Dear [Redacted],

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (the Act) [Our File #: HCS 001 2014]

On January 21, 2014, the Department of Health and Community Services received your request for access to the following records/information:

"Correspondence between the department and regional health authorities about personal care homes' non-compliance with Standard 1-1.2, Section 5 of the Provincial Personal Care Home Program Operational Standards, for charging above the provincial subsidy rate. Date range of request is Jan. 1, 2013-present."

On January 31, 2014, the Department wrote to notify you that it was extending the 30-day time limit for responding to your request accordance with subsection 16(1)(b) of the Act. The Department advised at that time that it expected to respond to your request by or before March 22, 2014.

On March 13, 2014, the Department wrote to notify you that the records you requested may have contained information that, if disclosed, might affect the business interests of a third party and, as required by section 28 of the Act, the Department had given written notice to a third party in that regard. At that time the Department notified you that it was extending the 30-day time limit for responding to your request for an additional 30 days in accordance with subsections 16(1)(c) and (d) of the Act. The Department advised at that time that it expected to respond to your request by or before April 12, 2014.

On April 4, 2014, the Department wrote to advise you that it had made an error in extending the timeframe for providing its response as set out in our letter of March 13, 2014. We noted that we had not sought the approval of the Office of the Information and Privacy Commissioner (OIPC) prior to applying such extension, as is required under subsection 16(2) of the Act. In our correspondence of April 4, 2014, we enclosed a copy of correspondence sent to the Department by the OIPC which granted an extension retroactively as per subsection 16(2)(a) of the Act. We provided you with a copy of the correspondence with the OIPC.
Page 2

The Department has reviewed your request in the context of the Act. The Department is able to provide you with partial access to the information that you have requested. Portions of the enclosed records have been severed as they are non-responsive to your request or in accordance with subsections 27(1)(c)(i), 27(1)(c)(iii), and 30(1) of the Act. Those sections provide as follows:

"27 (1) The head of a public body shall refuse to disclose to an applicant information that would reveal

[...]

(c) commercial, financial, labour relations, scientific or technical information the disclosure of which could reasonably be expected to

(i) harm the competitive position of a third party or interfere with the negotiating position of the third party,

[...]

(iii) result in significant financial loss or gain to any person or organization, or

"30 (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party’s personal privacy.

Section 43 of the Act provides that you may ask the Information and Privacy Commissioner to review the processing of your access request or you may appeal to the Supreme Court Trial Division. A request to the Commissioner shall be made in writing within 60 days of the date of this letter or within a longer period that may be allowed by the Information and Privacy Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2nd Floor, 34 Pippy Place
P. O. Box 13004, Stn. A
St. John’s, NL A1B 3V8

Telephone: (709) 729-6309
Facsimile: (709) 729-6500
Email: oipc@gov.nl.ca

In the event that you choose to appeal to the Trial Division, you must do so within 30 days of the date of this letter. Section 60 of the Act sets out the process to be followed when filing such an appeal.
Please be advised that a copy of our response to your request will be published on the Office of the Public Engagement’s website five business days after the response is mailed to you. If you have any further questions, please feel free to contact Brian Bennett, the Department’s Privacy Manager, at (709) 729-7007, or by email at BrianDBennett@gov.nl.ca.

Sincerely,

Bruce Cooper
Deputy Minister

/bb
/Encl.
Hi Mimie,

I just left you a voice mail, I understand you are in meeting all day. Can you please let me know if you have received any reports or information about the [redacted] charging above subsidy for a private room and or care and any amenities. I know we have talked about a number of homes in the provide doing this, however, I am been asked to see if this home is doing it. As always, we need the information a.s.a.p.

Thanks!

Angie

Angie Batstone
Director (A)
Long Term Care and Community Support Services
Department of Health and Community Services
Government of NL
Email: angelabatstone@gov.nl.ca
Phone: 729-7686
Hi Angie,

Please see attached

Cheers,

Mimie

Mimie Carroll, MSW, RSW
Central Regional Health Authority
Director, Community Support & Residential Services
3 Bell Place Community Health Centre, 1st Floor
Gander, NL A1V 2T4

T: 651-6279  C: 424-4905 F: 651-3341
Email: mimie.carroll@centralhealth.nl.ca

Hi Mimie,

I just left you a voice mail, I understand you are in meeting all day. Can you please let me know if you have received any reports or information about the charging above subsidy for a private room and or care and any amenities. I know we have talked about a number of homes in the provide doing this, however, I am been asked to see if this home is doing it. As always, we need the information a.s.a.p!

