

## Important Timelines and Dates associated with Ontario Regulation 246/22 under the *Fixing Long-Term Care Act, 2021*

While most of the requirements in Ontario Regulation 246/22 under the *Fixing Long-Term Care Act, 2021* (the Act) will come into force on April 11, 2022, there are some important timelines and dates to note, as set out in the regulation. A snapshot of some of these timelines and dates (i.e., not an exhaustive list) is provided in the chart below<sup>1</sup>.

Please refer directly to the regulation on [e-Laws](#) for details on the prescribed requirements and associated timelines/dates.

Requirement	Timeline/Date	Reference in the Regulation
Declaration requirements for current staff, or volunteers, in cases when a pandemic does not exist	Declarations are to be provided to the licensee within <b>one month</b> after the staff member first works, or volunteer first volunteers, at the home after the applicable section comes into force, subject to limited exceptions	<ul style="list-style-type: none"> <li>▪ subsection [ss.] 253 (3) and (6) and section [s.] 254</li> </ul>
Declaration requirements for members of a home's governing structure [e.g., board member] in cases when a pandemic does not exist	Declarations are to be provided to the licensee within <b>one month</b> after the applicable section of the regulation comes into force, subject to limited exceptions	<ul style="list-style-type: none"> <li>▪ ss. 256 (9), (10), and (11)</li> <li>▪ ss. 256 (13)</li> </ul>

---

<sup>1</sup> *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.***

Requirement	Timeline/Date	Reference in the Regulation
<p>Police record check requirement for individuals who become a member of the licensee's governing structure as a result of their election under the <i>Municipal Elections Act, 1996</i></p>	<p>Police record checks conducted no earlier than <b>six months prior to the date the individual's term of office begins and no later than one month after their term of office begins</b> are required to be provided to the licensee</p>	<ul style="list-style-type: none"> <li>▪ ss. 256 (3), (4), and (5)</li> <li>▪ ss. 256 (13) (b)</li> </ul>
<p>Air conditioning requirements</p>	<p>A licensee must ensure that, on or before <b>June 22, 2022</b>, all resident bedrooms are served by air conditioning, unless certain regulatory requirements are met</p>	<ul style="list-style-type: none"> <li>▪ s. 23 and s.24</li> <li>▪ ss. 271 (1) (h)</li> </ul>
<p>Requirement regarding continuous quality improvement initiative interim report for the 2022-23 fiscal year</p>	<p>The interim report, which is to include information as specified in the regulation is to be prepared within <b>three months</b> of the coming into force of the applicable section of the regulation</p>	<ul style="list-style-type: none"> <li>▪ ss. 168 (5) and (6)</li> </ul>
<p>Police record check requirement for staff hired or volunteers accepted during a pandemic or during a pandemic before the coming into force of the applicable section of the regulation</p>	<p>Police record checks are to be provided to the licensee within <b>three months</b> after the staff member was hired or the volunteer was accepted. In cases where a staff member was hired or a volunteer was accepted during a pandemic before the applicable section of the regulation came into force and no compliant police check was provided, the licensee is to ensure that a compliant police record check is provided to the licensee within <b>three months</b> after the coming into force of the applicable section of the regulation</p>	<ul style="list-style-type: none"> <li>▪ ss. 254 (3), (4), (5), and (6)</li> </ul>

Requirement	Timeline/Date	Reference in the Regulation
Police record check requirement for members of a home's governing structure are brought on during a pandemic	In cases where a compliant police record check was not provided to the licensee six months prior to the date the member's term of office begins during a pandemic and no later than one month after their term of office begins, a compliant policy record check is to be provided to the licensee within <b>three months</b> after the person became a member of the licensee's governing structure, except if the person is no longer a member of the governing structure at the time the police check is to be provided	<ul style="list-style-type: none"> <li>▪ ss. 256 (8)</li> </ul>
Emergency plans requirements	An emergency plan that was in place and complied with the <i>Long-Term Care Homes Act, 2007</i> immediately prior to the coming into force of the applicable section of the regulation is deemed to meet the emergency plan requirements of the Act until <b>three months</b> after the coming into force of the applicable section of the regulation	<ul style="list-style-type: none"> <li>▪ s. 268 and s. 269</li> <li>▪ s. 90 of the Act</li> </ul>
Additional requirements for emergency plans dealing with emergencies related to outbreaks of a communicable disease, outbreaks of a disease of public health significance, pandemics, and epidemics	A licensee is not required to comply with the additional requirements of an emergency plan until <b>three months</b> after the coming into force of the applicable section of the regulation	<ul style="list-style-type: none"> <li>▪ s. 269</li> </ul>

