

Ministry of Long-Term Care

Staffing Qualifications

As of April 11, 2023, new and amended provisions to [Ontario Regulation 246/22](#) (the “Regulation” or O. Reg. 246/22) under the [Fixing Long-Term Care Act, 2021](#) (the “Act”) related to long-term care staffing role qualification requirements will come into effect.

Background and Purpose

[“A better place to live, a better place to work: Ontario’s long-term care staffing plan”](#) (staffing plan), released in December 2020, commits to issuing guidance to long-term care home licensees on innovative and flexible staffing models of care. As a first step to advancing this work, and as the Ministry of Long-Term Care (ministry) approaches the one-year milestone of the coming into force of the Act and Regulation, changes have been made to the staffing qualifications in the Regulation informed by consultation with key sector partners and stakeholders.

These changes reflect the long-term care sector’s lived experience and address emerging priorities related to staffing in long-term care.

A broad range of stakeholders communicated a need for ongoing staffing flexibility and new solutions to address staffing challenges in the long-term care and broader health sectors that have been exacerbated by the COVID-19 pandemic. The ministry conducted thorough and informative consultations with key internal and external sector stakeholders, including with the public, to inform the development of the new and amended regulatory provisions related to staffing qualifications.

The resulting regulatory amendments made to O. Reg. 246/22 are intended to reflect that the staffing qualification requirements identified as immediate action items are proportionate with the responsibilities and accountabilities of the roles, while maintaining resident safety and quality of care. They also intend to eliminate barriers that restrict qualified professionals/individuals from entering the long-term care sector to pursue a rewarding career.

*This document is for informational purposes only. Licensees are responsible for ensuring compliance with the requirements of the Fixing Long-Term Care Act, 2021 and its Regulation. In the event of a conflict or inconsistency between this document and the Act or Regulation, the Act or Regulation will prevail. **This document does not constitute legal advice or interpretation. Users should consult their legal counsel for all purposes of legal advice and interpretation.***

Questions?

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Summary of Amendments to Staffing Qualification Requirements

1. Staffing Qualifications Transitional Provision (Section 388 in O. Reg. 246/22)

Previous Requirements

- Long-term care home licensees were not required to comply with the requirements set out in the Act or Regulation respecting staffing qualifications until **12 months** after the coming into force date of section 388 (**April 11, 2023**), as long as the person holding the position, in the reasonable opinion of the licensee, had the adequate skills, training and knowledge to perform the duties required of that position. The licensee would be required to terminate the staff member if they did not meet the applicable requirements under the Act and Regulation within **13 months** after the coming into force of this section 388 (**May 11, 2023**).

New Requirements / Amendments

- Long-term care home licensees are not required to comply with the requirements set out in the Act or Regulation respecting staffing qualifications until 18 months after the coming into force date of section 388 (October 11, 2023), as long as the person holding the position, in the reasonable opinion of the licensee, has the adequate skills, training and knowledge to perform the duties required of that position. The licensee is required to terminate the staff member if they do not meet the applicable requirements under the Act and Regulation within 19 months after the coming into force of this section 388 (November 11, 2023).

Rationale for Amendments

- Extend the transitional staffing qualifications provision by six-months to provide long-term care homes with notice and time to wind down reliance on the flexibility provision. This would ensure resident safety and quality of care while supporting ongoing recruitment and stability of staff during a period of health human resources staffing challenges.
- The extension will also allow the ministry to review and engage the sector and public on the remaining staffing qualifications for certain staff roles.

2. Changes Specific to Personal Support Workers (Section 52 in O. Reg. 246/22)

Previous Requirements

- Personal support workers or anyone hired to provide personal support services, regardless of their title, were required to complete a personal support worker program that met the minimum personal support worker educational program requirements set out in the Regulation, subject to certain exceptions. Those minimum requirements included:
 - The Personal Support Worker Program Standard dated July 2014 and originally published by the Ministry of Training, Colleges and Universities, or
 - The Personal Support Worker Training Standard dated October 2014 and originally published by the Ministry of Training, Colleges and Universities.

