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Report 2022-141

Report Title: Fixing Long-Term Care Act Declaration and Police Record Check Policy

Committee Name: Community Health

Committee Meeting Date: October 31, 2022

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Golden Plough Lodge

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Corporate Services

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Municipal Solicitor

Reviewed by: Lisa Ainsworth
Director
Corporate Services

Approved by: Jennifer Moore, CAO

Council Meeting Date: November 9, 2022

Strategic Plan Priorities: Economic Prosperity and Innovation
 Sustainable Growth
 Thriving and Inclusive Communities
 Leadership in Change

Recommendation

“That the Community Health Committee, having considered Report 2022-141 ‘Fixing Long-Term Care Act Declaration and Police Record Check Policy’, recommend that County Council adopt the Fixing Long-Term Care Act Declaration and Police Record Check Policy.”

Purpose

The purpose of this report is to provide an outline of the *Fixing Long-Term Care Act, 2021* (FLTCA) Declaration and Police Record Check Policy.

Background

On October 28, 2001, the Province of Ontario introduced Bill 37, *Providing More Care, Protecting Seniors, and Building More Beds Act, 2021*. The Bill received Royal Assent on December 9, 2021 and enacted a new Act called the *Fixing Long Term Care Act, 2021* (FLTCA). The new Act has replaced the *Long-Term Care Homes Act, 2007*.

The FLTCA now requires the Board of Directors and Committee of Management of any Long-Term Care Home to provide police record checks (criminal record checks as defined under the *Police Records Check Reform Act, 2015*) along with signed declarations related to criminal charges or professional misconduct. The Act prohibits any members that have been convicted of a prescribed offence or found guilty of prescribed professional misconduct to be a member of the Committee of Management. As per Report 2022-140 'Committee of Management – Long Term Care Home', staff recommend that Northumberland County Council be designated as the Committee of Management for the Golden Plough Lodge.

There are no restrictions under the *Municipal Elections Act* that prevent a person from running or being elected as a member of Council with a criminal record or professional misconduct findings.

Council, staff and members of the public should understand the application process of the FLTCA to Council management of the Golden Plough Lodge.

The policy includes:

- Requirements for the Clerk to maintain records in a confidential manner;
- Requirements for Council members to recuse themselves from certain Council and Committee meetings if they have provided a declaration under the FLTCA; and
- Information related to the application of the declarations.

Consultations

Staff reviewed policies and consulted with other eastern Ontario Municipalities. This policy was also reviewed by the County's Municipal Solicitor.

Legislative Authority/Risk Considerations

The FLTCA requires the Committee of Management of a Long-Term Care Home to have police record checks and signed declarations related to criminal charges or professional misconduct. In order to ensure legislative compliance, the County, as Licensee under the FLTCA, is required to have a process in place.

Discussion/Options

Council may opt to not adopt the policy, however the FLTCA would still apply to Council proceedings that are related to the management of the Golden Plough Lodge. The policy was developed only to provide clarity to staff and Council on the application of the FLTCA declarations.

Financial Impact

This policy will have a minimal financial impact, as the County will reimburse members of the Committee of Management for the cost of a Police Record Check.

Member Municipality Impacts

N/A

Conclusion

Staff recommend that the Community Health Committee recommend that County Council adopt the Fixing Long-Term Care Act Declaration and Police Record Check Policy.

Attachments

- 1) Fixing Long-Term Care Act Declaration and Police Record Check Policy and appendices