

**Collaboration for
Protecting Residents'
Rights and Well-being in
Ontario's Retirement Homes**



Collaboration in Challenging Times

Seniors across the province have demonstrated remarkable tenacity in light of the difficulties they and their loved ones have faced during another challenging year. As the regulator mandated by the Ontario government to protect seniors living in retirement homes, a critical focus for the Retirement Homes Regulatory Authority (RHRA) is sustaining a robust response to the ongoing pandemic – one that needs to address a changed environment and recognize the sense of urgency when it comes to how we keep Ontario’s seniors safe.

While RHRA has elevated its operational capacity to better anticipate, mitigate and react to issues impacting the more than 60,000 residents who call one of Ontario’s 780 retirement homes their home, I know that this response cannot be achieved without the efforts of retirement home operators and the expertise and collaboration of other organizations dedicated to the well-being of Ontario’s seniors.

As we all continue to build on our collaborative response, now is a critical time to strengthen existing relationships and make new connections to reinforce the networks that enable residents to live with confidence and dignity. For those of you who are familiar with RHRA, this report will provide you with greater insight on RHRA initiatives you may wish to know more about. For newer connections, I hope this spurs interest in our work and how we can work together in the future.

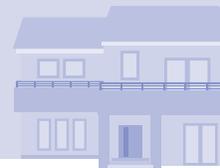
I am grateful for our partnerships in the community and among advocates and associations, along with those in government, which have propelled our work forward and strengthened our ability to be a modern, valued and efficient regulator that keeps Ontario seniors safe and enables them and their families to make informed decisions.

Please consider this an open invitation to find out more about RHRA, explore common goals in residents’ protection, or to speak about future plans and priorities on the horizon.

Jay O’Neill

CEO & REGISTRAR





RHRA's COVID-19 Response and Resident Well-being

The COVID-19 pandemic has been most challenging for Ontario's seniors, and more so for those living in congregate settings such as retirement homes. The RHRA team is acutely aware of the toll COVID-19 has taken on the physical and mental health and well-being of residents and their families. Although it was difficult given the dynamic nature of the pandemic, the team took great strides to keep a resident-focused lens when working with partners and taking action.

The Authority's role has been to work closely with the Ministry for Seniors and Accessibility (MSAA) and to communicate directives issued by Ontario's Chief Medical Officer of Health (OCMOH) to operators across the province, and to work with community partners on the ground to identify and contribute to support efforts for homes with residents most impacted by COVID-19.

Throughout the pandemic, RHRA continued to conduct reactive inspections in response to reports of harm or risk of harm and complaints. These are always of critical importance and are immediately acted upon. Inspectors also monitored compliance with the OCMOH's Directive #3 for Long-Term Care and Retirement Homes and various Infection Prevention and Control (IPAC) requirements, so that RHRA could assist homes with changing public health measures. While routine inspections were briefly paused early in wave 1 to ensure inspectors were not vectors of COVID-19 infection, when RHRA resumed routine inspections in November 2020, the inspections incorporated assessments to align with the updated IPAC guidelines.

Over the last two years, RHRA has provided advice on changes to the MSAA's Retirement Home Policy to Implement Directive #3, which instructed retirement homes how to follow the OCMOH's public health directives. In addition, RHRA issued its own recommendation for immunization policies for retirement home staff and volunteers and a recommendation for asymptomatic screen testing for retirement homes. As homes were required to follow numerous documents, guidelines and other resources, RHRA created a helpful matrix tool for

retirement homes and their families, which outlined which public health measures applied to homes, residents, staff and visitors under various pandemic scenarios. RHRA continuously communicated to homes and stakeholders through a weekly newsletter, and supplemented this with Special Advisories for any urgent information items.

RHRA updated its IPAC Guidelines for retirement homes and its COVID checklist on an ongoing basis as CMOH directives and policies changed to match the evolving pandemic. RHRA became a member of regional networks of IPAC expertise called "IPAC Hubs", and reinforced expectations about IPAC through inspections and communications. RHRA Inspectors have remained current with evolving OCMOH directives and have assessed compliance to ensure resident well-being.

