

Home-related – Triggered

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

Definition / Description

- Financial institution:** A bank listed in Schedule I or II to the *Bank Act (Canada)*, a trust corporation registered under the *Trust and Loan Companies Act (Canada)*, or a credit union incorporated under the *Credit Unions and Caisses Populaires Act, 1994*.
- Person acting on behalf of a resident:** A person legally authorized to manage property for a resident. (r. 241) LTCHA

Use

This IP is a home-related triggered task, used to review the home's management of resident trust accounts during the annual inspection of the LTC home.

The inspector may also select and complete this IP when a concern(s) related to resident trust accounts is raised while conducting any type of inspection.

The inspection focuses on the licensee's obligations to:

- Establish a written policy and procedure for the management of resident trust accounts and petty cash trust money
- Establish and maintain at least one non-interest bearing trust account at a financial institution where money entrusted to the licensee on behalf of a resident shall be deposited.

Note: There is a transitional regulation related to this IP. Inspector(s) will identify any non-compliance related to the transitional regulations through Ad Hoc Notes. Reference to r. 242 (1) to (6)

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.

This IP contains two (2) parts:

- Part A: Resident Risk Outcomes
- Part B: Contributing Factors

During the Annual Inspection:

1. Assigned inspector(s) will open and complete the triggered task, using one (1) IP only.
2. All questions in Part A must be completed unless not applicable.
3. If non-compliance is identified in Part A, inspector(s) will proceed to Part B and complete the applicable

questions.

4. If there is no non-compliance identified in Part A, Part B is not required to be completed unless other concerns related to trust accounts have been identified.
5. The inspector must document evidence to support non-compliance in the 'Notes' section when answering 'No'.

PART A: Resident Risk Outcomes

Resident/Substitute Decision-Maker Interview

Interview a resident/ SDM or person who is acting on behalf of a resident that has a trust account with the licensee to determine:

- Whether they received a copy of the written policy and procedures for the management of resident trust accounts and the petty cash trust money
- Whether they have been charged for withdrawals, deposits, or anything else related to money held in trust
- Whether part or all of the money in the trust account is available to them in accordance with their instructions or the person acting on behalf of the resident
- Whether they receive quarterly itemized statements showing deposits, withdrawals and the balance of funds
- If the residents' book of account has been available for inspection during any business day on written demand.

Information Gathering

Resident / SDM Interview

Notes

Staff Interviews

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

- If non-interest bearing trust accounts have been established and maintained at a financial institution
- If there is sufficient petty cash trust money in the home to meet the daily cash needs of the residents who have a trust account with the licensee
- How resident funds held in trust are separated from any other funds held by the licensee
- If written receipts are provided for all money received and deposited into a trust account
- If there is a separate ledger for each trust account
- If there is a separate book of account for each resident with money in the trust account
- Whether quarterly itemized statements are provided to the resident or person acting on behalf of the resident respecting the money held by the licensee in trust
- Whether there are written authorizations for resident charges paid with money from a trust account
- If there is more than \$5000 being held in trust for a resident

Information Gathering

			Staff Interviews	
Notes				

No.	Yes	No	N/A	Question	Act/Reg.
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As of January 1, 2011, has the licensee established and maintained one non-interest bearing trust account at a financial institution for depositing money entrusted to the licensee's care on behalf of a resident? <i>Note: If the licensee complies earlier than January 1, 2011, the licensee must notify the Director and the provision applies to the licensee from the time the Director is notified.</i>	r. 241 (1)
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there sufficient petty cash trust money to meet the daily cash needs of the residents who have money deposited in a trust account?	r. 241 (3)
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are the resident funds held in trust kept separate from any other funds held by the licensee?	r. 241 (4) (b)
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, or a person acting on behalf of a resident, are not charged a transaction fee for withdrawals, deposits, or anything else related to money held in trust?	r. 241 (4) (c)
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is a receipt provided to the resident or a person acting on behalf of a resident for all money received and deposited into a trust account?	r. 241 (7) (a)
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
6.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is money in the trust account available to the resident or person acting on behalf of the resident:	r. 241 (7) (b)(i) and (ii)

				i. in accordance with the instructions of the resident or a person acting on behalf of the resident in respect of property that the resident or person is legally authorized to manage; and ii. upon signing an acknowledgement of receipt of the funds? Note: A resident or a person acting on behalf of a resident may pay the licensee for resident charges with money from a trust account if a written authorization is provided that specifies what the charge is for, including a description of the goods or services provided, the frequency and timing of the withdrawal and the amount of the charge. If an authorization has been given, the licensee is not required to obtain a written authorization of receipt of funds for every authorized withdrawal, but must include these withdrawals in the quarterly itemized statement under r. 241(7)(f). (r. 241(8) and (9))	
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
7.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there a separate account book for each resident for whom money is deposited into a trust account?	r. 241 (7) (d)
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
8.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	On the written demand of the resident or the person acting on behalf of a resident, is the account book available for their inspection during any business day?	r. 241 (7) (e)
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
9.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are quarterly itemized statements provided to the resident, or to a person acting on behalf of a resident respecting money held by the licensee in trust for the resident, that include: <ul style="list-style-type: none"> • deposits • withdrawals, and • the balance of the resident's funds as of the date of the statement? 	r. 241 (7) (f)
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
10.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the licensee fully respected and promoted the resident's right to manage his or her own legal financial affairs unless the resident lacks	s. 3 (1) 25

				the legal capacity to do so?	
Notes					

PART B: Contributing Factors

No.	Yes	No	N/A	Question	Act/Reg.
11.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As of January 1, 2011, is \$5,000 the maximum amount in a trust account for any resident at any time?	r. 241 (4) (a)
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
12.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are there policies and procedures for the management of trust accounts and the petty cash trust money that include: (a) a system to record written authorizations, and (b) the hours when the resident or persons acting on behalf of the resident can make deposits or withdrawals from the funds in a trust account and from petty cash trust money?	r. 241 (5) (a) and (b)
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
13.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are the policy and procedures for the management of trust accounts and petty cash trust money provided to every resident and person acting on behalf of a resident who asks to have money deposited into a trust account?	r. 241 (6)
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
14.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there a separate ledger for each trust account showing: <ul style="list-style-type: none"> • deposits to and withdrawals from the trust account • name of the resident for whom the deposit or withdrawal is made, and • date of each deposit or withdrawal? 	r. 241 (7) (c)
Notes					

No.	Yes	No	N/A	Question	Act/Reg.
15.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have all trust accounts been audited annually by: <ul style="list-style-type: none"> (a) a public accountant licensed under the <i>Public Accounting Act, 2004</i>; or (b) the municipal auditor, in the case of a municipal home or a joint 	r. 241 (10) (a) and (b)

				home approved under Part VIII of the Act?	
Notes					

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 Trust Accounts, for example:

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