



STANDING COMMITTEE ON HUMAN SERVICES

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STANDING COMMITTEE ON HUMAN SERVICES

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Batoche

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Mr. Greg Lawrence
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Ms. Laura Ross
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[The committee met at 21:23.]

The Chair: — Good evening, ladies and gentlemen, and welcome to the Standing Committee on Human Services. My name is Delbert Kirsch and I'm Chair of the committee, and also with us tonight is Mr. David Forbes, Deputy Chair. Also Mr. Mark Docherty, Mr. Greg Lawrence, Mr. Paul Merriman, Ms. Laura Ross, and Ms. Nadine Wilson. And also we have Mr. Cam Broten here.

This evening we will be considering Bill No. 111, *The Personal Care Homes Amendment Act, 2013*. Clause 1, short title. Mr. Minister, please introduce your officials and make your opening comments.

Bill No. 111 — *The Personal Care Homes Amendment Act, 2013*

Clause 1

Hon. Mr. Duncan: — Thank you very much, Mr. Chair. Good evening to you and to the committee members. Joining us this evening from the Ministry of Health, to my left is Sharon Lee Smith, the assistant deputy minister. To her left is Roger Carriere, the executive director of the community care branch. As well to my right is Dawn Skalicky-Souliere from the community care branch.

I have just very brief introductory remarks. We'd be pleased to entertain the committee's questions. The Ministry of Health's role respecting personal care homes is one of licensing and monitoring to ensure that the residents who live in these homes receive safe and appropriate care in a safe and appropriate environment. Inspections of homes are carried out by the ministry as part of the licensing and monitoring process. However, the results are currently not publicly reported. The legislation is currently silent on the issue of the public release of results; therefore an amendment is recommended.

The Provincial Auditor and the Ombudsman have both indicated that there should be more information about personal care homes publicly available. We support the idea of increased transparency for this program as it would help the public when selecting a home. It would also provide increased incentive for operators to provide the best care possible. In conclusion, Mr. Chair, and committee members, posting of inspection results will be made available on the Ministry of Health's website once the Act and the regulations are in place.

And with that, we would be pleased to take your questions.

The Chair: — Thank you very much, and I understand Mr. Forbes will be starting the questions.

Mr. Forbes: — Thank you, and thank you for the officials for being with us tonight and that introduction. It is a brief bill but an important one. But I'm curious: what stops the government from releasing these inspection reports right now? Why is this legislation even necessary?

Hon. Mr. Duncan: — *The Personal Care Homes Act* as it's currently written is silent on the issue of public release of

inspection results. That's the reason why we thought it was best to bring forward a legislative change to provide for the legislative framework to then provide further information to the public in terms of the inspections of private businesses.

Mr. Forbes: — You've cited, you've talked about the auditor's report and I assume you're talking about chapter 34 that was released in 2012. That's two years ago. So it's taken two years for us to get to this point. But we are aware that there were inspection reports up on the CBC [Canadian Broadcasting Corporation] website right now, and very little of that information was redacted by the government, so clearly they felt that was okay. And if they're indeed sensitive documents, then why can't they be released as is now, as opposed to going through freedom of information requests?

Hon. Mr. Duncan: — Well you're correct in that reports can be obtained through the freedom of information request process. That's certainly how the information that has been released by the CBC had been provided to them, through that process. You know, looking at what changes that would need to be made, it was felt that it would best be identified in legislation, to put it in legislation to give us essentially the framework to then provide for regulations that would allow us to release this information publicly on our website.

Mr. Forbes: — How did it happen that it was okay to get that information through FOIs [freedom of information]?

Hon. Mr. Duncan: — Thank you, Mr. Chair. Mr. Forbes, so through the process, the FOI process that exists, that provides for the release of the information through the normal course of freedom of information requests where that information is provided.

What we're proposing is, in order to bring forward regulations, we needed the legislative framework to be able to do that. So that in the regulations we could be more precise when it comes to, you know, how often the information would be released. Because right now, just through freedom of information requests, it essentially is when the individual makes a request for that information. So we'll be prescribing through regulations how often that information will be made available.

Mr. Forbes: — But again, you were able to respond through an FOI and what really what I'm hearing you talk about, like an internal policy that describes your framework, why do you need a regulation when CBC can get this information and provide it in a meaningful way that people seem to be okay with it, and it seems to be straightforward? To me, it looks like you just need a policy, and the policy's two years too late.

[21:30]

Hon. Mr. Duncan: — Mr. Chair, I'll have Roger Carriere from the ministry provide a response.

Mr. Carriere: — When the ministry was looking at this issue, the question was raised, is a legislative change really, really needed? So it's the question you're asking. And there may be some differences of opinion whether it really is.

The legal advice we got from the Ministry of Justice that it would be preferable, that right now the legislation is silent on it, that the . . . I want to make it clear that the ministry did have the authority to release that information and under what circumstances and when and any conditions around that.

Through the FOI, freedom of information request, why that is done now is because there is an internal process in the ministry when a request comes in that it's reviewed and all kinds of personal information is redacted. So that is the process used to get the information now because there are staff with expertise and knowing what information needs to be redacted and what doesn't, and it goes through that process.

