

RHRA's Proposed Annual Information Return (AIR) Process

Consultation Package

November 20 – December 22, 2023

SUMMARY

The Retirement Homes Regulatory Authority (RHRA) is inviting feedback on a new approach to collect information from Ontario's licensed retirement homes. This approach, called "Annual Information Return" (AIR), will deepen the regulator's understanding of the sector and support regulatory activities to protect the residents of retirement homes to live with dignity, choice and confidence. RHRA is seeking feedback on the proposed process and questions to be completed by retirement homes during a two-month window in early 2024.

HOW TO PARTICIPATE IN THIS CONSULTATION

RHRA values the views of all retirement home stakeholders, including residents, families, loved ones and substitute decision-makers; licensees, operators and their associations; organizations advocating on behalf of or working with residents (e.g., regulated health professional or organization); researchers; and other interested parties. RHRA would like to hear your comments and suggestions on the AIR process and proposed questions.

Please submit your comments in writing by email to consultations@rhra.ca no later than December 22, 2023. 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.

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

BACKGROUND

The Retirement Homes Regulatory Authority (RHRA)

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

RHRA's vision is that seniors live with dignity, choice, and confidence in licensed retirement homes. RHRA's mission is to work collaboratively to protect Ontario retirement home residents through effective right-touch regulation. Working closely with community partners and other agencies, the RHRA provides protection to the 60,000 plus seniors living in retirement homes across the province.

RHRA's Board of Directors is accountable to the Minister for Seniors and Accessibility. More information on the RHRA is available on [our website](#).

RHRA's information needs

As a modern regulator, RHRA has the responsibility to take an evidence-based, data-driven approach to regulating the retirement homes sector. RHRA requires information about the sector it regulates to fulfill its public interest mandate, apply right-touch regulation and address prevention of harm to residents. There is wide variability within the retirement homes RHRA currently regulates based on the care services offered by the homes, the care needs of residents, and capabilities of retirement home operators.

RHRA currently does not have sufficient information to respond to the variability in the sector. This impacts RHRA's ability to provide the right level of oversight and to identify opportunities to refine its regulatory approach, while reducing administrative burden on homes.

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.

RHRA's Strategic Plan Objectives

One of the objectives of the 2023-2026 RHRA Strategic Plan is to “advance an evidence-based regulatory approach - using an evidence-based approach to regulation that is preventative, efficient, data-focused and aligns with best practices.” A key initiative to achieve this objective is to implement an annual information submission program from licensees. RHRA is moving forward with and consulting on this key initiative, called “Annual Information Return” (AIR).

PROPOSED ANNUAL INFORMATION RETURN

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, reduce 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.

AIR will be an annual process and take place when retirement homes pay their annual fees to RHRA (by April 1 every year). This year, retirement homes will be asked to answer questions on five topics.

AIR is meant to give RHRA relevant information to effectively and efficiently regulate the sector. Each year, questions will be reviewed and adjusted based on lessons learned from previous years. RHRA will consider whether information collected in previous years is still needed, and whether different information may be needed given the evolving sector and resident needs. In addition to reviewing and updating the information sought and the questions, RHRA will aim to improve the process to minimize administrative burden on homes.

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.

All retirement homes would be required to complete the AIR. RHRA has the authority to request information from retirement homes in accordance with 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.

How Will RHRA Use the Information Collected?

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

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.

RHRA is committed to protecting confidential information it receives from retirement homes in conducting its business operations and performing its regulatory functions. This may include information RHRA receives through the AIR. 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](#).

2024 AIR

Pending feedback from this consultation, RHRA plans to launch the first AIR process at the same time as 2024 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. For the 2024 AIR, RHRA is proposing a short list of questions that align to the following themes:

- *Burden Reduction* - The AIR will inform the RHRA's current and planned work that will reduce burden on homes by combining multiple information requests into one streamlined process.
- *Optimizing RHRA's Resource Allocation* - The AIR will inform the RHRA's approach to allocating resources to retirement homes that need more support.
- *Role of Retirement Homes Within Seniors' Housing and Care Continuum* - The AIR will inform the RHRA's regulatory approach and advice to Government.

Please refer to the [Appendix: Proposed 2024 Annual Information Return](#) for the proposed questions licensees would be required to answer as part of the 2024 AIR.

CONSULTATION FOR THE 2024 ANNUAL INFORMATION RETURN

In accordance with the [RHRA Request for Information Policy](#), RHRA is undertaking formal consultations on the AIR process and the proposed questions for the 2024 AIR. The consultation period is between November 20, 2023 and December 22, 2023. RHRA is inviting feedback from all stakeholders, including residents, families, loved ones and substitute decision-makers; licensees, operators and their associations; organizations advocating on behalf of or working with residents (e.g., regulated health providers or organizations); researchers; and other interested parties.

