

Long Term Care Covid-19 Commission Mtg.

MLTC on Capital Funding Envelopes
on Tuesday, December 8, 2020



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MEETING OF THE LONG-TERM CARE COVID-19 COMMISSION

--- Held via Zoom, with all participants attending
remotely, on the 8th day of December, 2020,
9:00 a.m. to 9:44 a.m.

1 BEFORE:

2

3 The Honourable Frank N. Marrocco, Lead

4 Commissioner;

5 Angela Coke, Commissioner;

6 Dr. Jack Kitts, Commissioner.

7

8 PRESENTERS:

9 Abby Dwosh, Director, Funding and Programs Branch,

10 Ministry of Long-Term Care;

11 Ifeolu Ogunyankin, Manager, Financial Policies and

12 Procedures Unit, Ministry of Long-Term Care.

13

14 PARTICIPANTS:

15

16 Alison Drummond, Assistant Deputy Minister,

17 Long-Term Care Commission Secretariat;

18 Jessica Franklin, Policy Lead, Policy Unit,

19 Long-Term Care Commission Secretariat;

20 Derek Lett, Policy Director, Long-Term Care

21 Commission Secretariat;

22 Lynn Mahoney, Counsel to the Ministry of Health and

23 Long-Term Care;

24 John Callaghan, Counsel, Long-Term Care Commission

25 Secretariat;

1 Sunil S. Mathai, Counsel, Crown Law Office Civil;
2 Roopa Mann, Counsel, Crown Law Office, Civil;
3 Angeline Hawthorn, Senior Policy Analyst, Long-Term
4 Care Commission Secretariat;
5 Kinsey Bowen, Counsel, Minister of Health and
6 Long-Term Care;
7 Kristin Smith, Counsel, Ministry of Health and
8 Long-Term Care.

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I N D E X

The following list of undertakings, advisements and refusals is meant as a guide only for the assistance of counsel and no other purpose

INDEX OF UNDERTAKINGS

The questions/requests undertaken are noted by U/T and appear on the following pages/lines: 10:9.

INDEX OF ADVISEMENTS

The questions/requests taken under advisement are noted by U/A and appear on the following pages/lines: None.

INDEX OF REFUSALS

The questions/requests refused are noted by R/F and appear on the following pages/lines: None.

1 -- Upon commencing at 9:00 a.m.

2 COMMISSIONER FRANK MARROCCO (CHAIR):
3 Good morning. I think we're all kind of familiar
4 with each other.

5 I'm Frank Marrocco. I'm one of the
6 commissioners. There's Angela Coke, who is another
7 commissioner, and Dr. Jack Kitts.

8 I'm sure that Mr. Mathai has explained
9 how these things go, if you haven't done it before,
10 but I think we may have seen one of you before.
11 I'm not sure. But in any event, we do have a
12 transcript. We have a court reporter present.

13 With your permission, we'll ask
14 questions as we go along, and we're ready to go
15 when you're ready to go.

16 ABBY DWOSH: Perfect. I think we're
17 ready to go. I'll just introduce myself. I'm
18 Abby Dwosh. At the director of the Funding and
19 Programs Branch at the Ministry of Long-Term Care.
20 I'm here with my colleague Ife.

21 Ife, do you want to introduce yourself?

22 IFEOLU OGUNYANKIN: Yes. Good morning.
23 Since 2019, I'm the Manager of the Financial
24 Policies Unit, the financial branch.

25 COMMISSIONER FRANK MARROCCO (CHAIR):

1 Good morning.

2 ABBY DWOSH: So yes, as you mentioned,
3 we were here -- I think it was about a month ago --
4 giving an overview on the funding and programs
5 file.

6 What we've provided for you today was
7 some follow-up information, some, you know, more
8 in-depth information. So I'm happy to go through
9 the slide deck and take questions as they come up.
10 We can advance to the next slide.

11 So what we had been asked to prepare
12 was an overview on the envelope and reconciliation
13 system. The slides that we have prepared for you
14 today give some more in-depth information on the
15 funding and accountability framework as well as
16 more detailed information on how our envelope
17 funding system actually works.

18 So what we've got here is the overall
19 framework, the legislative pieces that make up the
20 framework. You can see we've got this chart at the
21 bottom which talks about the regulation, the
22 accountability agreements, the policies and the
23 guidelines, the Ministry Direct Funding Agreement,
24 and the direct funding policies and guidelines.

25 So all those things work together in

1 order to instruct the homes on the parameters in
2 which they can use their funding and inform them
3 about what the funding is intended for.

4 COMMISSIONER FRANK MARROCCO (CHAIR):
5 Who signed onto the Accountability Agreement?

6 IFEOLU OGUNYANKIN: So --

7 ABBY DWOSH: Go ahead, Ife.

8 IFEOLU OGUNYANKIN: So the homes and
9 the long-term care -- sorry, the local health
10 integration authorities and Ontario Health have one
11 of the agreements. That's the LSAA.

12 And the second one -- the home has an
13 agreement with the Ministry. So every single home
14 has to come to an agreement, one with a local
15 health authority and the other with the Ministry,
16 the Direct Funding Agreement.

