

Notice of the Minister of Health and Long-Term Care
NOTICE OF PROPOSED INITIAL DRAFT REGULATIONS

Long-Term Care Homes Act, 2007

The Minister of Health and Long-Term Care (Minister), on behalf of the Government of Ontario, invites public comments on proposed initial draft regulations to be made under the *Long-Term Care Homes Act, 2007* (LTCHA).

The LTCHA is the cornerstone of the Ontario government's strategy to improve and strengthen care for residents in long-term care homes improving the quality of care, and improving the accountability of long-term care homes for the care, treatment and well-being of over 78,000 residents.

The LTCHA sets out public consultation requirements related to proposed initial draft regulations with respect to any matter. These requirements include a minimum 30-day period for the public to comment, after which the Minister reports to the Lieutenant Governor in Council, who may then make the regulation with or without changes.

Content of Proposed Initial Draft Regulations

The proposed draft initial regulations are related to Boards of Management that operate long-term care homes in territorial districts in northern Ontario and address the following:

- increase the amount a Board of Management is able to include in its yearly budget as an operating reserve, to be apportioned to its supporting municipalities;
- expand a Board of Management's capacity to borrow for operating purposes subject to specified restrictions and requirements; and
- provide a Board of Management with the capacity to borrow for capital purposes in specified circumstances and subject to specified restrictions and requirements

The Ministry is proposing that the proposed amendments, if approved, would come into effect on April 1, 2018.

Invitation to Provide Comments on Proposed Initial Draft Regulations

The proposed initial draft regulations follow this notice. The public is invited to provide written comments, in either English or French, on the proposed initial draft regulations over a 30-day period, commencing on February 7, 2018 and ending on March 8, 2018. Should the decision be made to proceed with the proposed draft regulations, the written comments and submissions received during the consultation period will be considered during final preparation of the draft regulations and amendments. Comments received by the Ministry after March 8, 2018 will not be considered as part of the public consultation feedback. The content, structure and form of the draft regulation are subject to change as a result of the consultation process, at the discretion of the Lieutenant Governor in Council, who has the final decision on the content, structure and form of any regulation.

Comments may be sent electronically to Reg79.10PostingComments@ontario.ca, or they may be addressed to:

Mr. Neil VanderKooy
Ministry of Health and Long-Term Care
Health Capital Division
2nd Floor, 1075 Bay Street
Toronto, ON, M5S 2B1

The text and a description of the proposed draft regulations are available in English and French. These materials are also available for review on the Regulatory Registry's website at www.ontariocanada.com/registry/.

The materials may also be accessed through the Ministry web-site at the following address: <http://www.health.gov.on.ca/en/public/programs/ltc/default.aspx>

The *Long-Term Care Homes Act, 2007* and Ontario Regulation 79/10 are available at www.ontario.ca/laws.

Please note that unless requested and agreed to otherwise by the Ministry, all materials or comments received from organizations in response to this notice will be considered public information and may be used and disclosed by the Ministry to assist in the evaluation and revision of the proposed initial draft regulations. This may involve disclosing the materials and comments, or summaries of them, to other interested parties during and after the 30-day public consultation period. **An individual who provides materials or comments and who indicates an affiliation with an organization will be considered to have submitted those comments or materials on behalf of the organization so identified.**

Materials or comments received from individuals who do not indicate an affiliation with an organization will not be considered public information unless expressly stated otherwise by these individuals. However, materials or comments provided by such individuals may nevertheless be used and disclosed by the Ministry to assist in evaluating and revising the proposed initial draft regulations.

The personal information of individuals who do not specify an organizational affiliation, such as an individual's name and contact details, will not be disclosed by the Ministry without the individual's consent, unless required by law. If you have any questions about the collection of this information, please contact the Access and Privacy Office of the Ministry of Health and Long-Term Care at 416-327-7040.

ONTARIO REGULATION

made under the

LONG-TERM CARE HOMES ACT, 2007

Amending O. Reg. 79/10

(GENERAL)

1. Ontario Regulation 79/10 is amended by adding the following sections:

Operating costs

294.1 (1) For the purposes of clause 126 (3) (b) of the Act, the prescribed percentage is 25 per cent.

(2) For the purposes of subsection 126 (4) of the Act, an operating line of credit with a financial institution is prescribed as an additional means by which a board of management may borrow.

(3) For the purposes of clauses 126 (5) (b) and (6) (b) of the Act, the prescribed percentage is 50 per cent, but only if every supporting municipality of the board has passed a resolution supporting the board's ability to borrow up to that percentage.

Capital costs

294.2 For the purposes of subsection 127 (3) of the Act, a board may borrow such sums as the board considers necessary to meet the capital costs it estimates under subsection (1) of that section in either of the following circumstances:

1. Every supporting municipality of the board has passed a resolution that,
 - i. supports such borrowing by the board, and
 - ii. acknowledges that any repayments on the borrowed sums that the board is required to make that are not covered by the available current revenues of the

board are subject to apportionment to supporting municipalities under subsection 126 (1) of the Act.

2. The board is refinancing existing debt.

2. Subsections 295 (3) and (4) of the Regulation are revoked and the following substituted:

(3) If a supporting municipality or municipalities have not made a payment within the time period established under subsection (2) and the board is required to borrow under subsection 126 (4) or 127 (3) of the Act as a result, the board may apportion the borrowing costs reasonably attributable to the late or missed payment among those supporting municipalities.

(4) A board that borrows under subsection 126 (4) or 127 (3) of the Act may apportion the cost of any repayment of the borrowed sums that the board is required to make and that is not covered by the available current revenue of the board as an apportionment under subsection 126 (1) of the Act.

Commencement

3. This Regulation comes into force on the later of the day section 26 of Schedule 5 to the *Strengthening Quality and Accountability for Patients Act, 2017* comes into force and the day this Regulation is filed.