

The Retirement Homes Act, 2010 - Duty to Report



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The College wishes to let members know about new legislation that establishes a duty for members of the College to report certain matters to the Registrar of the Retirement Homes Regulatory Authority. The Retirement Homes Act, 2010, SO 2010, c11 (the “Act”) sets out that:

REPORTING CERTAIN MATTERS TO REGISTRAR

75. (1) A person who has reasonable grounds to suspect that any of the following has occurred or may occur shall immediately report the suspicion and the information upon which it is based to the Registrar:

1. Improper or incompetent treatment or care of a resident that resulted in harm or a risk of harm to the resident.
2. Abuse of a resident by anyone or neglect of a resident by the licensee or the staff of the retirement home of the resident if it results in harm or a risk of harm to the resident.
3. Unlawful conduct that resulted in harm or a risk of harm to a resident.
4. Misuse or misappropriation of a resident’s money.

DUTY ON MEDICAL PRACTITIONERS AND OTHERS

(3) Even if the information on which a report may be based is confidential or privileged, subsection (1) applies to a person mentioned in paragraph 1, 2 or 3 and no action or other proceeding for making the report shall be commenced against a person who acts in accordance with subsection (1) unless that person acts maliciously or without reasonable grounds for the suspicion:

1. A legally qualified medical practitioner or any other person who is a member of a College as

defined in subsection 1 (1) of the Regulated Health Professions Act, 1991.

2. A person who is registered as a drugless practitioner under the Drugless Practitioners Act.
3. A member of the Ontario College of Social Workers and Social Service Workers. 2010, c. 11, s. 75 (3).

While the Act is being slowly brought into force over the next few years, this particular section is already in force. To view the Retirement Homes Act in its entirety, go to www.e-laws.gov.on.ca.