17 COMMISSIONER FRANK MARROCCO (CHAIR):
18 All right. Thanks.

19 COMMISSIONER JACK KITTS: Just on the
20 agreement, are there certain aspects of the
21 agreement that all homes are accountable for?

22 And then do they individualize the
23 Accountability Agreement per home depending on the
24 need that may have been assessed during the
25 inspection?

1 IFEOLU OGUNYANKIN: So it's a uniform
2 template. The agreement is uniform across all
3 homes. They just switch the name of the home. So
4 it's sometimes developed concurrently with all of
5 the homes in mind.

6 COMMISSIONER JACK KITTS: So if one
7 home were having difficulties in one area, whether
8 financial or quality, that agreement would not be
9 adjusted to make it for that home?

10 IFEOLU OGUNYANKIN: So the agreement
11 is --

12 ABBY DWOSH: These are -- these are
13 intended to be overarching agreements, so they are
14 standard to all of the homes. If a particular home
15 were to have an issue in a particular area, that
16 would probably be dealt with through another
17 mechanism.

18 The Ministry does provide
19 individualized supports to homes and, speaking
20 about funding now, provide individual supports to
21 homes where required under certain circumstances.

22 IFEOLU OGUNYANKIN: So some of the
23 variants may come in the policies that are attached
24 to the agreement. So the agreement is standard.
25 The Ministry reserves the right, also, to make

1 policy, and that becomes part of the agreement.

2 So different homes may qualify for
3 different funding depending on the requirements
4 that have been set out for those policies. So as
5 already I mentioned, then, in some cases, there
6 might be opportunities where the Ministry wants to
7 provide additional support through a policy or some
8 exception.

9 COMMISSIONER JACK KITTS: Okay. I'll
10 just ask one more question on that, then.

11 So when the home -- I expect the
12 executive director -- is being held accountable for
13 meeting the agreement, whatever's set out in the
14 agreement, how is that enforced? Who decides that?

15 IFEOLU OGUNYANKIN: So we -- that's the
16 funding policy we can speak to. It would be if
17 you're compliant with what is stated in the funding
18 policy. If not, then there might be penalties
19 if stated in the funding policy.

20 It might be something that the Ministry
21 may decide to do a further review, if we want to.
22 It might be something that we recommend for a
23 financial inspection, if that's a course of action
24 that's desirable.

25 But the overall agreement, I think,

1 that's -- it depends on which section of the
2 agreement the issue is with. If it's something
3 that's aligned with the regulations, something
4 that's aligned with the LHINs' role, it might
5 result in a variety of actions to initiate the next
6 step.

7 COMMISSIONER JACK KITTS: Would you
8 share a copy of that agreement with us?

9 U/T ABBY DWOSH: Sure.

10 IFEOLU OGUNYANKIN: Yes.

11 COMMISSIONER FRANK MARROCCO (CHAIR):
12 Can you just help me -- just following along on
13 Commissioner Kitts' question.

14 It's called an "Accountability
15 Agreement," so I assume that it has standards that
16 have to be met on an ongoing basis. And the
17 contracting party, the home, has agreed that the
18 Ministry can, in effect, attach policies to that
19 agreement on an ongoing -- policies that may not
20 have been in existence when the agreement was
21 signed.

22 But how do you know whether the
23 policies to which they have agreed, which the home
24 has agreed, are being respected? I'm just trying
25 to understand that. Because somebody might sign

1 the agreement and promise one thing and, for one
2 reason or another, not live up to it.

3 ABBY DWOSH: Yes. So the homes are
4 required to present audited financial statements,
5 so that's one way.

6 The homes are also required to attest
7 to the fact that they have followed the funding
8 policies as we set them out. For example, if you
9 look at our minor capital program, that has
10 specific expenditure criteria. The homes can only
11 spend the money on specific items. They are
12 required to assure us that they have spent the
13 money on those items.

14 The Ministry also has the ability to
15 check, to request documentation to support those
16 claims, at our discretion.

17 COMMISSIONER FRANK MARROCCO (CHAIR):
18 And is there a unit within the Ministry that
19 addresses compliance? Is that somebody's
20 responsibility? How does that happen?

21 ABBY DWOSH: So the financial
22 management branch is responsible for the
23 reconciliation. They're the ones who will look at
24 the actual expenditures and compare them to the
25 funding that's been flowed.

1 COMMISSIONER JACK KITTS: Is there
2 another part of the Ministry of Long-Term Care,
3 then, that looks at the Accountability Agreement
4 from the quality of service that the long-term care
5 home provides to residents?

6 ABBY DWOSH: I'm not sure if the
7 inspections branch can speak to that.

8 COMMISSIONER JACK KITTS: Okay. So
9 you're focussed on funding only?

10 ABBY DWOSH: Yes.

11 COMMISSIONER JACK KITTS: And the
12 Accountability Agreement does include more than
13 just finances?

14 ABBY DWOSH: Sorry, we can see the chat
15 box on the screen.

16 COMMISSIONER FRANK MARROCCO (CHAIR):
17 Fortunately, there were no comments about the
18 commissioners on there that needed to be erased.

19 Go ahead Ms. Dwosh.

20 ABBY DWOSH: Sorry, what was the
21 question?

22 COMMISSIONER FRANK MARROCCO (CHAIR):
23 No, no.

24 COMMISSIONER JACK KITTS: Yeah. I
25 think we understand that you're just really

1 focussed on the finances.

