

## Cassellholme Family Council Meeting

Held by *Zoom*, North Bay, ON

July 7<sup>th</sup>, 2020

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- Welcome (2:00)** The Family Council met using *Zoom*. Blanche-Hélène Tremblay welcomed everyone, followed by a brief check-in.
- Attendance (3)** Karen Gooch (Recorder), Émilie Johnson, Blanche-Hélène Tremblay (Chair)
- Regrets Ann McIntyre
- Agenda** **Motion 005/20**  
The agenda was approved by consensus with one addition concerning the Board of Management.
- Minutes of Previous Meeting** **Motion 006/20**  
Karen Gooch/ Émilie Johnson moved that the minutes from the March 3<sup>rd</sup>, 2020 and June 2<sup>nd</sup>, 2020 meetings be approved as presented. **Carried**
- Self-Evaluation** It was decided that while the meetings are being held online that meeting evaluations will be in verbal form instead of using the paper forms.
- Discussion/ Sharing** During the time of discussion the following items were shared:
- The outdoor visits seem to be going well. There was a concern raised about how to deal with residents who may be hard of hearing. This problem may be made worse due to the physical distancing and mask wearing requirements.
  - While there has been plenty of discussion on all sides about allowing family caregivers more access to residents, some have expressed concern about the use of ‘caregiver’ being applied in this context. Does it imply that work is being taken away from paid caregivers?
  - Is there a way to find out how many deaths in there have been in long-term care facilities during the pandemic lockdown compared to the yearly average for the same period? What about the number of falls or the rate of medication use? It must be quite difficult to track the rates of physical and mental decline that may have taken place.
  - What can Family Councils do? It is important to let people know about problems and about ideas for how things could be better. One suggestion was to contact the Ontario Ombudsman with issues related to government actions along with the other advocacy groups we have been involved with.
  - Hopefully everyone will learn something from the current situation to avoid future problems. Is there a way to avoid a full lockdown of LTC homes? How do we find the balance between safety and the decline of the residents?
  - We are still pushing for designated family members to be allowed entry into LTC homes. This could be accomplished with training in infection control and the use of PPE.
  - We are awaiting news about remittance procedures. How many empty beds are there and what will be done to deal with potentially longer waiting lists?

## Research/Advocacy

- Communication/  
Education
- We held a discussion about how the Family Council can continue to educate and communicate during the lockdown:
- It is difficult to operate effectively from a distance.
  - Perhaps we could invite guests to provide us with education pieces online. Maybe a staff person could speak with us about their experiences working in the home during the lockdown or a there could be a session about infection control.
  - We could send out links to our families for the *Family Councils Ontario* (FCO) online meetings and request that Cassellholme put a link to FCO on its website.
  - The Cassellholme *Facebook* appears to be quite popular. It seems as if setting up our own Family Council *Facebook* page may not be particularly effective. Could we post links on the Cassellholme page that may be of interest to families: for example links to government information pages or other neutral content. Could we post ads for our own upcoming events?
  - How do we encourage more involvement of family members who currently have a resident at Cassellholme?

## Advocacy **Appendix I**

- There was discussion about a request from the Ontario North Family Council Network (ONFCN):
  - The North East Family Council Network (NEFCN) has been renamed (ONFCN) due to restructuring of the Ontario health care system. ONFCN has had a request from the Ontario Health Coalition (OHC) to support proposed changes to the LTC Act. We have been asked to support this request.
  - After reviewing information from the OHC Blanche-Hélène recommends that we urge the OHC to ensure enforcement of the LTC Act rather than ask for what in many cases appear to be superficial changes to it.
  - Blanche-Hélène Tremblay encourages all Family Council members to review the sections of the Act which apply to Family Councils (Appendix I). She feels that Cassellholme sometimes shows a lack of awareness of these sections of the Act and as a Council we could sometimes do better. For example, it is our right to ask to speak with inspectors.
- Émilie Johnson spoke about the *Vibrant Voices* campaign which is an initiative of Retired Teachers of Ontario and the National Association of Federal Retirees and a number of other organizations to influence political action on issues important to seniors. One current topic of discussion is social isolation among seniors which has been amplified because of Covid-19. <https://rtoero.ca/vibrant-voices/>

## Board of Management

- Blanche-Hélène Tremblay spoke about a couple of items relating to the Board of Management:
- Family Council is allowed to have someone at the meetings as an observer, but we have not received notice of the meetings during the current COVID-19 crisis.
  - After reviewing the minutes from the March 5<sup>th</sup>, 2020 meeting, Blanche-Hélène would like to request two amendments for clarification:
    - She feels that Section 9.6 does not reflect the role of Family Council. Jillian Duchesne offered a report from Family Council, but she is not a member of the Council and should not be speaking on behalf of the Council.

