

THIRD SESSION - TWENTY-SEVENTH LEGISLATURE

of the

## Legislative Assembly of Saskatchewan

# DEBATES and PROCEEDINGS

(HANSARD) Published under the authority of The Honourable Dan D'Autremont Speaker

N.S. VOL. 56 NO. 15A TUESDAY, NOVEMBER 19, 2013, 13:30

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

**Mr. Forbes:** Thank you very much, Mr. Deputy Speaker. It is a pleasure to rise and speak on Bill No. 111, *An Act to amend The Personal Care Homes Act*. And it's a short Act but it's an important one, and I'm happy to speak to it today.

And there's so many different reasons for it. And one of course and the most important one is, how do we look after our seniors in their senior, their golden age. And I think that seniors who have contributed so much to our province, done so much, the last thing on their mind should be is how will they . . . What kind of shelter will they have as they retire? And we're seeing this as a major concern — a major concern — in Saskatchewan.

In fact it's ironic, today is National Housing Day, Mr. Speaker. And in Saskatoon right now there is a housing conference based on needs of seniors. And it's really an important conference and I wish I could be there, but my assistant is there today because we feel it's an important issue.

So this issue of personal care homes, and I know that the minister has talked about we shouldn't confuse the different kind of homes for seniors, personal care homes. He wanted to make sure we understood that this was personal care homes, not long-term care homes. And fair enough, there is a division, but I think right across the spectrum, Mr. Deputy Speaker, there is a concern in this province that senior housing is not being looked after by this government. It's being left to neglect. And whether it's seniors who would just like a little support in making sure their homes are up to snuff, up to code, or those who are in long-term care, right from one end of a continuum to another it's a major, major issue.

And so I appreciate the minister's concern that we don't confuse this, and because we know that the personal care homes are privately operated homes and they are not run by the regional health authorities, but they are in fact licensed by the provincial government. So there are some differences.

And I will get into the specifics of that right now but I want to set the context of what too many seniors face today in Saskatchewan. And of course this government . . . Because we know they often reach for excuses when it comes to being challenged why they are not stepping up to the plate. And we saw that today in question period. They could not own up to their deficiencies, their failures, and say, listen you know — and we have heard this so often, Mr. Deputy Speaker, it's getting a bit tiresome — there's more work to do. For the last six years, we've heard there's more work to do. And well certainly there is and certainly there is. But clearly they have to set some standards. And you know, today we heard them talk about goals, but they seem to refuse to set standards when it comes to senior care, particularly when it comes to staffing, that type of thing.

And then they will go on about whatever the excuse may be, but certainly it is not their fault. That is their line. And the closest to any kind of responsibility is some acknowledgement that there is more work to be done, more work to be done. Well of course there's more work to be done. That goes without saying, isn't it? I mean it's like saying there's more learning to be done by students. I mean where does this get to be a little bit silly is the fact that it's used as a cop-out for accepting responsibility for work that needs to be done.

And in fact when I get into the meat of the matter here, Mr. Speaker, this will be interesting because the government talks in this Act about how it was urged by the auditor and the Ombudsman to do this. And when I actually went back and actually got the chapter from the auditor's report, there are five recommendations. And I would like to know, where are the five recommendations? This is the fifth of the recommendations and probably the lightest of them all, the most simplest ones. And we've asked and the member from Nutana asked last night a very simple question: why wait? Why are we waiting two years? In fact, this report from the auditor was from 2012 so we're taking two years to get around to this.

And so you know, it reminds me of a little saying that my mother had, a round TUIT jar, right? You've got these little round TUITs. And this is what this government, instead of more work to be done, it's going to be when we get around to it, you know. And because they just can't seem to grasp the seriousness of this situation and the fact that too many seniors . . . And whether it's as simple as renovations in their homes so they can stay in their homes, and I know the member from Cumberland has often raised the issue of rent to own in the North so that they can own their homes by the time they do hit their senior years. And then we have long-term care and personal care.

So, Mr. Speaker, and in fact I had the opportunity . . . And actually it was interesting because both the Minister of Health and myself were at the seniors' housing summit in Weyburn this past June. And I found it very interesting. And of course they brought their initiatives and what they're going to talk about, and that was well received. Except what wasn't well received, the short . . . the fact that not a lot of government attention was being paid to the folks organizing the summit, and the fact that they only stayed for a brief period of time and then left.