So that's how the CBC received the current information. But it went through an internal process of making sure that resident names were deleted and things like that. And when we were looking at making the revisions here, Ministry of Justice advised that it would be better to make it clear what the authority of the ministry was to release it and when and under what conditions.

Mr. Forbes: — When I was looking through the auditor's report, that chapter, the auditor was silent on whether it needed the authority or the legislative change, but she did make references to the legislation. So it wasn't like she wasn't talking at all about the legislation. She was very aware and was citing the legislation. So in fact the silence can be interpreted that you didn't need to do it. It was this matter of political will. And if you had the political will, and here was the auditor definitely calling for it, and here we are two years later, that it could have been done if the political will had been there.

Hon. Mr. Duncan: — Mr. Forbes, I would just say that certainly we accepted the Provincial Auditor's recommendations in this regard. I had an opportunity to meet with the Provincial Auditor about this. We made a determination that we were going to move forward with publicly reporting the inspections. The legal advice that was provided was that in order to put this on a solid footing that legislative amendments should be pursued by the Ministry of Health, and that's the way we decided to proceed.

Mr. Forbes: — Well we may have more comments about that, but we're disappointed that the political will . . . because clearly this was, this is a significant issue in terms of health care for seniors.

I want to just change a bit here in terms of timing. I'll just read from the November 12th, 2013 *Hansard*, where the minister talks about the timeline of this bill. And I'll quote you:

Mr. Speaker, this legislation is anticipated to pass in as early as the spring session in 2014 [which we are in now]. Should that be the case, Mr. Speaker, it would allow inspection information to be posted on the Ministry of Health website later in 2014.

So when you talk about later in 2014, what does that mean?

Hon. Mr. Duncan: — We had initially looked at later in 2014 as in perhaps the fall of 2014. There's a couple of other steps that we need to embark on. The legislative process is one, and

we're pleased that the committee is taking this up sooner than we had expected. If the bill is successful in passing, we then need to go through a process to draft the regulations.

At the same time, we're also looking to modernize how we do the inspection process. Currently it's a pen and paper system, so it's a paper system in terms of the inspections. We are working with a vendor to go electronically with the licensing process, provide more up-to-date, real time information, and would allow us to provide more timely updates to the website itself. So that was kind of the timelines that we were looking at. We're, as a ministry, looking really hard to see whether or not, how quickly we can move through the additional steps beyond just the legislation.

Mr. Forbes: — Well the Premier said to the media today — and I'm not sure if you're aware of this, but I'll let you know — he said to the media today that cabinet could meet tomorrow to approve these regulations. Is that an actual possibility? Are the regulations ready to go?

Hon. Mr. Duncan: — I don't believe that they're ready to go for tomorrow.

Mr. Forbes: — So you won't be meeting tomorrow?

Hon. Mr. Duncan: — I don't believe cabinet is scheduled to meet tomorrow.

Mr. Forbes: — Do you have a sense of how quickly now that . . . Because we've put this into a hurry-up framework. Tonight we're meeting after, it's 9:30, to make sure this happens. So what is the timeline now?

Hon. Mr. Duncan: — Sorry to interrupt, Mr. Forbes. We could certainly have the regulations prepared shortly to move through the process of having cabinet approve those. It would be then a matter of once the regulations would be completed. We had initially, as I mentioned in my previous answer, at the same time we were doing the legislative and the regulatory work, preparing to modernize how the inspections are actually conducted. So whether or not we would hold, we'd have to make a decision whether or not we would hold on the publishing on the website before or after we had put in place the new electronic way that the inspections will take place.

Mr. Forbes: — So in these two years, the timeline, the 24 months that have gone by, you're waiting now to make the regulations. And then after the regulations you're going to do more work to prepare to do the inspections. I see a delay here that maybe . . . It doesn't seem possible that you'll even meet your fall deadline.

Hon. Mr. Duncan: — No, no, absolutely not. Based on the way that the legislative cycle and the calendar works, we had introduced the legislation in the fall of 2013. Once a decision was made that we would . . . based on the recommendations of the Provincial Ombudsman, the Provincial Auditor, as well as sign-off from internal processes within government, once that decision was made, the next available window for opening the Act up through the amendments would have been introduction of 2013, in the fall session. So that took place. We're now here at committee. Our intention was to have this in place later this

year, and we're going to see what we can do to speed that process up.

Mr. Forbes: — So the regulations are not drafted tonight.

Hon. Mr. Duncan: — They're not drafted tonight. No.

Mr. Forbes: — And now the legislation says it'll come into force on assent. Is it the government's intention to request the presence of Her Honour, the Lieutenant Governor, tomorrow to do that?

Hon. Mr. Duncan: — Mr. Chair, I would perhaps have to consult with the House leadership on the government side in terms of when the assent was scheduled for.

I appreciate the committee meeting and the members meeting on short notice this evening, but in the last few hours that we've had, you know, obviously we don't necessarily have that answered this evening. I'm just not sure whether or not Royal Assent was going to happen tomorrow or not.

Mr. Forbes: — Have you asked for it?

Hon. Mr. Duncan: — I haven't specifically asked for it, no.

Mr. Forbes: — Have any of your officials or staff asked for that? Because I know we quickly got this meeting organized so that we could do our part.