RHRA understood that a response to the pandemic includes community partners across the spectrum, including health and social services, all playing critical yet highly integrated roles. RHRA created a Partnership and Engagement program to strengthen our relationships with local public health units and other partners in understanding the sector's needs. This team also held meetings with community partners to address high risk homes, and was able to refer several homes for participation in the Canadian Red Cross support program to increase IPAC measures and provide emergency care supports. RHRA will continue to nurture this team to help strengthen a diverse sector.

RHRA completed its own analysis of the impact of COVID-19 in the retirement home sector, which resulted in the following key findings.

1. Concentrated Problem:

The infection rate in the majority of the retirement homes was low and continued to remain low through to April 1 2022. Approximately 70% of homes with outbreaks had less than 5% resident infection rate.

2. Home Size is Relevant:

Bigger homes much more likely to have an outbreak, but the most severe (spread [% of residents]; and deaths per capita) were in homes between 25–50 suites.

3. Community Spread:

Management and community supports make a difference. The extent of spread in the community had an impact on the likelihood of homes getting into outbreak but not on the severity of outbreaks.

4. Outbreak Control and Management:

While more homes went into outbreak in wave 5 (Dec 2021 – Feb 2022) than in previous waves, homes have continuously performed better in outbreak management.

5. Infection Source:

Source of first reported case was important in assessing risk. Primary sources of infection in retirement homes were either staff or external care providers (58% combined). During wave 5, staff cases surpassed resident cases.

6. The Business Model:

The business status (for profit vs. not for profit) of the homes was not observed as a significant factor in the risk of an outbreak or its outcomes.

7. Retirement Homes Compared to LTC:

The difference in outcome trends for the sectors in general were also present in co-located homes.

8. Resident Perspective:

Residents and loved ones expressed fears about negative effects of restrictions and isolation, confusion around directives and visitor policies, and concerns about staffing issues and IPAC protocols.

Through various interactions with families, residents, retirement homes and community partners, RHRA noted the impact of restrictions such as the reduction in visitors, isolation, decreased mental stimulation activities and physical exercise. Following the roll out of vaccines, the negative health outcomes for residents were substantially reduced, however the secondary health impacts (e.g. a loss of vitality, poor mobility) of the restrictions remained. RHRA was a champion for finding a balance between managing the severe impacts of COVID-19 while ensuring quality of life for residents. RHRA provided advice that emphasis be put on the risk of harm to resident mental and physical well-being when considering the restrictions being imposed to safeguard residents from the risks of COVID-19 as public health directives were being amended.

Collaboration: It Takes a Community to Protect Ontario's Seniors Living in Retirement Homes

It is clear that the well-being of seniors living in retirement homes is dependent on a complex network of organizations, advocates and diverse groups of seniors and their families. RHRA is committed to collaboration, engagement and sharing of expertise and data with existing and new partners.

RHRA is ready to work with residents and their families, licensees and operators, government and health agencies and seniors advocates to support residents and families in making informed choices and enabling a strong and diverse retirement home sector. RHRA looks forward to exploring the ways in which we can partner to do just that – Ontario's seniors deserve it.



Willing and strong partner with government



Willing to share relevant data and insight to assess future needs



Eager to participate on system integration matters related to regulatory oversight

About RHRA

Established in 2011, the Retirement Homes Regulatory Authority (RHRA) is an independent, self-funded, not-for-profit regulator mandated by the government to protect and ensure the safety and well-being of seniors living in Ontario's retirement homes under the *Retirement Homes Act, 2010* (RHA).

We put residents first by monitoring whether retirement homes follow the rules and by sharing unbiased, transparent safety information with seniors and their loved ones. We do this by:

- Inspecting homes to ensure they comply with the *Retirement Homes Act, 2010*
- Taking action when they do not
- Addressing reports of harm or risk of harm to residents
- Responding to resident and family complaints



OUR VISION

Ontarians have choice and the protection they need to live with confidence and dignity in retirement homes.



OUR MISSION

The RHRA employs the most effective means to encourage and achieve compliance, to reduce harm, to support residents and families in making informed choices, and to enable a strong and diverse sector.