But the minister was there, and that was good. And he did share some comments. But I

think that what's really important is, and I think they're going to be talking about this today in Saskatoon at the seniors' housing summit, is the fact that seniors' housing is much more unique than the general population in many ways. When we go to housing summits . . . And this government actually, you know, it's interesting because in their work to-do list, they seem to have a real priority for housing summits. We've got to have several housing summits. And that's one of the things that I've really seen over the past while is how many housing summits we've had.

And as a result of that, we often see housing continuums, and they often seem to equate seniors in the same kind of camp as students, as if somebody's a senior for only four years or six years, the years that you may be a student. And actually students I know actually can be longer than six or eight, could be even 10 years. But seniors live a significant period of time, Mr. Speaker. And we all hope that we do, when we're seniors, that our life expectancy after 60, 65 will be 20, 30 years, we hope. And it's not going to be four or six years, the length of time for us to get our undergraduate degree or our teacher's degree or engineering degree.

But somehow this government often thinks seniors' lifespan is very short, very short. In fact when we get a housing continuum, we see the typical housing continuum often starts out on the left side with a rental and perhaps even emergency shelter that we're often seeing, that now in this new Saskatchewan, emergent shelters really become an issue, particularly in cities where there is extreme vacancy shortages, and we know that's the case in cities like Estevan.

But we also see it with cities that have a very good vacancy rate, but the issue is not the shortage of housing but actually the fact that the housing stock does not have a very good quality. It's not up to code that should be expected. And we see that in cities like Prince Albert where actually there is a fair amount of rental property that's available, but it's just not adequate. It's not up to code. And then you have to the right, to the end of the continuum, a detached bungalow, and it seems that's what we all want to aspire to in our work lives, and fair enough that we do want to own our own homes. But many may not. They may end up wanting to live in a condo or rental is a good fit for them as well.

But for seniors that housing continuum doesn't work. In fact it starts with quite often owning something and then, what will your final days be like? And that's where we get into the whole issue of, you know, owning, whether it's a condo or whether it's a detached bungalow or . . . And then moving along the line to where you go into personal care home or long-term care. And we hope, and we share this I think right across the floor, that in fact our hope is that we can stay in our homes as long, as long as we can. And that works best for everyone. We know that's best for seniors. There's a sense of purpose when you own your home, a sense of community because you're with people you know. And I think people are much healthier when they are in that circumstance.

The challenge becomes when you don't have the resources to do that and of course this is what the Minister of Health has often said. And he has talked about how can we keep people in our homes. That's our first, first thing that we need to think about for seniors. And we need to think then as well, if they are staying in their homes, what can we do to

make sure their communities are strong. We've talked about that, whether it's safety in their communities, whether it's transportation, whether they have adequate income, whether they have supports, whether it be health, that type of thing, nearby.

And we know as well that, and I won't go at length on this, but as well the emergence now of the condos, that we have so many condos in Saskatchewan. And that can be a good thing, but seniors have raised particular concerns about that as well, that in fact when they thought they were moving into a community of like-minded owners that in fact they found out that half the condo, the building, was in fact tenants, and they weren't going to be part of any condo association and there weren't going to be the social activities and that type of thing.

And so the government refusal to really work with that is a concern because we know other provinces are looking at that, particularly BC [British Columbia] and Vancouver, when they recognize that condos are in a sense very much a home and we should be able to regulate that type of thing. It's just not an owner by whatever the owner wants to do, that in fact they get to do, that in fact an absentee landlord can create issues.

But, Mr. Speaker, what we're here today to talk about is that Bill 111, *The Personal Care Homes Act*, and the publication of the inspections that the government will do and that they will publish this in different formats, I expect. It just won't be on the Internet. I mean that would be the best way because clearly . . . or the most appropriate way because a lot of people have become used to that. And that they're going to do it in the same way that we have come to expect public health inspections of restaurants.

