

Long-Term Care Homes Act, 2007

S.O. 2007, CHAPTER 8

Consolidation Period: From June 1, 2017 to the e-Laws currency date.

Last amendment: 2017, c. 14, Sched. 4, s. 20.

Legislative History: 2007, c. 8, s. 195; 2009, c. 33, Sched. 18, s. 15; 2010, c. 11, s. 127; 2010, c. 15, s. 233; 2014, c. 7, Sched. 19; 2015, c. 30, s. 24; 2017, c. 14, Sched. 4, s. 20; CTS 27 AL 10 - 1.

FAMILY COUNCIL [Excerpt pages 31 – 33]

Family Council

59 (1) Every long-term care home may have a Family Council. 2007, c. 8, s. 59 (1).

Request for Family Council

(2) If there is no Family Council, a family member of a resident or a person of importance to a resident may request the establishment of a Family Council for a long-term care home. 2007, c. 8, s. 59 (2).

Licensee to assist

(3) The licensee shall assist in the establishment of a Family Council within 30 days of receiving a request from a person mentioned in subsection (2). 2007, c. 8, s. 59 (3).

Notification of Director

(4) When a Family Council is established, the licensee shall notify the Director or anyone else provided for in the regulations of the fact within 30 days of the establishment. 2007, c. 8, s. 59 (4).

Right to be a member

(5) Subject to subsection (6), a family member of a resident or a person of importance to a resident is entitled to be a member of the Family Council of a long-term care home. 2007, c. 8, s. 59 (5).

Who may not be a member

(6) The following persons may not be members of the Family Council:

1. The licensee, and anyone involved in the management of the long-term care home on behalf of the licensee.
2. An officer or director of the licensee or of a corporation that manages the long-term care home on behalf of the licensee or, in the case of a home approved under Part VIII, a member of the committee of management for the home under section 132 or of the board of management for the home under section 125 or 129, as the case may be.
3. A person with a controlling interest in the licensee.
4. The Administrator.
5. Any other staff member.
6. A person who is employed by the Ministry or has a contractual relationship with the Minister or with the Crown regarding matters for which the Minister is responsible and who is involved as part of their responsibilities with long-term care home matters.
7. Any other person provided for in the regulations. 2007, c. 8, s. 59 (6).

Licensee obligations if no Family Council

(7) If there is no Family Council, the licensee shall,

- (a) on an ongoing basis advise residents' families and persons of importance to residents of the right to establish a Family Council; and
- (b) convene semi-annual meetings to advise such persons of the right to establish a Family Council. 2007, c. 8, s. 59 (7).

Section Amendments with date in force (d/m/y)

2007, c. 8, s. 195 (6) - no effect - see Bill 140 as amended in Committee

Powers of Family Council

60 (1) A Family Council of a long-term care home has the power to do any or all of the following:

1. Provide assistance, information and advice to residents, family members of residents and persons of importance to residents, including when new residents are admitted to the home.
2. Advise residents, family members of residents and persons of importance to residents respecting their rights and obligations under this Act.
3. Advise residents, family members of residents and persons of importance to residents respecting the rights and obligations of the licensee under this Act and under any agreement relating to the home.
4. Attempt to resolve disputes between the licensee and residents.
5. Sponsor and plan activities for residents.
6. Collaborate with community groups and volunteers concerning activities for residents.
7. Review,
 - i. inspection reports and summaries received under section 149,
 - ii. the detailed allocation, by the licensee, of funding under this Act and the *Local Health System Integration Act, 2006* and amounts paid by residents,
 - iii. the financial statements relating to the home filed with the Director under the regulations and with the local health integration network for the geographic area where the home is located under the *Local Health System Integration Act, 2006*, and
 - iv. the operation of the home.
8. Advise the licensee of any concerns or recommendations the Council has about the operation of the home.
9. Report to the Director any concerns and recommendations that in the Council's opinion ought to be brought to the Director's attention.
10. Exercise any other powers provided for in the regulations. 2007, c. 8, ss. 60 (1), 195 (7, 8).

Duty to respond

(2) If the Family Council has advised the licensee of concerns or recommendations under either paragraph 8 or 9 of subsection (1), the licensee shall, within 10 days of receiving the advice, respond to the Family Council in writing. 2007, c. 8, s. 60 (2).

Section Amendments with date in force (d/m/y)

2007, c. 8, s. 195 (7, 8) - 01/07/2010

Family Council assistant

61 (1) If the Family Council so requests, the licensee shall appoint a Family Council assistant who is acceptable to that Council to assist the Family Council. 2007, c. 8, s. 61 (1).

Duties

(2) In carrying out his or her duties, a Family Council assistant shall take instructions from the Family Council, ensure confidentiality where requested and report to the Family Council. 2007, c. 8, s. 61 (2).

GENERAL

Licensee to co-operate with and assist Councils

62 A licensee shall co-operate with the Residents' Council, the Family Council, the Residents' Council assistant and the Family Council assistant and shall provide them with such financial and other information and such assistance as is provided for in the regulations. 2007, c. 8, s. 62.

Licensee duty to meet with Council

63 If invited by the Residents' Council or the Family Council, the licensee shall meet with that Council or, if the licensee is a corporation, ensure that representatives of the licensee meet with that Council. 2007, c. 8, s. 63.

Attendance at meetings – licensees, staff, etc.

64 A licensee of a long-term care home shall attend a meeting of the Residents' Council or the Family Council only if invited, and shall ensure that the staff, including the Administrator, and other persons involved in the management or operation of the home attend a meeting of either Council only if invited. 2007, c. 8, s. 64.

No interference by licensee

65 A licensee of a long-term care home,

- (a) shall not interfere with the meetings or operation of the Residents' Council or the Family Council;
- (b) shall not prevent a member of the Residents' Council or Family Council from entering the long-term care home to attend a meeting of the Council or to perform any functions as a member of the Council and shall not otherwise hinder, obstruct or interfere with such a member carrying out those functions;
- (c) shall not prevent a Residents' Council assistant or a Family Council assistant from entering the long-term care home to carry out his or her duties or otherwise hinder, obstruct or interfere with such an assistant carrying out those duties; and
- (d) shall ensure that no staff member, including the Administrator or other person involved in the management or operation of the home, does anything that the licensee is forbidden to do under clauses (a) to (c). 2007, c. 8, s. 65.

Immunity – Council members, assistants

66 No action or other proceeding shall be commenced against a member of a Residents' Council or Family Council or a Residents' Council assistant or Family Council assistant for anything done or omitted to be done in good faith in the capacity as a member or an assistant. 2007, c. 8, s. 66.

Duty of licensee to consult Councils

67 A licensee has a duty to consult regularly with the Residents' Council, and with the Family Council, if any, and in any case shall consult with them at least every three months. 2007, c. 8, s. 67.

Regulations

68 (1) The Lieutenant Governor in Council may make regulations for carrying out the purposes and provisions of this Part. 2007, c. 8, s. 68 (1).

Specific inclusions

- (2) Without restricting the generality of subsection (1), the Lieutenant Governor in Council may make regulations,
 - (a) requiring a licensee to assist in the formation of Residents' Councils and Family Councils, and governing the assistance that the licensee is required to provide to those Councils;
 - (b) defining "detailed allocation" for the purpose of subparagraph 9 ii of subsection 57 (1) and subparagraph 7 ii of subsection 60 (1);
 - (c) providing for anything that under this Part may or must be provided for in regulations, or that is to be done in compliance with or in accordance with the regulations. 2007, c. 8, s. 68 (2).