

Goodmans^{LLP} Update

Amendments to Long-Term Care Regulations Seek to Ease Staffing Requirements During Pandemics

On March 20, 2020, amendments to Regulation 79/10 under the *Long-Term Care Homes Act, 2007* (the “Act”) came into force, easing certain requirements in response to the COVID-19 global pandemic. The regulatory amendments streamline current staffing and training procedures in long-term care homes and alleviate homes from certain requirements for the duration of a pandemic.

The Amendments

Securing Alternative Nursing Care Support

Where a registered nurse is prevented from getting to a home in the case of a pandemic, the home may fulfill its legislative and regulatory requirements to provide nursing care by securing the services of:

- another registered nurse, including a nurse arranged through a third-party contract;
- a registered practical nurse, including a nurse arranged through a third-party contract, so long as the Director of Nursing and Personal Care or a registered nurse is available for consultation; or
- a staff member of the home possessing the skills to allow him or her to provide care to a resident, so long as the Director of Nursing and Personal Care or a registered nurse is available for consultation. The staff member must be a member of a regulated health profession.

Director of Nursing and Personal Care Requirements

The requirement that a Director of Nursing and Personal Care works a full-time position as well as the requirements mandating the Director of Nursing and Personal Care be on-site for a minimum number of hours per week (4-35 hours depending on licensed bed capacity), will not apply during a pandemic.

Police Record Checks for New Staff and Volunteers

New staff and volunteers are not required to provide a police record check during a pandemic. Instead, any new employee or volunteer must provide a historical police record check and sign a declaration confirming that he or she has not been charged or convicted under certain statutes, including the *Cannabis Act*, the *Criminal Code*, the *Controlled Drugs and Substances Act* and the *Food and Drugs Act*, since the date of the historical police record check. If the historical police record check is unavailable, a declaration confirming the employee or volunteer has not been charged is sufficient.

Note that once hired or accepted, staff members and volunteers have a continuing obligation to promptly advise the licensee if they have been made aware of any charges laid or orders made against them. In the case of a charge, the staff member or volunteer must advise the licensee whether they have been convicted or if the charge is otherwise disposed of.

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Revised Training Timelines

During a pandemic, employees are not required to complete training before they commence employment. Instead, they must complete training within the following timelines:

Within one week of beginning employment:

1. the Residents' Bill of Rights;
2. the long-term care home's policy to promote zero tolerance of abuse and neglect of residents
3. the duty under section 24 of the *Act* to make mandatory reports;
4. fire prevention and safety;
5. emergency and evacuation procedures; and
6. infection prevention and control.

Within three months of beginning employment:

1. the long-term care home's mission statement;
2. the protections afforded by section 26 of the *Act*;
3. the long-term care home's policy to minimize the restraining of residents;
4. all Acts, regulations, policies of the Ministry of Health and Long-Term Care and similar documents, including policies of the licensee, that are relevant to the person's responsibilities; and
5. any other areas provided for in the regulations.

Looking Forward

The Goodmans [Health Care Law Group](#) will continue to monitor legislative and regulatory developments and assist our clients to navigate the implications of the COVID-19 pandemic. For further information related to the amendments or other health care law issues, please contact the chair of our Aging & Healthcare division, [Michelle Roth](#), or any member of our [Health Care Law Group](#).

All Updates are available at www.goodmans.ca. This Update is intended to provide general comment only and should not be relied upon as legal advice.

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