Hon. Mr. Duncan: — Mr. Chair, in regards to the Royal Assent, we'll get an answer as soon as we can in terms of what we're expecting. Obviously though we can't proceed with that until there's an actual vote of the committee to move it out for third reading. So we'll be prepared, in the event that that does take place, to get this bill passed through third reading and Royal Assent as soon as we can. But we still have a few steps that we have to go through, and the committee this evening is one of them.

Mr. Forbes: — Do you anticipate any problems with third reading?

Hon. Mr. Duncan: — I don't, no.

Mr. Forbes: — So you can anticipate that, if it is the government's will tomorrow to bring it forward, I mean they don't have to bring it forward tomorrow, but I assume we always bring things the next day. So unless I'm . . . I don't know if this is more a question for the Chair. But for the minister, we'd be curious to know what the government plan is here.

Hon. Mr. Duncan: — I've been advised that our House leadership has spoken to the Clerk about seeing about the availability of the Lieutenant Governor tomorrow.

Mr. Forbes: — And when did they speak to the Clerk?

Hon. Mr. Duncan: — I'm advised that there had been some back and forth discussion with the Clerk's office this afternoon to see whether or not the Lieutenant Governor would be available to be present at the legislature tomorrow.

Mr. Forbes: — And we're not sure whether that will happen. Are you saying, yes it will, or no, we don't know?

Hon. Mr. Duncan: — I'm not in a position to be able to confirm whether or not the Lieutenant Governor will be here tomorrow. But not presuming what takes place at the committee tonight, we'll certainly make all endeavours to ensure that the Lieutenant Governor or a designate would be present tomorrow if that is possible with their schedules.

Mr. Forbes: — So now that we are seeing this timeline move a little bit forward — as you said in your speech in the fall that you've anticipated this would come up later in 2014 — can you give me a more specific time when the public can expect to see the reports online? Are we talking August or September?

[21:45]

Hon. Mr. Duncan: — Mr. Chair, Mr. Forbes, to your question. Thank you for your question. We had not put a specific date on it. We thought that, based on the steps of legislation regulations as well as what I've mentioned in terms of developing a new IT [information technology] system that would coincide with posting the information online that would help to modernize the system, that we'd be looking into the later part of 2014.

What we're going to work to do to see if the vendor is working with the Ministry of Health on another project, whether or not we can perhaps look at the timelines and move this ahead as the priority IT project that we're working with this specific vendor and, you know, whether or not we can speed the timelines up to what we initially thought. But initially it was going to be the later part of 2014.

Mr. Forbes: — I think I'll ask . . . I know Mr. Broten has a few questions.

The Chair: — The Chair recognizes Mr. Broten.

Mr. Broten: — Thank you, Mr. Chair, and good evening to members and staff who are here as well as the minister and the officials. Thank you, Mr. Minister, for some of the information that you provided so far with respect to the timelines and the discussion around whether or not the actual need for legislation is required or not.

Earlier on today in question period, Mr. Minister, when you and I had an exchange, it was my first question, I don't have *Hansard* in front of me but the question went something along the lines of that . . . I stated that the auditor said that the government should start conducting more unannounced inspections and publicly post all of the results of those inspections. And I asked the Premier actually, why follow-through hadn't occurred from the government on the posting of that information.

Some of the first questions that Mr. Forbes asked were about the need for legislation. I believe if I heard correctly, Mr. Minister, you stated, I think as well as the ADM [assistant deputy minister] and ED [executive director], that legislation actually isn't required for the release of information. It might be perceived as a preference, but it's actually not required to post the information.

But in the response that you provided in the House, you said the release of information was dependent and being held up by the legislation that we're discussing tonight. But if I understand your first answers correctly, there actually is no hurdle technically there that is preventing the release of the information if the desire to share the information was actually there, is there.

So am I correct in my understanding? And my question is, why in question period was it said that legislation was required, when the first responses tonight said that legislation actually technically isn't required?

Hon. Mr. Duncan: — When we were contemplating how best to move forward with publicly releasing this information, what was noted was that the Act is currently silent when it comes to public reporting of information. That, I think, is separate, that's a separate issue from the information that the public can access through freedom of information requests.

So the Act is currently silent on publicly reporting information, and it was . . . The recommendation that was made to us is that in order to put us on a solid legal footing, that legislation was recommended.

Mr. Broten: — Mr. Minister, if solid legal footing would be achieved through legislation that would enable the release of this information publicly, then the FOI that CBC received, why was not more information redacted from that if in fact there was a legal requirement for that to be there in order for information to be released?

I see a contradiction in the words that are being said. As I understand the responses that have been provided by you, as well as from the officials, is that there actually is no legal impediment from releasing the information. There may be a preference to get to a point. But there is the full . . . The minister has the full legal framework to provide that information if he so chooses. Is that correct?

Ms. Smith: — So if I understand your question correctly, you're asking why we would . . . why we went the route of a legislative amendment followed by regulations in order to make this happen. Why wouldn't we be going . . . just actually posting the information in a similar fashion as what has happened through the release of the information to the CBC? Why are we taking the legislative route and then the route of regulations? I just want to make sure I understand the premise of your question.

Mr. Broten: — No. The premise of my question is, when I asked the minister when the information would be released, the minister said, we're waiting on the legislation. What I heard in earlier responses from the minister and officials was that technically legislation isn't required. It could be released. Evidence of that is the fact that the CBC received this information through an FOI. It's not redacted, and actually it's up on a website right now. So my question is, why was the response that legislation is required for the release of information when it was said earlier on that it isn't required?

