



## RHRA Consultation on the new Annual Information Return (AIR)

November 20 – December 22, 2023

### Frequently Asked Questions and Answers

The Retirement Homes Regulatory Authority (RHRA) is seeking feedback on a new approach to collect information from Ontario’s licensed retirement homes, called “Annual Information Return” (AIR). Please review the **Annual Information Return Consultation Package** for details on the process, proposed questions and feedback sought by RHRA.

The following are **Frequently Asked Questions (FAQs) and answers** to support your review and response to the consultation. If you have additional questions after reviewing the Consultation Package and the FAQs, please email [consultations@rhra.ca](mailto:consultations@rhra.ca).

#### Purpose of the Consultation

**Q: What is RHRA consulting on?**

Answer: RHRA will be implementing a new approach to collect information from Ontario’s licensed retirement homes, called “Annual Information Return” (AIR). This new approach will be implemented annually, starting in early 2024. RHRA is consulting on the process for AIR, as well as on the proposed questions to be completed by retirement homes in the 2024 AIR.

Please see the *Annual Information Return Consultation Package* for further details on AIR, the proposed questions in the 2024 AIR, and the specific feedback RHRA is looking for.

**Q: Why is RHRA implementing the new AIR process?**

Answer: As a modern regulator, RHRA has the responsibility to take an evidence-based, data-driven approach to regulating the retirement homes sector. RHRA currently does not have sufficient information about the sector to provide the right level of oversight and to identify opportunities to refine its regulatory approach, while reducing administrative burden on homes.

**Q: Are there other ways for RHRA to collect the information it needs?**

RHRA has explored approaches to gather the information it needs to effectively regulate the sector, including through information sharing with other organizations and academic research. There is limited sector-wide research and information about retirement homes and their residents. For much of the information RHRA requires, the only efficient way to gather the information is to engage with retirement homes directly.

#### How to Submit a Response to the Consultation

**Q: Who should submit a response to the consultation?**

Answer: RHRA welcomes responses from individuals and organizations interested in Ontario’s licensed retirement homes and the well-being of their residents. These include:

- residents, families, loved ones and substitute decision-makers;
- licensees, operators and their associations;
- organizations advocating on behalf of residents;

- individuals or organizations working with residents (e.g., regulated health professionals, seniors' organization, etc.);
- researchers; and
- other interested parties.

**Q: How do I submit a response to the consultation?**

Answer: Please submit your comments in writing by email to [consultations@rhra.ca](mailto:consultations@rhra.ca). RHRA welcomes written submissions in all formats (Word document, PowerPoint presentation, email, PDF document, etc.).

Please include "AIR Consultation Submission" in the subject line of your email.

In your submission, please identify whether you are a resident, family member or substitute decision-maker; licensee/operator; staff member or volunteer; researcher; or are representing an organization or association.

**Q: When are responses to the consultation due to RHRA?**

Answer: Please submit your response no later than December 22, 2023.

**Q: What if I am unable to submit my response by December 22, 2023?**

Answer: Please contact RHRA at [consultations@rhra.ca](mailto:consultations@rhra.ca) to discuss whether a later submission could be considered. RHRA aims to share a summary of consultation feedback in January 2024.

**Q: How can I find out the outcome of the consultation?**

Answer: RHRA will post a summary of the feedback received on [our website](#) in early 2024.

**The Annual Information Return (AIR)**

**Q: What is AIR?**

Answer: AIR is a new approach RHRA will use to gather information required directly from retirement homes. AIR would allow RHRA to collect information from all retirement homes at the same time, reduce administrative burden on homes and the number of interactions with homes, and inform regulatory activities. Many regulators in Ontario already use a similar process to collect information annually to support their regulatory activities.

**Q: When will AIR begin? When will retirement homes be asked to complete AIR?**

Answer: AIR will be an annual process, starting in 2024. RHRA plans to launch the first AIR process at the same time as fee invoices are issued to retirement homes (January 31, 2024). Submission of the AIR will be due at the same time as fees (on April 1, 2024). Retirement homes will have approximately 60 days (2 months) to complete the AIR.

