

RHRA's Annual Information Return (AIR) Process Summary of Consultation Feedback and Outcomes *January 23, 2024*

PURPOSE

Between November 20 and December 22, 2023, the Retirement Homes Regulatory Authority (RHRA) sought public feedback on a new approach to collect information from Ontario's 780 licensed retirement homes. This approach, called Annual Information Return (AIR), will deepen RHRA's understanding of the sector and support regulatory activities so that residents of retirement homes live with dignity, choice and confidence. AIR will be an annual process and will take place when retirement homes pay their annual fees to RHRA (by April 1 every year). The proposed 2024 AIR consisted of questions on only five topics and is designed to be completed quickly with readily available information. For reference, the AIR consultation package, including the proposed 2024 AIR questions, is available [here](#).

In addition to written submissions, during the public consultation period RHRA held two Focus Groups with retirement homes. RHRA also sought feedback from key stakeholders before and during the public consultation period, including from RHRA's Stakeholder Advisory Council, associations representing retirement homes, the Ministry for Seniors and Accessibility's Retirement Homes Technical Advisory Table, and organizations representing seniors and/or retirement home residents.

This document summarizes the feedback received through the public consultation and how RHRA will address the feedback in the 2024 AIR. The 2024 AIR questions have been revised based on the feedback received from the consultation and are available in the [Final 2024 Annual Information Return](#). AIR will be launched on February 1, 2024, and licensed retirement homes will have until April 1, 2024, to complete their AIR.

RHRA thanks everyone who submitted feedback, including family members, retirement homes and organizations.

SUMMARY

RHRA received written feedback from 13 individuals and organizations, including:

- RHRA's Stakeholder Advisory Committee (SAC);
- An association representing retirement homes;
- An association of providers of healthcare services for older adults;
- Two family members of residents;
- Seven independent licensed retirement homes; and
- An organization operating multiple licensed retirement homes (a chain).

The Focus Groups were attended by 15 individuals representing nine retirement homes and/or chains.

Feedback was generally supportive of AIR as a new mechanism to collect additional information from retirement homes that is not available otherwise to support RHRA's work, system planning and advice to the Ontario Government. Family members and associations suggested that AIR include additional questions to further understand care services in retirement homes.

Some retirement homes expressed concerns with potential administrative burden from the new AIR process. This will depend on whether the home has programs funded by third parties (and thus will be asked to answer additional questions), as well as whether the home is part of a chain and may need to obtain information currently available at the corporate level only. RHRA is seeking information on programs funded by third parties to be able to respond to recommendations related to subsidized residents and residents who were Alternate Level of Care hospital patients in the *2020 Auditor General's Value-for-Money Audit of the RHRA*.

Most of the feedback received focused on two of the five topics proposed for the 2024 AIR – “number of shared suites” and “programs funded by other organizations”, with the proposed question on “number of shared suites” receiving the most feedback from written submissions and Focus Group attendees. Feedback focused on the challenge in obtaining consistent information across all homes, RHRA potentially duplicating efforts of other public health entities if information is used for public health purposes, concerns with whether the information will provide the desired insights, and suggestions for alternative questions. RHRA has considered this feedback and has determined that the best course of action is to remove this question from the 2024 AIR.

Submissions and Focus Group attendees offered helpful feedback on how RHRA could clarify the process and support retirement homes to complete the AIR. Feedback was also provided in relation to specific wording of the questions to make them clearer. RHRA has incorporated much of this feedback in the revised 2024 AIR. Feedback that could not be incorporated in the 2024 AIR will be considered as RHRA prepares for future years.

CONSULTATION FEEDBACK AND RHRA'S RESPONSE

Comments on the new AIR process

Support for AIR to enhance understanding of the retirement homes sector

Several comments, including from family members, associations and some retirement homes, expressed support for AIR as a mechanism to enhance understanding of retirement homes, aid in system planning and support more informed decision-making to improve resident protection and continue to apply proportionate regulation. Comments saw the value of AIR in future years to gather aggregate insights in the sector and enable RHRA to continue its role as a trusted advisor to the Ontario Government and provide a reliable source of information to other system partners.

