance from health professional colleges for nurses, physicians and pharmacists who are unwilling to

provide MAID. However, licensees who object to MAID and do not wish to allow it should exercise care in addressing this issue. Licensees are landlords of care homes under the *Residential Tenancies Act, 2006* (the "RTA"). There are rules in the RTA to protect the autonomy and choices of tenants. Landlords generally cannot interfere in what a tenant (or resident) chooses to do in his or her own home. If you have questions about the RHRA and MAID, please contact us. There are good sources of information about MAID and you can access these through the links below.

### [Additional Resources on MAID](#)

[Ministry of Health and Long-Term Care \(includes a pamphlet for patients\)](#)

[College of Physician and Surgeons of Ontario](#)

[College of Nurses of Ontario](#)

[Ontario College of Pharmacists](#)

### [RHRA Annual General Meeting - Save the Date](#)

The Retirement Homes Regulatory Authority will hold its Annual General Meeting from 4:00 p.m. to 5:00 p.m. on Thursday, October 19, 2017 at the Royal Canadian Military Institute at 426 University Avenue, Toronto, Ontario. We welcome you to attend.

### [RHRA Resources and Educational Materials](#)

To learn more about the RHRA, please view our new video [here](#).

To access the resources page on our website, click [here](#).

The RHRA has recently updated its [Resident's and Consumer Brochure](#). Copies have been mailed to all homes for distribution to staff and Residents' Councils. We encourage you to include a copy of the brochure in your Welcome Packages. Additional copies may be requested either via email [info@rhra.ca](mailto:info@rhra.ca) or by calling **1-855-275-7472** and **press "1"**.

### [RHRA Provincial Tours](#)

RHRA representatives are available to meet with Residents and Homes to talk about the role of RHRA and answer questions. If your Residents are interested in an in-person presentation, please contact [info@rhra.ca](mailto:info@rhra.ca).

### [Stay Connected](#)

To stay informed of news and important notices, please add [admin@rhra.i-sight.com](mailto:admin@rhra.i-sight.com) to your email safe-sender list. If at any time there is a change, please fill out [Notice of Change form](#) and send it to [licensing@rhra.ca](mailto:licensing@rhra.ca).

## Feedback

Your feedback and comments are always welcome. Please let us know if you have any questions or additional subjects you would like us to cover in future issues of RHRA Update by clicking on the feedback button below.

[Feedback](#)

---

*Copyright © 2017 Retirement Homes Regulatory Authority, All rights reserved.*

[e-newsletter@rhra.ca](mailto:e-newsletter@rhra.ca) or call **1-855-275-7472**

**Our mailing address is:**

Retirement Homes Regulatory Authority  
160 Eglinton Avenue E., 5th Floor  
Toronto, ON, M4P 3B5  
Canada