**Q: Who should complete the AIR?**

Answer: RHRA will send the AIR to the licensee's contact information on file. The licensee is responsible for ensuring that the AIR is completed accurately and on time. It is the licensee's responsibility to determine who will complete the AIR.

**Q: Is AIR a one-time process?**

Answer: No, AIR will be an annual process. It will take place every year at the same time, when retirement homes pay their annual fees to RHRA (by April 1 every year).

**Q: In future years, will RHRA collect the same information?**

Answer: AIR is meant to give RHRA relevant information to regulate the sector. Each year there will likely be changes based on lessons learned from previous years and RHRA's needs at the time. For example, there may be questions that are no longer required each year. We aim to improve the process to minimize administrative burden on homes.

**Q: Will RHRA consult on the AIR questions in future years?**

Answer: The [RHRA Request for Information Policy](#) outlines requirements for RHRA to consult with stakeholders and the sector in advance of collecting new information from retirement homes. If RHRA changes the information it requires through AIR, we will consult with stakeholders and the sector, as required in the Policy.

**Q: Is it mandatory for all retirement homes to complete AIR?**

Answer: Yes, all retirement homes will be required to complete the AIR. RHRA has the authority to request information from retirement homes according to section 108 of the *Retirement Homes Act, 2010* and as per the [RHRA Request for Information Policy](#) approved by the Minister for Seniors and Accessibility.

## 2024 AIR

**How much time will retirement homes have to complete the 2024 AIR?**

Answer: Retirement Homes will have 60 days to complete the 2024 AIR: January 31, 2024 to April 1, 2024.

**Q: How long will it take to complete the 2024 AIR?**

Answer: RHRA has designed the questions to minimize administrative burden on homes. The exact completion time will depend on each home's individual circumstances. Through the consultations, RHRA invites feedback from retirement homes about the time they would need to complete the proposed questions.

**Q: How much work is required to complete the 2024 AIR?**

Answer: RHRA has designed the questions to minimize the amount of time and effort required to answer the questions, without the need to collect new information. We anticipate that in most cases the licensee or operator who completes the AIR will already have the information easily available. Through the consultations, RHRA invites feedback from retirement homes about the level of effort it would take to complete the proposed questions.

**Q: Why is RHRA not using the new licensees' portal for the AIR?**

Answer: The portal is still in development and will not be fully operational in time for the 2024 AIR. We are pilot testing the portal with a number of licensees so that it is easy to use and intuitive. RHRA is committed to explore ways to leverage the portal in future years, to minimize burden on homes.

## Use of Information Collected through AIR

**Q: How will RHRA use the information collected?**

Answer: RHRA would use the information collected to inform its work in support of its mandate. Some of the information would have a direct impact on RHRA's regulatory activities and some would provide RHRA with a more complete and systematic understanding of the retirement homes sector.

**Q: Will RHRA share the information with anyone else?**

Answer: For learning and improvement purposes, RHRA intends to share sector-wide, non-identifiable, statistical information with stakeholders, including retirement homes, as appropriate.

RHRA will not share information about individual homes or for each chain. Only sector-wide, non-identifiable, non-proprietary information will be shared.

**Q: How will RHRA protect the privacy of the information?**

Answer: RHRA is committed to protecting confidential information it receives from retirement homes in conducting its business operations and performing its regulatory functions. RHRA will comply with its statutory obligations under the *Retirement Homes Act, 2010* and regulation made under the Act, all other applicable legislation and with its [Information Access and Privacy Code](#).

**Q: The information collected through AIR in 2024 is only a point-in-time information. Is that useful?**

Answer: RHRA understands that the AIR would provide “point-in-time” information that is likely to change between reporting periods. RHRA would use the information as a general guide only. When warranted in specific situations, RHRA staff may reach out to a home to gather current information.

