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WHERE IS THE LINE?

On July 17, 2021 under the heading “Hidden Influence” the Toronto Star published a five full page expose of how former Ford government staffers and political operatives became lobbyists for a variety of industries, including the long term care industry, and how those industries appeared to benefit from government policies (Warnica and Bailey, 2021).

Who are these lobbyists, what is their relation to the Premier and/or the Ford government, and how did the long term care industry appear to benefit from their involvement are matters of public interest explored in this editorial.

Amir Remtulia, former Chief of Staff to Rob Ford in 2012, and employer of Amin Massoudi, Doug Ford’s Principal Secretary in 2017/18 registered to lobby for Revera (Warnica, 2021). Revera had the fourth highest death rate per 100 beds in 2020 (Mancini et al, 2020), yet it received redevelopment money for Elmwood Place near London, with hints of more to come (Revera Inc., 2021).

Melissa Lantsman, newly elected P.C. MP for Thornhill was Doug Ford’s war room director for the PC campaign in 2018, and Director of Communications for Health Minister, Christine Elliott’s 2018 leadership run (Warnica, 2021). She registered to lobby for Extendicare in July 2021. Extendicare has not had a good track record throughout the pandemic with two medical officers of health intervening to have hospitals take over facilities it owned or managed in Ottawa and Durham Region. In Durham Region, Orchard Villa, managed by Extendicare, which had the highest death rate in the first wave and was the subject of a damning military report, got the green light to expand (Nuttall, 2020). Extendicare did well in the bed and redevelopment sweepstakes funded by the Ontario government. It was allocated 96 new spaces for a 160 bed facility in Lindsay, 192 upgraded spaces in Ottawa, and 68 new and 60 upgraded spaces to create a 128 bed facility in Port Stanley (Ontario government, 2021). The company was also funded for a new 192 bed institution in Kingston adding an additional 42 beds (Crosier, 2021).

Carly Luis, Health Minister Christine Elliott’s current Director of Communications is a lobbyist for ARCH Capital Corporation, Chartwell, and the Ontario Long Term Care Association – the provincial lobby group for the primarily for-profit long term care sector. After Luis left to join Christine Elliott’s office, ARCH replaced her with **Kailey Vokes**, Doug Ford’s former director of policy for major projects (Warnica, 2021). Chartwell had the fifth highest death rate in 2020 (Mancini et al, 2020). In spite of this, Chartwell did well in the beds and upgrades lottery – its Aurora facility got 128

upgraded spaces to complete a 192 bed facility; 54 new and 202 upgraded spaces for a 256 bed facility in North York – Chartwell Gibson; it got 213 new and 43 upgraded spaces for a 256 bed facility in Markham; and 200 new and 56 upgraded spaces for a 256 bed facility in Etobicoke – White Eagle (Government of Ontario, 2021).

Some of ARCH Capital’s facilities are managed by UniversalCare Canada Inc., a company that has itself had a questionable track record (Wallace, 2020), yet ARCH Long Term Care Home in Prescott was awarded 68 new and 60 upgraded spaces in order to build a 128 bed facility. It also received funding for 39 new and 121 upgraded spaces to create a 160 bed facility in Perth (Government of Ontario, 2021).

Michael Diamond, Director of Operations for Rob Ford’s mayoral campaign, and campaign manager for Doug Ford’s PC Leadership campaign in 2018, as well as campaign director for the 2018 general election lobbies for Mon Sheong Foundation and Bayshore Health. 27 people died at Mon Sheong during the early stage of the pandemic (Herhalt & Aguilar, 2020). Nevertheless, Mon Sheong also did well with the Ontario government’s bed and redevelopment funding. Its Richmond Hill facility was allocated 288 new spaces, and its Scarborough facility was awarded 320 new spaces (Ontario government, 2021).

Patrick Lavelle-Tuns, Ford’s former deputy campaign manager for his 2018 leadership run lobbied for Caressant Care (Warnica, 2021). “At Caressant Care Listowel Nursing Home west of Toronto, where an outbreak infected nearly every resident of the home in January, an inspector found 12 major infection control violations during the outbreak.” (Mancini et al, 2021). Caressant Care’s Cambridge Country Manor has been awarded 33 new spaces and additional renovations resulting in a 128-bed institution (Caressant Care Nursing and Retirement Homes Ltd., 2021; Government of Ontario, 2021).