Hon. Mr. Duncan: — I would just perhaps just, Mr. Chair, correct Mr. Broten in that there was information that was

redacted, just with respect to individuals' privacy. So that was a process that the ministry goes through to provide that information to an applicant for an FOI.

The advice though, as we were working through this process to how to fulfill the recommendations that had been made by the Provincial Auditor, and what I had indicated in the House today, is that the best advice that they gave us from Justice and our legal advice is that because the Act is currently silent on the issue of public reporting, public releasing the inspection information — which I think is a separate issue from a freedom of information request that comes under separate legislation — that we would be in a better position to bring in not only the legislation but then the regulations on how that actually would look, similar to what took place in restaurant inspection reporting that we currently do as a ministry.

Mr. Broten: — So this afternoon following question period in the rotunda, government officials, high-ranking government officials were informing the media and telling the media that it would have been illegal to share these results online. So is that inaccurate?

Hon. Mr. Duncan: — The advice that we had received, legal advice that we had received in drafting the legislation and the decision to actually draft legislation is that without the legal basis for publicly reporting the inspections, as the Act is currently silent on it, that that could be questioned or challenged whether or not we actually would have the authority to do so. That's one of the reasons why we did go with the legislative route.

Mr. Broten: — Then if that question mark exists, the legitimacy for releasing such information, does that question mark exist in the . . . Does it not exist in the same way for the information that's provided to the CBC, which is now publicly shared? It's the same main content of the information that's being provided either way.

Hon. Mr. Duncan: — So I think though we're talking I believe two different sides of this issue. The reporting of the information that we provided to the applicant of the FOI would have been done in accordance with the freedom of information legislation. That was the basis for reporting that information, not an ability through the legislation around personal care homes to publicly report the inspections.

Mr. Broten: — But if the information can be shared through an FOI, if government is able to release that information through an FOI, the government is also, on its own accord, they're in a position to release that information without an FOI if the political will and the desire to release that information is actually there. I mean you can provide the information in a proactive way having it upfront, or you can wait for the FOI and then provide that information. It's the same information that is being released to the public that's now posted online through the CBC. So I don't understand why the information could not be posted in a proactive way now by this government, and then the framework can be worked out afterwards.

If it can be released through an FOI, why force families, why force people who are concerned about deficiencies in care homes, who are concerned about their loved ones, why force

them to go through that hoop, which is significant, when you're legally already in a position as government to release that information?

[22:00]

Hon. Mr. Duncan: — In the case of the information that was released through an FOI, again I would just say that that's a separate process. That's a process that compels us to release that information through the lens of the FOI Act in the province. What that doesn't provide us is an avenue to determine how often we release the information.

So currently without a, we believe, a legislative and a regulatory framework, we don't have in place how often we release the information, how often we update the information. We believe that through regulations that's the best way to do that. But we don't have the legislative clause within the Act to actually then create regulations to be able to make those decisions and lay out to the public how those inspections will then be reported.

I would say this is very similar to a process that took place around the restaurant inspections where that's through regulations. And the advice that we'd received is that it would make sense to proceed similarly through a legislative and a regulatory process.

Mr. Broten: — Well I understand how the regulations would clearly prescribe the frequency that information is received, but from everything that I've heard in the remarks, it's not required for the authority of government to release such information if the desire is there. It's more about the timeline, as I understand the responses that have been made.

Hon. Mr. Duncan: — Up until the point that we would be challenged that we wouldn't have the authority to actually publish that information online. Rather than run the risk of being challenged of whether or not the government has a legislative ability to publish inspections of private businesses online, rather than risk that type of challenge, we thought we would proceed on the advice of Justice that it would be best to put the legislative framework in place that would then allow us to put in place regulations that would spell out how actually that reporting would take place.

Mr. Broten: — I think I recall in an earlier remark, on the need for having the legislative framework or the regulations, you stated it as a preference, not a requirement. Is that an accurate description?

Hon. Mr. Duncan: — As we were looking at how to proceed with the public reporting of inspections, the advice or recommendation was that it was, under the existing Act, it was unclear whether or not we actually had the authority, the ability to do so. And so that's where the recommendation came from that, rather than have this uncertainty about whether or not we actually could publicly report the inspections, that it would be best to proceed with making the legislative changes that are before the committee today.

Mr. Broten: — Thank you. In the 2012 auditor's report, we all remember the very troubling facts that were revealed about

problems identified in some private care homes. I recall the fact of the absence of soap available for residents, blocked fire exits. Smoke alarms was another concern, general quality of care issues, really basic quality of care and safety issues. People that are in care homes are incredibly vulnerable because of age and health conditions that they're living with, and for that reason it's so essential that government properly regulate these private care homes with the right inspection and the right enforcement. So the information that will be provided in these reports are based on inspections. So my question is, how often are the private care homes inspected?

Hon. Mr. Duncan: — Mr. Chair, typically personal care homes are inspected on an annual basis. In some cases the inspections may be completed every two years, but that would be if there are no operational challenges that have been identified in previous inspections.

We also do follow-up on complaints that do come into the ministry and follow-up to determine whether or not the complaints are founded, and then go through a process on complaints that are founded to work with the operator to take corrective action to rectify those situations.