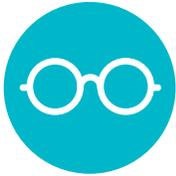
The RHRA is a responsible steward of the funds collected from the sector, and does not directly charge residents for fees for retirement home regulation. Fees must achieve full recovery of all RHRA program delivery and retirement home oversight costs, consistent with the ongoing viability of the RHRA as a not-for-profit corporation and at the same time provide service delivery value for stakeholders; a principle in RHRA's Memorandum of Understanding with the Ministry for Seniors and Accessibility. RHRA fees are billed to retirement home licensees to cover expenses that include inspections, complaint handling, investigations, prosecutions, community partnerships and engagement, public awareness about resident's rights, governance programs, responding to government oversight and reporting requirements, and general administration.

What we regulate

RHRA regulates mostly private, for-profit licensed retirement homes (94%), with models that range from independent living to memory care, from small independent homes to large chains homes and those that are part of campuses of care.

The resident is at the centre of everything we do

Resident Snapshot



Average Age is 86



70% Female

*Data from RHRA/McMaster Study (2018/2019)
and 2020 Auditor General's Report*

Residents can choose to get care provided:

- by the retirement home;
- from public home care; or
- by privately hired caregivers.

Nearly 45% of retirement home residents are long-stay Home and Community Care Support Services (HCCSS) clients.

- 2.3M hours of HCCSS services provided
- 88% of this is for personal support worker (PSW) assistance with daily living

10,000 retirement home residents are on LTC waitlist.



A profile of action and collaboration

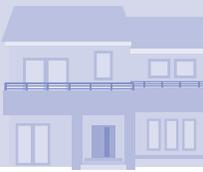
A home with about 25 residents was operating when the legislation came into effect in 2012 and licences for existing operators were deemed to be granted. This home's first inspection was in 2014 and over the subsequent years until the licence was revoked in June 2020, it had been inspected 44 times. Up until January 2020, RHRA had issued two compliance orders and one Administrative Monetary Penalty (AMP) as a result of several repeated concerns related to resident abuse, failure to report harm, confinement, staff training and behaviour management practices. Although an order was issued in January 2020 to revoke the licence, the order was stayed and the home was able to operate while it appealed its licence revocation, which is when COVID-19 arrived in Ontario.

Concerns among RHRA and its local community partners grew for the potential impact on residents in this home given its compliance record and observed shortfalls for adherence to infection prevention and control (IPAC)

protocols. RHRA ordered that the home retain a manager to operate the home after the Order to Revoke had been issued to ensure competent management was in place during this critical time. Ultimately, the revocation appeal was withdrawn by the operator who then complied with the steps to stop providing the care services that require a retirement home licence. Many of the residents remained in place with the care being provided by Home and Community Care Support Services (HCCSS).

Continued community collaboration supported the ongoing monitoring of this home. RHRA was made aware through community partners that this home may again be operating as a retirement home. Investigations into this matter resulted in an application to Superior Court to have the home cease operating. While the process continues to unfold, RHRA continues to work closely with the municipality, local police, HCCSS and others to mitigate the risks to residents living in this unlicensed home.

Our Approach



Protect residents from harm through core operations and strategic initiatives

This is accomplished by being responsive to concerns when they are raised to RHRA, by using evidence-based decision-making and by deploying a rigorous risk model to inform our operations.

A risk model that drives resident choice, safety and well-being

As a modern regulator, the RHRA is recognized for its model to estimate the risk of harm a resident may encounter in a given retirement home, and then responds to that risk in a proportionate manner. The risk model was initially established using data points from inspections (e.g., citations) and has continuously evolved to include data gleaned through licensing information, expert opinion, harm tracking and mandatory report inquiries. This progression aligns with RHRA's goal to continuously improve our risk modelling through the addition of new sources of data (e.g., complaint information) and the refinement of existing data (e.g., citations from inspections), as we evolve towards a model that gives RHRA early indicators that a harm may occur at a home.

Through this model, RHRA is able to proactively monitor higher risk homes more closely, while lower risk homes may experience fewer inspector visits. The risk model informs priorities for other activities such as compliance support, enforcement actions, and policy insights including regulatory amendments. All findings from inspections are publicly available on RHRA's website for residents, prospective residents and their loved ones to consider when choosing a retirement home.

Data collection and publicly available retirement home data to enable resident choice

RHRA is committed to empowering seniors and their loved ones. The Retirement Home Database is a research tool that Ontarians can use to help them make informed choices about retirement home living.

