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## MEMORANDUM

CWCD 421 - 2018

**Subject:** BILL 66: RESTORING ONTARIO'S COMPETITIVENESS ACT: Legislative Amendments related to Child Care Programs and Long Term Care

**Date:** December 14, 2018

**To:** Regional Chair and Members of Council

**From:** Adrienne Jugley, Commissioner Community Services

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Further to a recent Councillor information request, the following outlines the proposed legislative amendments within Bill 66: Restoring Ontario's Competitiveness Act, to both childcare and long term care.

### Childcare

On December 6, the provincial government announced proposed legislative amendments to the *Child Care and Early Years Act, 2014* (CCEYA) and the *Education Act, 1990*. Within the proposed legislative amendments, there are changes directed at both licensed and unlicensed home child care operations.

As background, it should be noted that Niagara Region is the municipal service manager, managing the local licensed child care system on behalf of the provincial government, operating under rules established by the Ministry of Education and the *Child Care and Early Years Act, 2014*.

Among its services, Niagara Region is also the larger of two licensed home child care agencies that oversee contracted home child care providers across Niagara. Between both agencies there are approximately 100 contracted licensed home child care providers in Niagara. As part of the responsibility of a licensed home child care agency, contracted providers are visited, unannounced, on a monthly basis, where qualified staff ensure appropriate developmental programs are provided to each child in care, and health and safety checks of the home ensure the environment meets legislative requirements.

The number of unlicensed home child care providers operating in Niagara is unknown to both the provincial government and Niagara Region. Unlicensed home child care providers are not required to be registered or affiliated with an agency or service. There are no standards for safety and quality of service (beyond legislated capacity maximums), or requirements for routine inspection or oversight.

It should be noted that despite their significantly legislated role in planning, supporting evidence informed practice and funding, municipal service managers were not consulted prior to the announcement of the proposed changes to the CCEYA. The following outlines the proposed legislative amendments within Bill 66 that have been identified by Niagara Region Children's

Services, in consultation with Wee Watch Home Licensed Child Care, as items that warrant further review and consultation with the childcare sector:

1. Lowering the age at which home child care providers must count their own children towards the maximum allowable number of children in care, from 6 to 4 years old (maximum allowable children in care in licensed operations is 6; maximum allowable in unlicensed operations is 5)
2. Increasing the number of young children that home child care providers can have in their care, from two under 2 years old to three under 2 years old

These changes are proposed by the provincial government to support increased access to infant childcare spaces, increase “parent choice” and align service age criteria to what is currently considered “school aged children”. With these proposed changes, operators will be able to have more children in care (as 4 and 5 year olds will no longer be counted against the operating maximum). Additionally, operators will be able to have three infants, rather than the current 2 under these changed operating limits. As both Niagara local licensed home childcare operators have expressed concern about possible safety and service implications due to these changes, and the provincial sectors (e.g. Provincial Children’s Services Network) have not yet had an opportunity to provide feedback to the proposed changes, staff will be working with sector partners to develop a response to be provided to the province during the consultation period for this legislation (closing January 20, 2019). This response, as well as recommendations for Niagara Region Home Childcare operations, will be provided to Council for endorsement in January.

### Long Term Care

Bill 66 also contains recommended regulatory changes related to long term care. These are largely administrative in nature and proposed as changes that will reduce unnecessary ‘red tape’. The provincial Long Term Care sector association (Advantage) was consulted prior to the release of these proposed amendments to the *Long Term Care Homes Act, 2007*. The primary changes are as follows:

- *Change the mandatory requirement for ministry led public meetings related to bed license changes;*

Status Quo: Ministry must conduct a public consultation, including opportunity for oral presentations in a public meeting, before certain licensing decisions can be made by the (provincial) Director. These decisions include issuing a license, undertaking to issue a license, transferring a license or beds under a license, amending a license to increasing the number of beds or extend the term, or deciding (3 years before expiry) not to issue replacement license.

Proposed changes: Modernize the way the ministry seeks feedback on licensing transactions by allowing additional/alternative formats (rather than requiring a public meeting as a part of every public consultation).

- *Allow homes that have been forced to evacuate their residents to apply for emergency bed licenses that will last up to a year, at the Ministry's discretion (rather than having to renew monthly)*

Status Quo: The Director may authorize temporary additional beds at a Long Term Care Home (LTCH) for a single period of no more than 30 consecutive days. This can be done when a person requires immediate admission to a LTCH as a result of a crisis arising from the person's condition/circumstances.

Proposed changes: Repeal this provision and the criteria currently related to short-term authorizations would instead be included under the temporary emergency license provisions.

- *Reduce reporting requirements for admission refusals*

Status Quo: If a licensee withholds approval for admission, the licensee must provide written notice to the applicant, the Director and the LHIN Placement Coordinator. The written notice must explain grounds as to why the licensee is withholding approval, a detailed explanation of supporting facts as they relate to the home and applicant's condition and requirements for care, and an explanation of how the facts justify the decision to refuse admission.

Proposed Changes: Reduce the number of persons to whom LTC home licensees must provide written notification when the licensee withholds approval for the admission of an applicant into a LTC home.

These proposed changes appear to align with recommendations from the long term care sector that currently struggles with a significant reporting and application burden, including processes that result in duplicate reporting or administrative procedures. Staff will continue to monitor both the ministry details related to these changes and dialogue with sector groups to ensure that the proposed changes support both improved operations and effective sector accountability.

Respectfully submitted and signed by

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Adrienne Jugley, Commissioner