Alanna Clark, formerly from Caroline Mulroney’s office, **Rob Leone**, a former PC MPP, and **Stella Ambler**, running for a PC nomination in the election were all lobbyists for Southbridge. Southbridge facilities had the highest death rates in Ontario in 2020 (Mancini et al, 2020). Nevertheless it also did exceedingly well in the bed and redevelopment funding sweepstakes courtesy of the Ontario government, being allocated 73 new and 87 upgraded spaces at its Chelsey Park London facility; 69 new and 91 upgraded spaces to construct a 160 bed facility in Goderich, and 96 new spaces plus 53 previously allocated beds and 75 eligible redeveloped beds for a new 224 bed facility in Port Perry (Ontario government, 2021).

Downsview Long-Term Care Centre, also the subject of the damning military report and where 52 residents died (DeClerq, 2020) was allocated 252 upgraded spaces in order to construct a new building in North York (Government of Ontario, 2021).

Former staffers in the Ford government, **Carly Luis** and **Andrew Brander** lobbied for the Ontario Long Term Care Association - the provincial lobby group for the industry (Warnica, 2021).

The long term care industry, in general, benefited from several actions taken by the Ontario government.

- The Ministry of Long Term Care funded all facilities at full capacity regardless of how many residents they had during the pandemic – with two extensions until September 1, 2021 (Warnica, 2021). At least some of those funded beds were empty because residents had died;
- The Ministry of Long Term Care compensated facilities that could no longer admit residents to 4 bed wards to the tune of \$40 million, which increased to \$128 million by January, 2021 (Warnica, 2021).
- The government introduced Bill 218 - the Supporting Ontario's Recovery Act, that retroactively indemnified long term care homes against claims arising from negligence lawsuits by families of dead residents – raising the bar to gross negligence;
- Ontario announced “the allocation of 11,707 new or upgraded long term care beds, including new and redeveloped homes for ARCH, Omni, Extendicare, and Southbridge” (Warnica & Bailey, 2021).
- There was a notable lack of investigation of even the most serious concerns raised in the military report, inspection reports, and by families of the dead and to date no charges have been reported.

Extendicare and Southbridge

In 2013 Extendicare was subject to an investigation and prosecution by the U.S. Department of Justice under the False Claims Act for billing Medicare and Medicaid for failing to meet federal and state standards, materially substandard nursing, and failing to provide enough skilled nurses for patients. “...the care provided at these 33 facilities was so poor that many residents became dehydrated, malnourished, and suffered infections. This led to unnecessary hospitalizations, head injuries, and a considerable decrease in quality of life (Pintas & Mullins, 2020).

In October of 2014 Extendicare was forced to pay \$38,000,000 to the U.S. government and 8 states as well as enter a chain-wide 5 year corporate integrity agreement with the Department of Health and Human Services in order to settle the matter – the “largest failure of care settlement in the U.S. Justice Department’s history” (Pintas & Mullins, 2020).

Shortly thereafter, in November of 2014 Extendicare sold its American portfolio of facilities for \$870,000,000 in order to grow its business in Canada” (Will Davidson, 2020).

Not long after, Southbridge Healthcare Inc. hired Extendicare to manage Orchard Villa where 71 residents died during the first wave of the pandemic. “A few months later the defendant Southbridge Healthcare Inc. announced that they had hired Extendicare who

they described as a recognized leader in quality clinically based services to work at Orchard Villa... From 2015 onwards, residents and family members of residents at Orchard Villa noticed a significant decline in the level of services. Orchard Villa was investigated by the Ministry of Long Term Care on nineteen occasions from 2017 to 2019 in response to specific complaints concerning serious deficiencies in the level of care at Orchard Villa. The Ministry spent over 43 days at Orchard Villa investigating the complaints. The Ministry issued 65 written warnings, 32 voluntary plans of correction, 13 compliance orders and referred 3 matters to the Director.” (Will Davidson, 2020).

It is notable that the military report about Orchard Villa detailed:

- Cockroaches and flies
- Rotten food smells
- Inappropriate PPE use
- Patients left in soiled diapers
- Mouth care, hydration and proper positioning for intake of food and fluids not done resulting in choking and aspiration hazards
- Unsafe medication errors
- Residents not treated with dignity
- Multiple falls and suboptimal treatment of pain

Problems with staffing and poor infection prevention and control and numerous other problems were prevalent (Canadian Military Report, <https://www.macleans.ca/wp-content/uploads/2020/05/JTFC-Observations-in-LTCF-in-ON.pdf>) Nevertheless, the Ford government gave Orchard Villa the green light to expand (Nuttall, 2020).

New Orchard Lodge Limited, a Subsidiary Of Extendicare (Canada) Inc. owned Tendercare, where as of January, 2021, 73 residents had died in the second wave (Yuen, 2021).

Both Orchard Villa and Tendercare had to be managed by hospitals in order to bring their COVID outbreaks under control and Orchard Villa was also the subject of a horrific military report. In spite of this horrendous record, the Ford government allocated funding for 254 upgraded spaces for Tendercare and gave the green light for expansion at Orchard Villa as well (Government of Ontario, 2021).

