

**Submission to the
Standing Committee on Social Policy:
*Bill 21, Retirement Homes Act, 2010***

BY

**CANADIAN PENSIONERS CONCERNED
ONTARIO DIVISION**

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Canadian Pensioners Concerned Inc. is a national and provincial organization of seniors founded in 1969 by a group of retirees who were concerned about the effect inflation might have on their pensions. Over the years, CPC has continued to advocate on the needs and rights of older people and others, who by virtue of illness, physical or psychological impairments, age and economic need, are especially vulnerable in a society driven by the market place and other economically determined values, often to the exclusion of other social values that enhance a fair, just and inclusive social order.

We have serious concerns with *Bill 21* and the manner in which it is establishing a regulatory regime for retirement homes. We are also deeply troubled by the issues of care provision in retirement homes and the lack of clear protections for clients and the absence of service protection and regulation in the proposed legislation. We believe it is essential for society to protect those who are vulnerable whatever their circumstances.

Our immediate concerns are the critical issues of the regulation of retirement homes and the link to their capacity to provide care. We believe that *Bill 21* is now creating a parallel system of Long-Term Care Homes, under the name Retirement Homes. These potential Long-Term Care Homes, called Retirement Homes, will be privately-funded and self-regulated without the public funding and protections available to residents living in regulated Long-Term Care Homes. These latter institutions are funded, regulated and inspected by The Ministry of Health and Long Term Care (MOHLTC).

The Concept of Regulation

We see the need for regulation of retirement homes as they will inevitably provide housing for a wide range of people, from those who are independent and self-managing to those who become vulnerable with age and time. However, we have concerns about the plan for “Third Party” regulation called for in the *Bill*. We see the *Bill* creating a regime of self-regulation given the structure, membership and authority of the proposed regulatory authority. There is no provision for residents or outside parties to be involved. The authority is entirely industry-controlled. This is unacceptable.

Many jurisdictions have turned to the use of self-regulation as a means to “reduce the burden” of government on society, but our recent history has

shown that this is not a wise direction to follow – especially when the safety of people is concerned. The model used in the travel industry in Ontario cannot be used when dealing with the needs of vulnerable populations. The failure of a travel business cannot be equated with the challenges faced by people living in a home where their care or their tenancy becomes at risk. We suggest that the failure of the meat inspection system last year and the flaws found in aircraft maintenance regimes or airport security, have raised serious questions about the efficacy of such self-regulation strategies. This is even more troubling when one takes into account the fact that retirement homes will be dealing with some very vulnerable people.

We support the recommendations of those with legal expertise such as the Advocacy Centre for the Elderly to deal with the issues of “tenancy” and tenant protection as opposed to the term “resident” and what that implies. We think the concerns raised are valid and attention must be given to them. However, we will focus on what we believe is one of the most critical underlying issues in the *Bill*, the **creation of a self-regulated parallel system of privately-run and privately-funded homes without public funding, public regulations and standards.**

Retirement Homes and the Provision of Care.

We believe that there is a very legitimate role for the retirement home industry to play in the provision of alternative forms of housing to older people. Having a choice in housing is important for people as they go through life but it is especially important when their needs change as they age. The retirement home industry is clearly meeting the needs of many in society, and not just the wealthy, but we also believe that this proposed legislation is permitting retirement homes to become Nursing Homes/Long-Term Care Homes without any of the protective regulations, standards and inspections imposed on the latter group in the public interest. Every institution or agency providing services to the public falls under the protection and supervision of the Ministry of Health and Long-Term Care (MOHLTC) up to now. *Bill 21* will make a special exception for retirement homes. Why?

The public interest, public protection, and public support for those in need of care are mostly missing in this *Bill*. Residents in need of care are potentially vulnerable to the provision of poor living conditions and poor care if the *Bill* passes as it now stands. We must have government oversight in the public interest.

In the current arrangements in place in Ontario between a number of retirement homes and local hospitals, alternate levels of care beds are located in retirement homes and patients are discharged from the hospitals to these beds. In most cases these are temporary moves; nevertheless, the care provided is made under the supervision and protection of the MOHLTC.

Since this is already the case we ask **why are not all care beds/services in retirement homes falling under the jurisdiction of the MOHLTC in Bill 21?**

The Size of Retirement Homes falling under the Regulations

Canadian Pensioners Concerned has had a long history of working to improve the care and housing of older people. We are very worried that the needs of older people living in rural and remote communities are not being taken seriously enough. Size matters, and we believe that a home in rural Ontario that provides retirement accommodation for two people as opposed to six should be covered by the regulations. It is highly inappropriate to leave people unprotected by the proposed regulations because of the small size or limited resources available in their communities.

We have had the opportunity to read the submission of the Advocacy Centre for the Elderly (ACE) and strongly support its submission. We urge the members of the Committee to ensure that ACE's recommendations for change are taken seriously. ACE has a sterling record ensuring the protection of the rights of older persons. Their voice is recognized well beyond the boundaries of Ontario.

Finally, we return to a concern we raised at the start of our brief. We are deeply concerned that *Bill 21* is leading the province in to a two-tiered healthcare system for older people:

- a) One will require the individual to pay for and try to ensure his/her rights in a private for-profit system that is open to growth in supply as determined by the market.
- b) The other will be publicly funded, publicly regulated and publicly supervised but limited in size and access as determined by government policy.

We believe that the needs for people in long term care must be provided under the supervision and support of society through their government. People

have died needlessly in retirement homes; we must do everything possible to ensure that these tragic events are not repeated.

Summary of recommendations

- We see the *Bill* creating a regime of self-regulation given the structure, membership and authority of the proposed regulatory authority. There is no provision for residents or outside parties to be involved. The authority is entirely industry-controlled. This is unacceptable.
- We believe that a home in rural Ontario that provides retirement accommodation for two people as opposed to six should be covered by the regulations. It is highly inappropriate to leave people unprotected by the proposed regulations because of the small size or limited resources available in their communities.
- We urge the members of the Committee to ensure that the recommendations for change of the Advocacy Centre for the Elderly (ACE) are taken seriously.
- We believe that the needs for people in long term care must be provided under the supervision and support of society through their government.