

Home-related – Mandatory

Home Name: _____ Inspection Number: _____ (hard copy use only)
 Date: _____
 Inspector ID: _____

Definition / Description
Regulated Documents

For the purposes of section 80 of the Act, the following are regulated documents:
 Any agreement between the licensee and a resident or a person authorized to enter into such an agreement on the resident's behalf for any of the charges referred to in subsection 91 (1) of the LTCHA. (r. 227. (1) 1.)

Reference: Ministry of Health and Long-Term Care Policy – *LTCH Required Goods, Equipment, Supplies and Services 2010-07-01.*

Use

This IP is a mandatory task, used to review the home's resident charges process during the annual inspection of the LTC home.

The inspector may also select and complete this IP when concerns related to resident charges are raised while conducting any type of inspection.

The inspection focuses on the licensee's obligation to meet requirements related to resident charges for:

- The goods and services that are not allowed to be charged without the resident's consent
- The goods and services agreements established in the home.

Procedure

Each section within this IP contains statements that provide guidance to the inspector in the collection of information during an inspection and may not be applicable in every situation. The information collected will be used to determine whether a home is in compliance with the LTCHA.

During the Annual Inspection:

1. The assigned inspector will request access to the written agreements for three (3) residents currently living in the home. (The residents selected may be from the Census Sample, but this is not required.) The mandatory task will be completed using one (1) IP only.
2. This mandatory task will be complete on one (1) IP and may be completed at any time throughout the inspection.
3. All questions must be completed unless not applicable.
4. The inspector must document evidence to support non-compliance in the 'Notes' section when answering 'No'.

Note: As of January 1, 2011, inspectors will interview residents/SDMs to determine:

- Notification in writing, 30 days in advance, of any increase in charges

- Ability of residents to terminate any agreement without notice or penalty
- Whether the licensee has provided at least 30 days written notice before terminating any agreement.

PART A:
Resident/Substitute Decision-Maker Interview

Interview a resident, or person who is acting on behalf of a resident, to determine:

- What goods and services the resident is charged for and whether they have signed a written agreement for the provision of these services
- Whether they receive a monthly itemized statement of charges made to the resident
- Whether they have been charged for any goods and services not received
- As of January 1, 2011, whether they were notified in writing at least 30 days in advance of any increases in charges
- As of January 1, 2011, whether they have been able to terminate any agreement without notice or penalty
- As of January 1, 2011, whether the licensee has provided at least 30 days written notice before terminating any agreement.

A licensee cannot charge a resident for the goods and services set out in section 245 of the Regulation, including charges for the following:

- goods and services provided without the resident's consent
- bed-holding fees
- accommodation fees for a resident in a short-stay convalescent care program
- transaction fees for deposits to and withdrawals from a trust account
- anything the licensee ensures is provided to a resident under O.Reg. 79/10, unless charge is expressly permitted
- goods and services the licensee is required to provide to a resident using funding from a LHIN or the Minister, e.g. LTCH Required Goods, Equipment, Supplies and Services policy (L-SAA)
- goods and services paid for by any level of government including a LHIN, an insured service under the *Health Insurance Act*, the Assistive Devices Program, etc.
- goods and services the licensee is required to provide pursuant to L-SAA or direct funding agreement.

Information Gathering

Resident / SDM Interview

Notes

Staff Interviews

Interview the staff member responsible for managing resident accounts to determine:

- What goods and services the residents are charged for (a list of available goods and services that a resident may purchase must be included in the admission package)
- Whether there are written agreements in place for charges in accordance with the rules for regulated documents, including agreements for accommodation
- Whether the licensee provides each resident with an itemized statement of charges made to the resident.

Information Gathering
Staff Interviews

Notes

Non-Allowable Charges

No.	Yes	No	N/A	Question	Act/Reg.
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the licensee ensured that residents are not charged for goods and services that they are required to provide using funding from, <ul style="list-style-type: none"> • a local health integration network under section 19 of the <i>Local Health System Integration Act, 2006</i>, including goods and services funded by a local LHIN under a service accountability agreement, and • the Minister, under section 90 of the Act? 	r. 245. 1 i. and ii.
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the licensee ensured that residents are not charged for goods and services paid for by the Government of Canada, the Government of Ontario, including a Local Health Integration Network, or a municipal government in Ontario?	r. 245. 2
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the licensee ensured that residents are not charged for goods and services that the licensee is required to provide to residents under any agreement between the licensee and the Ministry or between the	r. 245. 3

				licensee and a Local Health Integration Network?	
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the licensee ensured that residents are not charged for goods and services provided without the resident's consent?	r. 245. 4
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the licensee ensured that residents are not charged for holding a bed during an absence (medical, psychiatric, casual, or vacation allowed under section 138) or during the period permitted for a resident to move into a home other than the accommodation charge that every resident is required to pay?	r. 245. 5
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
6.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the licensee ensured that residents are not charged for accommodation if the resident is in the short-stay convalescent care program?	r. 245. 6
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
7.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the licensee ensured that residents are not charged for anything the licensee must ensure is provided to a resident under the Regulation, unless a charge is expressly permitted?	r. 245. 8
Notes					

[

No.	Yes	No	N/A	Question	Act/Reg.
8.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the licensee ensured that residents are not charged for anything that the regulations state is not to be charged for?	s. 91 (1) 4
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
9.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the licensee ensured that payment is not accepted from or on behalf of a resident for anything that the licensee is prohibited from	s. 91 (4)

				charging for and has not caused or permitted anyone to make such a charge or accept such a payment on the licensee's behalf?	
Notes					

Agreements (Regulated Documents)

No.	Yes	No	N/A	Question	Act/Reg.
10.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the licensee ensured that for goods and services other than accommodation, residents are only charged if provided for under an agreement, and not charged an amount more than is provided for in the Regulation, or if no amount is provided for, not charging more than a reasonable amount?	s. 91(1) 3
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
11.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the licensee ensured that residents in preferred accommodation are not charged more than what can be charged for basic accommodation unless the preferred accommodation was provided under an agreement?	s. 91(1) 2
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
12.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has a lawyer certified that any regulated document(s) presented for signature to a resident or prospective resident, a substitute decision-maker of a resident or prospective resident or a family member of a resident or prospective resident, complies with all the requirements of the regulations?	s. 80 (1) (b)
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
13.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Did the licensee provide each resident, or the resident's attorney under the <i>Powers of Attorney Act</i> , or person exercising a continuing power of attorney for property or a guardian of property under Part I of the <i>Substitute Decisions Act, 1992</i> , with an itemized monthly statement of the charges made to the resident within the month, within 30 days after the end of each month?	r. 261 (1)
Notes					

Ministry of Health and Long-Term Care
Performance Improvement and Compliance Branch

Based on information collected during the inspection process, the inspector may determine the need to select and further inspect other related care/services areas. When this occurs, the inspector will document reason(s) for further inspection in Ad Hoc Notes, select and complete other relevant IPs related to Resident Charges, for example:

- Admission Process
- Dignity, Choice and Privacy
- Prevention of Abuse, Neglect and Retaliation
- Reporting and Complaints
- Trust Accounts