

DATE:

APR 30 2015

MEMORANDUM TO: Long-Term Care Home Licensees

FROM: Nancy Lytle
Director
Performance Improvement and Compliance Branch

RE: Clarification of Family Council Membership

The Family Councils of Ontario supports the work of long-term care (LTC) home Family Councils across the province through education, dissemination of resources, consultation and promotion. I would like to thank the Family Councils of Ontario for identifying the need for an important clarification with respect to Family Council membership.

The *Long-Term Care Homes Act, 2007* (LTCHA) sets out requirements relating to Family Councils, including requirements on who can be a member of a Family Council. Subsection 59(5) of the LTCHA sets out that a family member of a resident or a person of importance to a resident is entitled to be a member of the Family Council of a LTC home. Subsection 59(6) sets out who may not be a member of a Family Council (e.g. the LTC home licensee).

As you may be aware, in 2011, the Ministry of Health and Long-Term Care (ministry) published *A Guide to the Long-Term Care Homes Act, 2007 and Regulation 79/10* (the Guide). The Guide provides an overview of some aspects of the *Long-Term Care Homes Act, 2007* (LTCHA) and Ontario Regulation 79/10 (Regulation).

At this time, I would like to provide clarification regarding the Guide's section on membership in LTC home Family Councils. This clarification has no change or impact on the provisions relating to Family Councils in the LTCHA (sections 59-68). The Key Considerations section on page 4-3 of the Guide states the following:

"To be a member of a Family Council, a person must be a family member of a resident or a person of importance to a resident. A person can no longer be a member of the Family Council after the death or transfer of the resident, unless the person is a person of importance to another resident in the Home. A "person of importance" may include a friend or a significant other." (Emphasis added)

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Each Family Council is unique and may determine its own role and the responsibilities of its members consistent with the requirements in the LTCHA. The ministry would like to clarify that Family Councils can individually determine the appropriateness of the continued membership and participation of Family Council members after the death or transfer of a resident, as long as there is no conflict with the requirements in the LTCHA. For example, an individual Family Council could determine that the Family Member of a deceased resident can continue to be a member, even if the family member does not have a relationship with another resident in the home.

For further information regarding Family Councils, including membership, developing terms of reference and other resources, please visit the Family Councils of Ontario website at: www.familycouncilmembers.net.

The ministry is not providing a formal update to the online version the Guide at this time. The Guide should be read in conjunction with the LTCHA and the Regulation and, in the case of any conflict, the provisions of the LTCHA and the Regulation prevail and are authoritative. The LTCHA and Regulation can be viewed on the e-Laws website at: www.e-laws.gov.on.ca. The Guide is available at: www.health.gov.on.ca/en/public/programs/ltc/docs/ltcha_guide_phase1.pdf.

The ministry asks all LTC home licensees to share this communication with their Family Council. If you have any questions, please contact Rob Francis, Manager, Aging and Long-Term Care, Implementation Branch at Robert.Francis@ontario.ca or 416 212-7137.


Nancy Lytle

- c: Ms. Nancy Naylor, Assistant Deputy Minister, Health System Accountability and Performance Division, MOHLTC
Ms. Lorraine Purdon, Director, Planning and Partnerships, Family Councils' Program
Ms. Candace Chartier, Chief Executive Officer, Ontario Long Term Care Association
Ms. Donna Rubin, Chief Executive Officer, Ontario Association of Non-Profit Homes and Services for Seniors