- Section 9.1 about inspections should reflect that Cassellholme did not fulfill obligations based on the complaint and that a written report was received by Cassellholme.
- Blanche-Hélène will provide Family Council with a written summary of her amendment requests for approval before she brings them to the Board.

**Other Business**

Parade There will be another parade of support on July 25<sup>th</sup>. We will encourage staff to bring down as many residents as possible outside for the event, however we need to be aware that this may place too much of a burden on the activities staff.

**Next Meeting** The next meeting will be on Tuesday, August 4<sup>th</sup>, 2020 at 2:00 p.m.

**Adjournment** The meeting was adjourned at 3:10 p.m.

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Chair, Blanche-Hélène Tremblay

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Recorder, Karen Gooch

**Appendix I**

**Family Council**

**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 and Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006* - 31/12/2017

**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,
  - i.1. a written plan for achieving compliance, prepared by the licensee, that the Director has ordered in accordance with clause 153 (1) (b) following a referral under paragraph 4 of subsection 152 (1),
  - ii. the detailed allocation, by the licensee, of funding under this Act, the *Local Health System Integration Act, 2006* and the *Connecting Care Act, 2019* and amounts paid by residents,

**Note: On a day to be named by proclamation of the Lieutenant Governor, subparagraph 7 ii of subsection 60 (1) of the Act is amended by striking out “the *Local Health System Integration Act, 2006*”. (See: 2019, c. 5, Sched. 3, s. 12 (12))**

- iii. the financial statements relating to the home filed with the Director under the regulations, with the local health integration network for the geographic area where the home is located under the *Local Health System Integration Act, 2006* and with the Agency, and

**Note: On a day to be named by proclamation of the Lieutenant Governor, subparagraph 7 iii of subsection 60 (1) of the Act is amended by striking out “with the local health integration network for the geographic area where the home is located under the *Local Health System Integration Act, 2006*”. (See: 2019, c. 5, Sched. 3, s. 12 (14))**

- 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); 2017, c. 25, Sched. 5, s. 16; 2019, c. 5, Sched. 3, s. 12 (11, 13).

#### **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

2017, c. 25, Sched. 5, s. 16 - 01/04/2018

2019, c. 5, Sched. 3, s. 12 (11, 13) - 06/06/2019; 2019, c. 5, Sched. 3, s. 12 (12, 14) - not in force

#### **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).

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17. Every resident has the right to raise concerns or recommend changes in policies and services on behalf of himself or herself or others to the following persons and organizations without interference and without fear of coercion, discrimination or reprisal, whether directed at the resident or anyone else,

- i. the Residents' Council,
- ii. the Family Council,
- iii. the licensee, and, if the licensee is a corporation, the directors and officers of the corporation, and, 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,
- iv. staff members,
- v. government officials,
- vi. any other person inside or outside the long-term care home.

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**Collaboration**

(3) The licensee shall ensure that the mission statement is developed, and revised as necessary, in collaboration with the Residents' Council and the Family Council, if any, and shall invite the staff of the long-term care home and volunteers to participate. 2007, c. 8, s. 4 (3).

**Updating**

(4) At least once every five years after a mission statement is developed, the licensee shall consult with the Residents' Council and the Family Council, if any, as to whether revisions are required, and shall invite the staff of the long-term care home and volunteers to participate. 2007, c. 8, s. 4 (4).

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**Other inquiries**

(5) If the Director receives information from any source about the operation of a long-term care home, and is not required to have an inspector conduct an inspection or make inquiries into the matter, the Director may disclose the information to another person, including the licensee, or to the Residents' Council or Family Council. 2007, c. 8, s. 25 (5).

**Licensee to be notified**

(6) If the Director discloses the information to the Residents' Council or Family Council under subsection (5), the Director is required to provide the information to the licensee. 2007, c. 8, s. 25 (6).

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**Information for residents, etc.**

78 (1) Every licensee of a long-term care home shall ensure that,

- a) a package of information that complies with this section is given to every resident and to the substitute decision-maker of the resident, if any, at the time that the resident is admitted;
- b) the package of information is made available to family members of residents and persons of importance to residents;
- c) the package of information is revised as necessary;
- d) any material revisions to the package of information are provided to any person who has received the original package and who is still a resident or substitute decision-maker of a resident; and
- e) the contents of the package and of the revisions are explained to the person receiving them. 2007, c. 8, s. 78 (1).

