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Report 2024-028

Report Title: Ministry Launch of 10-person Investigations Unit

Committee Name: Community Health

Committee Meeting Date: March 5, 2024

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Approved by: Jennifer Moore, CAO

Council Meeting Date: March 20, 2024

Strategic Plan Priorities: Innovate for Service Excellence
 Ignite Economic Opportunity
 Foster a Thriving Community
 Propel Sustainable Growth
 Champion a Vibrant Future

Information Report

“That the Community Health Committee, receive report 2024-028 ‘Ministry Launch of 10-person Investigation Unit’, for information; and

Further That the Committee recommend that County Council receive the report for information.”

Purpose

This report for information will provide an overview of the new Ministry launch of their 10-person investigation unit for long-term care homes.

Background

The Golden Plough Lodge (GPL) receives inspectors from the Ministry of Long-Term Care (MLTC) Inspections Branch for various reasons in any given year. The GPL received inspectors from the MLTC Inspections Branch November 21, 2022 through to December 12, 2022. The

Inspection was related to a review of Critical Incidents and Infection Prevention Protocols. Inspection visits could also be related to proactive inspections meant to take place annually at all long-term care homes in Ontario.

In addition to these inspections, on January 15, 2024, the Ministry announced a new 10-person long-term care investigations unit.

Separate and apart from the Inspection branch, the new 10-person investigations unit is meant to investigate allegations of provincial offences under the Fixing Long-term Care Act, 2021 (FLTCA).

The allegations the investigation unit is tasked with investigating include:

- failing to protect a resident from abuse or neglect.
- repeated and ongoing non-compliance
- failing to comply with ministry inspector's orders.
- suppressing and/or falsifying mandatory reports
- negligence of corporate directors

The work of the investigation's unit is distinct from the work of inspectors under the FLTCA. The investigations unit is tasked with determining whether there are grounds indicating an offence has been committed and, where appropriate, recommending enforcement action, inclusive of prosecution.

The new unit is supported with \$72.3 million in funding.

Consultations

The GPL senior management team, MLTC, and County staff.

Legislative Authority / Risk Considerations

The MLTC and legislation under the FLTCA. The new 10-person unit falls under the purview of the MLTC.

Discussion / Options

The newly appointed investigators completed training over 19 weeks which consisted of in-class training, self-study modules and field experience. The training covered the aspects of the inspections program, the relevant legislation and regulations, investigative techniques such as interviewing, search warrant and report writing, as well as court procedures.

The new unit's investigators are designated as Provincial Offences Officers under the Provincial Offences Act and will investigate allegations of offenses under the FLTCA. While inspectors identify and address non-compliance under the Act, investigators determine if there are grounds that an offence under the Act has been committed, which if prosecuted could result in fines and/or imprisonment.

The investigations unit is meant to create stricter enforcement rules and regulations to homes who may be committing offenses under the FLTCA. Inspectors will hold the power to identify offences and commence prosecution processes.

Long-Term Care Minister Stan Cho said the investigators have the authority to “add more accountability” in long-term care and will help address the most serious acts of non-compliance. Further the province stated that the “new unit complements what is already the toughest inspection and enforcement program in Canada”. The unit’s work is in addition to changes the government has introduced over the last two years in long-term care, which included doubling the number of inspectors, among other measures all of which took place during the COVID-19 pandemic where many long-term care homes were impacted greatly by the illness within their homes.

LTC homes cannot close. As a result, homes have lots of temporary staff who cannot provide the quality care needed nor can they possibly know all the rules under the FLTCA. Measures such as increasing inspections and hiring investigators will actually result in more staff leaving and/or not entering the system, which will exacerbate the issue of staffing shortages within long-term care. A better way to protect residents’ safety and quality of care is through increased investments in LTC Health and Human Resources and addressing the temporary staffing agency issue. The GPL will participate in advocacy against the broad enforcement powers attributed to this new investigation unit, inclusive of any Eastern Ontario Wardens Caucus actions that may be taken towards relaying concerns as a broader group to the MLTC.

The GPL may or may not receive a visit from this new 10-person investigations unit. It is unclear how the new unit will decide what situations to pursue though a likely trigger could be multiple, frequent reports of critical incidents specifically around abuse and neglect of a resident of an egregious nature. If visited, the GPL will comply with all requests to provide information and allow for a full investigation.

To prevent potential situations of elder abuse and neglect, the GPL has zero tolerance for abuse and neglect. Zero tolerance means the GPL is focused on prevention, reporting and elimination of situations where abuse and neglect is founded. This is outlined in the Prevention, Reporting and Elimination of Resident Abuse policy. The GPL also conducts an annual review and evaluation of the Home’s abuse prevention program, as part of the Home’s quality and risk-management program to ensure that prevention strategies are effective and to implement identified improvements. Recently the GPL introduced bi-weekly staff huddles where current information is shared with staff. These huddles are also an opportunity to share information with staff in all departments like the GPL Abuse Prevention policy as well as the Fixing Long-Term Care Act, 2021, Resident Bill of Rights: Right to Freedom from abuse and neglect.

Financial Impact

The investigations unit is tasked with determining whether there are grounds indicating an offence has been committed and, where appropriate, recommending enforcement action, including prosecution. Enforcement action can include fines or imprisonment based on the findings of the investigation and/or court proceedings.

In 2022, the GPL received Administrative Monetary Penalties totaling \$7,700.00. These fines were a result of inspections and did not come from the new investigation unit.

Member Municipality Impacts

There is no direct impact to member municipalities. The investigation unit works throughout all of Ontario and all long-term care homes within the province are subject to investigations.

Conclusion / Outcomes

That this report is received for information by Council.

Attachments

N/A