Consultation Questions

Please review the [Appendix: Proposed Annual Information Return](#) and respond to the questions below. We welcome all written comments.

Questions to All Consultation Participants

1. Do you support RHRA's proposed process to collect information through AIR?
2. Do you have any suggestions for changes RHRA could make to improve the process for retirement homes in providing the information being sought?
3. Do you have specific feedback for any of the proposed AIR questions?

Questions Specifically for Retirement Homes

4. The proposed 2024 AIR questions are intended to be answered by licensees with information that is readily accessible. Do you currently have the information required to answer the proposed questions?
5. How long do you estimate it will take for your home to answer the proposed AIR questions?
6. Are the proposed AIR questions clear? If not, how would you suggest the questions be modified?

QUESTIONS

Should you have any questions about this consultation process and how to make a written submission, please email consultations@rhra.ca.

RHRA thanks all individuals and organizations for taking the time to share your views on the proposed AIR.

Appendix: Proposed 2024 Annual Information Return

Introduction

The Retirement Homes Regulatory Authority (RHRA) is requesting information from all licensed retirement homes through this 2024 Annual Information Return (AIR). This information will provide RHRA with a more complete and systematic understanding of the sector to support its regulatory mandate to protect the residents of retirement homes and enable them to live with dignity, choice and confidence.

All licensed retirement homes are required to complete the AIR. RHRA has the authority to request this information from retirement homes in accordance with section 108 of the *Retirement Homes Act, 2010*. Please complete the AIR by **April 1, 2024**. Please be prepared to complete all questions in one sitting, as you will not be able to come back to the questions.

Identification Questions

Please provide the identification information below about the retirement home for which you are completing this AIR and the person completing the AIR. RHRA requires this information to link the answers to the home and conduct the analysis required to understand the information collected. 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.

What is the name of your retirement home?

What is your retirement home's license number?

What is the name of the person completing this form?

What is the role in the retirement home of the person completing this form?

Use of electronic documentation systems in retirement homes

As a modern regulator, RHRA requires an understanding of retirement homes' current capabilities to collect and document information through electronic systems. Such systems can help with administrative efficiency and effectiveness in care delivery in retirement homes. Additionally, such systems may support the home's ability to provide RHRA with the information required during inspections and other regulatory activities. Information collected through AIR will improve RHRA's baseline understanding of the use of electronic systems across all homes. This may inform improvements in how RHRA engages with homes in a more streamlined manner.

Does your home use an electronic system for storing data and documenting care for:

	Yes	No
Medication Administration	<input type="radio"/>	<input type="radio"/>
Assessments and plans of care	<input type="radio"/>	<input type="radio"/>
Progress notes	<input type="radio"/>	<input type="radio"/>

Extra Expense Insurance (EEI)

RHRA is committed to reducing administrative burden on retirement homes from regulatory processes, while ensuring that homes meet the regulatory requirements. One such opportunity is the collection of information about extra expense insurance (EEI). EEI is an insurance required by all licensed retirement homes to cover any additional costs of providing reasonable alternate accommodation and care to residents as a result of loss or damage to the home.

Currently, RHRA requires all homes to manually submit their 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 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. This new process would significantly reduce RHRA's interactions with homes related to EEI and reduce administrative burden.

Please provide the following information about your retirement home's EEI policy:

Policy Number	<input type="text"/>
Expiry date	<input type="text" value="mm/dd/yyyy"/>
Insurance limit	<input type="text"/>
Name of the Broker	<input type="text"/>

I attest the insurance policy is valid and RHRA will be immediately notified if there is a change in insurer, a reduction in coverage or the policy is cancelled.

Number of residents per suite

RHRA's experience has shown that retirement homes with suites with two or more residents may have an increased risk for infectious diseases. For example, during the COVID-19 pandemic, homes with higher number of residents or shared accommodation were at higher risk of having more outbreaks and outbreaks with higher spread. Public health requirements to manage outbreaks and prevent the spread of diseases from the Ministry of Health and Public Health Units have changed over time. In the early stages of the COVID-19 pandemic, if one of the individuals sharing a room (including couples and family members) had COVID-19, they were asked to isolate from the other person(s) and if that was not possible, they may had been relocated to another suite. The Ministry of Health has since relaxed isolation requirements and currently Public Health Units do not require separation of couples, family members or roommates except in rare circumstances.