Mr. Broten: — Do the care homes have advance notice that the inspections will be occurring, or do they occur unannounced?

Hon. Mr. Duncan: — So with the process that's in place for licensing and monitoring, typically the operator is informed of when that will take place. We want to ensure that the operator is present for those, for that process, but we do have the ability to do spot inspections that would be unannounced and not previously scheduled with the operator.

Mr. Broten: — Do you have a rough breakdown of how many would be of the scheduled nature and how many would be of the unannounced spot check nature?

Hon. Mr. Duncan: — So the inspections that would be a part of the licensing process, those would be scheduled, announced in terms of when the time would be. If there are deficiencies that need to be corrected, the follow-up inspections to those deficiencies would not be typically announced to the operator. As well as through the complaint process, those again wouldn't be announced.

Mr. Broten: — Could the minister please provide a bit of an overview of what the inspections look like — who does them, the length of the inspection, the types of things that are covered — a bit of a content on what an inspection looks like?

Ms. Skalicky-Souliere: — When a personal care home inspection occurs to review the operations in the home, the consultant schedules, typically schedules a visit. They go into the home. They have a significant number of standards that they go over and assess in order to determine if the home is meeting all of the requirements.

Some of those standards are around the provision of food. Does the food that's being served reflect the *Canada Food Guide*? Does it reflect any specialized diets that the residents have, as well as how do they respond to the residents' likes and dislikes?

Other parts of the inspection include a review of the resident records. They randomly select resident records, and they go through them from beginning to end, looking through care plans, looking through assessments, looking through progress notes, looking through medication records, looking to make sure there's doctors' orders in place, and those sorts of things.

And then they look at the resident care. They observe the resident care. They see if the residents, are they dressed appropriately for time of day? Are they appropriately groomed? Those sorts of things. They also look at recreational activities. How is that provided? Are there activities available that meet the residents' interests and needs?

And they look at some of the physical aspects of the facility. Has their fire inspection, is it current and up to date? Has the fire sprinkler inspection, has it been done, because they have to be done on an annual basis, and are they available for inspection as well? Are the resident rights and privileges posted and visible to the residents and the public?

Are the admission agreements in order? There's several provisions in the regulations that deal with admission agreements. And really that's the contract between the resident and the licensee about what services are to be provided and what fee will be paid for those services. So to go through those agreements to make sure that they all reflect what the regulations state.

Mr. Broten: — I thank the official for the response. In the response, Mr. Minister, there was reference to consultants. Are these individuals contractors or employees? Could you please describe who are the consultants.

Ms. Skalicky-Souliere: — They're Ministry of Health employees. We have two full-time consultants and a half-time consultant in the Saskatoon office, and we have two full-time consultants and a half-time consultant in the Regina office. And that's how we cover off the province.

Mr. Broten: — So that's a total of how many FTEs [full-time equivalent]? I'm sorry, I missed the whole breakdown.

Ms. Skalicky-Souliere: — Five.

Mr. Broten: — Five. Is it the minister's view that five is an adequate number of FTEs to cover the demand for inspections of the scheduled and unscheduled nature?

Hon. Mr. Duncan: — Thank you, Mr. Chair. Mr. Broten, we believe the five FTEs are effective in completing their work. In 2012 we made a change to how that process will work in terms of the annual inspections. Typically those were done in March of every year, so we've now staggered those out throughout the calendar year just to ensure that the inspections can be done in a more timely way with the five FTEs that we do have across the province.

Mr. Broten: — Thank you. The CBC report on this issue said that in 2012, 47 out of the 240 care homes were not inspected at all. So that's about 20 per cent. So my question is, is it normal within a calendar year that about 20 per cent of the care homes would not receive an inspection? Because if there is a concern

like a blocked fire exit or medications not being delivered properly, to miss a year and to have it two years or perhaps even longer, a lot can go wrong over that long stretch of time. So is it normal to have so many homes not receive an inspection in a calendar year?

Hon. Mr. Duncan: — The number that wouldn't have been inspected in that year would have been a combination of those facilities that would have a two-year period as a part of their licence based on their record, their performance, the history that they would have as a good operator within the system. As well, moving to staggering the inspections in 2012 would have meant that even a facility that would have been on a year inspection, there would have been some that would have, their inspection would have followed then in 2013, just based on using 2012 as the year that the staggering would begin.

Mr. Broten: — So is it the minister's goal to have at a minimum every home inspected at least once a year? Is that the stated goal?

Hon. Mr. Duncan: — It is for those facilities that, as a part of their licence, are to be inspected each year. There are some, as I said, there are some facilities that would have it every two years. But it's absolutely the intention that for those facilities that would be a year between their inspections that they would have it every year, yes.

[22:15]

Mr. Broten: — So in 2013 for the homes that are scheduled to have an annual inspection, did annual inspections occur in all of those homes?

Hon. Mr. Duncan: — Yes. So every personal care home that would have had a licence that would have expired in 2013 would have had an inspection in 2013.

Mr. Broten: — Does the ministry prioritize which homes to inspect more frequently? Is it complaint driven, or what's determined if there's a greater frequency of inspection happening for a home?