2 ABBY DWOSH: Yes, yes.

3 COMMISSIONER JACK KITTS: And when you
4 send us the Long-Term Care Service Ability
5 Agreement, we'll have a better understanding of
6 what's in that agreement beyond the --

7 ABBY DWOSH: Okay. Perfect. So we'll
8 send that following the meeting.

9 COMMISSIONER JACK KITTS: Thank you.

10 ABBY DWOSH: So next slide.

11 So this slide, I believe we presented
12 in our previous presentation. This details how the
13 funding is broken down between the various
14 components.

15 As you can see from the pie chart, the
16 majority of the funding is focussed on care and
17 accommodation. There are other supplemental
18 funding streams, the largest of which is new this
19 year. It's our COVID-19 initiative. That is
20 predominantly prevention and containment funding
21 which has been flowed on an emergency basis to the
22 homes to allow them to address the urgent needs
23 related to prevention and containment.

24 There are other supplementary funding
25 programs which we've detailed here in the chart.

1 And we have also provided, at the end of the slide
2 deck, a breakdown of each of those individual
3 programs.

4 So in total, this year, we've got
5 approximately \$7 billion in funding for long-term
6 care. The program is funded both by the government
7 and by resident co-payments.

8 And you can see, at the bottom right,
9 we've got some of the general funding metrics of
10 the 7 billion. 5.4 billion is funded by the
11 Ministry. 1.6 billion is resident co-pay which is
12 approximately \$68,500 per resident per year.

13 And the co-pay, we also discussed last
14 time. But as you know, residents contribute
15 towards the cost of meals and accommodation through
16 co-payments of \$62.18 per day for a basic room.

17 Approximately 35 percent of residents
18 receive financial assistance, so we don't -- we
19 make sure that there are no barriers in terms of a
20 resident being able to pay their contribution. And
21 those rates increase annually based on the consumer
22 price index. However, this year we have suspended
23 the increases in order to provide some financial
24 relief at this time.

25 COMMISSIONER FRANK MARROCCO (CHAIR):

1 Does the 68,500 -- how is that calculated? Where
2 is that from? Is that the --

3 ABBY DWOSH: That's the --

4 COMMISSIONER FRANK MARROCCO (CHAIR):
5 Where is that from, please?

6 ABBY DWOSH: That's the base funding --
7 the total base funding divided by the number of --
8 the average number of residents in the system.

9 COMMISSIONER FRANK MARROCCO (CHAIR):
10 So is the average number of residents multiplied by
11 the different payments? It's the total?

12 IFEOLU OGUNYANKIN: It's the average
13 level of care per diem.

14 COMMISSIONER FRANK MARROCCO (CHAIR):
15 Per day?

16 IFEOLU OGUNYANKIN: Yes.

17 COMMISSIONER FRANK MARROCCO (CHAIR):
18 Okay.

19 ABBY DWOSH: Per year.

20 COMMISSIONER FRANK MARROCCO (CHAIR):
21 Per year, sorry. Thank you.

22 IFEOLU OGUNYANKIN: Yes, sorry, yes.

23 COMMISSIONER FRANK MARROCCO (CHAIR):
24 Okay.

25 COMMISSIONER JACK KITTS: On the

1 funding metrics, the top line where it's got the
2 dollar sign, is that the sum of all the rest below?

3 ABBY DWOSH: That's the sum of the pie
4 chart.

5 IFEOLU OGUNYANKIN: Yeah.

6 COMMISSIONER JACK KITTS: Okay. And so
7 you break it down further in the 68,500 and 6,000
8 resident co-payment?

9 ABBY DWOSH: Yeah.

10 IFEOLU OGUNYANKIN: So that -- yeah.

11 COMMISSIONER FRANK MARROCCO (CHAIR):
12 The COVID initiatives funding, that would include
13 personal protective equipment and that sort of
14 thing.

15 Before you provided this funding where
16 would the -- where would the money come --

17 Which envelope would the money come to
18 purchase personal protective equipment --

19 IFEOLU OGUNYANKIN: So the --

20 COMMISSIONER FRANK MARROCCO (CHAIR):
21 -- before you provided the 908?

22 IFEOLU OGUNYANKIN: So in the
23 level-of-care envelope, there's a "Nursing"
24 envelope, there's the "Other Recommendations"
25 envelope, "Programs" envelopes.

1 Each of those envelopes provide for
2 different supplies as well, potentially to be used
3 for cleaning supplies, protective equipment, and so
4 forth.

5 COMMISSIONER FRANK MARROCCO (CHAIR):
6 So each envelope could be used to provide for
7 personal protective equipment?

8 IFEOLU OGUNYANKIN: With the exception
9 of raw food. So each of the -- so the way the
10 envelopes work, employees and the equipment they
11 use are eligible within the context of each
12 envelope other than raw food.

13 Employee -- it doesn't -- it's only raw
14 food. So the other envelopes could technically
15 provide for supplies for the staff and the
16 equipment that they need for their functions.

