

Ministry of Long-Term Care

Updates to Emergency Planning Preparedness

As of April 11, 2022, the *Fixing Long-Term Care Act, 2021* (FLTCA) and Ontario Regulation 246/22 have replaced the previous *Long-Term Care Homes Act, 2007* (LTCHA) and Ontario Regulation 79/10 as the governing legislation for long-term care in Ontario.

Long-term care homes are required to have emergency plans in place that comply with regulatory requirements, including measures for preparing and managing emergencies such as pandemics, as well as procedures for evacuation and relocation of residents and staff in the event of an emergency.

In response to the COVID-19 pandemic and recommendations received from the Auditor General, LTC COVID-19 Commission, and other sector partners, the FLTCA and its regulation set out requirements to strengthen the respective emergency and evacuation plans of long-term care homes.

Where emergency plan requirements currently comply with the previous LTCHA, that plan continues and is deemed to have met the emergency plan requirements under FLCTA until three months after the coming into force of the new emergency plan requirements. After such time, emergency plans are required to meet all requirements under FLCTA to be in compliance.

*This document is for informational purposes only. It is intended to highlight some of the new aspects and requirements of the Fixing Long-Term Care Act, 2021 and its regulation. Licensees are responsible for ensuring compliance with the requirements of the Fixing Long-Term Care Act, 2021 and its regulation. In the event of a conflict or inconsistency between this document and the Act or regulation, the Act or regulation will prevail. **This document does not constitute legal advice or interpretation. Users should consult their legal counsel for all purposes of legal advice and interpretation.***

Questions?

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What's New

Below is an overview of relevant **new additional** requirements set out in regulation under the FLTCA regarding emergency planning. Please refer to the FLTCA for a full list of all new regulation requirements. Education, information and detailed communication will be shared with licensees in the coming weeks to support licensees to operationalize these changes.

Emergency Plans

Every licensee must record emergency plans in writing, make plans available on its website and make physical copies available upon request.

In developing and updating their plan, the licensee must consult with entities that may be involved in or provide emergency services in the area where the home is located (e.g., agencies, health service providers, etc.) as well as Residents' Councils, and Family Councils (if any).

The types of emergencies that the licensee shall ensure that the emergency plan provides for has been expanded to include but is not limited to, outbreaks of communicable diseases, gas leaks, natural disasters and extreme weather events, boil water advisories, and floods.

There are additional requirements that every licensee shall ensure that an emergency plan related to outbreaks of communicable diseases, outbreaks of a disease of public health significance, epidemics and pandemics includes, such as:

- Identifying an area of the home to be used for isolating residents as required
- A process to divide staff and residents into cohorts as required
- Staffing contingency plans during an emergency for all programs required under the FLTCA and its regulation
- Policies to manage staff who may be exposed to an infectious disease
- A process to manage symptomatic residents and staff
- A process for an Outbreak Management Team and identifying members of the Team and their roles and responsibilities.

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The licensee shall also ensure that the local Medical Officer of Health or their designate is invited to participate in developing, updating, testing, evaluating, and reviewing emergency plans related to matters of public health significance.

The licensee shall also ensure that the infection prevention and control lead is involved in developing, updating, evaluating, testing and reviewing the emergency plan related to the various types of outbreaks as set out in the Regulation.

The requirements of what emergency plans must provide for have been expanded under the FLTCA, for example:

- Additional requirements specific to resourcing and supplies, personal protective equipment (PPE) and equipment for the emergency response, as well as a process to ensure that required items have not expired.
- Identification of emergency service providers roles and responsibilities.
- A plan for food, fluid and drug provision in an emergency.

In addition to the components of the emergency plans which existed previously under the LTCHA, there are new requirements that every licensee shall ensure, including:

- That the emergency plans address recovery from an emergency, such as:
 - Requiring residents and their substitute decision-maker (if any), staff, volunteers, and students be debriefed after the emergency,
 - Establishing how to resume normal operations in the home, and
 - Establishing how to support those experiencing distress during the emergency.
- That the plan activation section must clearly state how the plan is activated and deactivated.
- That the home's communications plan has a process to ensure frequent and ongoing communication, initiated at the beginning of the emergency, when there is a significant status changes, and when the emergency is over.

Emergency plans are to be evaluated and updated within 30 days of the emergency being declared over. Every licensee shall ensure that entities that have been involved in the emergency response are provided an opportunity to offer feedback.

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Emergency plans related to the loss of essential services, fires, situations involving a missing resident, medical emergencies, and violent outbursts, gas leaks, natural disasters, extreme weather events, boil water advisories, infectious diseases, including outbreaks, epidemics and pandemics, and floods must be tested annually. All other emergency plans must be tested once every three years. Licensees must keep a written record of the tests and include any resulting changes.

Evacuation Plans

In addition to the regulation requirements for evacuation of the home which existed under the previous LTCHA, the regulation under the FLTCA sets out at a minimum what a home's evacuation plan must include, for example:

- Identification of a safe evacuation location which the licensee has obtained agreement on in advance for residents, staff, students, volunteers, and others,
- A transportation plan to move residents, staff, students, volunteers, and others to the evacuation location, and
- A plan to transport critical medication, supplies, and equipment during an evacuation to the evacuation location to ensure resident safety.

Licensees must conduct a planned evacuation at least once every three years and keep a record of this test and any changes made to improve the plan.

Staff and Volunteer Training

Every licensee must ensure that staff, volunteers, and students are trained on the emergency plans before performing their responsibilities, and at least annually thereafter.

Attestation

Licensees are required to prepare an attestation attesting to their compliance with section 90 of the FLTCA and maintain a record of every attestation. The attestation must be completed by the home administrator and the licensee shall ensure that it is submitted annually to the Director.

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Website

Each licensee in a location in the province with consistent and reliable internet service shall ensure they have a website that is open to the public and includes at minimum certain information, for example:

- The physical address of the home
- The approximate number of licensed beds at the home
- Direct contact information including telephone and a regularly monitored email address for the:
 - Licensee, senior officer of the licensee, or in the case of a municipal home or a First Nations home, a person who is on the committee of management,
 - The home administrator,
 - The Director of Nursing and Personal Care, and
 - All infection prevention and control leads
- The Ministry toll-free number for making complaints about the home
- The current annual report
- The current version of the emergency plans
- The current version of the visitor policy

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