The Database makes available licensee and home information and licence status, inspection reports, care services information, and any orders, external proceedings, decisions or conditions on the licence.

Since the beginning of the pandemic, RHRA has published a COVID-19 Dashboard. Updated regularly, this tool documents daily outbreaks in licensed retirement homes across the province and includes a regional breakdown, timeline of active and resolved outbreaks and cumulative COVID-19 cases and deaths. Data is obtained through direct inquiries by RHRA and self-reports by licensed retirement homes. RHRA is grateful to licensees for providing this data during difficult circumstances. This collaboration has enabled analysis that focuses on observing and comparing waves of the pandemic to:

- ▶ Identify the effects of COVID-19 on retirement homes
- ▶ Assess the severity of the new variants
- ▶ Provide insight in areas where RHRA can improve or enhance operations based on the results gathered
- ▶ Assess the impact of vaccination efforts on overall risk of harm
- ▶ Provide advice to government

RHRA extends an invitation to our partners to review a detailed assessment of these outcomes, and anticipates there are useful findings for other seniors' sector organizations.

Enabled by recent regulatory amendments to the RHA, RHRA is also pursuing other data partnerships with governmental organizations and ministries, while adhering to privacy legislation and data security best practices. RHRA anticipates that the exchange of information will lead to greater collaboration among partners and enhanced evidence-based decision-making for all involved. This results in more integrated oversight and more efficient use of resources and better outcomes for residents.



Regulatory Trends

Rising volumes: responding to resident concerns

There has been a general increase in the number of reports of harm or risk of harm to residents (known as mandatory reports (MRs)) and complaints. Although RHRA saw a decline in the number of incoming issues from peak volumes during the height of the pandemic, it continues to experience a significant increase in requests from pre-pandemic levels. In response to escalating volumes and to improve the satisfaction of complainants, RHRA introduced a process of early intervention for potential complaints. RHRA continues to experience increased volumes due to a higher level of awareness of RHRA’s mandate during the pandemic.

To address complaints transparency and accessibility for residents and families, RHRA provided a new plain language complaint form for the public in March 2021. In addition, RHRA refined existing process for receiving complaints so that staff can provide contact information for other regulatory bodies when inquiries fell outside of the Authority’s jurisdiction, and added a new page to our website to help refer complainants to the correct regulatory authority.

RHRA is continuing with operational improvements. RHRA has hired inspectors with increased clinical knowledge to strengthen its capabilities to understand and address issues related to levels and provision of care.

Mandatory Reports — Allegation Type	Total
Abuse	576
Improper or Incompetent Treatment or Care	290
Misuse or Misappropriation of a Resident's Money	12
Neglect	81
Unlawful Conduct	11
Other	85
Total	1,055

47% ▲
Mandatory Reports
(FY2021/2022)

16% ▼
decline in the number of incoming issues from peak pandemic levels (FY2021/2022)

however a
58% ▲
increase from pre-pandemic levels

more than **1,000**

reports of harm or potential harm to residents (FY2021/2022)

72

complainants went through early intervention (FY2021/2022)

75

formal written complaints processed (FY2021/2022)

Capacity to respond

RHRA continues to manage its inspector caseloads, responding to evolving issues and reassigning resources as needed to address high-risk situations quickly. RHRA has used data analysis to outline current and projected workloads and to identify and address resource needs for all geographical regions while concurrently finding ways to address an increasing number of issues through remote inquiry to maximize efficiency. RHRA has expanded its capacity to address issues related to ongoing compliance monitoring, including compliance with licence conditions and orders. This will facilitate a structured follow-up for actions where ongoing monitoring of compliance apart from inspections is required.

Addressing issues: non-compliance

Compliance Support is a voluntary RHRA program that assists licensed retirement homes with achieving and maintaining compliance. Homes are provided with introduction materials outlining relevant areas of focus, RHRA tools and resources, referrals to external resources and an opportunity to request support on additional areas. Homes may engage in one-on-one consultations to review focus areas, discuss strategies and develop plans for achieving compliance. In certain cases, Compliance Support may be an alternative to the RHRA taking more serious enforcement action.

