

FACT SHEET:

Mandatory Reporting (Section 75)

The *Retirement Homes Act, 2010* (Act) is legislation for the retirement home sector in Ontario. The Act sets out the care and safety standards that all licensed retirement homes must meet.

The Act requires operators and licensees to immediately report to the RHRA harm, or risk of harm, to a resident resulting from:

- improper or incompetent treatment or care
- abuse by anyone
- neglect by the licensee or staff of the retirement home
- unlawful conduct
- misuse or misappropriation of a resident's money

With the exception of residents, all persons including family members, substitute decision makers (SDMs), retirement home staff, and retirement home operators are obligated to report incidents of harm. Regulated professionals such as doctors, nurses, therapists, naturopaths and social workers must also report situations of resident harm or risk of harm even if the information is confidential. Residents may make a report, but the Act does not require them to do so.

To assist reporting, the home is required to post RHRA's mandatory reporting poster in a public and easily accessible area.

Knowingly making false reports, or failing to make a report, are offences under the Act and subject to penalties if convicted.

What is a Mandatory Reporting Inspection?

Mandatory reporting inspections are conducted by RHRA inspectors. The inspector(s) will make an unannounced visit to a retirement home in response to a report.

Inspectors have extensive powers under the Act, some of which include:

- inspecting the home and its operations
- reviewing, copying and removing records and other documents
- interviewing residents and others
- calling on other experts for assistance

The mandatory reporting inspections focus on the event reported, and steps the licensee undertook following the event.

In certain situations, the inspector may also notify other agencies or authorities such as the police, fire officials, public health, and regulated health profession colleges about relevant findings during and after the inspection.

Inspection Reports

If the home is a licensee under the Act, the inspector will provide the licensee with a draft inspection report. The licensee will have an opportunity to give the inspector written comments about the report before a certain date. The Act requires the inspector to consider the comments in preparing a final report. The RHRA will provide copies of the final report to the licensee and the Residents' Council, if there is one.

The RHRA will provide a final summary report of the inspection, with all identifying and confidential information removed, to operators to post in the home. The RHRA will also post the summary report on its Retirement Home Database.

Inspections that result in serious findings may be escalated to Enforcement for further action.

Whistle-Blowing Protection

Mandatory reports may be made anonymously. Those who report or provide information to the

Registrars are protected by the Act from any retaliation. For more detail see *Fact sheet: Whistle-Blowing Protection*.

For More Information:

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The *Retirement Homes Act, 2010* is available at
www.e-laws.gov.on.ca