While the higher risk of outbreaks and spread for COVID-19 was more evident in long-term care homes, this risk is also relevant for those retirement homes that offer shared accommodation. 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 which licensed retirement homes offer suites with two or more residents to allow us to conduct analysis to understand the risk of infectious diseases related to the number of shared suites. If a relationship is found, RHRA will then estimate the potential risk of spread of COVID-19 and other infectious diseases for all retirement homes. RHRA would then direct its limited resources to supporting higher-risk homes and collaborate with community partners to support homes and their residents. This supports our commitment to be prepared to support homes in responding to COVID-19 and other infectious diseases.

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.

How many retirement home suites are designed to accommodate 2 or more residents living in the suite (including couples or multiple members of the same family)?

Programs Funded by Other Organizations and Alternate Level of Care Residents

Some retirement homes have partnered with other organizations to offer programs for residents who require accommodation and care services in the short or longer-term. Some of these programs may be exempt from the definition in the *Retirement Homes Act, 2010* and outside of RHRA’s authority. Other programs are not exempt, and the residents are under RHRA’s authority. RHRA continues to receive information about such programs in licensed retirement homes; however, this information is ad-hoc and incomplete.

The [2020 Auditor General’s Value-For-Money Audit of the RHRA](#) highlighted the gap in inspections and complaints handling for residents who are exempt from RHRA’s oversight, some of whom are designated as Alternate Level of Care (ALC). The report recommended that RHRA and the Government undertake activities to clarify RHRA’s authority, inspect homes with such residents, address complaints and clearly communicate the complaints process to such residents and families.

RHRA has worked with the Ontario Government and provincial and local partners to learn about such programs and clarify its authority. RHRA requires additional information from all retirement homes to enable us 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 administrative burden on homes during inspections and other regulatory activities.
- Advise residents, families, substitute decision-makers and staff who to contact if they have concerns with programs where residents are exempt from RHRA’s authority.
- Enhance our understanding of the role of retirement homes in providing accommodation and services for residents who are part of various programs.
- Share information about these programs with Government and community partners.
- Respond to the recommendations of the Auditor General based on current information from all retirement homes.

Does the retirement home have programs where all or part of the accommodation and/or care services for some residents are funded by another organization (such as a hospital, community agency, local municipality, Ontario Health, Ontario Government, others)?

- Yes
- No

If you answer “Yes” to the question above, please indicate which programs does the home currently have (you can select multiple programs from the list):

- Domiciliary Hostel
- Homelessness Prevention Program, including Community Homelessness Prevention Initiative, Home for Good, and the Strong Communities Rent Supplement Program
- Assisted Living Services in Supportive Housing
- Residential Accommodation funded by Home and Community Care Support Services
- Transitional Care Program
- Hospital Surge, Acute and Post-Acute Bedded Capacity programs
- Back to Home Program
- Community Homes for Opportunity
- Community Residential Facility funded by Correctional Services of Canada
- Other Program

If the home checks one or more of the programs listed above, the following additional questions will be asked for each program. Please answer the questions to the best of your knowledge.

What organization(s) is(are) funding the program?

How many residents are funded by the program?

Are the care services delivered to the residents in the program provided by the retirement home?

- Yes
- No
- Some

Is the program for Alternate Level of Care (ALC) residents? ALC patients are individuals who were previously in a hospital, and it was determined that they no longer require hospital-level care.

- Yes
- No

If “Yes”:

What is the number of ALC residents funded under the program?

Are the care services delivered to residents in the program provided by the retirement home?

- Yes
- No
- Some

Retirement Homes located on premises with other facilities

Licensed retirement homes are an important part of the continuum of housing and care options for seniors. This has evolved over the last decade and is continuously shifting based on seniors' needs and preferences, as well as changes in other sectors (i.e., long-term care homes, healthcare, seniors' housing and private accommodation).

RHRA needs current information about the role retirement homes play within the continuum of housing and care options and their role for "aging-in-place" for seniors. RHRA is committed to supporting innovation and growth in the sector.

RHRA is aware of different and new models of care, such as "campuses of care" models, where residents can age in place as their care needs evolve. RHRA does not have current and complete information about retirement homes that may be located on the same premises as other facilities. Such information would help inform RHRA's continued evolution of a right-touch approach to regulation.

Is the retirement home located on the same premises as any of the following facilities that do not meet the definition of a retirement home? For example, in the same building (with either common or separate entrances), or separate buildings on the same campus.

You can select multiple programs from the list

- Long-term care home
- Seniors' apartments
- Life leases
- Condominiums
- Supportive housing
- Other

Thank you for completing the 2024 Annual Information Return!