17 COMMISSIONER FRANK MARROCCO (CHAIR):
18 So if the home was going to maintain three months
19 of personal protective equipment, it could try to
20 find the money for that out of any one of the three
21 envelopes except for raw -- but not the raw food
22 envelope -- any one of the four envelopes but not
23 the raw food envelope?

24 IFEOLU OGUNYANKIN: So protective
25 equipment for nurses, for instance, may come from

1 the "Nursing and Personal Care." For program staff
2 and therapists, it may come from the program staff.
3 The cleaning supplies would have have to come from
4 the "Other Accommodations" envelope.

5 COMMISSIONER FRANK MARROCCO (CHAIR):
6 Okay.

7 COMMISSIONER JACK KITTS: My question
8 is is this the amount of money that is determined
9 to be able to sustain the homes, and the homes
10 aren't obliged to add more funding to any of these
11 envelopes?

12 IFEOLU OGUNYANKIN: So these were our
13 average level of funding. It was based on program
14 legacy and increased annually depending on the
15 amount of allocation the government invested or
16 plans to invest that year.

17 ABBY DWOSH: And I think it's important
18 to note that this is just one of the funding
19 streams. This is the biggest one. It provides the
20 majority of the funding. However, there are other
21 pots of money, as we showed on the pie chart.

22 COMMISSIONER JACK KITTS: So COVID-19
23 is specific to now.

24 ABBY DWOSH: Yeah.

25 COMMISSIONER JACK KITTS: So are you

1 talking about other supplementary funding?

2 ABBY DWOSH: So the level-of-care
3 envelopes, that goes into the care and
4 accommodation. So that's the biggest, blue slice
5 of the pie. The other pieces are on top of that.

6 COMMISSIONER JACK KITTS: Right.

7 IFEOLU OGUNYANKIN: It's a --

8 COMMISSIONER JACK KITTS: Go ahead.

9 IFEOLU OGUNYANKIN: It's about the
10 (indiscernible). We itemize some of the items and
11 have them accept.

12 COMMISSIONER JACK KITTS: But are the
13 homes expected to add more finance or revenue to
14 the care and accommodation envelope?

15 IFEOLU OGUNYANKIN: There was no
16 expectation. However, homes, also, are not
17 restricted from investing if they choose to. It's
18 funding provided by the government. In some cases,
19 some homes may have additional resources that they
20 use also to support those initiatives.

21 COMMISSIONER JACK KITTS: Okay.

22 COMMISSIONER ANGELA COKE: I just have
23 a question, also. I recall, I think from the last
24 briefing, that you said there was sort of a fixed
25 pie that gets divvied up in terms of the acuity of

1 the residents. And so, you know, there's a bit of
2 an incentive there. The sicker people are, the
3 more money you're going to get.

4 But is there any funding that is
5 provided -- or any incentive for positive outcomes?
6 Is there anything that people get as a result of
7 meeting some particular targets or some positive
8 outcomes that you're seeking?

9 IFEOLU OGUNYANKIN: So there are no
10 such funding components. There is -- there is the
11 Quality Attainment Premium. That used to be the
12 funding dividend accreditation. It's the only such
13 related -- it's not -- if you achieve
14 accreditation, you get \$0.36.

15 That was sort of the thinking behind if
16 we wanted to give something to that. Perhaps that
17 would be an are to build in. But right now, there
18 is no performance-based component other than the
19 required level-of-care envelope.

20 COMMISSIONER ANGELA COKE: So, sorry,
21 you're saying there was some incentive to -- for
22 accreditation? Don't they all have to be
23 accredited?

24 IFEOLU OGUNYANKIN: So there is -- so
25 that's the only one right now. There is the

1 accreditation premium that is now called the
2 Quality Attainment Premium. It's embedded in the
3 "Other Accommodations" envelope. So it's the only
4 such --

5 If you receive accreditation, you
6 receive \$0.36. And that's the incentive, that you
7 have to get so you get that funding. Otherwise
8 there's no -- every home has equal access to all of
9 the other level-of-care envelopes. There is no
10 additional funding if you achieve the level of
11 quality embedded right now in the funding process.

12 COMMISSIONER ANGELA COKE: Sorry, is
13 there any thought to something like that going
14 forward? I'm just trying --

15 You know, what are the drivers or
16 things that -- it might at least help increase the
17 quality of care.

18 ABBY DWOSH: So we're explaining how
19 the funding works today. That's what the slide is
20 intended to display.

21 COMMISSIONER ANGELA COKE: Okay. Thank
22 you.

23 COMMISSIONER JACK KITTS: I'm sorry
24 to -- I'm kind of stuck on this. So can I ask my
25 question, maybe, in a different way? So "Nursing

1 and Personal Care," "Program and Support Services,"
2 and "Raw Food" are three envelopes that the
3 Ministry provides funding for.

4 Is it the thought that the amount of
5 money supplied by the Ministry is sufficient to
6 manage those programs in each home, and the homes
7 aren't expected to top those three envelopes up?

8 ABBY DWOSH: So I can't speculate, but
9 this is the amount of money that's provided for
10 each resident per day based on the level of care
11 funding. And as I said, there are other forms of
12 funding.

13 The homes do have the ability to charge
14 other fees to the residents. For example,
15 additional fees for preferred accommodation,
16 additional fees for incidental expenditures such as
17 cable television, hairdressing, things like that.