Sustained heightened need for effective enforcement intervention

RHRA's use of its enforcement tools continued to be in response to matters identified through our various compliance assessment activities, most commonly inspections. RHRA has seen a significant increase in the number of circumstances where enforcement is appropriate from pre-pandemic levels. In 2021/22 RHRA issued 21 Compliance Orders and seven Management Orders related to matters such as plans of care, staff training, behaviour management, abuse and neglect and infection prevention and control (IPAC). 20 Administrative Monetary Penalties were also issued. All orders can be appealed.

Enforcement Orders

Type of Action	FY 2021/2022	FY 2020/2021	FY 2019/2020
Impose conditions upon licence (s. 39)	12	12	21
Refuse licence (s. 36)	0	0	1
Order to apply or cease to operate (s. 89)	8	6	8
Compliance order (s. 90)	21	28	8
Management order (s. 91)	7	11	0
Administrative monetary penalty (AMP - s. 93)	20	14	5
Order to revoke (s. 95)	5	8	3
Total Orders/Decisions	73	79	46

Increasing complexity in licence applications

RHRA has seen an increase in new operators with limited or no experience in operating a retirement home applying for licences. A number of applications have also included known operators partnering with investment or real estate firms that are not known to the RHRA. This requires additional scrutiny to vet these applicants and in some instances place conditions to ensure that they can meet their legislative and regulatory obligations to provide safe and effective care. RHRA conducts licensing interviews with all applicants that are not current licensees,

including how they intend on monitoring financial health, and in certain instances are asked to provide a business plan. RHRA has implemented the use of background searches such as credit checks and bankruptcy and insolvency searches to assess the financial health of applicants. As the sector experiences pandemic recovery and future growth, RHRA's thorough and robust licence application review process works to protect resident well-being, with their safety at the forefront of RHRA's decision-making.

Targeting unlicensed retirement homes

RHRA has established an ongoing program that identifies and assesses congregate settings to ensure that if they do meet the definition of a retirement home that they become licensed or cease to operate. RHRA has developed and implemented a plan to inform our community partners about the lack of oversight in such congregate settings, and how to bring these to the attention of the RHRA should they identify one. In its first year, the unlicensed homes project identified 231 homes requiring follow-up to determine what further action, if any, was required. As of the end of the 2021/22 fiscal year, 206 homes had been addressed. Results included 123 facilities found to not be a retirement home at all; 64 facilities were operating but did not currently meet the definition of a retirement home; five facilities were found to be operating as retirement homes, which were acted upon by RHRA; and the 14 remaining facilities were found to be operating as other types of congregate settings such as Supportive Housing, Special Care Homes, etc.

Enhanced care, safety, and security through legislative reform

Throughout 2021, RHRA provided advice to the government about potential changes to the Retirement Homes Act and in early 2022, the RHA was amended to include, among others:

- ▶ The requirement for retirement homes to develop a pandemic plan as part of emergency planning
- ▶ Authority for RHRA to assign a manager to a home in an emergency, to bring them into compliance with the RHA
- ▶ Authority for RHRA to request contact information of residents and, if needed, Substitute Decision Makers (SDMs)
- ▶ Prohibition of a licensee borrowing money or other property from a resident or receiving or holding a resident's money or property
- ▶ Authority for RHRA to request information from a home that could include its IPAC measures, active infection counts and vaccination rates

These changes will further enhance care, safety, and security for retirement home residents as well as support RHRA as a modern regulator.



Stakeholder research validates RHRA's value proposition

Last fall, Innovative Research Group conducted a survey to acquire stakeholder perceptions of RHRA's value and accountability to stakeholders. Innovative contacted licensees/operators, sector associations, advocacy organizations and community partners to invite them to fill out an online survey that asked them questions about RHRA's service and value delivered to stakeholders. In addition, the research firm called a sample of retirement home residents and invited them to answer similar questions through a phone survey. Survey results are available at www.rhra.ca; high-level findings include:

▶ Overall, stakeholders scored RHRA 7.3/10 on an "Accountability Index Score"

To measure accountability across stakeholder groups, three dimensions were identified to collect feedback on stakeholder perceptions of the RHRA's accountability performance. Stakeholders were asked questions about and RHRA was rated on:

- Access (e.g., awareness, responsiveness)
- Practice (e.g., leadership, support, fairness)
- Outcomes (e.g., service, value of oversight)

▶ A majority of industry stakeholders have a favourable impression of the RHRA.

