

Bill 140, Long Term Care Homes Act

Introduction

On Tuesday, October 10, 2006 the Minister of Health and Long-Term Care (Mr. Smitherman) tabled long-awaited legislation to consolidate, update and improve the regulatory framework for Ontario's 618 long-term care facilities that are home to some 75,000 seniors. The legislation and accompanying regulations are expected to be in effect by the middle of 2007.

One of the CDHO's objectives is to ensure Ontarians have access to dental hygiene services when they need it, where they want it and at a cost they can afford. The *Resident Care and Services Standards and Criteria (April, 2006)* promulgated by the Ministry for long-term care homes, requires each home operator to "make every effort" to secure an appointment with a dentist or other dental professional of the resident's choice whenever a resident requires dental treatment or other services not provided in the home. The *Standards* also require a dental assessment and preventive services (scaling and cleaning and an assessment to ensure that dentures are properly fitted) performed by qualified dental professionals at least annually. Evidence suggests, however, that residents of long-term care homes rarely get the oral hygiene care that they require.

As a result, the CDHO was very disappointed at the lack of any reference to dental or oral hygiene care and services in Bill 140. We have written to Monique Smith, the Minister's Parliamentary Assistant for Long-Term Care and have met with Ministry officials, recommending the Bill be amended to include explicit references to oral assessments and treatments in the Residents' Bill of Rights, the Plan of Care and residents' assessments. The CDHO has been encouraged by the response and hopes to see the amendments brought forward and approved by the Standing Committee.

Even if the Bill is not amended as we have proposed, it will, if implemented as drafted, have a significant impact on dental hygienists who provide, or wish to provide, care in long-term care homes. The purpose of this article is to draw our registrants' attention to the requirements Bill 140 would impose on them.

Mandatory Reporting

A number of sections in the proposed Bill (in particular section 22) requires individuals, including healthcare professionals providing services to one or more residents, to report to the Ministry situations where the individual "has reasonable grounds to suspect that any of the following has occurred or may occur". The Bill then enumerates

- Improper or incompetent treatment;

- abuse or neglect;
- unlawful conduct that resulted in harm or risk of harm;
- misuse or misappropriation of a resident's money; and
- misuse or misappropriation of funding provided to a home (e.g. funding provided by the Ministry, charitable donations, etc.)

as grounds for mandatory reports.

Individuals are expected to report in any of these instances, regardless of whether the individual involved is another dental professional, another health professional, a staff member or executive of the home, an employee or contractor, or a visitor including a family member.

Health professionals and others who do not report are guilty of a quasi criminal offence. For individuals who do report, there are protections in the Bill against retaliation and there are also penalties for individuals who knowingly make a false report.

It is important that dental hygienists working in long-term care facilities understand these mandatory reporting requirements. It's also important that dental hygienists understand that these reporting requirements in no way affect the current obligation of dental hygienists to report to the CDHO whenever they become aware of professional incompetence or incapacity by a fellow dental hygienist.

Training and Orientation

The Bill (section 74) requires extensive training and orientation by each long-term care home for any person who works in the home in any capacity, or provides "periodic" services directly to a resident in the home. That training and orientation must be provided by the home before the individual is employed or provides services to a resident, except in emergency or other exceptional circumstances. The training and orientation includes:

- The Residents' Bill of Rights (included in Bill 140);
- the home's mission statement;
- the home's policy to promote zero-tolerance of abuse and neglect;
- the duty to make mandatory reports;
- the home's policy on restraining residents;
- fire prevention and safety;
- emergency and evacuation procedures;
- infection prevention and control;
- "all acts, regulations, policies of the Ministry and similar documents, including policies of the (home) that are relevant to the person's responsibilities";
- any other requirements that may be specified in the regulations.

Additional training must be provided for direct care staff such as abuse recognition and prevention, caring for residents with dementia, behaviour management, palliative care and minimizing the restraining of residents.

The CDHO urges all registrants who work in long-term care homes, or who intend to do so, to familiarize themselves with the legislation when it comes into force and effect. Do not hesitate to contact the CDHO for advice and assistance with respect to any part of the legislation.

The CDHO supports registrants in all health care practice venues, including long-term care homes. In fact, the need for preventive oral hygiene services is particularly acute in long-term care homes. The provisions of Bill 140 were drafted to protect residents, most of whom are vulnerable and are unable to protect themselves. A substantial increase in access to oral hygiene services will go a long way to increasing the health and quality of life of our mothers and fathers who now live in long-term care homes.