

**Amendments to Emergency Order (O. Reg. 95/20) under the *Emergency Management Civil Protection Act (EMCPA)***

**FREQUENTLY ASKED QUESTIONS**

**Q1: Why are changes being made to the emergency orders?**

**Answer:**

The ministry is initiating a gradual approach for removing emergency orders and amendments to Regulation 79/10. The LTC homes sector is stabilizing. There is a decreasing number of homes in outbreak. LTC homes are achieving key goals for stabilizing staffing, possessing ongoing availability of personal protective equipment, and implementing infection prevention and control strategies.

Removing emergency orders and amendments to the regulation in phases will allow for LTC homes to continue stabilizing as they transition beyond the current emergency measures. As part of this gradual approach, the ministry is removing provisions in the emergency order (O.Reg. 95/20) for streamlining requirements.

The provision regarding the “authority to take necessary measures” is being removed to clarify that the emergency order (O.Reg 95/20) streamlines requirements under the LTCHA, only in the specific areas identified in the order.

“Reporting” and “documentation” provisions and reverting to requirements under the LTCHA/regulation are also being removed to:

- Ensure that the ministry receives adequate and necessary information regarding the operation of LTC homes, including resident safety issues.
- Ensure changes to a residents’ plan of care are more thoroughly documented and that residents receive appropriate care; and
- Support continuous improvement and compliance of LTC homes with the LTCHA and regulation.

**Q2: How have stakeholders responded to this proposal?**

**Answer:**

The ministry consulted with the Ontario Long-Term Care Association and AdvantageOntario on these amendments. The associations were supportive of the changes and recommended any amendments continue to focus on resident safety. The ministry used their feedback when considering these amendments and will continue to work in collaboration with sector partners.

**Q3: What are the amendments to the Emergency Order (O. Reg. 95/20)?**

**Answer:**

**Amendments to the emergency order for streamlining requirements (O. Reg. 95/20) to remove the following provisions from the order:**

**1. Authority to take necessary measures**

- a) Licensees shall and are authorized to take any reasonably necessary measure in accordance with this order to respond to, prevent and alleviate the outbreak of the coronavirus (COVID-19) in a long-term care home.

**2. Reporting**

- a) Licensees are not required to report any complaints or other information to the Director, other than critical incident reports and mandatory reports required under the LTCHA and Ontario Regulation 79/10.

**3. Documentation**

- a) Licensees are not required to document information unless it involves an incident of a significant nature or is required to ensure the proper care and safety of a resident.
- b) Licensees are not required to immediately document changes to a resident's plan of care required under the LTCHA unless they involve changes of a significant nature or unless there are changes that staff members and others need to be aware of immediately.
- c) Licensees are not required to conduct any survey.
- d) Licensees are not required to post any information in the long-term care home except essential information, such as material related to COVID-19 from the Ministry of Long-Term Care or others.
- e) Regulated documents under the LTCHA are not required to be certified by a lawyer.

**Q4: Will this change affect Ontario Regulation 79/10 or any other emergency orders?**

**Answer:**

The remaining provisions in (O. Reg. 95/20) would be retained, and the other emergency orders and amendments to Regulation 79/10 would also be continued. This would allow for a gradual approach of moving LTC homes beyond the emergency measures towards appropriate legislative and regulatory requirements. LTC homes can continue to manage their workforces and maintain staffing resources to ensure resident safety.

**Q5: Would these amendments pose any risk to the long-term care sector?**

**Answer:**

Overall, the situation in the LTC homes sector is stabilizing. There is a decreasing number of homes in outbreak. LTC homes are achieving the key goals for stabilizing staffing, possessing ongoing availability of personal protective equipment, and implementing available infection control and prevention strategies such as isolating sick residents.

The ministry will continue to work with Ontario Health, associations representing LTC homes and individual LTC homes to monitor to situation in LTC homes (e.g. the number of LTC homes experiencing a COVID-19 outbreak, staffing shortages, LTC homes' ability to comply with the resumed "reporting" and "documentation" requirements).