

Ministry of Long-Term Care

Palliative Care

As of April 11, 2022, the *Fixing Long-Term Care Act, 2021* (FLTCA) and Ontario Regulation 246/22 expand palliative care requirements from the previous *Long-Term Care Homes Act, 2007* (LTCHA). The palliative care requirements under the FLTCA and its regulation reflect a shift in practice towards a broader, more holistic approach to palliative care.

Ontario Provincial Framework for Palliative Care

The palliative care requirements under the FLTCA and its regulation align with the [Ontario Provincial Framework for Palliative Care](#), which sets out a vision for palliative care in Ontario where people can "...receive the holistic, proactive, timely and continuous care and support they need...to live as they choose and optimize their quality of life, comfort, dignity, and security."

The *Ontario Provincial Framework for Palliative Care* was tabled in the Ontario Legislature in December 2021. Consistent with definitions developed by the World Health Organization and the Canadian Hospice Palliative Care Association, it defines palliative care as "...an approach to care that aims to relieve suffering and improve the quality of living and dying for every person with a serious illness. [Palliative care] strives to help the individual and their family/caregiver(s) to:

- address physical, psychological, social, spiritual and practical issues, and their associated expectations, needs, hopes and fears;
- prepare for and manage end-of-life choices and the dying process;
- cope with loss and grief;

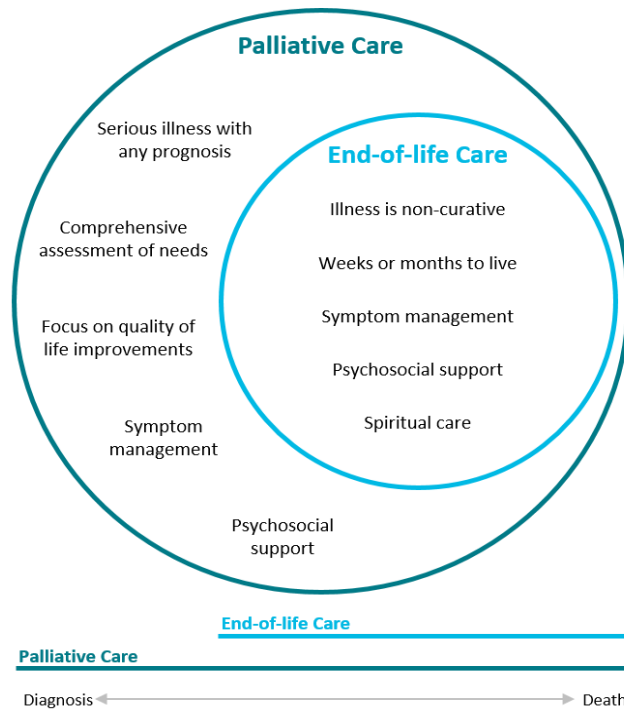
*This document is for informational purposes only. It is intended to highlight some of the new aspects and requirements of the Fixing Long-Term Care Act, 2021 and its regulation. Licensees are responsible for ensuring compliance with the requirements of the Fixing Long-Term Care Act, 2021 and its regulation. 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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- treat all active issues and prevent new issues from occurring; and
- promote opportunities for meaningful and valuable experiences, and personal and spiritual growth.”

The framework acknowledges that while end-of-life care, described as focusing “... on preparing for an anticipated death of the individual (child or adult) and managing the end stage of a serious illness”, is one component of palliative care, it is only one of many components.



Instead of focusing solely on end-of-life care, the definition of palliative care in the framework reflects the shift in practice towards a broader, more holistic approach that includes, but is not limited to, early palliative care and end-of-life care. Using a holistic and comprehensive assessment to determine the care and services a person needs, this approach considers a person’s physical, psychological, social, linguistic, cultural, ethical, and spiritual needs. It recognizes that, while the palliative care and services a person needs may, or may not, include end-of-life care, it also considers a person’s need for quality of life improvements, symptom management and psychosocial support.

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FLTCA and O. Reg 246/22: Palliative Care

The palliative care requirements under the FLTCA and O. Reg 246/22

The FLTCA and its regulation expand palliative care requirements from the previous LTCHA.

The FLTCA adds a new right to the Residents' Bill of Rights that states that it is the right of every resident to be provided with care and services based on a palliative care philosophy.

The FLTCA also requires that every licensee ensure that a resident's plan of care covers all aspects of care, including palliative care and that a resident is provided with care or services that integrate a palliative care philosophy. Its regulation requires a licensee to ensure that an interdisciplinary assessment of the resident's palliative care needs for their plan of care considers a resident's physical, emotional, psychological, social, cultural, and spiritual needs. Based on the assessment, a licensee must ensure that an explanation of the palliative care options that are available to the resident is provided to the resident, the resident's substitute decision-maker, if any, and any other person or persons designated by the resident or their substitute decision-maker. These options must include, at a minimum, quality of life improvements, symptom management, psychosocial support, and end-of-life care, if appropriate.