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(p) information about the Family Council, if any, including any information that may be provided by the Family Council for inclusion in the package, or, if there is no Family Council, any information provided for in the regulations;

**Communication**

(2) Every licensee of a long-term care home shall ensure that the required information is communicated, in a manner that complies with any requirements that may be provided for in the regulations, to residents who cannot read the information. 2007, c. 8, s. 79 (2).

**Required information**

(3) The required information for the purposes of subsections (1) and (2) is,

- a) the Residents' Bill of Rights;
- b) the long-term care home's mission statement;
- c) the long-term care home's policy to promote zero tolerance of abuse and neglect of residents;
- d) an explanation of the duty under section 24 to make mandatory reports;
- e) the long-term care home's procedure for initiating complaints to the licensee;

- f) the written procedure, provided by the Director, for making complaints to the Director, together with the contact information of the Director, or the contact information of a person designated by the Director to receive complaints;
- g) notification of the long-term care home's policy to minimize the restraining of residents, and how a copy of the policy can be obtained;

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 79 (3) (g) of the Act is repealed and the following substituted: (See: 2017, c. 25, Sched. 5, s. 21 (2))**

- g) notification of the long-term care home's policy to minimize the restraining and confining of residents, and how a copy of the policy can be obtained;
- (g.1) a copy of the service accountability agreement entered into in accordance with section 20 of the *Local Health System Integration Act, 2006* or section 22 of the *Connecting Care Act, 2019*;

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 79 (3) (g.1) of the Act is amended by striking out "section 20 of the Local Health System Integration Act, 2006 or". (See: 2019, c. 5, Sched. 3, s. 12 (18))**

- h) the name and telephone number of the licensee;
- i) an explanation of the measures to be taken in case of fire;
- j) an explanation of evacuation procedures;
- k) copies of the inspection reports from the past two years for the long-term care home;
- l) orders made by an inspector or the Director with respect to the long-term care home that are in effect or that have been made in the last two years;
- l.1) a written plan for achieving compliance, prepared by the licensee, that the Director has ordered in accordance with clause 153 (1) (b) following a referral under paragraph 4 of subsection 152 (1);
- m) decisions of the Appeal Board or Divisional Court that were made under this Act with respect to the long-term care home within the past two years;
- n) the most recent minutes of the Residents' Council meetings, with the consent of the Residents' Council;
- o) the most recent minutes of the Family Council meetings, if any, with the consent of the Family Council;
- p) an explanation of the protections afforded under section 26; and
- q) any other information provided for in the regulations. 2007, c. 8, ss. 79 (3), 195 (10); 2017, c. 25, Sched. 5, s. 21 (1, 3); 2019, c. 5, Sched. 3, s. 12 (17).

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### **Satisfaction survey**

**85 (1)** Every licensee of a long-term care home shall ensure that, at least once in every year, a survey is taken of the residents and their families to measure their satisfaction with the home and the care, services, programs and goods provided at the home. 2007, c. 8, s. 85 (1).

### **Action**

(2) A licensee shall make every reasonable effort to act on the results of the survey and to improve the long-term care home and the care, services, programs and goods accordingly. 2007, c. 8, s. 85 (2).

### **Advice**

(3) The licensee shall seek the advice of the Residents' Council and the Family Council, if any, in developing and carrying out the survey, and in acting on its results. 2007, c. 8, s. 85 (3).

### **Documentation**

(4) The licensee shall ensure that,

- a) the results of the survey are documented and made available to the Residents' Council and the Family Council, if any, to seek their advice under subsection (3);



- b) the actions taken to improve the long-term care home, and the care, services, programs and goods based on the results of the survey are documented and made available to the Residents' Council and the Family Council, if any;
- c) the documentation required by clauses (a) and (b) is made available to residents and their families; and
- d) the documentation required by clauses (a) and (b) is kept in the long-term care home and is made available during an inspection under Part IX. 2007, c. 8, s. 85 (4).

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### **Meeting with councils**

**145** Where an inspection is required under section 143, the inspector may meet with the Residents' Council or the Family Council, if requested or permitted to do so by the Council. 2007, c. 8, s. 145.

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### **Inspection report**

**149** (1) After completing an inspection, an inspector shall prepare an inspection report and give a copy of the report to the licensee and to the Residents' Council and the Family Council, if any. 2007, c. 8, s. 149 (1).

### **Summaries to Councils**

(2) Where the inspection is required under section 143, the inspector shall prepare a summary of the inspection report and provide it to the Residents' Council and the Family Council, if any. 2007, c. 8, s. 149 (2).

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