

## **Establishing a Committee of Management - Fixing Long-Term Care Act**

Date: October 13, 2023

To: Executive Committee

From: Jennifer Dockery, General Manager, Seniors Services and Long-Term Care

Wards: All

### **SUMMARY**

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The purpose of this report is to establish a Committee of Management for the City of Toronto to comply with the *Fixing Long-Term Care Act, 2021*.

The *Fixing Long-Term Care Act, 2021* (FLTCA) is provincial legislation that regulates Ontario's long-term care (LTC) sector. On April 11, 2022, the FLTCA was proclaimed into force and the former Long-Term Care Homes Act, 2007 was repealed. As a LTC operator in Ontario, City of Toronto Seniors Services and Long-Term Care (SSLTC) must comply with all requirements under the FLTCA and associated regulations, including those related to a LTC Committee of Management.

Under the FLTCA and Ontario Regulation 246/22, municipal operators of LTC homes must establish a Committee of Management for the homes. The purpose of the Committee of Management is to ensure that City of Toronto LTC homes comply with all requirements under the FLTCA.

The Committee of Management must be appointed by City Council from among its members, with a minimum of three members. Under the FLTCA and Ontario Regulation 246/22, members of the Committee of Management are required to undergo a Police Record Check (PRC) and provide a signed declaration disclosing certain criminal charges, convictions, and misconduct.

Without a formal Committee of Management in place, including members who have undergone required screening, the City is in violation of the FLTCA and subject to penalties under the Act. The recommendations in this report will ensure that the City complies with its obligations related to the LTC Committee of Management under the FLTCA.

## **RECOMMENDATIONS**

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The General Manager, Seniors Services and Long-Term Care recommends that:

1. City Council establish the City of Toronto Long-Term Care Committee of Management for the City's 10 directly operated Long-Term Care homes in accordance with the governance structure set out in Attachment 1.
2. City Council establish a new Toronto Municipal Code Chapter setting out the Committee of Management's mandate and governance structure.
3. City Council authorize City Clerk to initiate an appointment process through Striking Committee for Committee of Management members for consideration and appointment by City Council.
4. City Council appoint the City Clerk as Secretary of the City of Toronto LTC Committee of Management.
5. City Council direct that the Committee of Management operate under the rules of procedure in Municipal Code Chapter 27, Council Procedures, as applicable and until such time as it adopts its own rules of procedure by-law as ratified by City Council.
6. City Council direct that the Police Record Check and declarations required by the FLTCA for the purpose of appointing members to the Committee of Management be submitted to the General Manager, SSLTC, for the purpose of determining eligibility to serve, and once members are appointed by City Council, such records are stored in accordance with Regulation 246/22.
7. City Council request the Mayor to consider establishing a Committee of Management for Long-Term Care in proposing the 2024 Budget for City Clerk's Office, in consultation with the Chief Financial Officer and Treasurer and the General Manager, Seniors Services and Long-Term Care.

## **FINANCIAL IMPACT**

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Should City Council adopt the recommendations to establish the LTC Committee of Management, it is estimated that it will cost \$5,000 per year to provide meeting support based on the anticipated number of meetings. This cost will be accommodated within the City Clerk's Office operating budget.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information included in the Financial Impact Section.

## DECISION HISTORY

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This report and recommendations present a new initiative.

## COMMENTS

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### **SSLTC has dual accountability and distinct reporting relationships with the City of Toronto and the Province**

With respect to the City, SSLTC is responsible for the planning, delivery, and strategic integration of services for Toronto seniors. SSLTC directly operates 10 long-term care homes and oversees an array of initiatives that support seniors to age in place, including community support programs (e.g., adult day programs, supportive housing services, homemakers and nurses services) and strategic health partnerships within Toronto Seniors Housing Corporation's Integrated Service Model. These initiatives require SSLTC to report to a variety of Council Committees depending on the nature of the item, including the Executive Committee, Budget Committee, Economic and Community Development Committee, Planning and Housing Committee, and General Government Committee.

As a LTC operator in Ontario, SSLTC is bound by the FLTCA and has a direct oversight, accountability, and funding relationship with the Province via the Ministry of Long-Term Care (MLTC). The MLTC funds approximately 80% of the cost of City of Toronto LTC beds. SSLTC is required to follow enhanced MLTC infection, prevention, and control guidelines and other new requirements under the FLTCA, including those related to a Committee of Management for municipally operated LTC homes.