Suggestions for Additional Information to be Sought through AIR

Several submissions, particularly from those representing residents, suggested additional questions be added to the proposed AIR questions. Examples of suggested topics included: resident satisfaction and engagement; changes in care services offered by the home; operational decisions of homes and impact on staffing; differentiating for-profit and non-profit homes; emergency department visits and discharge summaries; wound care and treatments; powers of attorney information; health team contacts; goals of care; number of caregivers visiting residents; number of residents on dementia care floors; number of suites accommodating one, two or more residents; and current occupancy.

Interest was expressed in the process RHRA will use in future years to develop the AIR questions. RHRA was urged to engage with stakeholders if the scope of questions is expanded or if new questions are to be added. RHRA was also urged to incorporate mechanisms for retirement homes to provide feedback on the AIR process.

RHRA's Response: RHRA appreciates the suggestions for additional information and the interest of stakeholders in being engaged in the development of future-years AIR. For the first AIR in 2024, RHRA is focusing on only a few questions that retirement homes can easily answer and where RHRA needs the information for regulatory activities. RHRA is not looking to collect personal information or personal health information of residents.

In response to suggestions for a feedback mechanism from retirement homes, RHRA will incorporate in the 2024 AIR a voluntary "comments about the 2024 AIR process" text box. RHRA will review the feedback as it prepares for the next year's process.

In future years, RHRA will annually review and adjust the questions based on lessons learned from previous years and with the goal of balancing the need to collect information with administrative burden on homes. RHRA will establish a process for stakeholders to suggest revisions for future years while keeping the process streamlined. RHRA will begin engaging with stakeholders in summer/fall 2024 for input into the 2025 AIR.

Administrative Burden from AIR

Some of the comments highlighted the anticipated administrative burden on homes from the new AIR process. The time and effort required to collect the information will vary across retirement homes. For example, one retirement home indicated that it will take 10 minutes to complete AIR, while others indicated that it may take one to two hours. The difference in duration is tied to two main factors: whether the home has programs funded by other organizations and whether the home is part of a chain. Homes that have programs funded by other organizations will be asked to complete additional questions about each of their programs. Homes that are part of a chain of homes may need to seek information from the corporate office, particularly in relation to extra expense insurance and programs funded by other organizations.

Another comment was that further clarification is required as to how AIR will decrease administrative burden on homes, given that it is an additional regulatory requirement.

RHRA's Response: RHRA acknowledges that AIR itself as a new process will create some administrative work for retirement homes and that it will vary across homes. Homes will experience burden reduction after the AIR process, as in the longer-term AIR will reduce the number of regulatory touchpoints between RHRA and retirement homes. Over time, RHRA will use AIR to reconcile information that may currently be collected through ad-hoc requests. AIR will take place once a year, at the same time as fee invoices, thus streamlining and combining processes.

RHRA has attempted to minimize administrative burden where possible by:

- including only four topics in the 2024 AIR;
- designing the questions to minimize efforts for homes;
- providing homes two months to submit responses;

- making the questions available on RHRA’s website so homes can prepare responses before completing the AIR;
- providing support and flexibility to homes that need help answering the questions;
- communicating expectations to retirement homes; and
- in future years, streamline the AIR process through secure digital interactions between RHRA and retirement homes through RHRA’s new information technology infrastructure.

RHRA is committed to exploring ways to limit any administrative burden on homes for future rounds of AIR, while balancing the need to collect information to inform regulatory activities. 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 and to make a new and secure portal available to licensees for completing and submitting the information in the future.

Alternative Sources for the Information Sought

One of the written submissions, as well as feedback from pre-consultation engagements, suggested that RHRA investigate alternative sources for the information and enter information sharing agreements with other organizations where possible. This will avoid duplication of efforts to collect information by multiple organizations and lessen administrative burden on homes.

RHRA’s response: RHRA has reached out to other organizations to confirm whether the information sought is available through alternative sources. There is limited sector-wide research and information about retirement homes and their residents. For the information RHRA requires, the only efficient way to gather the information is to engage with retirement homes directly. The AIR is an efficient way to gather the information from all retirement homes at the same time and limit the number of touchpoints between RHRA and retirement homes.