Two Medical Officers of Health – one in Durham Region (takeover of Orchard Villa) and one in Ottawa (takeover of West End Villa - New Orchard Lodge Limited (a Subsidiary Of Extendicare (Canada) Inc) and Laurier Manor (also New Orchard Lodge Limited (a Subsidiary Of Extendicare (Canada) Inc) ordered the takeover of these Extendicare facilities during the pandemic to ensure the safety of their residents (Durham Region, 2020; Payne, 2020). Laurier Manor and West End Villa both remain under the management of the Ottawa Hospital.

Here is what Premier Ford had to say about that:

“We have an outbreak in Ottawa right now at West End [Villa]. We've sent in the hospital to take over the long-term care, but the ownership of these long-term care companies, they have to take responsibility. And I'm calling out Extendicare. They have to take responsibility,” said Premier Doug Ford during a visit to Ottawa on Friday. “They're a good company, but we want to make sure that the front-line healthcare workers are protected, until they can protect the patients,” he said.” (Johnstone, 2020).

There has been no publicly reported investigation of Extendicare or Extendicare managed facilities requested of the OPP by the Attorney General of Ontario. This raises the question – why has Ontario’s Attorney General not taken the step of having an investigation launched of the serious allegations in the military report, even though families have called for a criminal investigation? (Rocca, 2020)

Southbridge and Extendicare are the subjects of class action lawsuits as are other large long term care corporations (Turner, 2021, Perkel, 2021). Ford promised he would not support bad actors in this industry, and said he would hold them accountable (Shinuda, 2020). Instead both Southbridge and Extendicare have been awarded more beds and redevelopment funding (Callis, 2020). And the Ford government, through Bill 218, has also raised the bar to proof of “gross negligence” for families seeking to sue these corporations.

The Toronto Star had this to say about how the long term care industry benefited from the Ford government’s largesse:

“then there was the long-term-care industry. Despite being the epicentre of the COVID pandemic in Ontario, for-profit nursing homes, from a business point of view, did incredibly well over the past 15 months. The Ford government indemnified them against liability from lawsuits, paid them out at full capacity no matter how many residents they had, and even offered them subsidies for other lost revenues. In fact, many of the investment-backed, corporate players in the nursing home industry will emerge from COVID-19 in better shape than they entered it, thanks in large part to the province’s aggressive and generous plan to refurbish old homes and build new ones.” (Warnica & Bailey, 2021).

The Ford government appears to believe that there is nothing wrong in long term care that they can’t build or redevelop their way out of in spite of what was in the military report and in reports by its own inspectors. Do they truly believe that medication errors, falls, residents left in soiled diapers, not treated for pain, or not given food or water can be addressed by new or renovated buildings? Can they really be that naïve, or is there another agenda at play here?

Ontario taxpayers might well ask “what is wrong with this picture”?

Lobbyists with close ties to the Ford government acting for long term care companies with deplorable track records?

Long term care companies benefitting financially from Ford government largesse irrespective of their performance?

The Ford government raising the legal bar for families attempting to sue these corporations and facilities for negligence?

Full funding approved for empty beds where residents died?

Bed expansions and redevelopment money for companies where hundreds died?

No fines, no licenses revoked, no investigations of why some companies' track records were so bad?

An absence of coroners' investigations and reports?

The public is more than justified in asking "where is the line?" when it comes to these companies and their lobbyists. And where is that promised "iron ring"? Does it only apply to long term care companies, but not the residents and their families?

The public is also more than justified in questioning why police forces are not investigating conditions detailed in the military report that would be considered criminal if people had died the same way while in the care of family members.

Something is seriously amiss in Ontario when it comes to long term care. But who will investigate and hold this government and the long term care sector accountable?

No one it would appear. Apparently no line is being drawn to protect residents of these facilities and Ontario taxpayers. It will be up to taxpayers to hold this government accountable for its lack of action.

