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# Feedback on the Ontario Regulation 246/22 under the *Fixing Long-Term Care Act, 2021* to Enable a Long-Term Care Homes Cultural Pilot Project

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## Summary of Recommendations

1. That the pilot be expanded to include all cultural homes in the province. If this is not possible, then the Ministry should:
  - a. Ensure that the process and criteria for selecting LTC homes for the pilot be reasonable and transparent
  - b. Select homes for the pilot based on a minimum threshold for culturally appropriate admissions (e.g., 75% and below). This includes homes that have had the biggest decline in cultural admissions since the pandemic.
2. That the Ministry work in collaboration with Ontario Health atHome (OHH) to gather an accurate list of designated cultural homes in alignment with existing legislation and archived correspondence used to identify cultural providers across the care continuum.
3. That the Ministry's definition of cultural LTC homes go beyond linguistic, religious and ethnic designations to include those that serve other specialized populations such as 2SLGBTQ, hearing impaired and veterans.
4. That there be consistency across waiting list categories that are set in the existing regulation and in the proposed amendment to the regulation.
5. That Ministry work with cultural LTC homes to provide education and training to placement coordinators on how to identify culturally appropriate placements for designated homes.
6. That the timeframe for the pilot be 60 days maximum followed by a swift evaluation and permanent solution in place by June 1, 2025.
7. That the Ministry establish a task force that includes a representation of cultural homes to provide input on the pilot selection and evaluation processes.

## Introduction

We appreciate the opportunity to share feedback on the Ministry of Long-Term Care's (the Ministry) proposed amendments to Regulation 246/22 (the Regulation) under the *Fixing Long-Term Care Act, 2021*, (the Act) to help enable a long-term care (LTC) homes cultural pilot project.

Our Association has over 80 members who provide cultural LTC services, including as both designated and non-designated cultural homes. Many of these members were consulted when we prepared this submission. We estimate that there could be well over 100 homes that provide cultural services in the province. In our multi-cultural society, these homes play a crucial role in protecting the rights of residents to seek LTC services based on their linguistic, cultural, religious, and spiritual preferences.

As the Ministry has acknowledged, cultural LTC homes have had a major reduction in cultural referrals as a result of both the changes to admissions criteria to prioritize crisis placements since the pandemic, and the passing of Bill 7 *More Beds, Better Care Act, 2022*. We notified the Ministry of this in 2023. Based on the feedback from our 2023 cultural homes survey, 66.7% of homes that responded indicated that their cultural placements were declining.

Since then, culturally designated homes have been experiencing even more significant declines. For instance, as of November 2023, one of our member First Nations home indicated that only 33% of their residents were Indigenous, and in 2024 alone, a Dutch home only had four of their twenty crisis admissions for people who are part of the home's designated culture.

This erosion of cultural placements has had wide-reaching impacts, especially given that almost 70% of LTC residents have a dementia diagnosis, and research shows that people with dementia often revert to primarily using their first language. Additionally, lack of access to cultural care means that residents may not receive care in their preferred language, enjoy their religious or cultural holidays with comprehensive programming, or have access to food they enjoy -- or in cases of kosher or halal, food that they require. Furthermore, cultural communities contribute volunteers and significant financial capital and operating resources to homes, which would be hard to sustain if cultural admissions continue to dwindle.

For all these reasons, we are very supportive and appreciative that the Ministry is taking action on the cultural admissions situation. Understanding that the pilot is time limited, we believe that it is crucial for the Ministry to work together with Ontario Health atHome (OHH) to implement a permanent solution as quickly as possible following this pilot, which we hope will be short in duration. OHH needs to ensure that cultural, religious, ethnic and linguistic preferences are prioritized by placement coordinators at all times during the broader admissions process.

While we are supportive of a pilot, we believe that there are critical elements that need to be considered to successfully execute the project and enable permanent solutions for cultural admissions. One key consideration is for the Ministry to expand participation in the pilot to all cultural homes in the province. We believe this can be helpful to effectively evaluate the outcomes of the pilot and ensure sustainable action is taken.

