



Novel Coronavirus (COVID-19)

Health Law

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COVID-19 Prompts Another Examination into Long-Term Care

By David M. Golden and Lisa Corrente

Today, the Ontario government announced that it is launching an independent Commission into the province's long-term care system. According to the Minister of Long-Term Care, there will be a "thorough and expedited" review of the long-term care system to get a better understanding of the impacts of, and responses to, the COVID-19 outbreaks. In our view, the Commission will also need to examine long overlooked limitations built into the long-term care system, including inadequate staffing levels and underfunding. It should be obvious that all of these issues are linked.

The Ministry's announcement comes just days after the Ontario Long-Term Care Association called on the Provincial government to commit to a public inquiry into the sector. The OLTCA is advocating for a comprehensive review which will finally address long-standing systemic issues with the provincial model for long-term care homes that have now been highlighted by COVID-19.

It remains unclear whether the Commission will take the form of a public inquiry established under the *Public Inquiries Act, 2009*. Public inquiries serve to **independently** inquire into facts or matters, and make recommendations regarding those facts or matters. If so, it will not be the first public inquiry into Ontario's long-term care system.

In July 2019, Commissioner Eileen Gillese released her final report and recommendations arising from the Public Inquiry into the Safety and Security of Residents in the Long-Term Care Homes System. Commissioner Gillese had a specific mandate - to inquire into the murders and other offences committed against residents by a former registered nurse (including the circumstances and contributing factors that allowed these offences to occur). In the process, Commissioner Gillese identified systemic issues and made several recommendations intended to strengthen the long-term care system. Amongst Commissioner Gillese's recommendations were those which call for the Ministry to: expand the funding parameters for long-term care homes to pay for a broader spectrum of staff; create a new, permanent funding envelope for homes to fund training, education and professional development for staff who provide care to residents; take action to assist long-term care homes which are struggling to provide safe and secure environments for their residents; promote career opportunities for nursing in long-term care homes;

and conduct a study to determine adequate levels of registered staff in long-term care homes and ensure a higher level of funding for homes overall. Sadly, despite these recommendations, very little has happened to address systemic underfunding and staffing shortages in the sector.

It is imperative that the mandate for any independent Commission be broad enough to ensure that **all systemic challenges are meticulously reviewed and addressed** so that the health, care needs and quality of life for residents can be appropriately promoted and funded.

The Commission is scheduled to begin its work this September. Over the next three months, the government will be finalizing the details of the Commission including terms of reference, membership, leadership of the Commission and reporting timelines. We all have an interest in seeing that this process proceeds openly and is not driven by narrow agendas. We will keep our readers posted on developments as they unfold.

If you have any questions about the Commission and COVID-19, or any other issues affecting long-term care, please contact Lisa Corrente or David M. Golden. More information about dealing with COVID-19 is available by visiting our COVID-19 Resource Centre.

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