## FAQs About the Proposed 2024 AIR Questions

Please review the *Annual Information Return Consultation Package* for the proposed questions licensees would be required to answer as part of the 2024 AIR. The Appendix (on pages 5-9) provides the rationale for each question (e.g., why RHRA is seeking the information in each question).

## Identification Questions

**Q: Will the identification information be pre-populated?**

Answer: No, the AIR will not have pre-populated fields. The software RHRA will use for AIR does not have the ability to generate pre-populated fields. The person completing the AIR on behalf of the home will be required to provide the home’s name and license number, as well as the person’s name and role.

**Q: Can I save a partially completed AIR and come back to it later to complete and submit?**

Answer: No, the AIR form must be completed and submitted in one seating. The software RHRA will use for AIR does not have the ability to save partially completed responses.

## Use of electronic documentation systems

**Q: What is considered “an electronic system” for this question?**

Answer: For this question, an electronic system is any software or online platform that helps the retirement home save information about the residents.

**Q: Will RHRA share this information broadly or use it for commercial purposes?**

Answer: RHRA will share only de-identified information with key stakeholders (e.g., sector-wide information). We will not share information about individual homes or each chain.

We will not use this information for commercial purposes.

**Q: Does RHRA have plans to connect its new retirement homes online portal with the homes’ electronic systems?**

Answer: There are no plans to have direct linkages between the homes’ electronic systems and RHRA’s online portal.

**Q: Why is RHRA asking specifically about medication administration, plans of care and progress notes?**

Answer: Based on RHRA’s data and observations, these are the areas where homes may be using electronic systems and where there is a high number of citations for non-compliance with regulatory requirements.

**Q: Why is RHRA not seeking information about the specific electronic systems that are being used?**

Answer: For the 2024 AIR, we are looking to gather baseline information only about homes’ capabilities. In future years, we will consider whether to gather more detailed information about the specific systems.

RHRA does not endorse any particular electronic system, nor would we dictate the type of systems homes should use.

**Q: Does RHRA plan to collect resident data from our electronic systems?**

Answer: No, there are no plans to access resident data from the electronic systems outside of RHRA’s current inspection processes.

## Extra Expense Insurance (EEI)

**Q: Why is RHRA changing the process for EEI?**

Answer: RHRA is changing the process for EEI to reduce burden on retirement homes from regulatory processes, while ensuring that homes meet the regulatory requirements. The proposed new process would significantly reduce RHRA’s interactions with homes related to EEI and reduce administrative burden.

**Q: How will the EEI process change?**

Answer: Currently, RHRA requires all homes to manually submit their actual EEI policy certificates at renewal which varies from home to home. Automated reminder messages are sent throughout the year to retirement homes 15 days prior to the expiry date of an EEI certificate, on the day of expiry and 21 days after expiry. RHRA staff manually follow-up with homes where a current EEI certificate is not received. This results in numerous interactions/follow up.

Starting with the 2024 AIR, RHRA proposes to use the AIR to collect select EEI certificate information from all homes once a year, at a predictable time. Homes would not be required to submit their actual EEI policy certificates as part of AIR. Rather, as a quality check, RHRA will follow up with a small number of homes and request they submit their EEI policy certificates.

**Q: Will I continue to receive email reminders from RHRA around the time of my EEI policy renewal date?**

Answer: No, RHRA is replacing the email reminders with the annual AIR process. A small set of homes will be contacted by RHRA and asked to submit their EEI policy certificate for verification.

**Q2: How do I submit my EEI certificate to RHRA going forward?**

Answer: Most retirement homes will not be required to submit their EEI certificate to RHRA. Only a small set of homes will be asked to submit their EEI policy certificates to RHRA. RHRA will contact homes directly to request the certificate. If you are not contacted by RHRA, you do not need to submit your certificate.

**Q3: What if my EEI policy expires before the next AIR in 2025? Do I need to notify RHRA and submit my new certificate?**

Answer: No, you do not need to notify RHRA or submit your new certificate. Please wait until the 2025 AIR or a specific request from the RHRA to provide your updated information.

