

April 21<sup>st</sup>, 2016

Michael Marchbank  
President & CEO, Fraser Health Authority  
[michael.marchbank@fraserhealth.ca](mailto:michael.marchbank@fraserhealth.ca)

VIA EMAIL

Dear Mr. Marchbank,

We are writing to you seeking clarification regarding the contractual and legal obligations of our members in relation to a proposed quality improvement survey being planned by the *Office of the Seniors Advocate*. As is currently stands, there remains significant concern and confusion among care home operators regarding this survey – as a result, we are urgently requesting some clarity from the Fraser Health Authority regarding the items we have listed below.

The BCCPA has a long history of serving as a strong voice not only for care providers, but also for the countless seniors and family members served by those providers. Our individual members make a commitment every day toward delivering top quality seniors care in the province. It's a focus on excellence that spans over many decades and which continues to guide our activities as we respond to the ever-growing needs of an aging population.

While we fully agree with the concept of surveying residents and their loved ones to determine overall satisfaction with the care they receive and to further improve quality of service – it is important this quality improvement survey be conducted in a manner consistent with best practices.

As you are aware, the BCCPA has actively encouraged Health Authorities to undertake similar types of quality improvement surveys - as it clearly falls within their mandate and it provides seniors and care providers with valuable information.

It is for this reason that voicing our concerns and requesting more clarity should not be construed or positioned as general opposition to conducting quality improvement surveys – rather, we are speaking to the specific nature of the OSA proposed survey and the manner in which it is being conducted.

**Process of Conducting Satisfaction Surveys**

An established process was already in place to survey residential care homes through the *BC Patient Reported Experience Measures Steering Committee* (PREMS). The PREMS committee already has significant understanding and experience with survey research and a well-established framework for developing and implementing measurement strategies for province-wide, coordinated, sector-based surveys that provide feedback about the experience and satisfaction with the quality of care and services from the perspective of patients and residents. Despite lacking this experience and expertise, the OSA has determined that it should choose, revise, plan for and administer a quality improvement survey that for all intents and purposes will be reported to the public as “research”.

Our assumption was the OSA was created in order to be an independent arm of government. We were under the impression that it would not focus on individual cases nor duplicate work that falls under the direct responsibility of the various Health Authorities.

There was a general understanding the OSA would be acting in a consultative role that was similar to the *Children and Families Advocate* or the *BC's Ombudsperson*.

In the case of those advocates, their role has primarily been to identify systemic gaps in service, make recommendations to the respective public bodies responsible for service delivery, then hold them accountable to rectify the problem.

In the case of the satisfaction survey, the OSA has gone beyond simply identifying a systemic gap in service. Instead, it has chosen to directly step in and become an operational arm of government. A simpler and more effective alternative would have been for the OSA to recommend the Fraser Health Authority strengthen its quality improvement survey mechanisms – which you are currently mandated and funded to undertake.

### **Critical Issues Pertaining to Satisfaction Survey**

Speaking directly to the actual survey itself, there are number of critical outstanding issues that must be addressed before we believe our members should participate in the survey.

This is of particular importance given our recent experience with the OSA *Residential Care Quick Facts Directory* which was fast-tracked and placed into the public domain – notwithstanding the fact we advised the OSA it contained out of context data, poorly chosen and explained indicators, and a number of factual errors. While it had the potential to serve a useful purpose, it has had the unintended consequence of unnecessarily creating confusion and instilling fear and anxiety amongst many seniors, their family members and care givers.

Can you please provide the BCCPA with answers and/or your perspective regarding the following items?

1. **Consent** – The OSA indicates that verbal consent from a resident is all that is required. Does this constitute informed consent? If so, has this been confirmed in writing by Fraser Health Authority's legal counsel? How will this be handled for those residents deemed incapable of providing consent? Do providers need to obtain consent from family members before we provide their contact information to the OSA?
2. **Research or Quality Improvement Survey** – This initiative is being positioned as a quality improvement survey which requires much less rigor and standards than peer-reviewed research. There is a long-standing practice that quality improvement survey results are not shared with the public – but rather, they are provided directly to care operators in order to be used to improve the quality of care. This process has been used in order to prevent quality improvement survey results from being misconstrued as research – something we know will unfairly impact how the public perceives one particular care home vs another. Is the Fraser Health Authority aware that the information being gathered is being done so under the premise of a quality improvement survey – but that the information will be publicly released on a site by site basis which runs the risk it may be interpreted by the public as “research”?