Those with a favourable impression say that RHRA is easily accessible, supportive and protect the rights of retirement home residents.

▶ Fewer than 30% of retirement home residents in Ontario have heard of the RHRA.

Even amongst those residents who have at least heard of the RHRA, many do not have a firm opinion on how they feel about the organization.

Ultimately, the survey helps RHRA identify what it is doing well and what it can do better. For example, it reinforces the imperative to continue or expand awareness efforts to inform current residents that there is a resource available to them when they need it. For prospective residents, there is a place to help inform their decision-making that provides independent assessment of compliance with the law. For RHRA, the survey identified that there is room for improvement in asking stakeholders for feedback on the decisions that it make. The RHRA is considering key findings and next steps. Insights from this survey contribute an important perspective to the RHRA's review, evaluation, and planning of initiatives and activities related to our strategic planning.

Benefiting from diverse perspectives – the Stakeholder Advisory Council and Resident Network

The RHRA Stakeholder Advisory Council (SAC) provides advice on matters relating to the RHRA's mandate. Members are appointed by the board for their relevant knowledge and experience in the retirement homes sectors as residents, owners/operators, regulated health professionals, associates in advocacy organizations, etc.

The Resident Network held its first meeting in December 2020. Comprised of retirement home residents, the Resident Network meets monthly to discuss topics of importance related to the Retirement Homes Act and RHRA. They provide wise and meaningful counsel, and share experiences with other seniors. For example, the Resident Network has been instrumental for including resident perspective of the impact the pandemic has had on resident mental health and well-being, influencing the advice that RHRA has provided to the government and other organizations. Any resident of a licensed retirement home can join the Resident Network. To join or for more information, residents can contact residents@rhra.ca.

Looking Ahead

Strategic priorities beyond the pandemic – RHRA is a partner that enables a strong and diverse senior housing sector

As with all organizations, the pandemic forced RHRA to reassess pre-pandemic strategic priorities and plans. RHRA was able to develop a transitional plan and is confident its strategic pillars will lay the foundation for our next strategic plan and ensure that RHRA can continue to protect and ensure the safety and well-being of seniors living in Ontario's retirement homes.

1 *Use evidence-based research & analysis to drive regulatory model and policy advice*

RHRA will implement Act and regulation amendments through operational changes and sector outreach and communications. RHRA will focus on data collection as mandated in the Retirement Homes Act, and seek partnerships for data exchange with the Ministry of Health, Ontario Health and public health units. RHRA will devise a data management strategy that respects resident privacy, considers burden of collection on stakeholders and uses efficient and secure technology.

2 *Review & adapt our regulatory approach to 'post' COVID environment*

RHRA is committed to constantly improving operational efficiency and effectiveness. RHRA will revise inspection reports to be more transparent and accessible to residents. RHRA will develop a list of indicators that signal an applicant or licensee could face future financial stress. RHRA will focus on improving procedures for inquiries, inspections and investigations so that these processes remain efficient and straightforward for all parties involved. RHRA will work to align our enforcement strategy with crisis support for homes, including an assessment of issues related to transparency and procedural fairness. RHRA will continue to enhance high-risk home monitoring

with community partners, and implement a model to assess and categorize unlicensed homes according to risk. None of this can be accomplished without the collaboration of community partners, and RHRA will enhance relationships with organizations such as Home and Community Care Support Services and public health units.

3 *Build trust with public, government, and industry*

RHRA will implement a staged approach to improve awareness among current residents through implementation of recent legislative changes. RHRA will assess an approach to include more information on its Retirement Home Database, increasing transparency. For prospective residents, RHRA will use available resources to support additional awareness of its role and information to aid decision-making.

2024–2027 corporate strategy

RHRA will develop a new multi-year corporate strategy that will lay the foundation for success through 2024–2027. RHRA is committed to stakeholder engagement and consultation to inform our direction. Outreach to stakeholders on the strategic plan will begin in late 2022.

Contact RHRA



1-855-ASK-RHRA



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[**www.rhra.ca**](http://www.rhra.ca)