**Q: My home is covered under the EEI policy of a chain of homes and I do not know the details of the EEI policy. Could the corporate office of the chain complete this question?**

Answer: It is the responsibility of the licensee or operator to ensure that the person completing the AIR for the home has the information required to answer all questions. If the home does not have the EEI policy information, they should contact their corporate head office to obtain the information prior to completing AIR.

**Q: What if I am not able to obtain or afford EEI?**

Answer: EEI is a requirement for all licensed retirement homes. Please contact the RHRA to discuss your individual situation.

## Number of residents per suite

**Q: We did not see a link between COVID-19 outbreaks and homes with suites that have 2 or more residents. Why is RHRA implying that there is such a relationship in retirement homes?**

A: RHRA's experience with COVID-19 outbreaks is that there is some relationship between the number of shared suites and increased risk for COVID-19 outbreaks and spread. However, RHRA has not been able to conduct analysis to evaluate the risk as we do not have information about the number of shared suites in retirement homes. RHRA is seeking information about shared suites to allow us to conduct analysis to understand whether there is a relationship and higher risk in retirement homes with shared suites.

**Q: Will RHRA share information about shared suites in retirement homes broadly?**

Answer: RHRA will share only de-identified information with key stakeholders (e.g., sector-wide information). We will not share information about individual homes or each chain.

**Q: We can provide this information at a point-in-time, and it may change during the year. Is point-in-time information useful to RHRA?**

Answer: RHRA understands that the AIR would provide "point-in-time" information about shared suites that is likely to change over time. RHRA would use the information as a general guide only. In specific situations, RHRA staff may reach out to a home to gather current information about the number of suites that are shared.

## Programs Funded by Other Organizations and Alternate Level of Care Residents

**Q: How will the requested information help RHRA's regulatory activities?**

Answer: Information about programs in retirement homes and Alternate Level of Care residents will support RHRA's regulatory activities in a number of ways, including enabling RHRA to:

- Determine which retirement homes have programs funded by other organizations and whether the residents in these programs are exempt from RHRA's authority.
- Reduce burden on homes during inspections and other regulatory activities.
- Advise residents, families and staff who to contact if they have concerns with programs where residents are exempt from RHRA's authority.
- Enhance RHRA's understanding of the role of retirement homes in providing accommodation and services to seniors under various programs.
- Share information about these programs with government and community partners.
- Respond to the recommendations in the [2020 Auditor General's Value-For-Money Audit of the RHRA](#) based on current information from all retirement homes.

**Q: How will RHRA confirm whether residents in programs funded by other organizations are exempt from RHRA's authority?**

Answer: For the 2024 AIR, RHRA’s goal is to gather high-level information from all retirement homes about programs funded by other organizations. This will provide a provincial sector-wide snapshot about subsidized programs. We recognize that the information will be a “point-in-time” and may change.

Over time, RHRA staff will follow-up with the retirement homes who have indicated that they have subsidized programs to try and gather additional information and determine whether the programs are exempt.

**Q: We may not be able to provide the official name of the program or the name of the funding organization. Can we skip this question?**

Answer: RHRA understands that some homes may not have specific information about the current programs, for example when the program has been in place for a number of years. Homes should check the information in the original contract between the home and the funding organization and provide that information, even if that information may be outdated. Homes will not be able to skip the questions.

**Q4: My home has a program funded by another organization. The number of residents and the number of suites under the program are different. Should I report the number of residents or the number of suites?**

Answer: Please report the number of residents funded under the program. If the number of residents changes over time, please provide the number of residents in the program on the date when you complete AIR. RHRA’s goal is to keep the information collected as streamlined as possible.

## **Retirement Homes located on premises with other facilities**

**Q: What is considered as “same premises” for this question?**

Answer: RHRA is looking to gather information about facilities that are in the same building or next to each other. This would include facilities within the same “campus of care”. We are looking to identify retirement homes where residents could move from one facility to another within the same premises, thus allowing the resident to age in place and/or minimize disruption.