

## Congregate Care: Legal Issues Facing Residents, Families & Substitute Decision Makers

*OBA Elder Law Section*



In-Person



Webcast

**Date:** Friday, June 08, 2018 | 9:00am – 12:30pm  
**Location:** Twenty Toronto Street Conferences and Events  
20 Toronto Street, 2<sup>nd</sup> Floor, Toronto

**Program Chairs** **Graham Webb**, Executive Director, Advocacy Centre for the Elderly  
**Heather Hogan**, Counsel, Office of the Public Guardian and Trustee



This program is eligible for up to 3.5 Substantive Hours

Congregate care in Ontario includes care homes, retirement homes and long-term care – each with differing legislative frameworks, as well as unique and overlapping challenges. Our expert panel will get you up to speed on the latest information you need to know to better advise and represent your clients, whether they are congregate care residents, family members, or substitute decision makers. Join us to unravel the critical issues at this valuable program.

8:30 am Registration and Coffee

9:00am Welcome and Opening Remarks

9:05am **Congregate Care in Ontario: An Overview**  
**Heather Hogan**, Counsel, Office of the Public Guardian and Trustee

- Defining congregate care: housing for older adults with shared care services
- Key differences between care homes, retirement homes, and long-term care
- Overview of their respective legislative frameworks

9:20am **Retirement Homes: Residents' Rights and Remedies**  
**John Risk**, Partner, WeirFoulds LLP

- What is the role of the RHRA?
- Clarifying obligations of operators and rights of residents
- Navigating the complaints process

9:50am **Long Term Care: Residents' Rights and Remedies**  
**Mary Jane Dykeman**, Partner, DDO Health Law

- What are the oversight mechanisms in LTC?
- Clarifying obligations of operators and rights of residents
- Navigating the complaints process

10:30am Networking Break

10:45am **Discharge from Hospital: Tips and Traps**  
**Christine Morano**, Advocacy Centre for the Elderly

- What are the obligations of the LIHNs?
- How are discharge planners identifying or vetting appropriate homes?
- What does "safe discharge" mean?

11:25am **LTC and Hospital Complaints**

**Craig Thompson**, Executive Director,  
The Patient Ombudsman

- What is the scope and jurisdiction of the Patient Ombudsman?
- How are complaints handled or reviewed by the Patient Ombudsman?

11:40am **Symposium: Privacy and Consent in Congregate Care: What is the Role of SDMs?**

**John Risk**, Partner, WeirFoulds LLP  
**Mary Jane Dykeman**, Counsel, DDO Health Law  
Advocacy Centre for the Elderly  
**Alex Procope**, Partner, Perez Bryan Procope LLP

Our panelists discuss issues arising in the context of congregate care from the intersection of privacy, consent, and substitute decision making

- Which decisions can SDMs make in retirement homes and long term care, and according to what authority?
  - Who decides who gets to visit dad?
  - Who decides whether mom can have a new relationship with a fellow resident?
- Is a resident required to be involved in certain decisions, regardless of capacity?
- What are the implications of Bill 160 and how might lawyers prepare to advise their attorney and guardian clients?

12:25pm Questions and Concluding Remarks

12:30pm Program Concludes

**PROGRAM REGISTRATION IS ONLINE** [www.oba.org/pd](http://www.oba.org/pd)  
**Questions?** [pd@oba.org](mailto:pd@oba.org)