Requirement	Timeline/Date	Reference in the Regulation
Attestation requirement	A licensee is not required to comply with the attestation requirements set out in the regulation until <b>three months</b> after the coming into force of the applicable section of the regulation	<ul style="list-style-type: none"> <li>▪ s. 270</li> </ul> <p>[also refer to s. 90 of the Act]</p>
Requirement to have a public website	A licensee is not required to comply until <b>three months</b> after the coming into force of the applicable section of the regulation	<ul style="list-style-type: none"> <li>▪ s. 271</li> </ul>
Requirement for a care conference by the interdisciplinary team providing a resident's care	A care conference as required under the regulation is to be held within <b>three months</b> of Ontario Regulation 95/20 under the <i>Reopening Ontario (A Flexible Response to COVID-19) Act, 2020</i> ceasing to be in force, if no care conference has been held since the resident was admitted or if a resident's last care conference was conducted more than one year prior to the date of Ontario Regulation 95/20 ceasing to be in force	<ul style="list-style-type: none"> <li>▪ 30 (1)</li> <li>▪ 30 (4)</li> </ul>
Requirement for annual physical exam for residents who have not had one in year before	Require licensees to ensure that the annual physical is held within <b>three months</b> of Ontario Regulation 95/20 ceasing to be in force, if an annual physical examination has not been held in the year before the ceasing to be in force	<ul style="list-style-type: none"> <li>▪ ss. 88 (1)</li> <li>▪ ss. 88 (5)</li> </ul>
Menu planning requirements	The menu planning requirements that are in force on the day the Act comes into force are revoked and substituted with new requirements on <b>July 11, 2022</b>	<ul style="list-style-type: none"> <li>▪ see s. 77</li> <li>▪ ss. 390 (1) and 391 (3)</li> </ul>
Requirements to complete required training for Medical Directors, physicians, or registered nurses in the extended class	A licensee is not required to comply until <b>six months</b> after the coming into force of the applicable section of the regulation	<ul style="list-style-type: none"> <li>▪ see ss. 262 (3)</li> </ul> <p>[also refer to ss. 82 (7) of the Act]</p>

Requirement	Timeline/Date	Reference in the Regulation
retained or appointed per the regulation		
Program requirements – palliative care	A licensee is not required to comply with the applicable program requirements until <b>six months</b> after the coming into force of the applicable section of the regulation	<ul style="list-style-type: none"> <li>▪ s. 34 and s. 61</li> <li>▪ s. 12 of the Act</li> </ul>
New requirement to establish a continuous quality improvement committee	A licensee is not required to comply until <b>six months</b> after the coming into force of the applicable section of the regulation	<ul style="list-style-type: none"> <li>▪ s. 166</li> </ul>
Requirement that a licensee enters into a written agreement with the Medical Director of the home that the Medical Director will complete certain mandatory training within 12 months after the applicable section of the regulation comes into force	A licensee is not required to comply until <b>six months</b> after the applicable section of the regulation comes into force with respect to the written agreement of a Medical Directors who was the Medical Director of the home when the applicable section of the regulation came into force	<ul style="list-style-type: none"> <li>▪ s. 251</li> </ul>
New requirements for police record checks for individuals who were a member of the licensee's governing structure on the day the applicable section came into force	A licensee must ensure that the applicable individuals provide to the licensee a police record check that complies with the requirements of the regulation within <b>six months</b> after the applicable section of the regulation comes into force	<ul style="list-style-type: none"> <li>▪ ss. 256 (3), (4), (5), (12) and (14)</li> </ul>
Transition for minimum staffing hours. The requirements under the Act and regulation respecting minimum staffing hours if all care	A licensee is not required to comply with the requirements in the Act and regulation respecting minimum staffing hours until <b>six months</b> after the coming into force of the applicable transitional section of the regulation, as long as all care requirements	<ul style="list-style-type: none"> <li>▪ s. 389 and sections respecting requirements minimum staffing</li> </ul>

Requirement	Timeline/Date	Reference in the Regulation
requirements associated with the position are met, unless requirements under section 8 or 9 of the Act	associated with the position are met. This does not apply to the requirements under section 8 or 9 of the Act	hours in the Act and regulation
Requirements related to the administration of drugs to a resident by certain authorized persons	A licensee is not required to comply with the requirements of a specific subsection of the regulation related to the administration of drugs until <b>12 months</b> after the coming into force of the applicable transition section of the regulation, as long as, where the administration involves the performance of a controlled act set under subsection 27(2) of the <i>Regulated Health Professions Act, 1991</i> , the person administering the drug is authorized to perform the controlled act under the relevant health profession Act	<ul style="list-style-type: none"> <li>▪ ss. 140 (3), (4), (5), and (6)</li> <li>▪ ss. 140 (10)</li> </ul>
Transition for staff qualifications. The requirements under the Act and regulation around qualifications for members of staff if the person holding the position in the licensee's opinion, has the adequate skills, training, and knowledge to perform the duties required of that position	A licensee is not required to comply with a requirement set out in the Act or the regulation respecting qualifications for members of staff until <b>12 months</b> after the coming into force of the applicable transitional section of the regulation, as long as the person holding the position, in the reasonable opinion of the licensee, has the adequate skills, training, and knowledge to perform the duties required of that position. Note that the regulation sets out the positions that this transition does <i>not</i> apply to	<ul style="list-style-type: none"> <li>▪ s. 388</li> </ul>
Qualification requirements for the infection prevention and control lead (IPAC)	A licensee is not required to comply with the requirement that the designated IPAC lead have the current certification in infection control from the Certification Board of Infection Control and	<ul style="list-style-type: none"> <li>▪ ss. 102 (5) (k) and (6)</li> </ul>

Requirement	Timeline/Date	Reference in the Regulation
	Epidemiology until <b>three years</b> after the applicable section of the regulation comes into force	