REFERENCES

Callis, K. (December 3, 2020). Province approves expansion of Pickering's Orchard Villa. <https://www.durhamregion.com/news-story/10278574-province-approves-expansion-of-pickering-s-orchard-villa/>

Caressant Care Nursing and Retirement Homes Ltd. (2021). Long term care homes. <https://caressantcare.com/long-term-care-homes>

Crosier, S. (July 27, 2021). New long term care home to create 42 new beds, 200 jobs. <https://www.thewhig.com/news/local-news/new-retirement-home-to-create-42-new-beds-200-jobs>

DeClerq, k. (May 22, 2020). 52 residents of Downsview long term care home have now died of COVID-19. <https://www.cp24.com/news/52-residents-at-downsview-long-term-care-home-have-now-died-of-covid-19-1.4951245?cache=%3FclipId%3D89619>

Durham Region. (April 22, 2020). Durham Region Medical Officer of Health issues an order to Orchard Villa and to Lakeridge Health to address COVID-19 outbreak. <https://www.durham.ca/en/news/durham-region-medical-officer-of-health-issues-an-order-to-orchard-villa-and-to-lakeridge-health-to-.aspx>

Government of Ontario. (March 18, 2021). Ontario adding and upgrading long term care spaces across the province. <https://news.ontario.ca/en/backgrounder/60794/ontario-adding-and-upgrading-long-term-care-spaces-across-the-province>

Herhalt, C., Aguilar, B., (April 25, 2020). COVID-19 death toll at downtown care home rises to 27. <https://toronto.ctvnews.ca/covid-19-death-toll-at-downtown-care-home-rises-to-27-1.4911656>

Mancini, M., Pedersen, K., Common, D. (December 18, 2020). Three nursing home chains have the highest COVID-19 death rates in Ontario, data analysis finds. <https://www.cbc.ca/news/canada/nursing-homes-covid-19-death-rates-ontario-1.5846080>

Mancini, M., Common, D., Pedersen, K., Wolfe-Wylie, W., (March 3, 2021). In face of deadly pandemic Ontario long term care homes continue breaking COVID-19 safety rules. <https://www.cbc.ca/news/health/covid-long-term-care-ontario-violations-1.5933549>

Nuttall, J. (November 23, 2020). Pickering care home slammed by military report given green light to expand by province. <https://www.thestar.com/news/canada/2020/11/23/pickering-care-home-slammed-in-military-report-given-green-light-to-expand-by-province.html>

Payne, E. (September 22, 2020). Public Health orders hospital to take over management of long term care homes. <https://ottawacitizen.com/news/local-news/public-health-orders-hospital-to-take-over-management-of-long-term-care-homes>

Perkel, C. (January 13, 2021). Coronavirus: Extendicare now hit with \$200 million class action lawsuit over long term care deaths. <https://globalnews.ca/news/7574140/coronavirus-extendicare-proposed-class-action-lawsuit/>

Pintas & Mullins. (September 11, 2020). Extendicare pays \$38 million for poor care. <https://www.pintas.com/blog/extendicare-pays-38-million-for-poor-care/>

Rocca, R. (May 19, 2020). Coronavirus: Families allege neglect at Pickering, Ont. care home where 70 died, call for police investigation.

<https://globalnews.ca/news/6960274/coronavirus-orchard-villa-families-letter/>

Shinuda, J. (June 17, 2020). Long term care homes will be held accountable for resident deaths: Ford. <https://quickbitenews.com/article/hamilton/long-term-care-homes-will-be-held-accountable-for-resident-deaths-ford/>

Turner, L. (February 22, 2021). Lawsuit filed against Southbridge Care Homes by residents, families of Roseview Home in Thunder Bay, Ont.

<https://www.cbc.ca/news/canada/thunder-bay/southbridge-roseview-lawsuit-1.5920903>

Wallace, K. (December 17, 2020). Company chosen by Ontario to manage long-term-care home with 27 COVID deaths also runs facilities cited for multiple rule violations. <https://www.thestar.com/news/gta/2020/12/17/company-chosen-by-ontario-to-manage-long-term-care-home-with-27-covid-deaths-also-runs-facilities-cited-for-multiple-rule-violations.html>

Warnica, R. (July 15, 2021). ‘Devastating to watch’: Private long-term care homes have seen some of Ontario’s worst death rates – but Doug Ford’s new funding set them up for decades of profits. <https://www.thestar.com/business/2021/07/15/they-were-the-epicentre-of-the-covid-19-pandemic-so-how-did-ontarios-for-profit-long-term-care-homes-manage-to-secure-so-many-of-their-business-goals.html>

Warnica, R., Bailey, A. (July 15, 2021). Several of Doug Ford’s key pandemic decisions were swayed by business interests, Star analysis suggests.

<https://www.thestar.com/business/2021/07/15/several-of-doug-fords-key-pandemic-decisions-were-swayed-by-business-interests-star-analysis-suggests.html>

Warnica, R., Bailey, A. (July 17, 2021). How big business got its way during the pandemic.

<https://www.pressreader.com/canada/toronto-star/20210717/281487869362766>

Will Davidson. (2020). Statement regarding our ongoing investigation into Orchard Villa retirement residence. <https://www.willdavidson.ca/statement-regarding-our-ongoing-investigation-into-orchard-villa-retirement-residence/>