Before taking any action to assess a resident's needs, or provide care or provide services to a resident, a licensee shall ensure the resident's consent is received.

A licensee must comply with the requirements for programs respecting palliative care and the palliative care philosophy within six months after the coming into force of the applicable section of the regulation under the FLTCA.

In addition to the above, the regulation under the FLTCA updates palliative care training and removes the training exemption that was applicable under the LTCHA for persons such as medical directors and physician.

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Understanding palliative care is more than just end-of-life care

The new palliative care requirements under the FLTCA and its regulation reflect a shift in practice towards a broader, more holistic approach to palliative care. They are consistent with the *Ontario Provincial Framework for Palliative Care*, which was developed based on consultation with community partners and stakeholders, including advisors from hospitals, primary care, long-term care homes, hospices, home and community care providers, health care associations and organizations as well as individuals and their families and caregivers from across Ontario.

Under the regulation the palliative care options made available to a resident may include, but must not be limited to, end-of-life care. Based on the assessment of a resident's palliative care needs for their plan of care, the regulation under the FLTCA requires a licensee to ensure that an explanation of the palliative care options that are available to the resident is provided to the resident, the resident's substitute decision-maker, if any, and any other person or persons designated by the resident or their substitute decision-maker. These options must include, at a minimum, quality of life improvements, symptom management, psychosocial support, and end-of-life care, if appropriate.

The ministry is committed to working with the broader health sector to identify and help long-term care homes access existing tools and resources for residents, families, caregivers as well as long-term care home staff and leadership to improve awareness about the shift in practice towards a broader, more holistic approach to palliative care.

Responding to the diverse needs of long-term care residents

The palliative care requirements under the FLTCA and its regulation respond to the diverse and often complex needs of long-term care residents across Ontario, including residents who may not require palliative care to address their needs. They align with the *Ontario Provincial Framework for Palliative Care*, which reflects the shift in practice towards a broader, more holistic approach to palliative care.

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At the outset, it is important to note, that a licensee must ensure that the rights of residents in the Residents' Bill of Rights are fully respected and promoted. In addition, the Residents' Bill of Rights and the fundamental principle of the FLTCA is to be applied when interpreting the FLTCA and anything required or permitted under it, such as the palliative care requirements.

The FLTCA requires that every licensee ensure that a resident's plan of care covers all aspects of care, including palliative care based on an interdisciplinary assessment of the resident's palliative care needs. The licensee must ensure that the interdisciplinary assessment considers a resident's physical, emotional, psychological, social, cultural, and spiritual needs. Based on the assessment, a licensee must ensure that an explanation of the palliative care options that are available to the resident is provided to the resident, the resident's substitute decision-maker, if any, and any other person or persons designated by the resident or their substitute decision-maker. These options must include, at a minimum, quality of life improvements, symptom management, psychosocial support, and end-of-life care, if appropriate.

Before taking any action to assess a resident's needs, or provide care or provide services to a resident, a licensee shall ensure the resident's consent is received.

Impact on existing plans of care in place before April 11, 2022

The FLTCA and its regulation state that, where immediately before the coming into force of the applicable section of the regulation, a plan of care under the previous LTCHA is in place for a resident, it is continued as a plan of care under the FLTCA. For the purposes of determining when the plan of care must be reviewed and revised, the plan of care is deemed to have been developed or revised under the FLTCA on the same day it was developed or revised under the previous LTCHA.

For example, if a resident's plan of care was developed and in place on March 4, 2022, under the previous LTCHA it would be considered to have been developed on March 4, 2022, under the FLTCA. The resident's plan of care would then need to be reviewed or revised according to the requirements in the FLTCA and O. Reg 246/22.

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Supports for caregivers*

The [Ontario Caregiver Organization](#) supports caregivers across Ontario with programs and resources including the 24/7 Ontario Caregiver Helpline 1-833-416-2273 (CARE), counselling and peer support groups, webinars, and checklists.

Your local [Home and Community Care Support Services](#) organization can also provide more information or local caregiver supports.

Regional palliative care networks*

The Regional Palliative Care Network (RPCN) directors and clinical co-leads can help to support local connections by identifying providers with palliative care expertise. Please reach out to Info@ontariopalliativecarenetwork.ca for contact information for your local RPCN leadership team.

The Ontario Centres for Learning, Research and Innovation also shares [regional palliative care resources](#).

Other information and resources

Information and resources about palliative care are available on the [Ministry of Health and Ministry of Long-Term Care website](#).

Additional information and training resources may be available through:

- [Ontario Health \(Ontario Palliative Care Network\)*](#)
- [Home and Community Care Support Services*](#)
- [Ontario Centres for Learning, Research and Innovation*](#)
- [Ontario Long-Term Care Association*](#)
- [AdvantAge Ontario*](#)
- [Ontario Long-Term Care Clinicians*](#)
- [Hospice Palliative Care Ontario*](#)
- [Ontario Caregiver Organization*](#)

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