Thanks!

Angie
Angie

Angie Batstone
Director (A)
Long Term Care and Community Support Services
Department of Health and Community Services
Government of NL
Email: angelabatstone@gov.nl.ca
Phone: 729-7686

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Sir/Madam

There are some issues concerning the Springdale retirement center in [redacted] that I feel needs to be addressed by the Dept of Health & Community services. [redacted] has been a resident their now for over a year. Last winter, us, [redacted] family had problems with the home owners and manager about [redacted] rent. This is now becoming a repeat of last winter. When they went to [redacted] room at the end of September to receipt rent, they only gave [redacted] back $60.00 instead of the $150.00 [redacted] usually gets. [redacted] asks why and they told [redacted] it was how it was supposed to be since [redacted] was there. [redacted] got emotional and they gave [redacted] back $150.00 but told [redacted] next month, or when they get the new rooms built on, [redacted] will have to pay the full $2000.00 per month. (All [redacted] cheques and subsidy) plus $150.00 of [redacted] own money which [redacted] don't have. Keep in mind that [redacted] has [redacted] own washroom, which [redacted] had since going there and now they are deciding to take [redacted] out in the new rooms when completed with a shared washroom so [redacted] might get back a few bucks. There is something wrong with this issue, seriously wrong. I don't know if your dept. is hearing from other family members of residents their but this is happening to other residents as will.

I don't think this is right and something needs to be done about this. This is having a very negative impact on people like [redacted] is calling us, [redacted] children crying and afraid [redacted] will have to move out and all this. [redacted] at the age of [redacted] don't need this neither do any other resident. There is an issue at this center as will concerning food. A lack of it. It is ridicules what is going on there. Some residents have told me if it wasn't for bologna they be hungry. I suggest that someone in your dept visit this home and see if regulations are being followed in regards to rent and food and any other issue that may be brought to your attention. It hurt me so much to know [redacted] is their going through this.
stress. In today's society, life for seniors should be as stress free as possible. Thank you for taking the time to read this, and again I ask that someone will take time to investigate this. I just hope that other people come forward as I did to complain about this.

CC;
Kevin Pollard
MHA Springdale

Karen Mcgrath
C.E.O.
Central Health

30(1)

27(1)(c)(i), 27(1)(c)(iii)
Hi Angie;

As per our telephone conversation on June 3rd, we are struggling with addressing a client/resident compliant regarding the attached letter from [REDACTED] to its residents which outlines an increase in the cost of care and accommodation at the home by $75.00 per month for services such as telephone, shuttle, escort, recreation etc.. This is an issue that is ongoing within our region and we are aware that other homes within the region are also charging extra for this amount. There has been communication to the DOHCS in the past (see attached letter to Tony Wakeham March 1, 2010). However there has not been any communication from the DOHCS to clarify Section 5-Standard 1-Performance Measure 1.2 and how it relates to homes charging for amenities, private rooms etc..

We recently re-licensed [REDACTED] for only a 2 month period to give us further time to consult with you and hopefully resolve the issue however in meeting with the home they are questioning if this is against standards why we are not addressing this in other homes as well.

Your consideration to this matter would be greatly appreciated and I am certainly willing to meet and discuss this further with you. Thank-you in advance for your time to address this issue.

Tammy
Tammy Priddle
Regional Director
Community Support (Acting)
Western Health
P.O. Box 2005
Corner Brook, NL
A2H 6J7

709-637-5000 ext: 5322
tammypriddle@westernhealth.nl.ca

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March 1, 2010

Mr. Tony Wakeham  
Assistant Deputy Minister  
Regional Health Operations  
Main Floor, West Block  
Confederation Building  
P. O. Box 8700  
St. John's, NL A1B 4J6  

Dear Mr. Wakeham:

I am writing in follow-up to a phone conference Devon Goulding and I had with Derek Penney on February 2, 2010 regarding the monitoring of Personal Care Homes. From this conversation, I understand that the Department of Health and Community Services is assessing the Provincial Personal Care Home Program Operational Standards (April 2007) in order to provide the Regional Health Authorities with further clarification as it relates to Section 5-Standard 1 - Performance Measure 1.2 “The Operator accepts the resident for the subsidized rate as fulfillment for all care and accommodation charges owing.” I understand that further clarification is required as is what is considered under “care and accommodations” and if Personal Care Home operators can charge subsidized residents for services they consider to be beyond the requirement of “care and accommodation”. As per Mr. Penney’s direction, Western Health will delay the monitoring of this standard until we receive further direction from the Department of Health and Community Services. Please be advised that a previous audit of Personal Care Homes in this region identified that some homes are currently charging above the subsidized rate and Western Health has already notified the owners that this is a violation of the standard. Our previous interpretation of this standard was based on direction from the Department of Health and Community Services (See Interregional CSP Directors Meeting February 26 and 27, Item 1.4. - attached).