We were very happy to see this government move forward with the public registry of buildings with asbestos. That was a real move forward. And we still have . . . We're looking to see that registry be improved. It's not quite as user-friendly as we thought it might be. Now I haven't checked in the last couple of weeks, so if it has been modified then I'm looking forward to seeing that, but I know that the key is not just putting up the information. The key is making it searchable and that it is user-friendly, and if it is not, then people will be discouraged.

And the interesting thing will be that if you're considering putting a . . . If you're part of the decision-making process where your parent or your uncle or aunt is, you're part of the decision of putting them in a personal care home, you may be in that age group of 50 to 60 to 70 that aren't very friendly to the Internet, and you may have some, you know, Internet illiteracy issues yourself. So it's even more, more important that that's the case.

But, Mr. Speaker, I think that . . . Before I get into the personal care home auditor's report because that was cited as one of the main causes or drivers of this, I do want to say that, you know, we are concerned that the government is not taking this as seriously as they should. We've raised this issue. We raised it last spring. And there's been numerous media stories about this and where the government clearly, when it's been drawn to their attention that staffing ratios is a problem in long-term care homes, they have consistently resisted that and dismissed that and said, that's not the problem. And in fact, it was interesting that the minister said that he was not . . . And I'll quote. This is from

Saskatchewan News and this was April 24th, and I quote:

Health Minister Dustin Duncan insists setting staffing standards is not something the government is currently considering. He says each health region gets a quarterly report on staffing from each care home and he doesn't see reason for alarm.

So he doesn't see reason for alarm, and then . . . But they do set out and they do an investigation, and then they get the results. And of course, they weren't really too forthcoming, but because of our action in terms of the freedom of information request, the government released the information on October 2nd. And all of a sudden, he goes from being, and I quote, not . . . that he doesn't see reason for alarm. Then he goes to being, he says, and I quote, "Saskatchewan Health Minister Dustin Duncan says details in a report on conditions in the province's long-term care facilities are 'dismaying' and 'heartbreaking' and left him 'angry.'"

So it's quite a change now. He may be saying . . . But still does have nothing, and he still says, has absolutely nothing to do with staffing. But it's just . . . It's funny how one person in one group of people can be in that boat, in that kind of ship, where everybody else is saying, you know, they weren't surprised to hear this. They weren't surprised at all to hear this.

And you know, this is what Candace Skrapek, past president of the Saskatoon Council on Aging, says. She wasn't surprised by the findings, wasn't shocked by the findings. And she says, and I quote, "They're certainly consistent with what we have heard (from) caregivers and older adults."

People knew this. They knew this. And so while this is long-term care and we're talking about personal care, but we are talking about seniors. We're talking about all seniors, making sure they get shelter in a dignified and safe and quality manner. And so this is just one part of the package. And while I don't know why we were . . . why he may want to split hairs and say, be sure we know what we're talking about here. Now there is 8,700 seniors who live in long-term care, and we're actually talking, I think — then I'll get the numbers — over 3,000 seniors live in, or people live in a personal care home. And some may not be seniors; some may be with disabilities that they need to be in a personal care home.

But I do want to just reflect on a moment that I found it ironic today that while the government made much of their announcement on the 1st of October about what they're going to do for long-term care homes and that they created this \$10 million Urgent Issues Action Fund — and that's what it's called, Urgent Issues Action Fund — but today when pressed about, so what was the total asked for the proposals under this Urgent Issues Action Fund, they didn't know. They didn't know what the answer was, or if they did know, they weren't going to tell us.

And, Mr. Speaker, I find that alarming that, considering the severity of the situation in which the minister went from not having any concerns to being angry that . . . But he

didn't have any answers today. Couldn't give us any more details about this. That leaves us with a lot of questions, leaves us with a lot of questions. And so we see that care homes are in crisis and whether they are in long-term care or personal care homes, there is a lot, a lot of work to be done.

So now the minister did talk that it was the Ombudsman and the auditor that really were the drivers behind this legislation. I don't know if, you know, from reading the auditor's report — and I may be wrong on this, but the minister can correct me — whether she had called for legislation. I don't see any reference to the actual legislation, but she did call for the ability to do this.

