

## **Municipality of Chatham-Kent**

### **Community Human Services**

#### **Seniors Services**

**To:** Mayor and Members of Council

**From:** Mary Alice Searles  
Director, Seniors Services

**Date:** March 20, 2023

**Subject:** Riverview Gardens Committee of Management, Fixing Long Term Care Act 2021 - Governance

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#### **Recommendations**

It is recommended that:

1. A Committee of Management for Riverview Gardens Long-Term Care home be approved as a committee of Council.
2. The Draft By-law for the Riverview Gardens Committee of Management that delegates authorities to the Committee be approved.

#### **Background**

Riverview Gardens is a 320 bed long-term care home, the sole long-term care home operated by the Municipality of Chatham-Kent. Under the former Long-Term Care Homes Act and now under the Fixing Long Term Care Act, there is a requirement for municipally-operated homes to have a committee of management, with no fewer than three municipal councillors appointed. Currently, the structure of the Riverview Gardens Committee of Management consists of all members of Chatham-Kent Council.

The COVID-19 pandemic shone a spotlight on long-term care in Ontario. Early in the pandemic, there were a significant number of resident deaths in long-term care homes. The Province made a promise to address deficiencies in the system, and prevent recurrence in the future. In April 2022, the Fixing Long-Term Care Act (FLTCA) was proclaimed, increasing requirements in many areas including increased oversight and accountability.

#### **Comments**

As was in the Long-Term Care Homes Act, the FLTCA continues to state municipal councils shall appoint from among the members of the Council, a Committee of Management for its municipal long-term care homes. The regulations further state the

Committee of Management be composed of not fewer than three members of municipal council for a single home.

The FLTCA has also added additional requirements:

### **Police Record Check Requirement**

Each member of the Committee of Management is required to complete a criminal reference check. Anyone convicted of an offense prescribed in the regulations or found guilty of an act of professional misconduct prescribed in the regulations is not permitted to be a member of the Committee of Management under the Act section 81(5), subject to the limitations specified in the applicable regulations respecting the time passed since the finding of guilt.

Members of the Riverview Gardens Committee of Management will be required to complete the Police Record Check Application upon appointment to the committee.

### **Offence Declaration Requirement:**

Members of the Committee of Management who become aware of charges, orders, convictions or other outcomes including commencement of a proceeding or finding of guilt related to offences must notify the General Manager, Community Human Services on becoming aware. All employees at Riverview Gardens have had this requirement under both the former Long-Term Care Homes Act and now the FLTCA.

### **Other requirements:**

The Committee of Management as well as staff have an obligation to report to the Ministry of Long-Term Care occurrences listed in section 28(1) of the Act. Section 28(1) references matters ranging from improper treatment, neglect, or abuse of a resident that results in harm or risk to a resident, to misuse or misappropriate use of monies.

Under the Act, every resident has the right to raise concerns without fear of coercion or reprisal by a member of the Committee of Management.

### **Role of the Committee**

The role of the Committee of Management is to provide governance oversight of the management of Riverview Gardens. The Committee of Management is broadly responsible for ensuring that the home:

- Is in compliance with applicable legislation;
- Meets the requirements of the funding from the Ministry of Health and Long-Term Care;
- Maintains appropriate service standards for the residents; and
- Provides oversight of finance, audits, and general operations.

Chatham-Kent Council is the governing body for Riverview Gardens. The Committee of Management would oversee the operations of Riverview Gardens and all recommendations made by the Committee of Management are subject to Council's approval. Once established, the Committee of Management would create a Terms of Reference including the frequency of meetings. The Draft By-law for the Riverview Gardens Committee of Management is found in Attachment A.

**Areas of Strategic Focus**

This report supports the following areas of strategic focus:

			
<b>Economic Prosperity</b>	<b>Healthy &amp; Safe Community</b>	<b>People &amp; Culture</b>	<b>Environmental Sustainability</b>
	2.3		

**Consultation**

Legal Services was consulted on the process of the formation of a Committee of Council and the Draft By-law.

**Communication**

Communication is proposed to be through the inclusion of this report on the Council agenda and related communications.

Communication will be shared with key internal stakeholders including Riverview Gardens Residents Council, Family Council and also through the Riverview Gardens subscription service.

**Diversity, Equity, Inclusion and Justice (DEIJ)**

While the Committee of Management does not provide direct care to residents, they do ensure that the home meets their service standards, including ensuring that care is provided through a DEIJ lens. In a health care setting, a DEIJ lens looks like: honouring the culture, gender, sexual orientation, and religious beliefs of residents; making certain that staff and residents have a voice in the provision of care; ensuring that any barriers to receiving care are removed, so that all residents may benefit fully from their treatment.

**Financial Implications**

There are no financial implications resulting from the recommendation.

Prepared by:

Mary Alice Searles, Director, Seniors Services

Reviewed by:

April Rietdyk, General Manager, Community Human Services

Consulted and confirmed the content of the consultation section of the report by:

Dave Taylor, Director, Legal Services

Attachment: A- Draft By-law Riverview Gardens Committee of Management

c Dave Taylor, Director, Legal Services