Hon. Mr. Duncan: — So we do as I've mentioned, we do use the one-year period process or the two-year for some facilities. The follow-up work that takes place after that in terms of inspections and follow-up would be based upon how each individual home has done in the inspection process. So if there are deficiencies that have been found, then there would be greater follow-up that would take place in those facilities.

As well we do, as we've mentioned before, average probably 125 complaints a year. We follow up on all of those complaints. Typically we average about roughly half and half in terms of the complaints that would deem to be founded, and then we do follow-up with those. The other 50 per cent would be considered unfounded complaints. And then so in those that would be founded, we do work with the operators to ensure that there's an action plan in place to correct the actions, and then we'd do the subsequent follow-up that we'd need to do.

Mr. Broten: — So if there is a care home where there is a problem identified or problems identified, and there's hopefully

the ongoing inspections to keep monitoring it and ensure that vulnerable people, vulnerable seniors are in fact being cared for properly, but if there isn't the change that's needed, if problems persist, what does it actually take for a private care home to lose its licence? What are the steps that are followed? What steps does the ministry take in order to take that action?

Ms. Skalicky-Souliere: — Well the first thing to probably share is that the consultant's role is that, yes, of a regulator and inspector, but the other part of their role is one of a coach. And there are a lot of requirements under *The Personal Care Homes Act*. And so when there are areas that a home is struggling with, the consultant then works with that home to develop a plan to help them to be successful so that they can comply with the standards under the Act because if they have a successful home, of course the residents ultimately benefit. If after they've tried to work with them to get them to achieve success in those standards for a period of time and there continues to be non-compliance in that area, that can lead to cancellation or non-renewal of the licence.

Mr. Broten: — How often does that occur?

Ms. Skalicky-Souliere: — In the last 10 years, we have either cancelled or not renewed 12 licences. There are other situations where, as we are progressing through the process with the operator, they have opted not to continue with their licence.

Mr. Broten: — So at present how many care homes would be at that level where the ministry is concerned? Hopefully they're watching closely because I mean there's nothing worse than having a loved one in a situation where you can't sleep at night knowing whether or not they're being well cared for. So how many situations right now within the province or private care homes are flagged and requiring monitoring and the follow-up that's needed?

Ms. Skalicky-Souliere: — We don't have that number here.

Mr. Broten: — Well if, I mean, the report that was released through the FOI and the auditor's report in 2012 clearly identified some pretty significant problems, problems that I sure wouldn't want a loved one facing if they're in a care home, am I correct in hearing that the ministry doesn't know in how many locations there are these glaring, glaring deficiencies present and threatening the safety of seniors?

Hon. Mr. Duncan: — We would endeavour to provide the information to the member. I would just point out though that what we do is, throughout a given calendar year there would be an inspection for facilities, particularly those that are on the one-year cycle. There would be follow-up based on that information. So if the member's looking at a point in time, we could certainly try to provide that. But what we do is do work throughout the entire year working with the operators, identifying the deficiencies, and then doing the follow-up work to ensure that the deficiencies have been adequately addressed according to what is identified as the standard that they're responsible for.

Mr. Broten: — Well I understand that there would be private care homes at different stages of improvement if big problems have been identified. But I'm a bit surprised that there isn't at

least a ballpark figure available for how many homes are actually not meeting the mark and in how many situations seniors aren't safe, seniors aren't receiving the care that they need. But if that information's not available tonight, we can talk about it at another time. But I am a bit surprised.

What format will these public reports take? What will it look like? What will the information look like? I mean, as it was explained to me, I was under the impression that, you know, cabinet could be approving regulations tomorrow or in the very, very near future. So I would hope that a lot of this would be developed already if there was talk about improving regs as soon as tomorrow. So what will these reports look like?

Hon. Mr. Duncan: — So what we're contemplating is that . . . Of course there are many requirements under *The Personal Care Homes Act* that licensees must follow. When deficiencies are identified during the personal care home inspection, the operators must rectify those deficiencies within a specific time period and provide the consultant with a report. Then the ministry does a follow-up investigation, when it's necessary, to determine whether or not the deficiencies have been identified.

So what we're proposing is that those deficiencies that have not been rectified in the specified amount of time, that that would be what we would post on the website. We're also proposing — and this goes a bit hand in hand with the updating that we're doing to move away from a paper system and going electronically — is that that information, our website, we could be in a position to update that on a daily basis, based on the work that operators do to correct the deficiencies.

What we want to . . . We want to be in a position, obviously, to increase the transparency and the accountability for operators. We also want to make sure that the public has up-to-date information on the operators. So we want to ensure that if there were deficiencies that have been identified publicly, if they have been corrected, we want to ensure that the public does have, is in a position to be knowledgeable about that. But we also don't want to be in a position where the information that's online is dated information, information deficiencies that the operators have addressed, and that wouldn't necessarily reflect the care that's being provided in the home. So in the regulations we'll strike that balance between ensuring there is that information but ensuring that it's updated in a timely way.

Mr. Broten: — So right now, the inspection reports are about 11 pages long and have a number of sections. Do you see that same type of format being presented to the public or do you see more of a summary format? What will the information look like? How will it be presented?

Hon. Mr. Duncan: — What we're looking at being able to provide is, again this will be . . . Our hope is that we can modernize the system so that it's going to be more efficient. It'll be done electronically and will put us in a position to be able to provide it in a more timely fashion.

