

January 2019

**Retirement Homes Regulatory Authority Response
Regarding the RHRA Risk Officer’s Annual Report 2018-19**

Introduction

Nav Sandhwalia was appointed as Risk Officer in March 2018. The Risk Officer reports to the Board of Directors and exercises an independent role in assessing the effectiveness of the RHRA’s administration of the *Retirement Homes Act, 2010*, and *Ontario Regulation 166/11*.

The Board accepted the Risk Officer’s annual report in October 2018. The report focused exclusively on the RHRA’s Compliance Support program (“CS Program”).

The CS Program, officially launched on March 15, 2017, is designed to assist licensed retirement homes better understand the obligations which are mandated to them under the Act and assist them in meeting those obligations. The CS Program is offered to homes which are assessed as a higher risk based upon risk assessment criteria, and participation in the program is voluntary.

In developing the report, the Risk Officer reviewed the CS Program’s efficacy and its alignment with the overall RHRA Strategic Plan.

The Board commends Mr. Sandhwalia for his work and welcomes his report which provides opportunity for further continuous improvements within RHRA to advance the safety and protection of retirement home residents.

Risk Officer Annual Report 2018-19 Recommendations	RHRA Response to Risk Officer Annual Report
<p>1. Revise the ‘invitation package’ and enhance robustness to clearly define the purpose of the CS Program, how it connects with regulatory obligations and the support which will be made available through the CS Program. The package should also include program timelines, activities which are excluded, as well as other relevant information pertinent to the participation of the home; all of which should be provided in a user-friendly format. This recommendation will help decrease confusion at the outset and should help increase the acceptance rate into the CS Program.</p>	<p>1. The RHRA has formed a project team to review and update the CS Program. One of the project team’s preliminary areas of review is the program’s communications, which includes the ‘Introduction Letter’. The project team will also evaluate the need for additional materials to be provided at the outset of the program. Improvements to the CS Program communications will be implemented through the 2019/2020 fiscal year.</p>

<p>2. Continue developing interpretive standards and creating a user-friendly online education presence. This enhanced library of information can be a starting point for CS Program participants to help rectify noted issues / concerns. This ‘self-help’ enablement would also decrease the dependency on CS Program staff and reduce length and frequency of contact with CS Program staff. This approach may allow the CS Program to support additional homes without a further need for additional staff. This continued focus on education also aligns with RHRA’s mandate as noted within the Act (i.e. Part II, 16(b)).</p>	<p>2. The RHRA has recently released its first Compliance Assistance Module (“CAM”)- an interactive online learning tool available on the RHRA’s website. The first CAM released provides guidance on legislative requirements relating to complaints to licensees. The second CAM, relating to plan of care requirements, is nearing the end stages of development. Additional CAMs relating to emergency plan, behaviour management, and zero tolerance of abuse and neglect requirements are in progress or are planned for 2019/2020. These requirements have been identified as areas with which homes have experienced difficulty achieving or maintaining compliance.</p>
<p>3. Re-evaluate the imposed ‘cap’ and provide flexibility for inviting homes into the CS Program. The additional time commitment on CS Program can be mitigated if other recommendations within this report are also implemented (e.g. additional online self-help).</p>	<p>3. The RHRA agrees that the imposed ‘cap’ should be re-evaluated. Future work to update the CS Program will examine opportunities to expand participation while considering the resources available and efficiencies that can be achieved.</p>
<p>4. Based on specific criteria, the RHRA should consider offering the CS Program to all higher risk homes despite being a new or transferred licensee. For example, if ownership of a high-risk home is transferred, there may be a case to offer the CS Program to the new licensee given previous findings. This approach will help newly licensed homes improve compliance from the outset, which in-turn may reduce inspection findings and help establish a strong relationship with the new licensee / home.</p>	<p>4. The RHRA agrees it is time to expand the criteria for participation in the program including intervening with new licensees (or license through acquisition) before adverse inspection findings occur. As an example, increased compliance evaluation at the licensing stage has been proposed as part of the Regulatory Modernization Project. Future work in the 2019/2020 fiscal year will include defining the revised criteria while taking into account the resources available to provide the necessary support to licensees.</p>
<p>5. For participants in the CS Program with a common licensee, consider elevating the support and related discussions to the licensee, as opposed to providing support only at the individual home level. This approach will help ensure a licensee with multiple homes is able to address concerns across all owned homes and improve regulatory adherence. This top-down approach will also help the RHRA further build collaborative relationships with both the operators and licensee.</p>	<p>5. The RHRA agrees that common licensees should be engaged in compliance support. The degree of their engagement compared to the operator of a home will vary depending on their respective roles in creating or rectifying the compliance issue being addressed through CS. Future work in the 2019/2020 fiscal year will examine the potential for offering the program to ownership entities with multiple homes. As the RHRA currently tracks homes that have affiliations, there are no foreseeable issues with implementing changes to the program in this regard. Furthermore, a similar approach is being undertaken in the Inspections unit, whereby certain home policies are being reviewed, approved and communicated at the corporate</p>

	level. This approach has already seen positive results and there is an opportunity for the CS Program to engage the Inspections unit to benefit from their learnings.
Risk Officer Annual Report 2018-19 Other Observations/Comments	RHRA Response to Risk Officer Annual Report
The CS Program is currently evaluated / monitored using two key indicators, namely: participation rate and improvement in inspection findings post CS Program support. The participation rate indicates a willingness of an operator to work with RHRA to improve their adherence with the Act, while the post support review helps evaluate the effectiveness of an operator’s ability to benefit from the CS Program. Both of these statistics provide evidence (at least infer and provide some correlation) of the CS Program’s effectiveness and should continue to be monitored.	In the 2019/2020 fiscal year, the RHRA will seek to implement strategies to improve the CS participation rate. Improvement in inspection findings will need to be reassessed for participants who are new licensees. The implementation of a participant satisfaction survey (planned for implementation in 2019/2020) will be a useful tool to measure the success of the CS and to inform continuous improvements.
Discussions with operators during the course of the review revealed an overall sense of satisfaction of the CS Program and ability to receive guidance / feedback from RHRA staff. Some positive feedback also came from operators who did not see an immediate positive impact of the program or who did not participate in the CS Program. These discussions and feedback are a testament to the CS Program itself and CS Program staff.	The RHRA will continue to ensure that CS Program staff have the necessary training and support to continue providing a high level of service to participants in the CS Program.
Each home has ultimate accountability to meet the obligations noted within the Act. The CS Program has been designed to support homes better understand their obligations and support their efforts in meeting the Act, however the CS Program (and RHRA) should not directly undertake activities on behalf of homes. For example, if a home has not met a policy-based requirement, the CS Program can help clarify specific requirements and provide feedback on draft policies, however should not draft the policy for the home. There is a fine line which, if crossed, could impair the integrity of the CS Program. In discussions with various stakeholders this specific topic was addressed in an attempt to understand whether the CS Program was potentially over-stepping its bounds. I am pleased to note that CS Program staff have been very vigilant. I encourage RHRA to continue training staff to ensure they are aware of the boundaries of support within the mandate of the CS Program.	The RHRA will continue to ensure that CS Program staff have the necessary training to understand the intent and boundaries of the CS Program. In training new CS staff, the RHRA has provided one on one training and oversight from experienced CS staff.