

***Citizen Watch Continuing Care in Alberta  
and the Seniors' Action and Liaison Team***  
[www.continuingcarewatch.com](http://www.continuingcarewatch.com)

**September 26, 2008**

**Subject: MLA Bulletin 4**

The summer's over. Soon our MLAs will be back in the Legislature, with a whole new list of issues and priorities demanding attention.

We expect to see the report of the Demographic Planning Commission, promised for this fall, and we know that is going to create discussion and raise some policy issues that have deserved attention for some time. New projects and initiatives are always appealing, and it's easy to set aside unfinished business.

But the concerns which gave rise to previous Government and Legislative initiatives have not faded, at least not for the Albertans and their families who continue to experience problems accessing timely and quality long term care.

Bulletin 4 is a review of initiatives which have already been undertaken over the last several years in response to those long-standing issues. We thought a List might help to remind all of us that there is still work to be finished, despite the appeal of new projects and the demands of new problems.

During the election last spring, there were many promises made about paying attention to and finding solutions for the concerns of seniors, their families, and their communities.

We'd be happy to hear any responses our MLAs might have concerning their intentions on these issues, and we'll be waiting to see what happens.

Thank you for taking the time to read this.

Sincerely,

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**MLA Bulletin 4, September 2008**  
**from Citizen Watch on Continuing Care and SALT**  
**The 2008 “Wait and See” List**  
[www.continuingcarewatch.com](http://www.continuingcarewatch.com)

- ▶ **The wait lists for continuing care** facilities continue to lengthen, even with the diversion of folks to other lengthening wait lists for assisted living, supportive housing, lodges and home care.

We're waiting for the **temporarily closed nursing home beds** (due to reported staffing shortages) to reopen: two Capital Region facilities have had as many as 30% of their beds empty in the last year, despite the coping protocols of “working short” – which mean that residents wait for toileting, wait for baths, wait to be allowed out of bed tomorrow. . .

- ▶ The 2005 promise of mandatory **Health Care Aide training** was deferred in 2007, and Community Colleges have been closing their training programs because they couldn't recruit students. We're waiting for solutions, which probably should include the same income support that trades trainees get, and adequate wages for their work.
- ▶ We're still waiting for the public release of the **Health Quality Council of Alberta's Long Term Care Resident and Family Experience Survey**, started in 2005 and originally promised for the Spring of 2008. As a result of the 2003 HQCA general health services satisfaction survey<sup>1</sup>, which recorded a 34% satisfaction for accessing long term care services and a 49% satisfaction with the actual care, the Council identified this as a priority issue.
- ▶ We're pleased to see that the Alberta Seniors' Ministry **supportive living reporting website**<sup>2</sup> is online; we're waiting to see if it will eventually include information about individual facility services and quality issues which will be helpful to folks trying to choose a quality care setting.
- ▶ We're waiting to see if the **Protection for Persons in Care Act**, which has been under review since 2002, will finally be amended.<sup>3</sup> The Legislative Committee Report was completed in March 2003, but no apparent action has been taken on their recommendations. Even the MLA Committee recognized that the definition of abuse and neglect should be expanded and should focus on the harm done, and that the requirement to prove “intent” should be removed.

<sup>1</sup> The HQCA 2003 Survey technical report <http://www.hqca.ca/index.php?id=87>

<sup>2</sup> <http://asalreporting.gov.ab.ca/astral/>

<sup>3</sup> See [Report of the Legislative Review of the Protection for Persons in Care Act 2003](http://www.continuingcarewatch.com/pdf/Report%20of%20the%20Legislative%20Review%20of%20the%20Protection%20for%20Persons%20in%20Care%20Act%202003.pdf)  
<http://www.continuingcarewatch.com/pdf/Report%20of%20the%20Legislative%20Review%20of%20the%20Protection%20for%20Persons%20in%20Care%20Act%202003.pdf>

[Perspectives on The Protection for Persons in Care Act Report](http://www.continuingcarewatch.com/pdf/PerspectivesontheLegReviewPPCA.pdf), a 2003 Submission to the Minister re: the Legislative Review Committee Report on the Protection for Persons in Care Act  
<http://www.continuingcarewatch.com/pdf/PerspectivesontheLegReviewPPCA.pdf> and  
[Creating Protections for Better Lives of Vulnerable Seniors 2003 Submission to the Standing Policy Committee on Health and Community Living](http://www.continuingcarewatch.com/pdf/Creating%20Protections%20pdf.pdf)  
<http://www.continuingcarewatch.com/pdf/Creating%20Protections%20pdf.pdf>

We're also looking forward to a report from Alberta **Seniors' Minister Jablonski** on her visit to the **Massachusetts Disabled Persons Protection Commission**. We hope that the Minister's discussions included the parallel **1981 Massachusetts Elder Abuse Commission**. Both Commissions are independent agencies, reporting directly to the Legislature, and operating under the state Attorney General. They have authority and resources to investigate complaints of abuse, mistreat or neglect, and to take legal action against those who cause harm – including nursing home supervisory staff – with both civil and criminal penalties.

- ▶ The **Supportive Living Licensing Act**<sup>4</sup> has been in the works for some time. At the limited “stakeholder” consultations about a year ago, there were unresolved issues: whether the Act would consolidate or coordinate the multitude of regulations that facility operators had to deal with; which facilities would not require licensing; defining required minimum basic services; the efficacy of “conditional licenses” when standards were not met; a concerns resolution process; and whether consumer protection provisions would be included.
- ▶ The role of the **Health Facilities Review Committee** is being reviewed. We're waiting to see if the Ministry will come up with an effective oversight and complaint response and reporting process for both public and private health care services, because current Health Authority and operator self-regulation systems are not working well.
- ▶ The enhanced **Personal Directives Act** was proclaimed in June 2008, with important new provisions for decision-making by agents and guardians of persons assessed as not competent to make their own decisions.

But experience has already shown that it does not provide for legal representation when there are problems. We're still waiting for Alberta to provide some meaningful resources for seniors and their families to pursue complaints. The August 2005 Health Law Review Journal article, **Seniors Need Resources to Pursue Complaints**<sup>5</sup> discussed the need and proposed some options for ensuring the civil rights of seniors and their families.

- ▶ The Elder Advocates and James Darwish v. Government of Alberta et al. **class action lawsuit** is finally certified. The detailed court decision confirms that there's a lot of explaining to do about whether the 40% increase in **long term care resident fees in 2003** marked a legitimate increase in the cost of accommodation and meals, or an undisclosed redefinition of the health care services that the Canada Health Act requires the health care system to fund. We've posted the **Court of Queen's Bench decision** and a summary and backgrounder on [www.continuingcarewatch.com](http://www.continuingcarewatch.com).

Prepared by Carol Wodak for Citizen Watch and SALT, September 2008

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<sup>4</sup> The New Supportive Living Licensing Act 2007

<http://www.continuingcarewatch.com/pdf/The%20New%20Supportive%20Living%20Licensing%20Act.pdf>

<sup>5</sup> August 2005 Health Law Review Journal, University of Alberta Health Law Institute, **Seniors Need Resources to Pursue Complaints**, pages 1-12. (Marshall, M.)

<http://www.continuingcarewatch.com/pdf/Seniors%20Need%20Resources%20to%20Pursue%20Complaints.pdf>