

Update on Status of Recommendations
ON SHORT NOTICE: An Investigation of Vancouver Island Health Authority's Process for Closing Cowichan Lodge
 Public Report No. 48 – February 2012

This update has been prepared based on reviews conducted by Ombudsperson staff, reports provided by authorities, and information from other sources.

Vancouver Island Health Authority		
Recommendation	Summary of Actions Taken	Current Assessment
<p>R1: VIHA develop a publicly available policy that sets out the process it will follow when closing one of its facilities. The policy includes provisions that:</p> <ul style="list-style-type: none"> • VIHA ensure that residents and families affected by a decision to close a facility are informed of the decision at the earliest opportunity • Residents and families are informed by VIHA staff either directly in writing or if more timely notice is required by phone with immediate written follow up. • The information provided to all residents and families is consistent and comprehensive; sets out the reason for the decision, explains options available to residents and 	<p style="text-align: center;">March 27, 2015</p> <p>Island Health reported that it considers this recommendation to be fully implemented by the policy that is available at http://www.viha.ca/hcc/residential. We reviewed this two-page policy and conclude that it does not establish a process for closing facilities that includes the provisions set out in our recommendation.</p> <p style="text-align: center;">March 14, 2014</p> <p>No progress since last update.</p> <p style="text-align: center;">March 20, 2013</p> <p>VIHA has a policy regarding permanent or temporary closures of residential care facilities. This policy can be found at the following link: http://www.viha.ca/hcc/residential</p>	<p>NO PROGRESS</p>

<p>their families; and includes how to access any avenues of recourse available to residents and families (i.e. Community Care and Assisted Living Appeal Board; Office of the Ombudsperson).</p> <ul style="list-style-type: none"> • VIHA maintain records of who it has contacted, and when and how it has informed residents and families of decisions to close facilities. • When VIHA schedules a meeting concerning a decision to close a facility VIHA post an announcement setting out the time, place and purpose of the meeting in a prominent place within the facility and make use of other communication options such as website, email, mail and the media to ensure that information about the meeting is well known to those affected. • VIHA keep a record of what its representatives say at any such meeting. • A similar publicly available policy be developed by VIHA to cover the process that operators and the health authority are to follow when a non-VIHA operated facility is to be closed. <p style="text-align: center;">ACCEPTED January 27, 2012</p>		
<p>R2: When determining a schedule</p>	<p style="text-align: center;">March 27, 2015</p> <p>In determining a schedule to announce a facility's closure, Island</p>	<p style="text-align: center;">NO PROGRESS</p>

<p>to announce a facility’s closure, VIHA should consider all relevant factors, including employment opportunities and recruitment needs at other facilities that residents might transfer to and where staff might wish to apply. VIHA’s facility closure process should provide sufficient time to facilitate this.</p> <p style="text-align: center;">ACCEPTED January 27, 2012</p>	<p>Health has decided not to develop policies on considering employment opportunities and recruitment needs at other facilities that their staff may wish to apply to and to provide sufficient time to facilitate this. Island Health’s existing policy also does not address the factors that should be considered in determining a schedule for announcing a facility’s closure.</p> <p style="text-align: center;">March 14, 2014</p> <p>VIHA is working on an amended policy to include language regarding the employees affected by a facility closure.</p> <p style="text-align: center;">March 20, 2013</p> <p>VIHA has a policy regarding permanent or temporary closures of residential care facilities. This policy can be found at the following link: http://www.viha.ca/hcc/residential</p>	
<p>R3(a): VIHA develop policy specifying relevant information and criteria that operators (including VIHA) must include for consideration and analysis in any application for an exemption from the 12 month notice of closure under the Community Care and Assisted Living Act. This information and these criteria should be designed to assist the decision maker to determine whether there is no increased risk to residents’ health and safety if a reduced notice period is approved.</p> <p>In making decisions on requests for exemptions to the 12 month notice requirements VIHA’s CMHO and other decision makers:</p> <p>1. Consider the views of residents and families who are directly affected by the decision.</p>	<p style="text-align: center;">March 27, 2015</p> <p>Island Health reported that it considers this recommendation to be fully implemented by the policy that is available at http://www.viha.ca/hcc/residential. We reviewed the policy. It provides for communication and consultation with stakeholders when contemplating an exemption from the 12 month notice of closure requirement. However, the policy does not provide guidance for decision makers on how to evaluate the health and safety risk of a reduced notice period. It also does not include the four steps set out in our recommendation.</p> <p style="text-align: center;">March 14, 2014</p> <p>No progress since last update.</p> <p style="text-align: center;">March 20, 2013</p> <p>VIHA has a policy regarding permanent or temporary closures of VIHA funded and operated residential care facilities clarifying the circumstances under which a facility can seek an exemption from the twelve month notice requirement. The policy states that in such cases, all legislative and regulatory requirements must be adhered to and that consultation, engagement and ongoing communications with all affected stakeholders, including residents, family and staff, is required. A detailed engagement and communications strategy is also required. This policy can be found at the following link:</p>	<p>NO PROGRESS</p>