What it would lay out though, what it would . . . kind of depending on what the final design of the website looks like, but essentially it would lay out the facility, the date of the inspection, who the inspection was conducted by, and then it essentially would list off the category of the description of what

the deficiency was with a description of the actual infraction as well as where that would correspond in the . . . which part of the code that it would fall under. So whether or not it would be the physical facility, whether or not it would be the emergency plans that are stipulated. So that's kind of what we are thinking about in terms of what we'd provide.

Mr. Broten: — Thank you. We've been talking a bit about the course of action when a problem has been identified and the steps that are needed in order to ensure that vulnerable seniors are safe and receiving good quality care.

The minister has described some of the steps that he suggests are occurring when a problem has been identified and I hope that is the case. But as recently as 2012 in the auditor's report, a different opinion was provided by the auditor in terms of the type of follow-up that is occurring in order to ensure that when a problem is identified it's actually addressed.

If we look at the Provincial Auditor's report, on page 295 of the report it says:

When problems are identified through inspections, the Ministry needs to follow up with the identified personal care home to ensure that the problems have been sufficiently addressed. We noted instances where problems identified through inspections continued for more than two years.

So that's a very different description of the reality that many seniors face, and a different description of the problems that persist in many care homes from some of the information that's been communicated earlier this evening. So my question for the minister is, the description that the auditor identified here in the report on page 295 about problems persisting for a two-year period, is that still happening or is it the minister's view that that has been corrected?

[22:30]

Hon. Mr. Duncan: — Thank you, Mr. Chair. Based on the recommendations of the auditor, we certainly take the auditor's recommendations seriously. I think that perhaps some of the changes that I would speak to the committee about, based on perhaps what the auditor had been seeing between 2010 and 2012, certainly moving to, in terms of the schedule in 2012 that we moved to, to stagger the inspections I think rather than having a large number of inspections that were all due at the same time, it's helped with the flow of work for our consultants and the follow-up work that would need to be done. So I think that that's, you know, that's a positive step.

As well the work that we are hoping to be able to achieve in terms of moving away from a paper-based system, which is, you know, can be a time-consuming process, going to an electronic system where what we're looking at now is for the inspectors to have a tablet so that they can, in real time, make their remarks on the inspection, and that information could be used to then be a part of the public reporting, I think that that'll help to free up our consultants and our inspectors to do the follow-up work that needs to take place.

We are always working to, you know, to balance what would be

the smaller concerns, trying to rectify those as quickly as possible, making the decision in most cases or, I would say, in the vast majority of cases that, you know, we want to work and coach the operators to make the changes that they need to make rather than see a facility close or a licence be pulled.

The larger, I think, the more significant issues that speak to safety and quality for residents, those are the ones that, you know, we put a particular focus on. For example, I know the auditor had talked about problems with regulating the water temperature. So in the cases where there's difficulty in regulating because of, you know, working with water heaters and in different facilities, in some cases we would stipulate that control valves would have to be put on to the faucets to help reduce the risks associated with fluctuating water temperature as well as monitoring and recording, for example, the temperature that the water is set at before the resident is bathed.

So you know, those are, you know, I think some of the specifics that we do on, you know, on the more serious concerns that are raised through the inspections, always trying to balance off between working with the operator, trying as much as possible to ensure that the operation can continue because we know how important these personal care homes are to the continuum of care for seniors across the province.

Mr. Broten: — In instances where a problem is identified with the approach that you want to go to, my question is, what sort of proactive corrective actions, what would be proactively done to ensure that information is shared with residents and with families? You know, for example, if it's shown that food safe policies aren't being followed and there's big problems with the diet. Yes, that information may be posted online, but will it also be posted in the home? Will it be an email that goes out to family members if they sign up for those types of updates? Are these things that the ministry is contemplating?

Hon. Mr. Duncan: — Thank you, Mr. Chair. So the amendment itself speaks to providing the legislative framework for publicly disclosing that information. How exactly that would that be disseminated would be a part of the regulations that we would be bringing forward for approval.

You know, our focus was to ensure that there was a public reporting and our website was going to be the vehicle that we would use. Obviously if there's individuals that wouldn't have access to the Internet or to a computer, we'd certainly provide that information. But at this point, it wasn't contemplated that that information would be sent to the residents or their families.

Mr. Broten: — Well I would think that should be something that's given serious thought. You know, if it was my grandma in a living situation that was, there was a fire exit blocked or if her medications weren't being administered properly, family members should know. Family members should have, should be alerted to that. So I would have hoped that some of that thinking and planning would have already occurred.

And I would have hoped that the regs would have been much more developed than what they are. And certainly that was suggested earlier today, that this whole process could move much faster and that regs could be there. But I mean, tonight we learned that actually this may be fall of 2014. It might not even

be the fall. So we could perhaps be looking at 2015 before information's available perhaps. I don't know, but I did hear the minister say that the fall of 2014 mark may not be achieved.

Once the approach is determined and once government gets around to actually doing the planning and having the regs ready — and the planning that really should have been happening back in 2012 once the auditor identified these deficiencies — how will that information be shared with families, not just when a problem is identified, but perhaps when a family makes a decision for a loved one to move into a care home? Will there be, and again in a proactive way, information shared with that family about how they can access information, how they can receive updates and really do their best to stay in the loop about what's going on?

