

Regional Office Letterhead]
[Date]

MEMORANDUM TO: MCCSS-funded Adult Developmental Service Transfer Payment Recipients (TPRs)

FROM: Director, Regional Office
Ministry of Children, Community and Social Services

RE: **Enhanced compliance expectations to address recurring compliance issues, and non-compliances related to bathing requirements & COVID-19 Operational Guidelines: Re-Opening Adult Day Supports 2.0**

I am writing to provide adult developmental services agencies with an overview of enhanced compliance expectations that will come into effect on **September 27, 2021**, and to share **COVID-19 Operational Guidelines: Re-Opening Adult Day Supports 2.0**.

COMPLIANCE IMPROVEMENTS:

Protecting the safety and well-being of vulnerable individuals living in congregate care settings continues to be our joint priority. Thank you for your cooperation and understanding as we continue to improve our Developmental Services (DS) compliance inspection activities.

This communication will serve as notice of compliance improvements being implemented as of **September 27, 2021**. We are further strengthening compliance inspections and enforcement actions with respect to recurring compliance issues, including bathing and showering requirements, in order to help ministry-funded adult developmental service agencies mitigate potential risks to the safety of individuals receiving services and supports.

Recurring Non-compliances:

In a December 2020 report, the Office of the Auditor General (OAGO) found that the Ministry identified recurring compliance issues during its inspections of ministry-funded service agencies and made the following recommendation:

“To improve Service Agency compliance with regulatory requirements for services provided to adults with developmental disabilities, the Ministry of Children, Community and Social Services take enforcement action against Service Agencies where its inspection identify significant recurring issues.”

In response, the Ministry:

- has developed additional expectations and strengthened timelines for corrective action resulting from **recurring non-compliances cited since the most recent agency inspections conducted by the Ministry** based on the severity of risk; and,

- will continue to take enforcement action as deemed necessary and appropriate for continued non-compliance.

These enhanced compliance expectations will be applied to recurring non-compliances cited within the entire agency from the time of the last inspection conducted by the Ministry.

| CURRENT TIMELINES (all non-compliances) | NEW | |
|--|---|--|
| | STRENGTHENED TIMELINES (for non-compliances identified as recurring) | ADDITIONAL EXPECTATIONS |
| IMMEDIATE risk-based requirement must be corrected within 24 hours | IMMEDIATE risk-based non-compliances, including recurring, must be corrected within 24 hours | Service agency shall attest to the Ministry in writing to having achieved compliance with any non-compliance for which they have been cited, including across all of the service agency's operations as appropriate and in accordance with SIPDDA, prior to exit meeting. |
| HIGH risk-based requirement must be corrected within 10 business days | High risk-based recurring non-compliances shall be escalated to IMMEDIATE risk and must be corrected within 24 hours . | Service agency shall attest to the Ministry in writing to having achieved compliance with any non-compliance for which they have been cited, including across all of the service agency's operations as appropriate and in accordance with SIPDDA, within 10 business days . |
| LOW to MODERATE risk-based requirement must be corrected within 10 business days, 30 additional days provided if required. | Low to moderate risk-based recurring non-compliance shall be escalated to HIGH risk and must be corrected within 10 business days . | Service agency shall attest to the Ministry in writing to having achieved compliance with any non-compliance for which they have been cited, including across all of the service agency's operations as appropriate and in accordance with SIPDDA, within 10 business days . |

- In alignment with the existing compliance inspection framework, the Ministry will assess any situational circumstances that may prevent the completion of corrective measures relating to recurring non-compliance and, in appropriate circumstances, may provide an

extension letter setting out a timeline for compliance based on the situational circumstances.

- In the event the agency fails to meet the strengthened timeline and additional expectations, the Ministry will consider the information provided by the agency in the Compliance Action Template (if any) and may issue a Notice of Compliance Order. The Notice of Compliance Order would identify what is required in order to achieve compliance and by what date this must be completed.
- The service agency will have 14 calendar days or other time period specified in the notice (e.g., 10 business days) to respond with evidence of compliance or provide a written submission before a compliance order may be issued.

Follow-up inspection:

- This enhanced compliance process may include follow-up monitoring inspections through the use of either announced or unannounced inspections to validate the information contained within the agencies' Compliance Action Template to confirm compliance. The Ministry will take enforcement action as deemed necessary and appropriate if compliance issues are identified during follow-up monitoring inspection.

Additional Concerns – Non-compliances Related to Bathing Protocols

The Ministry has also been actively working on enhancements to the existing compliance process to help service agencies to mitigate the potential risks and improve the safety of individuals while bathing and showering.

The most common recurring non-compliance observed by Ministry staff during service agency inspections since the introduction of the compliance framework in 2016 continues to relate to insufficient direction for staff regarding appropriate supervision to help ensure a person's safety needs are met during bathing and showering.

Effective September 27, 2021:

- Non-compliance with requirements relating to bathing supervision (#98 under Individual Records) will be elevated to an **IMMEDIATE** risk rating and must be corrected by the service agency within **24 hours**.
- In addition, the service agency will have up to **10 business days** to attest to the Ministry in writing that they have reviewed (and updated if necessary) all bathing supervision protocols within all Supported Group Living Residences (SGLR) and Intensive Support Residences (ISR) operated by the service agency.
- Where there are **recurring non-compliances, relating to bathing supervision** (#98 under Individual Records), the service agency will be required to attest in writing to the Ministry that it has adhered to this requirement throughout ALL applicable residential sites under SIPDDA, prior to the exit meeting.

INFORMATION SESSIONS:

The Ministry has scheduled two (2) information sessions in English for DS service agencies to highlight the changes and reporting expectations.

- September 20, 2021 from 3:00 PM – 5:00 PM
- [<Click here to join the meeting>](#)
- September 17, 2021 from 10:00 AM – 12:00 PM
- [<Click here to join the meeting>](#)

A French Information Session is being scheduled and will be held prior to implementation on September 27, 2021. Timing of this session will be coordinated with FLS service agencies.

Please contact DSCompliance@ontario.ca if you have questions or concerns about these measures to strengthen our compliance inspection and enforcement processes to support agencies providing services.

COVID-19 OPERATIONAL GUIDELINES: RE-OPENING ADULT DAY SUPPORTS 2.0:

As provincial re-opening activities continue, the Ministry is releasing updated guidance: **COVID-19 Operational Guidelines: Re-Opening Adult Day Supports 2.0**, which will come into effect on **xxxx** (attached). This document also includes a summary of what has changed from the previously issued version and will be posted on the MCCSS website.

As a reminder, service agencies providing MCCSS-funded adult day supports are also required to adhere to provincial requirements under applicable legislation and health guidance related to group sizes, IPAC measures etc. including, but not limited to:

- The Reopening Ontario (A Flexible Response to COVID-19) Act and relevant regulations and orders.
- Chief Medical Officer of Health Letters of Instruction- COVID-19 Vaccination Policy (MCCSS stakeholders).
- Local Public Health Unit direction to address local circumstances (e.g. community spread).
- [Resources to prevent COVID-19 in the Workplace](#).
- Other legislative or regulatory requirements related to health and safety such as those in the Occupational Health and Safety Act (OHSA) and its regulations.

Please share this guidance broadly with any/all providers that your organization contracts/sub-contracts with to provide adult day supports.

We thank you in advance for your continued support.

Signature
Director

c. Program Supervisors