New Requirements / Amendments

- The references to Personal Support Worker Standards documents have been replaced with a requirement that personal support workers must complete a personal support worker program that meets the program requirements set by the Ministry of Colleges and Universities for an Ontario postsecondary institution or district school board to issue a personal support worker certificate.

Rationale for Amendments

- To clarify qualification requirements and ensure that they are proportionate with the responsibilities and accountabilities of the roles, while maintaining resident safety and quality of care.

3. Designated Lead for Restorative Care (Section 70 in O. Reg. 246/22)

Previous Requirements

- Requirements to hold the position of designated lead of a home's restorative care program include having a postsecondary diploma or degree in recreation and leisure studies, kinesiology, therapeutic recreation or other related field from a community college or university, and at least one year of experience in a health care setting.

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New Requirements / Amendments

- The educational requirements are being updated to reflect new terminology included in the Regulation for clarity purposes to define Ontario postsecondary institution for the purposes of the Regulation to mean:
 - 1) an Indigenous Institute,
 - 2) a private career college,
 - 3) a college of applied arts and technology,
 - 4) a publicly assisted university, or
 - 5) another degree granting institution.
- The changes to this section are intended to replace the previously used terms “community college” and “university” with this updated terminology, as well as clarify that the designated lead can still meet the educational qualifications if they have a postsecondary diploma, degree or certificate granted in another jurisdiction that, in the reasonable opinion of the licensee, is equivalent to the Ontario diploma, degree or certificate.

Rationale for Amendments

- Updated references with a new definition of “Ontario postsecondary institution” and the addition of an “equivalent postsecondary diploma, degree or certificate from another jurisdiction”.

4. Changes Specific to Designated Lead for Recreational and Social Activities Program (Section 72 in O. Reg. 246/22)

Previous Requirements

- Designated leads for recreation and social activities that were hired after July 1, 2010 were required to have a postsecondary diploma or degree in recreation and leisure studies, therapeutic recreation, kinesiology or other related field from a community college or university; and at least one year of experience in a health care setting.
- Those hired before July 1, 2010 and who were working or employed as a designated lead in a long-term care home could be a designated lead in a different long-term care home if the person worked or was employed as a designated lead in a long-term care home:
 - On a full-time basis for at least three years during the five years immediately before being designated in the different home; or
 - On a part-time basis for the equivalent of at least three full-time years during the seven years immediately before being designated in the different home.

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New Requirements / Amendments

- Add that the postsecondary educational requirement can also include gerontology as a field of study from an Ontario postsecondary institution, or a postsecondary diploma, degree or certificate granted in another jurisdiction that in the reasonable opinion of the licensee is equivalent.
- Remove the minimum years of experience and add that experience needed can come from a health care setting or other relevant setting.
- Remove the grandfathering provisions pertaining to the July 1, 2010 dates and replace them with a new streamlined grandfathering provision that permits persons employed in the role to continue if in the reasonable opinion of the licensee the person has the appropriate skills, knowledge and experience.
- Update references with new definition of “Ontario postsecondary institution” and equivalent postsecondary diploma, degree or certificate from another jurisdiction.

Rationale for Amendments

- Responsive to stakeholder feedback to add gerontology as another field of study for postsecondary education and to expand experience to also include a relevant setting.
- Supports homes to maintain high-quality care to long-term care residents during a period of staffing shortages, by allowing licensees to retain and hire designated leads for recreational and social activities from a broader pool of qualified candidates.

5. Changes Specific to Staff Members Providing Recreational and Social Activities (Section 73 in O. Reg. 246/22)

Previous Requirements

- Staff members providing recreational and social activities in the home were required to have a postsecondary diploma or degree in recreation and leisure studies, therapeutic recreation, kinesiology or other related field from a community college or university; or be enrolled in a community college or university in a diploma or degree program in such a field. There were limited exceptions.

