



**Submission to the Ministry of Long-Term Care
regarding the publication period
for long-term care inspection reports**

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Overview and summary

The Ministry of Long-Term Care has requested input on a proposed amendment to the *Fixing Long-Term Care Act, 2021*¹ (the “*FLTCA*”) that would establish a three-year online publication period for long-term care inspection-related reports. This amendment to the *FLTCA* is proposed in Bill 46, *Protect Ontario by Cutting Red Tape Act, 2025*, which has been ordered for second reading by the legislature.²

I welcome the stated purpose of this proposal, which is to establish clear rules over the publication period for inspection reports that contain critical information on the compliance of long-term care homes. Public access to inspection reports empowers individuals and families to make informed decisions on which long-term care homes are best able to care for them. These reports are also critical for tracking systemic issues within long-term care homes by oversight bodies. For example, long-term care inspection reports greatly assisted my Office with our investigation of the Ministry’s oversight of long-term care homes during the COVID-19 pandemic.³

I also commend the Ministry for working to launch a new website in the near future, with a focus on accessibility, and to provide the reports in both French and English.

However, I am concerned that the proposed three-year publication timeline will impede open access to critical information and reduce both transparency and accountability to the public.

While the Ministry of Long-Term Care has stated that reports older than three years would be maintained and provided to individuals upon request, I am concerned that this framework may be unduly onerous, and result in delays in obtaining timely information for elderly individuals, their families and concerned oversight bodies.

¹ S.O. 2021, c. 39, Sched. 1.

² Legislative Assembly of Ontario, “*Current Bills: Bill 46, Protect Ontario by Cutting Red Tape Act, 2025*”, online: <<https://www.ola.org/en/legislative-business/bills/parliament-44/session-1/bill-46#BK12>>.

³ Ombudsman of Ontario, “*Lessons for the Long Term; Investigation into the Ministry of Long-Term Care’s oversight of long-term care homes through inspection and enforcement during the COVID-19 pandemic*” (7 September 2023), online: <<https://www.ombudsman.on.ca/en/our-work/investigations/lessons-long-term>>.

I encourage the Minister to consider extending the proposed three-year online publication period to a minimum of seven years, to allow Ontarians and oversight bodies ready access to critical information that impacts the lives of vulnerable and elderly individuals. I also propose that the Ministry ensures that any process to request older, unpublished reports be accessible and widely communicated, and that the requests be fulfilled in a timely manner.

Ombudsman jurisdiction and expertise

The Ombudsman of Ontario is appointed under the *Ombudsman Act*⁴ as an independent and impartial Officer of the Ontario Legislature. The Ombudsman has the authority to review and formally investigate complaints about, among other things, the administrative conduct of more than 1,000 public sector organizations, including the Ministry of Long-Term Care. This also includes the Ministry of Long-Term Care's Inspections Branch, which ensures accountability and compliance of long-term care homes with applicable legislation and Ministry policy. The Ontario Ombudsman's expertise lies in administrative fairness and thorough investigation of individual and systemic issues.

My Office does not directly oversee several areas of the health care system, including hospitals, long-term care homes, and home and community care support services. When we receive complaints about these organizations, we provide information and referrals to help ensure individuals can address their concerns with the appropriate oversight body, such as the Patient Ombudsman. In 2024-2025, we received 33 cases about the Ministry of Long-Term Care and 57 cases about long-term care homes. Of those complaints about the Ministry of Long-Term Care, 23 were about the Long-Term Care Inspections Branch.⁵

In September 2023, my Office released *Lessons for the Long Term*, a report on our investigation into the Ministry of Long-Term Care's oversight of long-term care homes during the COVID-19 pandemic.⁶ This investigation was launched in the wake of alarming observations by Canadian Armed Forces personnel who had been sent in to support several Ontario long-term care homes that had been hard-hit during the first wave of the COVID-19 pandemic. In this report, I made 76 recommendations to the Ministry of Long-Term Care and the government, all of which have been accepted.

⁴ RSO 1990, c. O.6.

⁵ Ombudsman of Ontario, "2024-2025 Annual Report", (25 June 2025), online: <<https://www.ombudsman.on.ca/en/our-work/annual-reports/2024-2025-annual-report>>.

⁶ *Supra* note 3.

My recommendations focused on the Ministry of Long-Term Care's inspections and compliance work. I made eight recommendations about inspection reports and compliance information which generally aimed to increase accessibility and transparency around them.

The proposed three-year publication period

The Ministry of Long-Term Care inspects all long-term care homes in Ontario. As required under the *FLTCA*, the Ministry publishes a report on every inspection on its website, detailing the ways in which the home does not comply with the law.⁷ The *FLTCA* is silent on the publication period, and to date, the reports have been published online on an indefinite basis.