18 They are not able to charge for things
19 that are already provided by the Ministry. So, you
20 know, anything that's already covered under the
21 Ministry funding, the home is not allowed to charge
22 a resident for.

23 But anything on top of that as an
24 incidental service, that's optional. They are
25 allowed to generate revenue in that way.

1 COMMISSIONER JACK KITTS: So revenue
2 that they're getting in the fourth envelope, "Other
3 Accommodation," could be subsidizing the food, the
4 personal care, and stuff like that.

5 ABBY DWOSH: Yes.

6 IFEOLU OGUNYANKIN: Yes.

7 COMMISSIONER JACK KITTS: Okay. And
8 there's three types of homes. One is municipal.

9 ABBY DWOSH: Yeah.

10 COMMISSIONER JACK KITTS: And I think
11 from early meetings, we found that the municipality
12 will subsidize some of the homes.

13 And the not-for-profit, I think, are
14 charitable, so they can fundraise which could add
15 to the revenue source.

16 And then there's the private sector.
17 So I think I'm understanding it much
18 better now. Thank you.

19 ABBY DWOSH: Okay. I also wanted to
20 mention surplus funds. So homes that have surplus
21 funds in the "Other Accommodation" envelope can
22 retain those surpluses. So a for-profit home, for
23 example, could retain that surplus as profit.

24 The global per diem, which you can see
25 at the box at the bottom -- in the last couple of

1 years, what the Ministry has done to increase
2 flexibility to the homes is provided an overall
3 increase in funding instead of adding the funding
4 to the individual envelopes so that the homes can
5 better address their local priorities.

6 The increase is restricted in terms of
7 how much can go into the "Other Accommodation"
8 envelope to 32 percent of the global per diem. So
9 that's the maximum that a home could allocate of
10 that amount into the "Other Accommodation"
11 envelope. And we do that to ensure that a
12 significant amount of the increase is allocated to
13 the other envelopes as well.

14 COMMISSIONER FRANK MARROCCO (CHAIR):
15 So rather than increase each envelope, you give
16 them a global per diem?

17 ABBY DWOSH: That's --

18 IFEOLU OGUNYANKIN: Yes.

19 COMMISSIONER FRANK MARROCCO (CHAIR):
20 You give them a global amount of money, and you
21 restrict how much of it can go into the "Other
22 Accommodation" envelope because that's where they
23 take their profit from if it's a private home?

24 ABBY DWOSH: That's right.

25 IFEOLU OGUNYANKIN: Yes.

1 ABBY DWOSH: So, for example, if the
2 home wanted to put the entire increase towards raw
3 food, for example, they would be able to do that.

4 COMMISSIONER FRANK MARROCCO (CHAIR):
5 Right, right, right. And was it -- last year it
6 was \$4.50 per person?

7 IFEOLU OGUNYANKIN: That's the correct
8 amount.

9 ABBY DWOSH: That's --

10 COMMISSIONER FRANK MARROCCO (CHAIR):
11 Per person per day?

12 ABBY DWOSH: Yeah. So the next slide
13 speaks, again, to our accountability mechanisms.
14 So I was just describing how the homes can retain
15 the surplus in the "Other Accommodation" envelope.

16 The graphic at the bottom explains how
17 money can be transferred between envelopes in
18 accordance with our Accountability Agreement.

19 So if a home has a surplus in the
20 "Nursing and Personal Care" envelope, which is the
21 one at the top, they can use those funds for the
22 "Personal Support Services" envelope or for the
23 "Raw Food" envelope.

24 But you can see the funding does not go
25 both ways in most circumstances. You cannot take

1 money, for example, out of the "Raw Food" envelope
2 and transfer it to any other envelope. You cannot
3 transfer money into your "Other Accommodation"
4 envelope. And we're showing, again, how the global
5 per diem increase is capped at 32 percent going
6 into the "Other Accommodation."

7 So the reason we do that is to have
8 continued focus on -- that the money that the
9 Ministry has provided for a certain purpose is used
10 for that purpose.

11 COMMISSIONER FRANK MARROCCO (CHAIR):
12 If surpluses can flow back and forth in the three
13 envelopes, why do you maintain the three envelopes?
14 Why wouldn't they just get one lump sum of money,
15 then, that you can spend on nursing and personal
16 support and raw food? Why do you maintain the
17 envelopes?

18 IFEOLU OGUNYANKIN: So the major
19 advantage right now of maintaining, especially for
20 nursing, is the overall allocation amount. So the
21 "Nursing and Personal Care" is the bulk of the
22 funding that the home receives, and that's the part
23 that's adjusted by acuity.

24 All of the other funding pots are just
25 based on how many residents you have multiplied by

1 the per diem -- the daily amount. So when you're
2 keeping them separate at the moment, it still
3 allows that element of adjustment in terms of how
4 much a home has.

5 In terms of how the home can use the
6 funding, what we've effectively done is enabled
7 them to use all of the funding they have in bulk
8 because they can reallocate among those envelopes.

9 COMMISSIONER JACK KITTS: What would be
10 in the PSS envelope? What would you take money
11 from the nursing care and give to the PSS envelope?