New Requirements / Amendments

- Add that the postsecondary educational requirement can also include gerontology as a field of study from an Ontario postsecondary institution or a postsecondary diploma, degree or certificate granted from another jurisdiction that the licensee reasonably believes is equivalent. In addition, recreational /social programming staff could be hired where the licensee reasonably determines the person has the appropriate skills, knowledge and experience (in place of the identified educational/training requirements) to fulfill the role.
- Remove the previous exception (grandfathering provisions pertaining to the July 1, 2010 dates) and the requirement to terminate staff who do not meet the educational/training requirements as these would no longer be needed.

Rationale for Amendments

- Responsive to stakeholder feedback to add gerontology as another field of study for postsecondary education.
- Supports homes with maintaining high-quality care to long-term care residents during a period of staffing shortages, by allowing licensees to retain and hire staff for recreational and social activities from a broader pool of qualified candidates.

6. Food Handler Training – Cooks, Food Service Workers and Nutrition Managers (Section 78 in O. Reg. 246/22)

Previous Requirements

- Food handler training outlined in section 32 of O. Reg. 493/17 of the *Health Protection and Promotion Act* [O. Reg. 493/17: FOOD PREMISES \(ontario.ca\)](#) apply to long-term care staff, but there was no specific reference to those requirements in the *Fixing Long-Term Care Act, 2021* or its Regulation.

New Requirements / Amendments

- Food handler training requirements will be reflected in section 78 of the Regulation.
 - The licensee shall ensure that during every hour in which a food service area is operating, there is at least one cook, food service work or nutrition manager in the area who has completed the food handler training.
 - Food service area will be defined in the Regulation to mean the parts of the home where meals or meal portions are prepared.

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Rationale for Amendments

- Ensures clarity for food handler training requirements in long-term care that are consistent with the *Health Protection and Promotion Act* regulation.

7. Minimum Staffing Hours Formula – Nutrition Managers and Food Service Workers (Sections 81 and 83 in O. Reg. 246/22)

Previous Requirements

Minimum staffing hours for food service workers shall be calculated as follows:

$$M = A \times 7 \times 0.45$$

Minimum staffing hours for nutrition managers shall be calculated as follows:

$$M = A \times 8 \div 25$$

Where, “M” is the minimum number of staffing hours per week, and “A” is,

- (a) if the occupancy of the home is 97 per cent or more, the licensed bed capacity in the home for the week, or
- (b) if the occupancy of the home is less than 97 per cent, the number of residents residing in the home for the week, including absent residents.

New Requirements / Amendments

Minimum staffing hours for food service workers shall be calculated as follows:

$$M = A \times 7 \times 0.45$$

Minimum staffing hours for nutrition managers shall be calculated as follows:

$$M = A \times 8 \div 25$$

Where, “M”

“M” is the minimum number of staffing hours per week, and “A” is either,

- (a) the licensed bed capacity in the home for the week (excluding beds not available for occupancy per a ministry directive, policy or law) or
- (b) the number of residents residing in the home for the week, including absent residents.

The amendments include providing homes with the option to choose either option (a) or (b) when calculating the minimum staffing hours for both food service workers and nutrition managers. This allows homes the flexibility to choose the formula that works best for their home's staffing purposes. The 97% occupancy threshold has been removed as part of the calculation for determining minimum number of staffing hours per week.

Rationale for Amendments

- These revisions were made to simplify staff scheduling and reduce challenges related to fluctuations in required staff numbers.

8. Changes Specific to Nutrition Managers (Section 81 in O. Reg. 246/22)

Previous Requirements

- Nutrition managers that were hired under the transitional staffing flexibility provision (section 388) were not required to have their Canadian Society of Nutrition Management membership/Registered Dietitian designation with the College of Dietitians (College), allowing home licensees the flexibility to hire nutrition managers with relevant experience and skills.

