

# Amendments to Ontario Regulation 79/10 (Regulation) Under the *Long-Term Care Homes Act, 2007* (LTCHA) Related to Enhanced Cooling Requirements

## FREQUENTLY ASKED QUESTIONS

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**Q1: What regulatory changes were made relating to cooling requirements in long-term care homes?**

**Answer:**

Amendments to Ontario Regulation 79/10 (Regulation) under the *Long-Term Care Homes Act, 2007* (LTCHA) were made to enhance cooling requirements for long-term care (LTC) homes. The following amendments will come into force on May 15, 2021:

- Every designated cooling area in the LTC home is required to be served by air conditioning which is operated as necessary to maintain the temperature in designated cooling areas at a comfortable level for residents during specified periods.
- The written “hot weather related illness prevention and management plan” was renamed as the “heat related illness prevention and management plan.”
- The written heat related illness prevention and management plan must be developed in accordance with evidence-based practices, and at a minimum, include:
  - Identification of specific resident risk factors that may lead to heat related illness and the requirement for staff to regularly monitor whether residents are exposed to such risk factors and take appropriate actions in response;
  - Identification of symptoms of heat related illness and the requirement for staff to regularly monitor whether residents exhibit those symptoms and take appropriate actions in response;
  - Identification of specific interventions and strategies that staff are to implement to prevent or mitigate the identified risk factors that may lead to heat related illness, including preventing or mitigating the identified symptoms of such an illness in residents;
  - The use of appropriate cooling systems, equipment and other resources, as necessary; and
  - A communication protocol to communicate the heat related illness prevention and management plan to residents, staff, volunteers, substitute decision-makers, visitors, the Resident’s Council of the LTC home, the Family Council of the LTC home (if any), and others as required.
- The amendments require licensees to evaluate and update their heat related illness prevention and management plan, at a minimum, annually in accordance with evidence-based practices.
- Licensees are required to measure and document the air temperature, at a minimum, in

certain specified areas in the LTC home at specified intervals.

- Licensees are required to implement their heat related illness prevention and management plan for the LTC home every year during the period from May 15 to September 15, and
  - any day on which the outside temperature forecasted by Environment and Climate Change Canada for the area in which the home is located is 26 degrees Celsius or above at any point during the day; and
  - anytime the temperature in areas of the home in which measurements are required by the Regulation reach 26 degrees Celsius or above, for the remainder of the day and the following day.
- Licensees are required to incorporate in residents' care plans, an interdisciplinary assessment of the seasonal risk relating to heat related illness, including protective measures required to prevent or mitigate heat related illness.

The amendments require licensees to ensure that every designated cooling area in the LTC home is served by air conditioning which is operated, as necessary, to maintain the temperature in designated cooling areas at a comfortable level for residents during specified periods. As per the amendments, "air conditioning" includes any mechanical cooling system that is capable of maintaining the temperature at a comfortable level for residents during periods of hot weather.

## **Q2: What must be in place in LTC homes by the effective date?**

### **Answer:**

As of May 15, 2021, long-term care (LTC) home licensees are required to ensure that the appropriate air conditioning equipment, as required by the amendments to the Regulation, is installed in every designated cooling area of the LTC home to maintain the temperature at a comfortable level for residents during the period and at the times set out in the Regulation.

Further, licensees need to ensure that an LTC home's heat related illness prevention and management plan is developed in accordance with the requirements of the Regulation and processes are in place to protect residents from heat related illness, as specified in the Regulation.

## **Q3: Why did the Ministry amend cooling requirements in the Regulation under the LTCHA?**

### **Answer:**

Some LTC homes across the province lack adequate cooling systems, which can negatively impact the health and well-being of residents during hot weather or periods of extreme heat. LTC residents are particularly vulnerable to extreme heat events given their advanced age and/or presence of chronic health conditions. In July 2020, the government committed to taking action to ensure adequate air-conditioning systems are in place for all LTC homes across the

province. In support of this commitment, the Ministry of Long-Term Care amended cooling related requirements in the Regulation to provide clarity for their effective enforcement and to enable LTC homes to provide a safe and comfortable environment for residents.

**Q4: What will be the impact of these regulatory changes?**

**Answer:**

These amendments ensure that designated cooling areas of LTC homes are maintained at safe and comfortable temperature levels, enabling LTC homes to provide a safe and comfortable environment to their residents.

Furthermore, the amendments help licensees ensure the safety and comfort of LTC residents by requiring licensees to identify and implement procedures to protect residents from high temperatures and to respond appropriately to risk factors and symptoms of heat related illness. By clarifying the requirements of heat related illness prevention and management plans, the amendments also enable inspectors to more effectively assess whether LTC homes' heat related illness prevention and management plans are compliant with the requirements of the Regulation.

Furthermore, the amendments require that as part of residents' plans of care, licensees must incorporate an interdisciplinary assessment of the seasonal risk relating to heat related illness, including protective measures required to prevent or mitigate heat related illness.

**Q5: In addition to air conditioning, what is an equivalent mechanical cooling system that can be installed in designated cooling areas?**

**Answer:**

Under the Regulation, licensees must ensure that every designated cooling area in the LTC home is served by air conditioning, which is operated, as necessary, to maintain temperature in designated cooling areas at a comfortable level for residents during the period and at times set out in the Regulation.

“Air conditioning” is defined as including any mechanical cooling system that is capable of maintaining the temperature at a comfortable level for residents during periods of hot weather.

This includes systems or equipment that can cool the air with components such as refrigerant, compressors, condensers, expansion valves and evaporator coils. Other cooling systems include hydronic or water systems which rely on chillers and cooling towers to cool water circulating through pipes within a building.