And I mean, in some circumstances, families are close to loved ones and can have daily visits or visits a few times a week. But in some circumstances, I think of a few constituents I've dealt with and gotten to know, family members are in Ontario or Alberta and the visits to mom and dad are every six months or sometimes even longer. So what steps will be taken in order to ensure that families from the onset know how they can be in the loop as best as possible?

Hon. Mr. Duncan: — Thank you, Mr. Chair. I'd just perhaps correct Mr. Broten. I don't believe I made any indication that it would be 2015 when this would be available. I'm pretty sure it was within 2014. And now whether that be the fall or whether that be . . . We can speed that up, but our plan was always that this information would be publicly available on our website in 2014.

To your question, certainly we do provide some reference material for individuals and family members that are looking for information on personal care homes. That's available through the ministry, through our website, through regional health authorities. And we would be, in updating that information we'd be ensuring that the public would be aware of the public reporting of the inspections, once that is put in place. So we'll ensure that that information would be communicated to individuals that are looking at perhaps a personal care home, what options would be available for their loved ones or for themselves.

Mr. Broten: — I want to thank the officials, and thank the ministry staff for the work that they do on a daily basis and month after month. And civil servants have been doing this for years, and devoting careers to this, and I really want to extend my heartfelt appreciation and thanks for all the work that officials and ministry folks do.

And I'm pleased that we've been able to have this time tonight in committee to talk about this. And I know the hour is late, but this is really important. And it's really important to have this information and a discussion about the timelines on the record and out in the open. And I'm glad that we didn't waive the committee time together in order to have this information on the public record, and have this information out in the open.

Because I mean, we as, Mr. Minister, as politicians, as people that are working in the things that we do across the floor, at the end of the day this is ultimately about residents in

Saskatchewan. It's about vulnerable people, seniors, many who are very vulnerable, who are living with disabilities, who are in a position often not to speak for themselves. And it's for that reason that we have to be diligent and we have to listen to what the Provincial Auditor says when huge problems are identified.

And that's why I'm also disappointed tonight and also surprised in an unpleasant way with a few of the things that we've learned tonight. I mean the fact that this was identified in 2012 by the Provincial Auditor, and then tonight to have it revealed that actually there is no legal impediment to sharing the information. There might be a preference to have the legislation in place, the framework, but the power is there to release the information. So I'm very concerned that the information hasn't been shared yet.

And then I'm also concerned . . . I mean today in the Assembly and afterwards, there was an indication that things could move quickly. There was an indication that regulations were well developed and along. And that's why there was a request for, as I understood it, a request for us to waive this committee portion and simply move to third reading. But that's clearly not the case. Regulations aren't ready. We understand that we could be looking at the fall of 2014 and a good chance of beyond the fall of 2014.

[22:45]

So my concern is that a lot of the talk about urgency and a lot of talk about fast-tracking, a lot of talk about recognizing the big concerns that the Provincial Auditor raised back in 2012 is in fact just talk. And the political will and the openness and transparency and willingness to actually share this information, to have it up, actually isn't there in the way that I'd hoped that it would be.

And so I will conclude my questions this evening, but I again want to reiterate my appreciation to the officials and the folks in the ministry working. But I am disappointed in the timelines that have been revealed this evening and the progress that's been made or not made with respect to the regulations. And what I would say is that in all of this discussion our focus absolutely has to be on vulnerable people who are living in conditions that aren't acceptable, that we wouldn't want our own loved ones to be experiencing. And because of that, the need for information to be shared with the public is more urgent. And I wish that it had occurred in a much faster way.

Hon. Mr. Duncan: — Thank you, Mr. Chair. I think at this point if there are no further questions, I'll maybe just thank Mr. Forbes and Mr. Broten for their questions and for their comments and for all committees for being here this evening as well as my officials.

I do want to say though, and I do want to put it on the record that this is certainly something that the ministry and I as minister take very seriously. The auditor's recommendations came out, I believe in December of 2012. We had a discussion with the auditor about how to move forward with those. The available window for putting legislation before this House is the normal course of the cycle of the legislature would be to introduce it in the fall of 2013. And we did that. And so, notwithstanding perhaps a difference of opinion on how quickly

we are moving on this, Mr. Chair, this is something that we are certainly moving forward with as quickly as we can do so.

But again, I want to thank all members for the discussion this evening and especially the ministry officials, those that appeared before the committee this evening and those that work behind the scenes to put us in the position to be able to increase the transparency and accountability around the inspection process for personal care homes. And so I want to thank them this evening.

The Chair: — Thank you very much. Seeing there are no more questions or comments from either side, seeing none, we will proceed to the vote on the clauses. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 and 3 agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Personal Care Homes Amendment Act, 2013*. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move to report Bill No. 111, *The Personal Care Homes Amendment Act, 2013* without amendment. Ms. Wilson.

Ms. Wilson: — I so move, Mr. Chair.

The Chair: — Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you, one and all. I believe we've got some good work done, and I would ask a member to move a motion of adjournment.

Ms. Ross: — I so move.

The Chair: — Ms. Ross has moved. All agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. This meeting stands adjourned till the call of the Chair. Thank you, one and all. Have a good night.

[The committee adjourned at 22:50.]