Under [s.135\(1\)](#) of the FLTCA and [s.330\(1\)](#) of Ontario Regulation 246/22, municipal operators of LTC homes must establish a Committee of Management for the homes, appointed by Council from among its members, with a minimum of three Members of Council sitting on the committee. Under [s.81\(5\)](#) of the FLTCA and [s.256](#) of Ontario Regulation 246/22, Councillors seeking membership on the committee are required to undergo a PRC and provide a signed declaration disclosing all charges, convictions, and professional misconduct. The purpose of the Committee of Management is to ensure that the City complies with all requirements under the FLTCA.

### **The City of Toronto is currently not in compliance with the requirement to establish a committee of management under FLTCA**

At present, SSLTC does not have a formal Committee of Management – it has an Advisory Committee that supports and enhances public accountability in operations.

The combination of the Advisory Committee and various Committees of Council (e.g., Executive Committee, Economic and Community Development Committee) have previously acted as a de facto Committee of Management for SSLTC. However, the

current Advisory Committee does not meet the requirements for a Committee of Management under the FLTCA. None of the current members of the Advisory Committee are Members of Council, nor have members undergone a PRC or provided the declarations required under the FLTCA and Ontario Regulation 246/22. The Advisory Committee therefore cannot act as a substitute Committee of Management.

The City is not in compliance with the requirement to establish and screen a Committee of Management and risks being subject to penalties under the FLTCA, up to and including the suspension or revocation of its LTC license.

The City of Toronto's LTC Committee of Management will fulfill its legislated mandate by reviewing and approving an annual declaration of compliance from SSLTC. SSLTC will maintain existing reporting relationships with Committees of Council for all matters other than those required to be submitted to the Committee of Management. The governance structure of the Committee of Management is outlined in Attachment 1 to this report including mandate and authorities, composition and eligibility, term, appointment process and accountability to City Council. ).

The report also recommends that City Council establish a new Toronto Municipal Code Chapter setting out the Committee of Management's mandate and governance structure. The report authorizes the City Clerk to initiate an appointment process through Striking Committee for Committee of Management members for consideration and appointment by City Council.

### **Other jurisdictions need to comply and have established Committees of Management**

To better understand how other municipal LTC operators are meeting the requirements of the FLTCA, SSLTC staff conducted an environmental scan of LTC Committees of Management in comparable jurisdictions (see Attachment 2). As of May 8, 2023, 18 of 20 jurisdictions scanned have established a Committee of Management, and have collected or initiated formal requests for PRCs and declarations from Committee members as per the requirements under the FLTCA. However, actions that other jurisdictions are taking towards complying with the FLTCA cannot necessarily be pursued by the City of Toronto, as it is uniquely positioned due to the interaction between the City of Toronto Act (2006), and the FLTCA.

### **There are a number of steps that need to be followed before a committee of management is established**

- The City Clerk will canvass members of Council for interest in serving on the new LTC Committee of Management. The City Clerk will advise Councillors interested in seeking membership to obtain a PRC immediately and to provide the results to the General Manager, SSLTC, to ensure eligibility. Interested Councillors will also be required to provide a signed declaration prior to being considered for appointment.
- The General Manager, SSLTC, will review and store PRCs and declarations from Councillors and will advise the City Clerk of Councillors' eligibility for membership on

the LTC Committee of Management, in accordance with the draft procedure provided as Attachment 3.

- The City Clerk will prepare a report for the Striking Committee with recommendations for the membership of the LTC Committee of Management.
- Pending Council adoption of the report, the City Clerk will convene the Committee of Management to provide an overview of the Committee's legal obligations under the FLTCA and review the governance structure.

## **CONTACT**

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## **SIGNATURE**

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(original signed by)

Jennifer Dockery  
General Manager  
Seniors Services and Long-Term Care

## **ATTACHMENTS**

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**Attachment 1** - City of Toronto Long-Term Care Committee of Management Governance Structure

**Attachment 2** - Environmental Scan: Fixing Long-Term Care Act - Committee of Management

**Attachment 3** - Procedure for Collection and Storage of Police Record Checks and Declarations for City of Toronto Long-term Care Committee of Management