

Ministry of Long-Term Care

The Resident Experience: Other Amendments to Ontario Regulation 246/22

As of April 11, 2023, new and amended provisions in [Ontario Regulation 246/22](#) (the “Regulation”) under the [Fixing Long-Term Care Act, 2021](#) (the “Act”) will come into effect.

Background and Purpose

To encourage a positive and safe resident experience in long-term care homes, changes have been made to the Regulation to update requirements to better respond to current needs, trends, and emergency situations. These regulation changes include:

- Clarifying when an alternate level of care (ALC) patient is eligible for admission to preferred accommodation (paying the basic accommodation rate), and,
 - When a licensee may request a resident (formerly ALC patient) to sign a preferred accommodation agreement.
- Expanding eligibility for the temporary admission into preferred accommodation (where the resident pays the basic rate) to include residents in a long-term care home designated as an ‘imminent home closure’,
- Update to falls prevention and management program to strengthen post-fall assessment requirements,
- Clarification on when registered dietitians must conduct skin and wound care assessments,
- Ensuring nursing students from all approved Ontario post-secondary nursing programs can administer medication under defined conditions by capturing Indigenous Institutes in the definition,
- Revising wording to clarify the role and accountability of medical directors.

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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Alternate Level of Care

The Regulation has been amended to clarify that a patient requiring an ALC can be admitted into preferred accommodation and charged for basic accommodation where the ALC patient (or their substitute decision-maker) have only selected basic accommodation, or where the placement coordinator has selected basic accommodation.

| Subsection 240.3 (6) | |
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| Previous provision | Amended provision |
| <i>The appropriate placement coordinator may authorize the ALC patient's admission to preferred accommodation in the home even if basic accommodation has been requested, and, in such a case, the licensee shall make the accommodation available as basic accommodation.</i> | <i>In cases where only basic accommodation has been requested by the ALC patient or their substitute decision-maker, if any, or where basic accommodation has been selected by the placement coordinator under subsection 240.2(6), the appropriate placement coordinator may authorize the ALC patient's admission to preferred accommodation in the home and, in such a case, the licensee shall make the accommodation available as basic accommodation.</i> |

When an ALC patient has been admitted to preferred accommodation

The Regulation has been amended to clarify when an ALC patient who was admitted to preferred accommodation (at the basic accommodation rate) can be charged for preferred accommodation. This amendment also supports alignment with the funding conditions set out in the *COVID-19 Emergency Measures Funding Policy*.

| Subsection 240.3 (8) | |
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| Previous provision | Amended provision |
| <i>If the ALC patient is admitted as a resident to preferred accommodation under subsection (6) and the resident or the substitute decision-maker, if any, removes the resident from any other long-term care home waitlists and would rather the resident remain in preferred accommodation, the licensee may then charge the resident for preferred accommodation in accordance with the Act and this Regulation.</i> | <i>If the ALC patient is admitted as a resident to preferred accommodation under subsection (6) the licensee is eligible to charge the resident for preferred accommodation in accordance with the Act and this Regulation, including the agreement referred to in paragraph 2 of subsection 94 (1) of the Act, where,</i> <ol style="list-style-type: none"> <i>a) the resident or their substitute decision-maker, if any, refuses an offer to transfer to basic accommodation; or</i> <i>b) the resident or their substitute decision-maker, if any, chooses that the resident stay in preferred accommodation</i> |

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Special Admission Circumstances - Imminent Home Closure

The Regulation has been amended to include a new provision (see subsection 361.1) that provides the Director the authority to designate a home's closure as an "imminent closure".

For residents in a long-term care home designated as an imminent home closure, a new provision (see subsection 240.5) expands the eligibility requirements for their temporary admission into preferred accommodation in another long-term care home (where the resident pays the basic rate).

This applies where only basic accommodation has been requested by the resident, but only preferred accommodation is available and the resident consents to the placement.

The ministry would pay the maximum cost difference between the basic and preferred accommodation rate (in accordance with the funding conditions set out in the *COVID-19 Emergency Measures Funding Policy*).

Falls Prevention and Management

The Regulation is amended to require that licensees *always* conduct a post-fall assessment when a resident falls. The previous language of the Regulation stated that a post-fall assessment was needed *only* where the condition or circumstances of the resident required.

