Human Resources Legislative Update

Ontario Publishes Regulatory Changes to Staffing Qualifications in the Long-Term Care Sector

Date: September 22, 2023

Ontario has published changes to the qualifications of persons hired as personal support workers (PSWs) or to provide personal support services in long-term care homes.

Ontario Regulation 246/22 (O. Reg. 246/22) under the *Fixing Long-Term Care Act, 2001* prescribes, among other things, residents' rights, plans of care, processes for reporting complaints and nursing and personal support services. In particular, section 52 of O. Reg. 246/22 requires licensees of long-term care homes to ensure that all persons hired as PSWs or to provide personal support services, regardless of title, have successfully completed an accredited PSW program or otherwise satisfy the stipulated qualification requirements. (For more information on O. Reg. 246/22, please see our *Human Resources Legislative Update* of February 14, 2023, Ontario Proposes Amendments to Long-Term Care Sector Regulations.)

Effective **October 11, 2023**, Ontario Regulation 314/23 (O. Reg. 314/23) will introduce the following amendments to the mandatory qualifications set out in section 52 of O. Reg. 246/22 for persons hired as PSWs or to provide personal support services in long-term care homes:

- Licensees of long-term care homes will not be required to comply with the qualification requirements set out in section 52 until **July 1, 2024**, provided that the licensee is of the reasonable opinion that the person hired as a PSW or to provide personal support services has the adequate skills, training and knowledge to perform the duties required of that position.
- Licensees must cease to employ a person hired as a PSW or to provide personal support services if the person does not meet the applicable qualification requirements set out in O. Reg. 246/22 or under the *Act* on or before **August 1, 2024**.
- Licensees must keep records of all persons hired as PSWs or to provide personal support services but who do not meet the qualification requirements set out in section 52 of O. Reg. 246/22, which must be provided to the Director monthly or upon request.
- The records required to be kept must include, at a minimum, the number of persons working in the home to whom the licensee applies this new rule and their position(s).

Effective **November 11, 2023**, O. Reg. 314/23 will also revoke the original transitional provisions regarding staffing qualifications found in section 388 of O. Reg. 246/22.

If you have any questions about your obligations in connection with these upcoming changes, please feel free to contact your regular Hicks Morley lawyer.