Air conditioning does not include using portable or ceiling fans, as they do not cool the air. Air conditioning also does not include altering building features in designated cooling areas such as the use of window coverings.

**Q6: What funding resources are available to support homes to implement the required cooling solutions?**

**Answer:**

In July 2020, the Ministry launched the new *Long-Term Care Minor Capital Program*, with funding up to \$22.8 million, to support LTC homes in maintaining their homes in an optimal state of repair while ensuring the safety of their residents.

This funding is intended to support LTC home operators in maintaining their homes in an optimal state of repair while ensuring the safety of their residents, including roof repairs and replacement of aged or malfunctioning cooling equipment. Homes receiving this funding are encouraged to use their allotment towards the repair, replacement and/or installation of cooling systems or equipment.

The Infection Prevention and Control (IPAC) Minor Capital funding was also introduced in October 2020, providing up to \$61.4 million to support LTC homes in completing urgent minor capital upgrades and improvements directly linked to improved IPAC practices for the safety of their residents, staff and families.

Furthermore, in November 2020, the Ministry launched the Investing in Canada Infrastructure Program (ICIP), which will provide up to \$100 million in combined federal-provincial funding for LTC homes. All applications for the program were due on December 18, 2020. The Ministry is reviewing all applications for eligibility and will nominate projects for funding approval to Infrastructure Canada (INFC).

An additional one-time funding of \$1.1 million has been approved for the Minor Capital Program for a total of \$23.9 million in 2021-22, and \$61.4 million has been approved as a one-time funding under the IPAC Minor Capital Program for 2021-22. The Minor Capital and IPAC Minor Capital Programs are targeted to ensure air conditioning systems are in place in LTC homes by Summer 2021.

**Q7: In addition to funding, what support are homes being given in their procurement of air conditioning?**

**Answer:**

Infrastructure Ontario (IO) has been engaged by the ministry to provide technical expertise and air conditioning/mechanical cooling options for LTC homes. IO and its service providers are coordinating a supply chain of air conditioning/mechanical cooling units that will be available for delivery and installation prior to the 2021 summer season. The sourcing

information will include options for cooling solutions and established benchmark pricing. A formal communication regarding the various air conditioning/mechanical cooling options and pricing has been distributed to LTC homes via the MLTC portal. LTC homes can email IOLTCsupport@cbre.com for questions and information regarding access to sourcing and contact information of trusted industry suppliers.

**Q8: Who did the Ministry consult with about these amendments?**

**Answer:**

In November 2020, the Ministry consulted with representatives of residents and families, as well as representatives of licensees, to seek their feedback on the proposed approach to enhancing temperature requirements. The Ministry also posted a summary of the proposed amendments on the Ontario Regulatory Registry for 32 days, from February 11 until March 15, 2021.

Feedback received by stakeholders and the public was reviewed and considered in the development and finalization of these regulatory amendments.

**Q9: What do the amendments mean for new and redeveloping homes?**

**Answer:**

New and redeveloping homes are subject to the *Long-Term Care Home Design Manual, 2015*, that requires a mechanical system to cool air temperatures in common areas such as all corridors, lounges, program/activity areas, all dining areas, the kitchen and the laundry space. The current design manual also requires the remaining areas of the long-term care home, including resident bedrooms, resident bath and shower rooms and resident washrooms, to have a system for tempering the air to keep air temperatures at a level that considers resident needs and comfort.

**Q10: What can homes do during an outbreak to ensure resident comfort and safety?**

**Answer:**

Licensees are required to include the use of appropriate cooling systems, equipment and other resources, as necessary, to protect residents from heat related illness as part of their heat related illness prevention and management plan, whether in an outbreak or not.

Careful consideration should be given to using portable fans and air conditioning units in spaces and rooms where more than one resident is experiencing respiratory illness symptoms. The use of portable fans and air conditioning units are not recommended in rooms under Droplet and Precautions. In these cases, alternative cooling methods should be used whenever possible as

portable fans can disperse dust particles and microorganisms and may play a role in transmitting COVID-19 by propelling infectious droplets beyond 2 metres. More detailed guidance, including the importance of care and maintenance of air handling units, is available by [Public Health Ontario](#).

During an outbreak, homes may consider providing cooling supplies to residents and adjusting interior building features to protect residents. Providing cooling supplies should involve ensuring adequate hydration of residents and staff and ensuring that cooling supplies are available for residents (and staff where applicable) and appropriate support to avoid heat-related illnesses. The *Guidelines for the Prevention and Management of Hot Weather-Related Illness in Long-Term Care Homes* available to LTC homes provides details related to hydration protocols for residents during hot weather conditions.

Depending on the level of heat and the identified interventions in the heat related illness prevention and management plan, and residents' care plans, examples of cooling supplies that LTC homes may consider providing include:

- cool washcloths;
- ice packs;
- cooling jackets;
- cooling blankets;
- ice water baths;
- cool showers/sponging with cool water;
- water coolers; and
- popsicles

Reuseable cooling jackets and cooling packs must be cleaned and disinfected between residents' use. Self-serve water and beverage stations must be cleaned and maintained regularly as per safe food handling practices.

Adjusting interior building features may involve using interior window coverings such as drapes or blinds to block direct sunlight and increasing air flow by opening windows, providing the humidity outside is below 50% and where ambient temperatures are below 26°C.

LTC homes are advised to consult and follow Public Health guidance to determine what actions may be appropriate to address heat related concerns and ensure resident comfort and safety during an outbreak.