Licensees are required to ensure that their falls prevention and management program includes policies, procedures and protocols that are evaluated and updated annually in accordance with evidence-based practices and if there are none, in accordance with prevailing practices. Licensees should use evidence-based or prevailing practices to inform the definition of a "fall".

| Subsection 54(2) | |
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| Previous provision | Amended provision |
| <i>Every licensee of a long-term care home shall ensure that when a resident has fallen, the resident is assessed and that where the condition or circumstances of the resident require, a post-fall assessment is conducted using a clinically appropriate assessment instrument that is specifically designed for falls.</i> | <i>Every licensee of a long-term care home shall ensure that when a resident has fallen, the resident is assessed and that a post-fall assessment is conducted using a clinically appropriate assessment instrument that is specifically designed for falls.</i> |

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Skin and Wound Care

In addition to updating the term “pressure ulcers” to “pressure injuries”, the Regulation is amended to require an assessment from a registered dietitian when a resident exhibits a skin condition that is likely to require or respond to nutrition intervention, such as pressure injuries, foot ulcers, surgical wounds, burns, or a worsening skin condition (see new clause 55 (2)(e)). It also stipulates that any changes the registered dietitian recommends to the resident’s plan of care relating to nutrition and hydration are implemented.

| Subsection 55(2) | |
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| Previous provision | New and amended provision |
| <p><i>(2) Every licensee of a long-term care home shall ensure that,</i></p> <p><i>[...]</i></p> <p><i>(b) a resident exhibiting altered skin integrity, including skin breakdown, pressure ulcers, skin tears or wounds,</i></p> <p><i>[...]</i></p> <p><i>(iii) is assessed by a registered dietitian who is a member of the staff of the home, and any changes made to the resident’s plan of care relating to nutrition and hydration are implemented, and</i></p> | <p><i>(2) Every licensee of a long-term care home shall ensure that,</i></p> <p><i>[...]</i></p> <p><i>(b) a resident exhibiting altered skin integrity, including skin breakdown, pressure injuries, skin tears or wounds,</i></p> <p><i>[...]</i></p> <p><i>(e) a resident exhibiting a skin condition that is likely to require or respond to nutrition intervention, such as pressure injuries, foot ulcers, surgical wounds, burns or a worsening skin condition, is assessed by a registered dietitian who is a member of the staff of the home, and that any changes the registered dietitian recommends to the resident’s plan of care relating to nutrition and hydration are implemented.</i></p> |
| <p><i>Replaced every reference in section 55 to “pressure ulcers” with “pressure injuries”.</i></p> | |

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Medical Directors

The Regulation has been amended to substitute resident “clinical care” with “medical care” to clarify the roles and accountabilities consistent with the scope of practice of medical directors, as defined in the Act.

| Subsection 251 (4) | |
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| Previous provision | Amended provision |
| <p>(4) For the purposes of clause 78 (3) (b) of the Act, the Medical Director has the following responsibilities and duties:</p> <p>[...]</p> <p>6. Providing oversight of resident clinical care in the home.</p> | <p>(4) For the purposes of clause 78 (3) (b) of the Act, the Medical Director has the following responsibilities and duties:</p> <p>[...]</p> <p>6. Providing oversight of resident medical care in the home.</p> |

Medication Administration by Nursing Students

The ministry has amended clauses 140 (5) (a) and 140 (9) (b) to clarify the Ontario postsecondary institutions nursing students may be enrolled in to participate in drug administration, includes Indigenous Institutes.

The following definitions have been added to the Regulation for clarity:

“College of applied arts and technology” means a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*.

“Degree granting institution” means an institution, other than a college of applied arts and technology, private career college, Indigenous Institute or publicly assisted university, that has,

- (a) the authority to grant degrees by an Act of the Legislature or an Act of the Parliament of Canada, or
- (b) the consent of the Minister of Colleges and Universities under section 4 of the *Post-secondary Education Choice and Excellence Act, 2000* to grant the particular degree.

“Indigenous Institute” means an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*.

“Ontario postsecondary institution” means.

- (a) an Indigenous Institute,
- (b) a private career college,
- (c) a college of applied arts and technology,
- (d) a publicly assisted university, or
- (e) a degree granting institution.

“Private career college” means a private career college within the meaning of subsection 1 (1) of the *Private Career Colleges Act, 2005*.

“Publicly assisted university” means a university that receives regular and ongoing operating funds from the government of Ontario for the purpose of post-secondary education.