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June 17, 2019

Eric Beaulieu
Deputy Minister, Social Development
Sartain MacDonald Building
Room# 4008 Floor:4
P.O. Box 6000
Fredericton, NB E3B 5H1

RE: Recommendations to government pursuant to section 13(1)(f) and 23(1) of the *Child, Youth and Senior Advocate Act*

Dear Mr. Beaulieu:

As you are aware, a request for advocacy to my office regarding temperature control in special care homes and nursing homes led to a review.

The review explored the facts that:

- Currently temperature controls are protected by regulation for nursing homes but only by practice standards for special care homes;
- The levels of temperature controls are different for nursing homes and special care homes;
- The minimum and maximum levels of temperature for each type of residence are unclear
 - o For special care homes the standards speak of "the range of" 21 degrees between 07:00 am and 11:00 pm and "the range of" 18 degrees during the remaining hours of each day. 21 degrees is not a "range" and neither is 18 degrees, so this ambiguity leaves great discretion for the operators for maximum and minimum temperatures.
 - o For nursing homes, the requirement is "a heating system capable of maintaining a consistent 23 Celsius temperature" and that "the temperature in the nursing home shall be maintained at a level consistent with the comfort of the residents." This speaks only of a "heating system" and not a cooling system. Furthermore, it requires only that the system "is capable" of maintaining a consistent 23 degrees – it is not prescribed that this temperature is in fact maintained; the actual directive as to temperature is that it must be maintained "at a level consistent with the comfort of the residents". This requirement also lacks specificity.

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The Standards and Procedures for Adult Residential Facilities state:

4.8 Heating

Operators must maintain all rooms at a temperature in the range of

- 21 degrees Celsius (70 degrees Fahrenheit) between 07:00 am and 11:00 pm, except for special requests by residents.
- 18 degrees Celsius (64 degrees Fahrenheit) during the remaining hours of each day, except for special requests by residents.

As well, operators must

- not use portable heating units
- have exterior doors and windows that fit and have tightly sealed frames to prevent drafts
- keep the relative humidity a minimum of forty percent (40%) and a maximum of sixty percent (60%)

New Brunswick Regulation 85-187, s. 28, under the *Nursing Homes Act* states:

28. Every nursing home shall have a heating system capable of maintaining a consistent 23 Celsius temperature throughout the nursing home and the temperature in the nursing home shall be maintained at a level consistent with the comfort of the residents therein.

The concerns we shared with the Department representatives for special care homes and nursing homes were met with an openness on their part to improve protections for residents pertaining to room temperature.

Since health risks increase for vulnerable people during heat wave periods, our office makes the following recommendations:

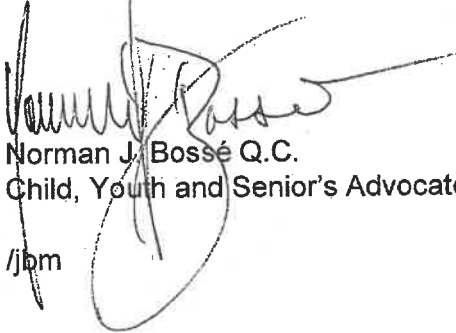
1. That the Department create specific and equal protections for temperature control for nursing homes and adult residential facilities, in regulations or in legislation.
2. That the Department implement a policy and regulation that mandates a centralized heating and cooling system that meets the minimum and maximum temperature requirements, before licensing all new operators of special care homes and nursing homes.
3. That the Department implement a policy and regulation requiring air-conditioned rooms that are easily accessible and functional for all residents of nursing homes and special care homes when it is not possible to install a centralized cooling system in the current facilities.

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4. That the Department implement a policy which would address the health risks vulnerable individuals are exposed to during heat waves and the steps to follow for operators of special care homes and nursing homes to ensure safety of their residents.
5. That the Department implement a regulation requiring the collection and mandatory public reporting of the number of heat-related hospitalization and deaths of residents of special care homes and nursing homes.

Pursuant to section 23 of the *Child, Youth and Senior Advocate Act* I request a written response to these recommendations within three (3) weeks of the date of this letter, and a suggested timeline as to how and when any accepted recommendations may be put into effect.

Yours very truly,



Norman J. Bossé Q.C.
Child, Youth and Senior's Advocate

/jbm