Also, during our conversation with Mr. Penney he indicated that the Department of Health and Community Services will be providing the Regional Health Authorities with further direction regarding the level of financial audit necessary for Health Authorities to undertake to ensure effective monitoring of Section 5 – Standard 1 “The financial assessments, subsides, transactions and residents’ personal finances are handled and recorded in accordance with provincial standards” as per Mr. Penney’s direction, we will delay further financial auditing of
Personal Care Homes until further direction is received from the Department of Health and Community Services. Please be advised that through previous financial audits of Personal Care Homes issues have been identified that have been brought to individual Personal Care Home Operators attention.

We appreciate the Department of Health and Community Services leadership in reviewing the standards identified above and we look forward to clarification and direction on these issues.

Sincerely,

Michelle House
VP Population Health

MH:dw
Enc.

cc Sandra Moss, Regional Director of Community Support
    Devon Goulding, Vice President Financial and Decision Support
May 1, 2013

Dear Residents and Family;

This letter is to inform you of a change in our rental formula at [redacted]. Effective this date, your monthly rental rate will be [redacted]. This amount includes [redacted] for Board and Lodging and a [redacted] charge for general services. This fee encompasses services such as telephone, shuttle and escort services, recreation and other related activities over and above those contained in our board and lodging rates.

Historically, the provincial government provided funding increases to all Personal Care Homes across the province in its annual budget to offset rises in operating expenses. However, these funding increases were not included in the past two annual budgets leaving personal care home operators without an increase for the past three years. As a result of this three year funding shortfall, [redacted] absorbed all increases in operating expenses such as heat and light, food, insurance, taxes and employee wages and benefits to name a few. Unfortunately, it is impossible to continue absorbing these costs and regretfully are forced to implement a rate increase. This increase was considered only after an exhaustive review of operations to find efficiencies within our home.

At [redacted], our goal is and always will be to provide the highest quality of care and standard of living for our residents as is possible. As we move forward we will continue to honor this commitment and work closely with our residents and their families to ensure all of our goals are met.

If you have any questions regarding this increase, please do not hesitate to contact me at any time.
Bennett (HCS), Brian D

From: Humphries, Debbie
Sent: Wednesday, June 26, 2013 3:59 PM
To: Alice Kennedy; Heather Brown; Michelle House; 'delia.connell@lghealth.ca'; 'ozette.simpson@lghealth.ca'
Cc: Batstone, Angela E.
Subject: Memo - Payment above Subsidy in PCH  SENT ON BEHALF OF BRUCE COOPER, DM
Attachments: DOC.PDF
Importance: High

SENT ON BEHALF OF MR. BRUCE COOPER, DEPUTY MINISTER

Good afternoon,

Please see attached letter re Payment above Subsidy in Personal Care Homes. Please share with appropriate staff. Hard copy to follow in the mail.

Debbie Humphries
Long Term Care & Community Support Services Division
Department of Health and Community Services

Phone: 709-729-3120
Fax: 709-729-4009

----Original Message-----
From: dhumphries@gov.nl.ca [mailto:dhumphries@gov.nl.ca]
Sent: Wednesday, June 26, 2013 4:55 PM
To: Humphries, Debbie
Cc: Humphries, Debbie
Subject: Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF

WorkCentre Location: HCS 1st Floor West Block (Regional Health Operations)
Device Name: Xerox 034993
TO: Vice Presidents Community Support Programs  
FROM: Bruce Cooper, Deputy Minister  
DATE: June 26, 2013  
RE: Payment above subsidy in Personal Care Homes

As you are aware, the Department is currently reviewing the Personal Care Home Operational Standard respecting payment above subsidy (Standard 1.2). The intent of this review is to determine if there are circumstances where personal care home (PCH) operators could be permitted to charge above subsidy for certain aspects of their accommodation (not care) and if so, ensuring that resident's rights are maintained and reflected in the revision of the provincial standard.