12 IFEOLU OGUNYANKIN: So the programs
13 envelope is recreational programs and physical
14 therapies so, you know, physical therapy,
15 rehabilitative therapy.

16 So say you have some leftover funding
17 in nurse and personal care. Say you had some
18 part-time staff and some leftover funding but you
19 needed to do more therapies, you could,
20 technically, take that across to therapies.

21 COMMISSIONER JACK KITTS: Okay. So
22 it's still personal care, just not nursing?

23 IFEOLU OGUNYANKIN: Yes.

24 COMMISSIONER JACK KITTS: So other
25 health professionals. Okay. Thank you.

1 ABBY DWOSH: So the next slide shows
2 the funding over the last five years. You can see,
3 at the bottom, how the global per diem is a recent
4 addition to our funding formula. Before that, it
5 was the individual envelopes that were changing,
6 and we are showing the different line items for the
7 different envelopes and then the total at the
8 bottom.

9 COMMISSIONER FRANK MARROCCO (CHAIR):
10 Sorry, if I have 100 residents -- now, is that
11 residents or beds? For the fifth --

12 I was looking at the "Other
13 Accommodation," and I was about to say so then if I
14 have 100 residents --

15 ABBY DWOSH: Yeah.

16 COMMISSIONER FRANK MARROCCO (CHAIR):
17 -- and I'm getting 56 -- where is it? -- \$56 --
18 what is that? A day?

19 ABBY DWOSH: A day.

20 IFEOLU OGUNYANKIN: So it's per --

21 ABBY DWOSH: It's resident days.

22 COMMISSIONER FRANK MARROCCO (CHAIR):
23 So I have to have an actual person in order to get
24 that, or --

25 ABBY DWOSH: Yeah.

1 COMMISSIONER FRANK MARROCCO (CHAIR):

2 -- does it go by the bed?

3 ABBY DWOSH: You have to have an actual
4 person.

5 COMMISSIONER FRANK MARROCCO (CHAIR):

6 All right.

7 ABBY DWOSH: We do have set occupancy
8 targets. So if a home has more than 97 percent of
9 its beds occupied, then the Ministry funds all of
10 the beds.

11 If it has less than 97 percent of the
12 beds occupied, then it's funded based on the actual
13 occupancy levels. And the reason for that is that
14 the occupancy can fluctuate in a home, and so
15 there's some flexibility there.

16 COMMISSIONER FRANK MARROCCO (CHAIR):

17 So if I have 100 residents, I'm going to get \$5,600
18 a day in the "Other Accommodation" envelope?

19 Notionally, somebody deposits \$5,600 a
20 day into that account for 365 days a year?

21 ABBY DWOSH: Yeah.

22 COMMISSIONER FRANK MARROCCO (CHAIR):

23 Is that right? Okay.

24 ABBY DWOSH: Yes.

25 COMMISSIONER ANGELA COKE: So my

1 question is, just around the "Nursing and Personal
2 Care" line, I notice, in the last three years,
3 you've had a fixed number there. There's no
4 increase.

5 I'm just trying to figure out what is
6 your method to determine when that pot -- the fixed
7 pot needs to expand. You know, presumably,
8 people -- as they say, "oh, they're sicker,"
9 presumably they'll be needing increased nursing
10 care, and I'm just trying to figure out how and
11 when -- what's your formula for figuring out how
12 and when that pie has to expand?

13 ABBY DWOSH: So the --

14 IFEOLU OGUNYANKIN: So the --

15 ABBY DWOSH: -- increase is in the
16 global per diem. So all those envelopes have been
17 kept constant over the last couple of years because
18 the increases have been provided on a global basis
19 instead.

20 In terms of the acuity level of the
21 residents -- so if there is a fixed pot of money,
22 the way that the homes are receiving additional
23 funding for residents of higher acuity levels is
24 that that adjustment is applied to the "Nursing and
25 Personal Care" envelope, and then the money is

1 distributed within that.

2 COMMISSIONER ANGELA COKE: Okay. But
3 if you've got multiple homes experiencing that and
4 your pie isn't moving, people are competing for
5 that limited pot, yes?

6 ABBY DWOSH: The pot --

7 IFEOLU OGUNYANKIN: Yes.

8 ABBY DWOSH: -- is adjusted based on
9 the resident acuity levels of the homes that are
10 being evaluated, yes.

11 COMMISSIONER ANGELA COKE: Okay. Thank
12 you.

13 ABBY DWOSH: Okay. So the next
14 slide...

15 The next slide goes...

16 Can we advance to the next slide?

17 Thank you.

18 So the next slide talks about how a
19 for-profit home would make a profit. I've already
20 described that on the previous slide when we were
21 looking at the envelopes.

22 So the homes can retain surplus funding
23 from the "Other Accommodation" envelope as profit.
24 I talked about the 32 percent restriction on the
25 global per diem. Preferred accommodation premiums

1 can be retained by the homes. Those premiums are
2 also set in regulation, same as the resident co-pay
3 for the basic rooms. The premium that's allowable
4 to be charged for semi-private and private
5 accommodations is up to \$13.02 per day and \$27.15
6 per day respectively.