3. **Ethics** – The OSA indicates it is prepared to bypass the typical ethics review due to the fact their initiative has been deemed as a quality improvement survey and not research. This is highly unusual in our sector. Considering the vulnerable nature of the population being surveyed, this does not seem advisable. Has the Fraser Health Authority expressed any concerns regarding this to the OSA?
4. **Human Resources** – Given the scope of work involved of operators to support volunteers who will conduct interviews and the fact there are no identified resources from the OSA to support it, our members may be faced with the decision of either redirecting resources from the bedside – or hiring additional personnel at a significant cost to prevent reducing services elsewhere to ensure they meet their obligations as prescribed in the *Office of the Seniors Advocate Act*. Can the Fraser Health Authority confirm that our members will be permitted to use funded care hours to assist the OSA in conducting the quality improvement survey? If not, will additional funds be made available to care home operators that do not have the operational capacity to undertake this activity? Given we anticipate significantly more requests of this nature from the OSA over the coming months, have you accounted for this increased activity and cost item in your annual funding lifts to care providers?
5. **Resident Interviews** – The OSA staff indicate volunteers will be conducting interviews lasting up to 90 minutes. This will most certainly be an onerous task for many of our frail elderly residents. Has Fraser Health Authority expressed its concern to the OSA regarding the possible impact to our resident population?
6. **Volunteer Training** – The quality improvement survey proposes to use 1,500 volunteers who are provided with a cursory amount of training, in particular as it relates to Dementia. In light of this, it will be impossible for the OSA to assure seniors there was anything near province-wide consistency of information gathering. Does the REL have authority under current legislation to receive confidential and sensitive information about individual residents?
7. **Service Alerts** – There is no published definition for “service alerts” as referenced in the material distributed to care providers. If a “service alert” has anything to do with resident safety/health status/incidents, it must be immediately reported to the operator, not one of the OSA’s Regional Engagement Leads (REL) – as is currently proposed. Has the Fraser Health Authority expressed any concern over this process to the OSA?
8. **Privacy:** Can the Fraser Health Authority confirm that our members will not be in contravention of provincial privacy legislation by releasing confidential family/frequent visitor contact information to a third party vendor for the proposed mail-out survey?
9. **Consultation with Stakeholders** – Representatives from the BCCPA were invited to participate in the *OSA Volunteer Management Work Session* on Jan 7<sup>th</sup>, 2016. Many of the items listed above did not form part of the OSA’s consultation nor the prior meetings with the broader consulting group in 2015.

Care providers fall under the jurisdiction of numerous regulatory bodies in British Columbia. It is our duty to ensure that by providing information to one agency, we have not inadvertently broken our commitments or legal obligations to another.

We urgently require information and clarity from the Fraser Health Authority regarding the matters outlined in this letter in order to ensure we are addressing all of our regulatory requirements, legal responsibilities and risks as well as meeting basic ethical standards. Most importantly, we must ensure seniors and the public in general that we are compliant with the *BC Residents Bill of Rights*.

Noting the accelerated timeline for this project with the anticipated completion date of September 2016, it would be important for us to receive a response as soon as possible in order that we can support the OSA's overall efforts to conduct this quality improvement survey.

In the interim, we will be providing a copy of this letter to our members so that they are aware that participation in the survey may contravene other legislative requirements regarding privacy, ethics and rights of residents.

Please feel free to contact me directly should you have any questions and/or concerns. I look forward to meeting with you and your staff to discuss further at your earliest convenience.

Sincerely,



Daniel Fontaine  
CEO, BCCPA

cc. Stephen Brown, Deputy Minister of Health  
Dr. Darryl Plecas, Parliamentary Secretary to the Minister of Health