



January 2, 2025

Hon. Natalia Kusendova-Bashta
Minister of Long-Term Care
6th Floor, 400 University Avenue
Toronto, ON
M5G 1S5

Dear Minister Kusendova-Bashta,

Re: Bill 235 – *Support for Seniors and Caregivers Act, 2024: Proposed amendments to the Fixing Long-Term Care Act, 2021*

I am writing to you on behalf of the more than 68,000 registered nurses (RNs) and health-care professionals, and over 18,000 nursing student affiliates, represented by the Ontario Nurses' Association (ONA). Our membership includes thousands of nurses and health-care professionals providing care in long-term care (LTC) facilities as well as placement coordinators, and together we are advocates for improvements in this sector.

Schedule 1 of Bill 235, the *Support for Seniors and Caregivers Act, 2024*, amends the *Fixing Long-Term Care Act, 2021*, by requiring all LTC homes to have organized programs for dementia care and services, requiring homes to have religious and spiritual programs, and introducing a new offence for individuals who abuse or neglect LTC residents. In addition, the *Act* establishes the authority for the director to request information about LTC placement and admissions and allows nurse practitioners (NPs) to serve as an LTC home's clinical director. I am writing to you about these last two proposed changes.

SCHEDULE 1 – 3. The director is authorized to request a placement coordinator to submit reports to the director on any matter concerning LTC home placement and admission.

Our primary concern is the vagueness of the proposed amendment to the *Act* that establishes the authority for the director to request information about LTC placement and admissions from the placement coordinator under the *Act*. It is unclear which director is being referred to in this instance, and it is unclear what kind of reports could be anticipated. The debate at second reading of Bill 235 in the Legislature, including your speech as Minister of Long-Term Care, did not provide further clarity. Many questions have been raised: What details would be in the reports? Is it referring to statistics or patient information? Is it referring to additional information on a patient to facilitate placement?

More clarity and context is required to understand the implications for the work of care coordinators to complete their role in placement and to provide informed comments.

SCHEDULE 1 – 4. NPs as Clinical Directors

Currently, Section 78 of the Act requires every licensee of an LTC home to ensure the home has a medical director who must be a physician. The proposed change in Bill 235 will require every licensee of an LTC home to ensure the home has a clinical director who must be a physician or RN in the extended class. ONA welcomes this proposed change and we have advocated for this in the past, including in our 2022 submission on proposed regulations under the Act.¹

NPs have the requisite training and scope of practice to fulfill the role of clinical director. During the COVID-19 pandemic, many homes experienced challenges with Attending Physicians' availability and response times. NPs were leaders during the pandemic and took on the clinical director role. It is sensible to permanently allow NPs to serve in this oversight role since they have done so successfully before.

ONA continues to oppose the requirement set out in Section 90 (iii) of O.Reg. 246/22² of the Act that NPs must inform the licensee of the physician with whom they have a consultative relationship with. NPs have the education, competence and quality assessment skills to operate autonomously from physicians. NPs are nurses with additional graduate or post-graduate education and clinical practice experience who specialize in both nursing and medical skills. As a regulated health-care profession, NPs are legally responsible for their own practice and clinical judgment. We urge the government to remove this barrier that prevents NPs from operating autonomously. ONA is concerned that limitations on the NPs' scope of practice negatively impacts the ability of homes to hire additional NPs.

In conclusion, the proposed amendment regarding the authority of the director requires further clarification from your Ministry. The proposal to allow NPs to serve as the clinical director is welcomed. However, more action is required from the Ministry to allow NPs to practice autonomously in LTC homes.

Thank you for the opportunity to provide feedback.

Sincerely,



Erin Ariss, RN

President, Ontario Nurses' Association

¹ONA Submission on Proposed Phase 1 Regulations under the Fixing Long-Term Care Act, 2021 [ona.govtsub_bill37regulations_20220217.pdf](https://www.ona.govtsub_bill37regulations_20220217.pdf)

² O. Reg. 246/22 General. Sec. 90 (iii). [ontario.ca/laws/regulation/220246#BK112](https://www.ontario.ca/laws/regulation/220246#BK112)