The Ministry proposes to amend the *FLTCA* to keep inspection reports online for three years. The Ministry provided several reasons in support of the three-year publication period in its proposal:⁸

- Some reports are over 15 years old, and do not reflect the current compliance status due to management, staffing or operational changes.
- Some reports are about homes that have since closed.
- The public may have difficulty accessing the most current information about a long-term care home because of the presence of older reports.

In support of the three-year publication period, the Ministry states that it aligns with regulatory best practices in other sectors like childcare. The Ministry confirmed that it will still retain copies of reports older than three years and make them available to the public on request.

The proposal states the Ministry will launch a new website for posting long-term care inspection reports soon, and that the reports will be in an accessible format and available in English and French.

⁷ *Supra* note 1 at subsection 180.

⁸ Ministry of Long-Term Care, “*Publication Period for Long-Term Care Inspection Reports*” (4 June 2025) online: <<https://www.regulatoryregistry.gov.on.ca/proposal/50715>>.

Ensuring transparency and accountability for long-term care residents

Longer publication periods are critical for protecting long-term care residents

There are more than 600 long-term care homes in Ontario, comprising nearly 80,000 resident beds. Many residents are incredibly vulnerable and need extensive help with their activities of daily living. Choosing an appropriate long-term care home is a critically important decision for long-term care residents and their loved ones. The inspection reports published by the Ministry provide individuals and their families with vital information to help them make the best choices for themselves.

Importantly, these reports also provide key tools for accountability, transparency and systems improvement, particularly for oversight bodies like my Office. The inspection reports produced during the height of the COVID-19 pandemic were vital in our investigation in *Lessons for the Long Term*. The Ministry's proposal would remove significant reports from the Ministry's website, like those that examined the Canadian Armed Forces' concerns about five long-term care homes in 2020. I am concerned that a three-year publication period would decrease accountability and transparency, and make it increasingly difficult for oversight bodies to review complaints from some of Ontario's most vulnerable groups.

While my Office appreciates the Ministry's efforts to conform with best practices in other regulatory sectors, we have reviewed the publication practices of other comparable jurisdictions and found that many of them exceed three years. For example, we have identified inspection reports for long-term care homes published online for at least 10 years in Alberta, approximately seven years in Manitoba, and approximately six years in Nova Scotia.

Notably, Ontario's Retirement Homes Regulatory Authority maintains inspection reports for at least eight to 10 years on its website.⁹ In the interest of transparency, accountability, and to protect the best interests of long-term care residents, I urge the Ministry to adopt a similar online publication period of at least seven years. This will allow both the public and oversight bodies to have ready access to critical information that protects the well-being of elderly and vulnerable Ontarians.

⁹ Retirement Homes Regulatory Authority, "Retirement Home Database", online: <<https://www.rhra.ca/en/retirement-home-database/>>.

Proposal 1

The Ministry of Long-Term Care should publish all inspection reports on its website for a period of at least seven years.

The process to request unpublished reports must be accessible, widely communicated, and requests fulfilled in a timely manner

My Office appreciates that publicly maintaining these reports on an indefinite basis places a significant strain on the Ministry's resources. I also commend the Ministry on its decision to retain unpublished, older reports and to provide them to the public upon request. This strikes a balance between ensuring that interested parties can obtain critical compliance information and the limited public resources to maintain all reports online.

In the interests of transparency and accountability, I suggest that any process developed by the Ministry for requesting unpublished reports:

- Be accessible and available without any barriers such as an application fee. Additionally, many long-term care residents are unable to independently access electronic devices so a process that exclusively requires an internet connection to make a request would not be accessible.
- Be widely communicated by the Ministry to ensure that long-term care residents, their loved ones and oversight bodies can avail themselves of the process when needed.
- That the reports requested be provided in a timely manner, to ensure that elderly individuals who are evaluating their long-term care home options can access the information quickly when making time-sensitive decisions.

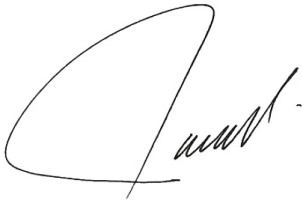
These suggested measures will increase both transparency and accountability, while serving the goal of protecting the safety and well-being of long-term care residents.

Proposal 2

The Ministry of Long-Term Care should ensure that it develops an accessible process for requesting unpublished long-term care inspection reports. This process should be widely communicated, and the Ministry should ensure that requests are fulfilled in a timely manner.

Conclusion

I am encouraged by the development of a clear regulatory framework for publishing inspection reports, and the development of a new website focused on accessibility and access to the reports in both English and French. However, I remain particularly concerned about the detrimental impact that a three-year publication period would have on transparency and accountability for vulnerable long-term care residents. My staff would be pleased to provide further information and answer questions regarding my proposal.



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