7 COMMISSIONER JACK KITTS: I'd just ask
8 a question about the change now. During COVID and,
9 presumably, after, with the -- I think the
10 elimination of four and three-bed rooms, will this
11 change the preferred accommodation premiums, and
12 will there be preferred accommodation? Have you
13 thought about that?

14 ABBY DWOSH: I can't speculate on that.
15 What we are doing now is obviously we've restricted
16 the admissions into ward rooms, and the homes are
17 being provided with occupancy support in order to
18 ensure their revenue stays stable in a time where
19 their vacancies are higher.

20 COMMISSIONER JACK KITTS: Okay. Thank
21 you.

22 ABBY DWOSH: So next slide. So this
23 slide talks about optional programs and services.
24 I mentioned earlier about incidental fees such as
25 hairdressing, cable TV, telephone, parking. Those

1 revenues are retained by the operator.

2 And then other -- some homes are part
3 of larger chains, have other lines of businesses
4 such as private retirement residences. The chain,
5 the parent company, would recognize a profit based
6 on their entire operations which is often made up
7 of these other lines of business as well. Next
8 slide.

9 So this is our annual reconciliation
10 process. So this is the technical process by which
11 we reconcile the amount of funding provided to the
12 homes with their actual expenditures.

13 This is done retrospectively once we
14 have received all the homes' financial information.
15 This is the piece that the Financial Management
16 Branch that we were discussing earlier is
17 responsible for.

18 The funding is provided up front to
19 homes on a monthly payment basis based on an
20 estimate of their actual revenues and then
21 reconciled at the end of the period once the
22 financial information is received.

23 Any questions on that before I move on?

24 COMMISSIONER FRANK MARROCCO (CHAIR): I
25 just want to make sure I understand. The amount

1 that the resident is paying for the room goes into
2 that fourth envelope?

3 IFEOLU OGUNYANKIN: Yeah.

4 COMMISSIONER FRANK MARROCCO (CHAIR):

5 And so I -- what are you -- so there's no -- that's
6 not being reconciled -- I mean, that's their --

7 That's money they get to keep; is that
8 right?

9 IFEOLU OGUNYANKIN: So there are two
10 sides of funding as we mentioned earlier,
11 governments and resident.

12 In total, homes receive the entire
13 level of care per diem. In some cases, residents
14 are unable to pay the co-payment.

15 COMMISSIONER FRANK MARROCCO (CHAIR):
16 Right.

17 IFEOLU OGUNYANKIN: And the Ministry
18 would reserve a reduction. Whatever is left over
19 of the level of care per diem, especially the
20 funding in the "Other Accommodation," after all of
21 the required expenses have been made is what the
22 home can retain as a profit.

23 ABBY DWOSH: If it's in the "Other
24 Accommodation" envelope.

25 IFEOLU OGUNYANKIN: "Other

1 Accommodation," yeah.

2 ABBY DWOSH: So the level of the co-pay
3 for the basic beds, the \$62, that makes up, as Ife
4 said, part of the total level of care which is then
5 distributed between the four envelopes.

6 So it's not that the entire basic-bed
7 resident co-pay goes into the "Other Accommodation"
8 envelope. It is split between all of the envelopes
9 proportionally.

10 COMMISSIONER FRANK MARROCCO (CHAIR):
11 Okay. All right.

12 ABBY DWOSH: So this goes into more
13 detail of our reconciliation process. Homes are
14 required to submit an audited annual report on a
15 Ministry-prescribed template. Then we're comparing
16 our actual cash flows with the total amount that
17 the home is eligible for based on their financial
18 recording.

19 We issue the homes technical
20 instructions and guidelines so that the reporting
21 requirements are clear. Factors considered to
22 determine whether there is a recovery or a
23 settlement include whether funds have been used in
24 accordance with eligible expenditure policy,
25 whether the estimated revenue used for monthly cash

1 flows aligns with the total amount that the home is
2 eligible to receive in terms of their actual
3 occupancy levels, the total reported resident
4 co-payment aligns with the estimates used to
5 determine the monthly cash flows, and that the home
6 has achieved required occupancy targets for their
7 respective programs.

8 COMMISSIONER FRANK MARROCCO (CHAIR):
9 Okay.

10 ABBY DWOSH: So these slides are quite
11 technical. They go into the reconciliation process
12 in detail. I'll just summarize at a high level and
13 say this explains, basically, what we had explained
14 earlier which is that some funding is allowable to
15 be transferred between envelopes and some funding
16 is not.

17 COMMISSIONER FRANK MARROCCO (CHAIR):
18 So is part of the reconciliation an attempt to make
19 sure that the funds that were transferred between
20 envelopes were properly transferred between
21 envelopes?

22 ABBY DWOSH: Yes.

23 COMMISSIONER FRANK MARROCCO (CHAIR):
24 Okay.

25 ABBY DWOSH: Next slide. So this slide

1 includes some of our other funding parameters when
2 we're doing the reconciliation process. We also
3 consider claims-based funding, one-time funding,
4 bad-debt expenses, considers the co-pay. And then,
5 finally, if there is any excess to be recovered,
6 it's recovered by the Ministry.

7 COMMISSIONER FRANK MARROCCO (CHAIR):

8 Do you have a sense of the rate of return that the
9 private operators are enjoying or receiving, what
10 percentage of return they're getting on their
11 investment?