Further in our submission, we will detail the various issues that cultural homes continue to face as a result of the erosion of admissions, which will be crucial context to help refine the pilot project and considerations for future solutions.

## Context

### *Impacts of Cultural Admissions Erosion*

Before we comment on the pilot, it is important to understand the significant placement challenges that cultural homes have been grappling with over the past few years and why movement on this file is so important.

The erosion of cultural admissions since the pandemic has had financial impacts, including decreased fundraising and support from the communities that helped build the homes, which is further impacting access to programs for designated residents. Many of our members have shared that their cultural homes would cease to exist without the capital contributions of their cultural communities. Additionally, there are many groups that are currently building or planning on building new cultural homes that will be discouraged from moving forward unless the admissions issue is addressed.

Homes are facing significant cost burdens in their efforts to accommodate other cultural and religious preferences in addition to serving their designated residents. For instance, some designated Christian homes have admitted Jewish residents, who require kosher meals. This can be costly to accommodate and requires the home to cater from outside vendors. These costs could be avoided if appropriate cultural placements were made in the first place. There are also some homes who are hiring staff of the same background to provide interpreter support. Multiple changes in programming are another added expense.

There are challenges in comfort, satisfaction, and wellbeing of residents when they are not put into culturally appropriate homes. Seniors, especially those living with dementia, often revert to their native language, and require support from cultural homes that are better suited to accommodate their needs. When these seniors are not able to access the care that they need, this put incredible strain on families and loved ones and on our health care system.

## Commentary on the Proposed Regulations and Pilot Project

### **1. Selection Criteria**

For the pilot to be successful, the process by which homes are selected needs to be reasonable and transparent, with selection criteria that are reflective of the diversity of cultural homes across the province. To help ensure this is possible, we recommend that the pilot be expanded to include all cultural homes in the province.

The vast majority of cultural homes in Ontario are not-for-profit, and sometimes on a campus of care, co-located with other seniors' care services, such as supportive housing, LTC care, and/or retirement homes.

Some of these homes are also operated by municipalities; based on our 2023 cultural homes survey results, 23% of respondents identified as municipally-run.

While the majority of cultural homes may be located in urban areas such as Toronto, it is important to ensure there is representation across all Ontario Health regions, including a good

sample of homes in rural and northern areas. Based on our 2023 survey results, about 48% of respondents were located in urban areas and about 40% in rural areas.

i) *List of Designated Cultural Homes*

We understand that the homes chosen for the pilot project will be from those that are on the OHH's culturally designated list. If this is the case, the MLTC should be aware that there are information gaps that exist to accurately identify cultural homes across the province, as there are some homes that are generally understood to be culturally designated; however, they are not officially recognized by OHH.

Based on our poll results from our November 13 consultation with cultural homes, 19% indicated that they are not on the OHH designated cultural homes list and 14% indicated that they do not know if they are.

Our members have informed us that there are various legacy documents that contain correspondence identifying cultural homes that are part of continuums of care in all 14 Local Health Integration Networks (LHINs). An example is the *Continuum of Care Table referred in the General Regulation under the Long-Term Care Homes Act, 2007*, developed when LHINs were in place. Perhaps this could be a good starting point for the Ministry to compare with OHH's list.

Additionally, there are some francophone homes that are designated as part of the *French Language Services Act, 1990*, but that are not formally recognized by OHH. This designation is crucial because it provides a framework for French-language services and ensures there is a guarantee for services to be offered in French.

We recommend that the Ministry work in collaboration with OHH to gather an accurate list of designated cultural homes in alignment with existing legislation and archived correspondence used to identify cultural providers across the care continuum. We also suggest that this work begin before the pilot wraps up to develop a more consistent, transparent technique for designating cultural homes.

ii) *Director's Powers*

Regarding the selection criteria, it would appear as though, in these proposed regulations, the Director has broad enough powers that they could use the OHH list to pick the pilot homes or designate 'new' homes.