Comments on the details and logistics of the AIR process

Feedback on the AIR process to support homes

A number of suggestions were received in relation to how RHRA can support retirement homes in completing the AIR, with specific ideas about changes to the process. Examples of these suggestions are:

- making AIR questions available to retirement homes to allow a review before completing the AIR;
- clearly outlining the new process for retirement homes;
- providing a RHRA contact for any questions retirement homes may have on AIR;
- clarifying who will receive AIR and who will be responsible to complete it, as for some questions only certain individuals or corporate head offices may have the information;
- sending out reminders to retirement homes before the AIR due date; and
- providing guidance and examples to make it easier for retirement homes to complete AIR.

RHRA's Response: RHRA is committed to supporting retirement homes in a variety of ways. RHRA has reviewed the feedback received and has refined its processes and communications to address the suggestions listed above. RHRA's communication to retirement homes before launching AIR, at the launch and before the due date will outline the process and provide guidance on frequently asked questions. Information on AIR, including the final questions, is available on the AIR webpage.

Process Integration with RHRA's New Portal and Annual Licensing Fees

Some submissions urged RHRA to explore opportunities to integrate the AIR process with other RHRA processes to gain efficiencies and minimize additional administrative burden on retirement homes. Specifically, the RHRA's new portal for retirement homes (currently being piloted by some retirement homes) and the annual licensing fees invoicing process were highlighted as opportunities for integration.

RHRA's Response: RHRA is committed to exploring ways to integrate various processes and to minimize administrative burden on retirement homes where possible. RHRA intends to launch a new secure licensee portal in 2024. RHRA's intent over the long term is to streamline interactions with retirement homes through the portal. In future years, retirement homes will be able to complete their AIR and pay their fees together. The portal will be launched in phases so that RHRA can support retirement homes during the transition period.

Comments on the question on "Number of Shared Suites"

This question generated significant amount of feedback, with comments in seven written submissions. Most of the discussions at the Focus Groups also focused on this topic.

Retirement homes were concerned with the usefulness of the information sought for RHRA's resource allocation and for analysis of infection prevention and control risk to residents. For example, a common concern was that the question should differentiate between shared suites occupied by couples and those occupied by non-couples, as couples generally have similar behaviours and number of visitors and pose lower risk for infectious diseases.

There were comments around RHRA's role in managing infectious diseases outbreaks and analyzing risk factors and trends, and potential overlap with the role of other public health entities, including Public Health Ontario. It was suggested that to support RHRA's oversight and supporting role, RHRA could ask other questions related to infection prevention and control, such as the number of outbreaks the home has had over the past year or interactions with the local Public Health Unit.

In contrast, family members and organizations representing the interests of residents were keen on additional information being sought through AIR to support other government bodies who have a role in system capacity planning. Suggestions for additional information included: the number of suites on dementia care floors, the number of caregivers, and the number of suites with two, three or more residents.

RHRA's Response: RHRA appreciates the feedback and discussion this question has generated and has closely reviewed suggestions for revisions and alternative questions. Considering the feedback received and to minimize administrative burden on retirement homes, RHRA has determined that the best course of action is to remove this question from the 2024 AIR.

Comments on the questions related to “Programs funded by third-party providers and Alternate Level of Care”

Seven written submissions provided variety of feedback on this topic. Focus Groups participants did not have comments. Some comments were very supportive of gathering information on this topic to gain understanding of the wide range of programs in retirement homes, the role of these programs in the broader healthcare system and the impact of caring for residents with higher care needs on the operations of retirement homes. Others indicated that RHRA should not be collecting this information. Some submissions interpreted the questions to be about external care providers (such as home care workers) providing care to residents. RHRA does not intend to collect information about external care providers through the 2024 AIR.

Suggestions were received on the types of programs operated in retirement homes, such as different types of Transitional Care Programs, and the definition of Alternate Level of Care in the context of these programs. It was noted that retirement homes that have programs funded by third-party providers will be impacted by having to answer additional questions. In addition, retirement homes that are part of chains and operate such programs may not have the information requested and may need to seek it from their corporate head office. Suggestions were received on additional information to be gathered about number of spaces funded vs. currently occupied and about the funding organization. A privacy concern was raised with RHRA gathering information on programs that may be outside of RHRA’s oversight.

RHRA’s Response: RHRA acknowledges the variety and complexity of programs in retirement homes funded by third-party providers. RHRA has worked with the Ontario Government and provincial and local partner organizations to gather information about such programs and to clarify its authority for the residents in these programs. This is an ongoing challenge, and the AIR process will be used as another mechanism to gather information directly from retirement homes. The information RHRA collects through AIR will help reduce administrative burden on retirement homes with such programs during inspections and from other regulatory activities.