New Requirements / Amendments

- Add two new grandfathering provisions as follows: 1) nutrition managers who started in their role before April 11, 2023 may continue as long as they are actively pursuing their Canadian Society of Nutrition Management membership or registration with the College and 2) nutrition managers who have been employed in the home since July 1, 2010 may continue in the role without Canadian Society of Nutrition Management membership/registration with the College.

Rationale for Amendments

- Provides flexibility for existing nutrition managers to complete the necessary training within a flexible timeframe.
- Allows homes to retain qualified staff who do not have their Canadian Society of Nutrition Management membership/Registered Dietitian designation, but who have a wealth of experience working in the home since July 1, 2010 (or prior).

Clarity on “Actively Pursuing”

- Nutrition managers who started in their role before April 11, 2023, who do not have their Canadian Society of Nutrition Management membership or registration with the College, may continue as long as they are actively pursuing their Canadian Society of Nutrition Management membership or registration with the College.
- The phrase “actively pursuing” is not defined in the Regulation.
- From a policy standpoint, the ministry understands the phrase to mean that nutrition managers are taking steps towards achieving their Canadian Society of Nutrition Management membership or registration with the College.
- These steps could include completing necessary coursework or training, submitting required documentation, and paying fees to the applicable organization.
- As part of the ministry inspection process, long-term care licensees should be prepared to demonstrate that such steps are being taken by the nutrition managers and are completed within a reasonable timeframe.

9. Changes Specific to Cooks (Section 82 in O. Reg. 246/22)

Previous Requirements

- Long-term care licensees were only permitted to hire cooks that met specific educational and training requirements regardless of having the required skills and extensive experience in analogous settings.

New Requirements / Amendments

- Long-term care licensees may hire cooks with institutional, health care, restaurant, or hospitality cooking experience (in place of the identified educational/training requirements) that the licensee is reasonably satisfied will allow them to perform the duties required of the position. Alternatively, licensees may hire cooks with the educational qualifications specified in the Regulation.
- Remove the grandfathering provisions pertaining to the July 1, 2010 dates as they are no longer relevant.

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Rationale for Amendments

- Supports homes with maintaining high-quality care to long-term care residents during a period of staffing shortages, by allowing licensees to retain and hire cooks from a broader pool of qualified candidates.

10. Changes Specific to Food Service Workers (Section 84 in O. Reg. 246/22)

Previous Requirements

- Long-term care licensees were only permitted to hire food service workers that met specific educational and training requirements regardless of having the required skills and extensive experience in analogous settings.

New Requirements / Amendments

- Long-term care licensees may hire a food service worker with institutional, health care, restaurant, or hospitality food service experience (in place of the identified educational/training requirements) that the licensee is reasonably satisfied will allow them to perform the duties required of the position.
- Remove the grandfathering provisions pertaining to the July 1, 2010 dates and the requirement to terminate staff who do not meet the educational/training requirements as these would no longer be needed.

Rationale for Amendments

- Supports homes with maintaining high-quality care to long-term care residents during a period of staffing shortages, by allowing licensees to retain and hire food service workers from a broader pool of qualified candidates.

11. Changes specific to Designated Lead Each for Housekeeping, Laundry, Maintenance (Section 98 in O. Reg. 246/22)

Previous Requirements

- Required a minimum of two years' experience in a managerial or supervisory capacity and knowledge of evidence-based practice or prevailing practices relating to housekeeping, laundry, and maintenance.
- Required a postsecondary degree or diploma.

New Requirements / Amendments

- Remove the minimum years of experience and add that to have the required experience a person must have either experience in a managerial or supervisory capacity or, in the reasonable opinion of the licensee, has the appropriate skills, knowledge and experience in a health care or relevant setting to perform the duties of the position.
- Remove the postsecondary educational requirement.
- Remove the grandfathering provisions pertaining to the July 1, 2010 dates as these would no longer be needed.

Rationale for Amendments

- Supports homes with maintaining high-quality care to long-term care residents during a period of staffing shortages, by allowing licensees to retain and hire Designated Leads for Housekeeping, Laundry and Maintenance from a broader pool of qualified candidates.