But we know that with the Ombudsman it was really the problems with the closure of St. Mary's Villa in Humboldt that drove the issue around making sure the health region did a better job. But I'm not sure if that's what the Health minister was speaking about, but we'll be interested in knowing more about that when we get into committee about that.

But I want to talk a bit about the auditor's report because I think it was interesting. Because I know people at home want to know about, so what is this difference between personal care homes and long-term care homes? And how many people are involved in this? And I think that it's interesting to take a few minutes and just to review what the auditor had written.

And this is from her 2012 report, volume 2, chapter 34, "Regulating Personal Care Homes for Resident Health and Safety." And so of course, you know, it's been established that the Ministry of Health is responsible for regulating personal care homes in this province and this requires licensing and inspecting personal care homes. And as the minister has said, they're privately owned facilities that provide accommodation, meals, and personal care to senior residents.

And we have about 245 personal care homes, and there is a good chart in here about where they are. And we know that Regina — and this is from during 2011 and '12 — and we know in the Regina Qu'Appelle region there is 76 personal care homes, and their licensed bed capacity is 893. So that'd be an averaging — just in my head quickly — over 10 per home; whereas Saskatoon is 93 with 945, so slightly fewer, but still 10, 10 per person.

And they're spread out throughout the province. Prince Albert has 27. Those would be the three big ones. Sunrise has 14. But clearly . . . and Five Hills has eight for 325. But they would be larger. That's interesting. Eight personal care homes for 325. That's about 40 persons per care home. That's pretty, those are big care homes in Five Hills. I guess, you know, whereas Sun Country has 8 for 225, if my math is right on that. Whereas Heartland has six for 56 — the 10. So it's interesting in Five Hills, and that that's an interesting thing. So maybe there's something happening in Five Hills that we don't know about. But we are interested. We are curious. We are curious. So that's a good thing for committee.

And so at any rate, this is what they found:

For the period of April 1, 2011 to August 31st, 2012, we found the Ministry did not have fully effective processes to regulate personal care homes.

Now that wasn't in the '90s. That was just a couple of years ago. So we can't blame us for that. All right? And so I know they'll get around to figuring out how it could be our fault, but that was during their time. All right? Just to make sure we got the right time span on this. Okay? All right? Just to make sure we're clear on that, okay?

And it said that:

The Ministry documented inspection results but did not have a good system for tracking and following up problems identified during inspections. When problems are identified through inspections, the Ministry needs to follow up with identified personal care homes to ensure that the problems have sufficiently been addressed. We noted instances . . . identified through inspections continued for more than two years.

For two years they went on. Now in my . . . You know again, so that would take it back to 2010. So clearly they need to do a better job here.

Now it talks about providing, the auditor provided the Ministry with five recommendations for the Ministry to, one, and I quote:

Use a risk-based approach to inspect high-risk personal care homes more frequently

Provide guidance for its staff to assist in determining when to conduct unannounced inspections of high-risk personal care homes

Provide written guidance to staff for consistent and prompt follow-up of personal care homes that do not comply with actions required after inspections

Use a system to track personal care home inspection dates, non-compliance issues, required actions, and dates that personal care homes complete these actions.

So that if they're not completed, they're not closed off.

And last, and this is the fifth one, and this is the one we're debating today. But I hope . . . And this is what we'll be asking in committee, what happened to the other four? But the fifth one is:

Publicly report inspection results when personal care homes do not comply with *The Personal Care Homes Act, 1991*.

So there you go. So there you go, Mr. Speaker. We have set the stage for this, and the auditor did a fine job. And clearly the ministry has acknowledged that they have not completed the work here. We are curious about the other four concerns they have, but we

need to have some answers on those things.

So, as I said, that there are about 245 homes in the province. Thirty-two hundred people are in those homes. They have varied care needs. Some have light care needs: meals, encouragement to be physically active, reminders for correct and timely medications. Some are disabled adults or seniors with moderate to heavy care needs. And some may also need help due to complex health conditions such as chronic illnesses such as diabetes, dementia, and recovering from strokes.

And we understand that the care received in the home will be safe. And the cost generally ranges from 1,000 to \$4,000 a month and is set by each facility without review by the ministry because the current legislation does not require a review of fees. And that might be something we think about. Is this a fair value for the costs? I know that has always been an issue raised. Are people getting fair value?