<p>2. Ensure there is a mechanism for such views to be submitted directly by residents and families who wish to do so.</p> <p>3. Set out clearly in their reasons for decision what information they rely upon to conclude there will be no increased risk to the health and safety of persons in care as a result of the shorter timeframe for closure being approved.</p> <p>4. Include information on any appeal process.</p> <p style="text-align: center;">ACCEPTED January 27, 2012</p>	<p>http://www.viha.ca/hcc/residential</p>	
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<p>R3(b): When planning facility closures, VIHA fulfill its legal obligation to provide one year's notice or seek an exemption to regulatory notice periods. VIHA include in its policies on facility closure the need for regulatory notice requirements to be met and that applications for exemption to reduce a notice period must be made in a timely manner.</p> <p>When VIHA is planning to close a facility with less than a year's notice it should clearly indicate that any earlier date proposed is conditional on an exemption being granted. As soon as possible VIHA should inform those who will be affected of its intention to seek an exemption and explain how and to whom residents and families can provide their concerns and views on the matter.</p> <p style="text-align: center;">ACCEPTED January 27, 2012</p>	<p style="text-align: center;">March 27, 2015</p> <p>Island Health reported that it considers this recommendation to be fully implemented by the policy that is available at http://www.viha.ca/hcc/residential. We reviewed this two-page policy and conclude that it does require closures provide a minimum 365 day notice period, which is consistent with the regulatory requirements. However, it does not establish a process for closing facilities that includes the other parts of our recommendation. For example, the policy does not state that an earlier closure date is conditional on an exemption being granted by the Medical Health Officer, nor does it provide that Island Health should inform those affected as soon as possible and explain how they can provide their views on the matter.</p> <p style="text-align: center;">March 14, 2014</p> <p>No progress since last update.</p> <p style="text-align: center;">March 20, 2013</p> <p>VIHA's policy regarding permanent or temporary closures of VIHA funded and operated residential care facilities highlights the legal obligation to provide twelve months' notice or seek an exemption. This policy can be found at the following link: http://www.viha.ca/hcc/residential</p>	<p style="text-align: center;">NO PROGRESS</p>
<p>R3(c): VIHA and its CMHO, in consultation with appropriate provincial level authorities, establish a process to ensure an alternate decision maker, not directly affiliated with VIHA, consider VIHA's requests for exemption to the 12 month notice requirement.</p> <p style="text-align: center;">NOT ACCEPTED January 27, 2012</p>	<p>VIHA does not believe it has the statutory authority to accept this recommendation.</p>	<p style="text-align: center;">-----</p>

<p>R3(d): VIHA ensure that requests for and decisions about exemptions are posted properly and prominently at affected facilities along with information about how to appeal the decisions.</p> <p>VIHA should promptly inform those who are affected about requests for exemptions and exemption decisions and about the right to appeal an exemption decision.</p> <p>ACCEPTED January 27, 2012</p>	<p>March 27, 2015 Island Health reported that it considers this recommendation to be fully implemented by the policy that is available at http://www.viha.ca/hcc/residential. We reviewed the policy and conclude that it does not specifically require requests for exemptions and decisions about exemptions, or appeal information, to be posted at affected facilities.</p> <p>March 14, 2014 No progress since last update.</p> <p>March 20, 2013 VIHA has approved a policy regarding permanent or temporary closures of residential care facilities. This policy can be found at the following link: http://www.viha.ca/hcc/residential</p>	<p>NO PROGRESS</p>
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