

Ministry of Long-Term Care

Complaints

As of April 11, 2022, the *Fixing Long-Term Care Act, 2021* (FLTCA) and Ontario Regulation 246/22 have replaced the previous *Long-Term Care Homes Act, 2007* (LTCHA) and Ontario Regulation 79/10 as the governing legislation for long-term care in Ontario.

The FLTCA and its regulation have updated the requirements for licensees with respect to complaints. The updated requirements that are further explained in this document include:

- A licensee must forward all complaints that allege harm or risk of harm to one or more residents, including but not limited to physical harm, immediately to the Director.
- A licensee must provide contact information for the ministry's Long-Term Care Family Support and Action Line and for the Patient Ombudsman to the complainant in response to a complaint.

Licensees must post information in the long-term care home about their complaints procedure for the home, and also provide this information to residents at the time of their admission.

Complaints procedures

The FLTCA requires licensees to have written procedures for a person to make a complaint to the licensee and it must set out how the licensee will deal with complaints.

*This document is for informational purposes only. It is intended to highlight some of the new aspects and requirements of the Fixing Long-Term Care Act, 2021 and its regulation. Licensees are responsible for ensuring compliance with the requirements of the Fixing Long-Term Care Act, 2021 and its regulation. In the event of a conflict or inconsistency between this document and the Act or regulation, the Act or regulation will prevail. **This document does not constitute legal advice or interpretation. Users should consult their legal counsel for all purposes of legal advice and interpretation.***

Questions?

mltc.correspondence@ontario.ca

Homes must post these procedures in a place where they are easy to find and easy to see. They must also post the ministry's telephone number for directly making complaints about homes.

Dealing with complaints

A licensee might receive complaints on a range of topics and in different formats. Any written or verbal complaint made to the licensee or a staff member about resident care or how the home runs requires an investigation and resolution, where possible.

Further, a home must provide a response to the complainant. The timelines for this response depend on the nature of the complaint.

If a complaint alleges harm or risk of harm to one or more residents, including but not limited to physical harm, the licensee must investigate the complaint **immediately**. They must also immediately forward the complaint to the director. If a complaint does not allege harm or risk of harm to one or more residents, including but not limited to physical harm, it is not required to be forwarded to the Director.

Responses

In all cases, the licensee must let the complainant know that they have received the complaint within ten business days. For complaints that cannot be investigated and resolved within 10 business days, a licensee must inform the complainant when they can expect the complaint to be resolved.

A response must be provided to the complainant. The response provided must explain what the licensee has done to resolve the complaint or if the licensee believes there is no cause for complaint, they must explain why.

The response must also include the telephone number of the Long-Term Care Family Support and Action Line for making complaints about LTC homes and the contact information for the Patient Ombudsman.

Where the licensee was required to immediately forward the complaint to the ministry, the response must also let the complainant know that this happened.

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Documentation

A licensee must keep a documented record about all complaints it receives about the care of a resident or operation of an LTC home. This includes:

- what the complaint was about
- the date the complaint was received
- the action taken to resolve the complaint, including when it was taken, and when any future actions will occur
- how it was finally resolved, if applicable
- the dates on which any response was provided to the complainant with a description of each response
- and any further responses from the complainant.

The licensee must review and analyze the documented record for trends at least every quarter. The licensee must ensure that the resulting review and analysis inform decisions about improvements required for the home. The licensee must keep a written record of each review and of any subsequent improvements made to the LTC home in response.

Where the licensee has immediately forwarded the complaint to the Director, the documentation related to the complaint must also go to the Director.

When dealing with a verbal complaint that can be resolved within 24 hours of the complaint being received, the requirements in the regulation about documentation, review and analysis as outlined in this section do not apply.

Transition

The FLTCA provides that if someone made a complaint before the FLTCA came into force on April 11, 2022, and it has yet to be dealt with, it should be dealt with according to the new requirements of the FLTCA to the extent possible.

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Other methods for complaints

Complainants may not wish to submit their complaint through the home. There are other ways for them to do so. Licensees are encouraged to post this information in the home.

Call the ministry

Call the Long-Term Care Family Support and Action Line: toll-free [1-866-434-0144](tel:1-866-434-0144)

Hours of operation: 8:30 a.m. - 7:00 p.m., 7 days a week

The person who answers the call will:

- take down the complainant's information
- ask some questions
- give the information to an inspector for follow-up

The complainant will hear back within two business days.

Write to the ministry

Send a written letter, by mail, to:

Director
Long-Term Care Inspections Branch
Long-Term Care Operations Division
119 King St. W, 11th Floor
Hamilton ON L8P 4Y7

The complainant will receive a reply letting them know that the ministry has received the complaint. The complaint will be forwarded to an inspector who will look into the matter.

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Contact the Patient Ombudsman

If the complainant has already contacted the home directly and the Long-Term Care Family Support and Action Line (toll-free at [1-866-434-0144](tel:1-866-434-0144)) and was not able to reach a satisfactory resolution, they can contact the Patient Ombudsman:

- [online](#)
- by calling [1-888-321-0339](tel:1-888-321-0339) (toll free) or [416-597-0339](tel:416-597-0339) (in Toronto)
- TTY: [416-597-5371](tel:416-597-5371)

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