The new section doesn't provide details or rules for the Director's designation, and this designation power seems to be new without any legislative link to the existing process of placement coordinators keeping waiting lists for cultural homes and identifying cultural homes for this purpose. This is another reason why the Ministry's process and criteria for choosing a home should be transparent.

iii) *Identifying a Broader View of Cultural Homes*

We also want to encourage MLTC to take a broader view of cultural homes and ensure that it captures those beyond just linguistic, religious and ethnic origins. For instance, there are homes that have wings focused on serving 2SLGBTQ+ seniors, homes that primarily serve seniors who are deaf, and homes with residents who are veterans.

While these homes may not provide “cultural” services in the traditional sense, they play a crucial role in offering services to specialized populations that should be able to take advantage of their services.

With regards to populations that are hearing impaired, the Supreme Court of Canada has indicated that failure to provide sign language interpreters who are necessary for effective communication for the procurement of medical services is a violation of equality rights under Section 15(1) of the Canadian Charter of Rights and Freedoms.

Although these homes are not recognized as a designated cultural home through OHH, their “cultural” services are in line with the Supreme Court decision, thus supporting the province in this mandate.

We recommend that the Ministry ensure these homes are also included in these discussions and that there is a broader view of cultural homes in the Act.

*iv) Ensuring a Minimum Threshold*

Should our main recommendation to expand participation in the pilot to all cultural homes in the province not be considered, we believe that there should be a selection of homes that have been impacted the most and that are eligible to participate. For instance, we are aware of one member home that now has only 21 of their 63 residents of the designated origin. Setting a minimum threshold is crucial to ensure there is an equitable selection process by selecting the homes that have had the biggest declines in their cultural admissions since the pandemic.

The Ministry should prioritize selecting homes that have a lower percentage of culturally specific placements – a threshold of 75% and below for culturally appropriate admissions could be a good example.

*v) Ensuring Consistency Across Waiting List Categories*

To enable this proposed new waiting list rule, we understand that placement coordinators will need to reorganize the waiting list to reflect the new designation.

While these modified waiting list rules will help prioritize cultural admissions through crisis applicants, it is important to understand how other areas of the regulation might be impacted to ensure all system partners are on the same page.

For instance, Section 191 of the Regulation creates a waiting list category (Category 3) for homes (or units or areas within the home) “primarily engaged in serving the interests of persons of a particular religion, ethnic origin or linguistic origin” and applicants (and spouses) of that origin.” Section 182 also requires placement coordinators to keep separate waiting lists with respect to these homes and their applicants.

However, the new proposed Section 239.1 does not refer to Sections 182 or 191. The designation power and new ranking rule are separate from the existing content in the Regulation relating to religious, ethnic, and linguistic origin.

While this makes sense to the extent that the new rules relate to applicants in the crisis category, it is important to ensure there is consistency between the new selection processes for the pilot,

and the existing process that identifies homes serving persons based on religious, ethnic, or linguistic origin for the purpose of category 3 of the waiting list.

*vi) Education and Training of Placement Coordinators*

Our members have shared that often placement coordinators do not have the correct information on a home's designated cultural, religious and linguistic origin, or do not understand cultural differences, which may contribute to inappropriate admissions.

Inappropriate admissions could also retraumatize residents who are impacted by political circumstances, especially in the current geopolitical climate. Care coordinators need to be educated on these diverse placements so they can be aware of the services provided and appropriately help residents navigate the system.

Our members also noted that linguistic needs are not always considered when individuals are assessed for LTC. For instance, residents who understand English have been automatically checked off as English applicants without considering that they may prefer to access services in French. The assessment process can be skewed as it is not always an actual reflection of where the resident should be placed.

We recommend that the Ministry engage with cultural homes to fully understand the communities that they each serve and provide care coordinators with education and training on how to identify culturally appropriate placements for designated homes.

*vii) Expanding the Scope of the Pilot*

While we appreciate the pilot aims to address the issue of inappropriate crisis admissions, we believe the scope of this project should be expanded to cultural admissions across all waiting list categories under Section 200 of the Regulation, including those in categories 3A and 3B as well as category 2 – spousal/partner reunification.