RHRA acknowledges that retirement homes that have such programs will be asked to provide additional information and may need to seek information from their corporate head offices. RHRA has designed the questions on this topic to make it as easy as possible for retirement homes to provide the information and to add additional clarification for their programs.

RHRA has refined the questions to incorporate the feedback received and provide further clarity, specifically around Transitional Care Programs and the definition of Alternate Level of Care.

Comments on the question on “Electronic Documentation Systems”

One submission sought further clarification on how RHRA may use information about electronic documentation systems to engage with homes in a streamlined manner. RHRA was reminded that some homes have limited administrative capacity to meet any additional reporting requirements and duplication of reporting should be avoided. Other submissions provided suggestions on additional information RHRA should seek from homes, such as other types of electronic documentation systems used in the homes, and information related to resident care that may be available through the electronic documentation systems.

RHRA’s Response: For the 2024 AIR, RHRA aims to gather baseline information only about whether electronic documentation systems are common across retirement homes. This question

was designed to be easily completed by retirement homes to minimize administrative burden. RHRA is specifically interested in the use of such systems in the areas where there is a high number of citations for non-compliance with regulatory requirements (i.e., medication administration, plans of care and progress notes). This information will help RHRA determine the ability of homes to provide information to RHRA related to these three areas. RHRA will maintain this question as proposed in the consultation for the 2024 AIR.

In future years, RHRA will evaluate the information collected through the 2024 AIR and consider whether this baseline information is valuable for RHRA's purposes, or whether different information may be required about the electronic documentation systems used by retirement homes.

Comments on the questions related to “Extra Expense Insurance”

Comments on this question varied and were somewhat contradictory. One submission supported the new attestation-based process for the Extra Expense Insurance (EEI) policy information as this is common practice for other regulators. Another submission suggested that RHRA collects copies of EEI policy certificates from all retirement homes for full transparency (which is RHRA's current process). A question was posed as to how RHRA will determine which retirement homes will be audited. Focus Group participants suggested that EEI information be collected through corporate offices when a home is part of a chain, as for chains EEI policies cover multiple homes. A suggestion was made to clarify that RHRA is seeking information for the EEI policy only (and not the total policy under which EEI is included).

RHRA's Response: RHRA has considered feedback received on this question and will be proceeding with the proposed new approach to collect information on EEI via AIR through an attestation approach. This revised approach will limit the interactions between RHRA and most retirement homes in relation to EEI and is aligned with legislative requirements. RHRA intends to use a random selection process for audit purposes. RHRA will maintain this question and the proposed revised approach in the 2024 AIR. RHRA will clarify that the question is in relation to the EEI portion of the insurance policy only.

Comments on the question on “Other Facilities”

No concerns were raised for this question. The only suggestion was to use the term “totally independent” to describe facilities where residents do not receive care services.

RHRA's response: RHRA accepts this comment and will add this terminology in the final 2024 AIR.

Comments Not Related to the AIR Process

Some comments in the written submissions were not specifically related to the AIR consultation and highlighted the responder's concerns with other issues in retirement homes. One concern was that in-house physician services at retirement homes are not covered under the Ontario Health Insurance Plan (OHIP) and some residents and family members are not aware of this. Another comment was in relation to information that RHRA is planning to collect as part of routine inspections.

RHRA acknowledges these comments and will consider them in the appropriate context or initiatives, if applicable.

CONCLUSION

RHRA thanks all individuals and organizations who took the time to provide feedback on the AIR consultation. RHRA is committed to balancing administrative burden with the need for robust information collection to understand the sector today and in the future to enhance resident protection and continue to apply right touch regulation.

The 2024 AIR process will be launched February 1, 2024, with consultation feedback incorporated as described in this document. RHRA looks forward to hearing from retirement homes about the 2024 AIR process and will engage with stakeholders in the Summer/Fall of 2024 in advance of next year's AIR process.

CONTACT

For questions about this summary of AIR consultations, please contact the AIR Consultations Team via email at consultations@rhra.ca.

Information about the 2024 AIR process, including timelines and questions, can be found on this webpage. Questions related to the 2024 AIR process and other general inquiries can be sent to RHRA at info@rhra.ca.