

## **FACT SHEET:**

### **Requirements in Ontario Regulation 79/10 regarding medical absences for long-stay residents during COVID-19**

The Ministry of Long-Term Care (the “ministry”) would like to remind licensees of the following requirements in Ontario Regulation 79/10 (“Regulation”) under the *Long-Term Care Homes Act, 2007* with regards to medical absences<sup>1</sup>:

#### **If a long-stay resident is on a medical absence that does not exceed 30 days:**

- The Regulation requires licensees to ensure that when the resident returns from a medical absence that does not exceed 30 days, the resident receives the same class of accommodation, the same room, and the same bed in the room, that the resident had before the absence.
- Under the Regulation, a licensee can arrange for a different bed or room where the resident’s needs have changed and as a result a different bed or room is necessary. However, the resident would receive the same class of accommodation.

#### **If a long-stay resident is on a medical absence that exceeds 30 days:**

- For a resident who is discharged from their LTC home for a medical absence that exceeds 30 days (**excluding** residents who cannot return to the home due to an outbreak of disease, see below) and who wishes to return to the LTC home, they may apply to the placement co-ordinator. If found eligible for admission, and the home approves the application, the applicant would be placed in the re-admission category on the waiting list for the home, which ranks higher than the crisis category for placement.

#### **If a long-stay resident is on a medical absence that exceeds 30 days but cannot return to the home because of an emergency in the home or an outbreak of disease:**

- If the resident is on a medical absence that exceeds 30 days and is unable to return to the home because an emergency in the home or an outbreak of disease, such as the COVID-19 pandemic, the licensee is not permitted to discharge the resident.
- In these circumstances, while the resident cannot be discharged from the home and would receive the same class of accommodation, it may not be the exact same room and bed that they occupied before their medical absence.

#### **Additional Information:**

In addition to the requirements under O. Reg. 79/10, directives issued by the Chief Medical Officer of Health with regards to long-term care homes must be followed.

If you have any questions or require further information, please contact the ministry by e-mail at [LTC.info@Ontario.ca](mailto:LTC.info@Ontario.ca).

<sup>1</sup>“medical absence” as defined under Section 1 of Ontario Regulation 79/10 means an absence of a resident from a long-term care home for the purpose of receiving medical care other than psychiatric care or for the purpose of undergoing medical assessment other than psychiatric assessment.