Crisis in the acute care sector should not be the only criteria for placement as part of this pilot and may not give an accurate understanding of where cultural applicants are mostly coming from. For instance, some homes do not have any cultural applicants on their crisis list but have many waiting to be admitted from the community, which can often take up to five years before they are placed.

Furthermore, some of our members who have homes located close to hospitals have noted that they often have placement coordinators placing more crisis admissions in their homes compared to other homes in their region. As a result, these homes will have more cultural placements than other cultural homes in the region. This is an important consideration to make when determining the scope of the pilot project as there are also homes that are located far from hospitals and may not be getting as many crisis admissions.

Additionally, in the current process, in order for applicants to be on the crisis list, they have to select more than one option, including homes that are not their first choice/not reflective of their cultural origin. This can contribute to missed opportunities to prioritize cultural admissions through the existing crisis list.

The Ministry should consider expanding the scope of the pilot by ensuring that the modified waiting rules include cultural applicants waiting in all categories.

### *viii) Timeframe of Pilot*

As noted above, our understanding is that only a subset of designated cultural homes will be selected to participate in the pilot. As such, only a portion of Ontario's designated cultural homes may be positively impacted by this pilot. Those cultural homes that are not participating will potentially be at a greater disadvantage in terms of appropriate admissions and the cultural composition of their homes for a longer period of time.

Cultural homes are in an urgent need for an immediate and permanent change due to lack of support and rising financial burden to accommodate other cultures they are not designated to serve.

This pilot needs to be extremely time-limited -- 60 days maximum -- at which point a swift evaluation and permanent solution should be in place by June 1, 2025.

## **2. Evaluation of the Pilot Project**

We believe that there needs to be a clear understanding of the evaluation criteria before the pilot begins, and the criteria should be closely tied to the selection process. Establishing clear parameters for success early on will ensure a more comprehensive and effective assessment on how the pilot can be improved to enable permanent solutions.

While we understand that the impact of these changes on alternative level of care (ALC) rates will be looked at, it is important that the Ministry also look at the impact on cultural homes and residents during the pilot. Considering the impact on resident wellbeing, particularly as residents move into cultural homes, and including the perspectives of families, residents and staff at the home will be crucial. This surveying can take place as residents are admitted and does not have to lengthen the evaluation period.

The Ministry should establish a task force that includes a representation of cultural homes to provide input on the pilot selection and evaluation processes. Once the pilot is implemented, the Ministry should consider conducting regular check ins with participating homes in order to ensure ongoing communication and feedback. With some resource support, we would be happy to support both of these efforts in collaboration with all cultural homes and the Ministry.

## **3. Further Work Needed on Cultural Homes Policy**

While we are pleased to see this initiative, we do believe there is future work needed more broadly on cultural homes. Consultations with the sector on amending the current cultural homes designation policy, in addition to the placement process, would be a good place to start, as how a home becomes a designated cultural home is foundational. There is no consistent process to designate a cultural home in the province.

It is crucial for the MLTC and the OHH to work collaboratively to develop a more transparent technique for designating cultural homes to ensure their viability now and in the future. As noted above, we also believe that broad education for OHH placement coordinators on cultural homes, led by cultural homes in their region, would be another important endeavour. Many current issues that exist related to placement, wait lists, etc., could be mitigated if there was a mutual understanding of what is available in communities, and ultimately how to best serve those residents.



## Conclusion

We greatly appreciate the opportunity to be consulted on the proposed amendments to the regulations under the *Fixing Long-Term Care Act, 2021*. We strongly support the cultural homes pilot project but recommend further measures to ensure permanent solutions are put in place to address the growing erosion of cultural admissions.

We have noted some important considerations and potential changes for the Ministry to consider when finalizing the details of the pilot project before it is released to the sector.

We hope that our feedback will be taken into consideration, and we look forward to working with the Ministry on this important initiative.

## Background

For more than 100 years, AdvantAge Ontario has been the voice of not-for-profit seniors' care in Ontario. We represent more than 500 providers of long-term care, seniors' housing, supportive housing and community service agencies, including 98 per cent of all municipal long-term care homes and 86 per cent of all not-for-profit long-term care homes.

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