The Department provided direction that during the review process, noncompliance protocols respecting this standard were to be relaxed. This direction was provided with the understanding that some PCH owners were offering additional accommodation amenities of a modest nature and that residents could exercise their right to choose to purchase from personal funds, liquid assets or family sources. In providing this direction, it was the intention that the personal allowance of the resident was to be retained by the resident and used at their discretion and not utilized or requested by the PCH to cover additional amenities.

The Department has since received several reports that some PCH residents are being required to pay for additional amenities, in particular telephone and cable services, regardless of whether or not they are using these amenities. Also, anecdotal information from the public indicates that some PCH operators are withholding the personal allowances of residents to cover these charges and that some PCH owners have notified residents that the subsidized rate has increased as a means to obtain additional monies for amenities.

In light of these issues, it is important to clarify it was not the Department’s intent that during the review process that PCHs would be permitted to increase subsidy rates to cover core accommodation amenities or to require residents to pay for amenities they did not wish to avail of. At this time I wish to clarify that any activities of the nature described above warrant noncompliance action, citing noncompliance with Standard 2.2 - Consideration of Resident Rights and/or Standard 1.2 - Resident Finances and Subsidy Payment.

Please contact Angela Batstone, Director, Long Term Care and Community Support Services, phone 729-3120, fax: 729-4009, email: angelabatstone@gov.nl.ca, if you have any questions. Thanks.

BRUCE COOPER  
Deputy Minister

cc: Denise Tubrett  
Angie Batstone

P.O. Box 8700, St. John's, NL A1B 4J6 t. 709-729-3125, f 709-729-0121
Hi Angie,

Just to clarify, does this memo mean that residents must be given the option to opt out or decline certain amenities if they don’t want them and that these amenities should be billed separately and not be part of the basic rate? Therefore, if a resident wants to use their $150.00 “at their discretion” (first part of the memo) to purchase internet, phone, cable or whatever else, they can choose to do so.

Thanks,

Mimie

Hi Mimie
FYI and discussion with appropriate staff.

Heather

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Please see attached letter re Payment above Subsidy in Personal Care Homes. Please share with appropriate staff. Hard copy to follow in the mail.

Debbie Humphries
Long Term Care & Community Support Services Division
Department of Health and Community Services

Phone: 709-729-3120
Fax: 709-729-4009

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Please contact Angela Batstone, Director, Long Term Care and Community Support Services, phone 729-3120, fax: 729-4009, email: angelabatstone@gov.nl.ca, if you have any questions. Thanks.

BRUCE COOPER
Deputy Minister

cc: Denise Tubrett
    Angie Batstone
From: Waddleton, Deena  
Sent: Thursday, January 30, 2014 8:55 AM  
To: Batstone, Angela E.  
Subject: FW: RHA stakeholder meeting- Provincial PCH Operational Standard revision

From: Waddleton, Deena  
Sent: 24 September, 2013 10:32 AM  
To: Judy O'Keefe (Judy.OKeefe@easternhealth.ca) (Judy.OKeefe@easternhealth.ca); Carroll, Mimie (Mimie.Carroll@centralhealth.nl.ca) (Mimie.Carroll@centralhealth.nl.ca); Priddle, Tammy <tammypriddle@westernhealth.nl.ca> (tammypriddle@westernhealth.nl.ca) (tammypriddle@westernhealth.nl.ca); kim.white@lghealth.ca  
Subject: RHA stakeholder meeting- Provincial PCH Operational Standard revision

Hi

As you are aware the DHCS is reviewing the Provincial PCH Operational Standard [1-1.2, Section 5] that states:

“The operator accepts the resident for the subsidized rate as fulfillment for all care and accommodation charges owing. The operator provides the resident with the full personal allowance monthly for which the resident signs appropriate documents as having received this allowance”.

The DHCS would like to hold a stakeholder meeting (via teleconference) to gather feedback from the RHAs about this change in the Standard. Could you identify potential participants that could speak to the issues and provide suggestions on the potential options for the change in the Standard.

Thanks
Deena

Deena Waddleton  
Long Term Care Consultant  
Long Term Care and Community Support Services  
Department of Health and Community Services  
Government of Newfoundland and Labrador  
709-729-6012  
deenawaddleton@gov.nl.ca