And of course we've seen with seniors raising concerns about rents going up, but they also raise concerns about costs of private care homes going up. And there is no control. They just can go up and that's just it. As long as they have the licence and the licence based on meeting the needs, it can go up. And so this is an issue too that we should bring up. And they can have some top-up from the Ministry of Social Services, and that can be up to \$1,800 a month that that's the case.

So what were the results of the audit objective? And it was an interesting read, Mr. Speaker. And I would encourage all members; we should really pay attention to what the auditor says. And I know this is a hard thing for this government to do because they automatically dismiss the auditor and say that well, they have a different point of view on many of the concerns that she has raised. But she has raised some really important concerns when it comes to how our seniors are cared for. So this is what she said:

During April 1, 2011 to August 31, 2012, the Ministry of Health did not have fully effective processes to regulate personal care homes in accordance with *The Personal Care Homes Act, 1991*. As such, it needs to perform more timely inspections of high-risk personal care homes. As well, when problems are identified through inspections, the Ministry needs to follow up sufficiently with the identified personal care homes to ensure the problems have been satisfactorily addressed.

And so her remarks are that up to 2012, they were inspected about every two years and the renewal of the personal care home licences was not coordinated with the personal care home inspections. All right? And now they have changed that, but I think we need to make sure that that continues to be the case. And also it talks a bit about the fact that how often are the high-risk homes inspected. That in fact what they should do is they:

. . . uses routine inspections and investigations to monitor whether personal care homes comply with required standards. Staff inspect some homes more often based on their knowledge of the homes but . . . [they've] not developed a plan that outlines homes that should be inspected more frequently based on risk.

And they have a checklist. And again, that makes some sense but that's something we should do.

One of her concerns was that staff schedule routine inspections, but they don't make, they don't usually make unannounced inspections. During the inspection, the staff will discuss the home practices with the owner, and then they will explain the findings at the end of the inspection, but they don't make uninspected inspections. So we, the auditor recommends that they do two things: (1) the high-risk homes, go there more often, visit them more often, and (2) do some unannounced inspections to make sure that you're actually seeing what you should be seeing.

The follow-up is very, very important. And the other one and this is the fourth one, that they "... use a system to track personal care home inspection dates, non-compliance issues, required actions, and dates that personal care homes [actually] complete these ... [things].

She goes on to note that BC, Ontario, Alberta report the inspection results on the senior care facilities on public websites. So it would make some sense. And it is something that the ministry has been considering for a while. It must be on their more-work-to-do file. Let's make sure it gets done.

But when we go to committee I know that we'll have some questions regarding the auditor's report. What has been done? What's been the quality of care for seniors in personal care homes? And that we will be making sure that seniors, when they are faced with those difficult choices, will know that they will be looked after, that the government in its responsibility will do the best thing. At this point we don't have that confidence.

I know when we read the media and we see that seniors in seniors' groups right across the board are not surprised at the kind of alarming circumstances that many seniors and adults find themselves in personal care homes or long-term care homes have ... have us consider a lot of questions for committee. And so I know that my colleagues will have a lot of questions and will want to make sure they get up on the floor on this.

But as I said, today of all days, it is a good day to be debating this and making sure that we do as well as we can. As I said, it's National Housing Day and it's one where we don't just think of the semi-detached bungalows, that we actually think of everyone in our communities and how can we best meet their housing needs. And that is to make sure they have safe, affordable, quality homes. And personal care homes fall into that category. We can't let that slide by.

So in many ways we think publishing the results of the inspections are appropriate. We think that's good. We're not sure why it's come to this, that we're going to be debating this over the next several months. But this is the government's way of getting around to it. But I know that many of my colleagues will want to be speaking to this, and it's one that is important. But as I said, there were four other recommendations that the auditor made and we will want answers in committee about those recommendations and where they are. And I'm curious about the Five Hills personal care homes, how it works that ...

But with that, Mr. Speaker, I think that I will take my seat and I am moving that we adjourn the debate on Bill No. 111, *The Act to amend Personal Care Homes Act*. Thank you very much, Mr. Speaker.