12 Because they provide you with audited
13 financial statements, so I was wondering if you had
14 a sense of what that is.

15 ABBY DWOSH: I --

16 IFEOLU OGUNYANKIN: So --

17 ABBY DWOSH: I don't.

18 IFEOLU OGUNYANKIN: No. The
19 information they provide is specific to the
20 Ministry-reporting template, so it's not the full
21 financial statement.

22 The Ministry does have the ability to
23 request for those, but we don't have information on
24 profit and rate of return.

25 COMMISSIONER FRANK MARROCCO (CHAIR):

1 Okay.

2 ABBY DWOSH: So that is most of it.
3 We've also provided, in the appendix, a breakdown
4 of the other funding pots. So you can see we are
5 itemizing the different slices of the pie and the
6 initiatives that fall within them.

7 COMMISSIONER FRANK MARROCCO (CHAIR):
8 Well, I think that's --

9 That completes the slide presentation?

10 ABBY DWOSH: That completes the slide
11 presentation, yes.

12 COMMISSIONER FRANK MARROCCO (CHAIR):
13 Okay. Any questions?

14 I think we asked the questions as we
15 went along. We are trying to understand the
16 financial arrangements at a level sufficient for us
17 to feel comfortable that we have a general sense of
18 how this works, and your presentation is very
19 helpful to us in that sense.

20 COMMISSIONER JACK KITTS: Yeah. I
21 think slide Number 5 was very well done, very
22 clear. I think that's -- we were getting confused
23 in all those circles and envelopes, so I think --
24 congratulations on that slide, whoever put that
25 together.

1 COMMISSIONER FRANK MARROCCO (CHAIR): I
2 mean, it is a statement to say that that's -- that
3 charge is clear, but it is helpful. It's very
4 helpful.

5 Anyway, in any event, thank you very
6 much. And good to see you again, Ms. Dwosh. We'll
7 try to avoid dragging you back here over and over
8 again.

9 ABBY DWOSH: No problem.

10 COMMISSIONER FRANK MARROCCO (CHAIR):
11 We'll make Mr. Mathai upset if we do. But in any
12 event, thank you very much for the presentation.
13 Thank you, both.

14 ABBY DWOSH: Thank you as well.

15 IFEOLU OGUNYANKIN: Thank you.

16 SUNIL MATHAI: And, Commissioner
17 Marrocco, just one quick thing. One of the
18 questions that you asked was in relation to the
19 rate of return.

20 And I think -- and this -- you know, a
21 lot of these briefings are now blurring together in
22 my own head. But my recollection is, from Friday's
23 briefing, there was an indication of what is
24 believed to be the rate of return.

25 COMMISSIONER FRANK MARROCCO (CHAIR):

1 There was some -- we heard different things
2 including that there was a double-digit rate of
3 return on the investment. I was just curious if --
4 I didn't --

5 I thought, originally, the Ministry was
6 getting audited financial statements, but it
7 appears that the audited information is more
8 selective than that.

9 So the reason I asked the question was
10 to see if I could verify whether it was, indeed, a
11 double-digit rate of return or not, but we can't
12 because we don't have all the financial
13 information.

14 SUNIL MATHAI: That's helpful. Thank
15 you. I just wanted to make sure that the
16 Commission understood that some of that evidence
17 was provided earlier, but it sounds like you're
18 already well aware of that. So thank you for that,
19 Commissioners.

20 COMMISSIONER FRANK MARROCCO (CHAIR): I
21 can tell you, Mr. Mathai, one of the things that
22 occurs -- and you might want to think about it --
23 is that the Ministry seems to contribute to
24 virtually all aspects of the financial commitment
25 necessary to run it, and that's one of the things

1 that seems to be apparent from the briefing.

2 Virtually everything, including your --
3 virtually every expense is paid for by the
4 Ministry, and that's -- and, you know, we did hear
5 evidence when they were -- that there's a
6 construction subsidy.

7 So even when you're building it, the
8 Ministry is contributing to the cost of building
9 the facility to make sure that the rate of return
10 is there. And that's one of the things that we're
11 kind of thinking about because it's a pretty
12 complete contribution to the total costs coming
13 from the Ministry alone.

14 And so, in any event --

15 SUNIL MATHAI: No, that's helpful,
16 Commissioner Marrocco, and I'll definitely take
17 that back to my clients.

18 I don't want to appear to be giving
19 evidence, so to speak, during the transcript, so
20 I'll take that back and see what we can do to
21 assist on that in that regard.

22 COMMISSIONER FRANK MARROCCO (CHAIR):
23 Okay. Thanks. And thank you all again.

24 ABBY DWOSH: Thank you.

25 IFEOLU OGUNYANKIN: Thank you.

1 COMMISSIONER ANGELA COKE: Thank you.

2 COMMISSIONER FRANK MARROCCO (CHAIR):

3 Bye-bye.

4 -- PROCEEDINGS CONCLUDED AT 9:44 A.M. --

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10
11 That the testimony of the witness
12 and all objections made at the time of the
13 examination were recorded stenographically by me
14 and were thereafter transcribed;

15
16 That the foregoing is a true and
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