

Ministry of Long-Term Care

# Amendments to Section 80 of Ontario Regulation 246/22

As of January 1, 2025 new and amended provisions in [Ontario Regulation 246/22](#) (the "Regulation") under the [Fixing Long-Term Care Act, 2021](#) (the "Act") will come into effect.

## Background and Purpose

["A better place to live, a better place to work: Ontario's long-term care staffing plan"](#) was released in December 2020 and sets out the strategic priorities for staffing in the long-term care sector. The Ministry of Long-Term Care (the ministry) continues to advance this work and make changes that enhance the quality of care and life for residents in long-term care, support appropriate staffing flexibility, and address emerging priorities related to staffing.

Following consultations with sector stakeholders and the public, the ministry proposed regulatory amendments to the staffing qualifications for registered dietitians working in Long-Term Care (LTC). These regulations have passed and are to come into effect.

This document provides a summary of the amendments.

*This document is for informational purposes only. Licensees are responsible for ensuring compliance with the requirements of the Fixing Long-Term Care Act, 2021 and its Regulation. In the event of a conflict or inconsistency between this document and the Act or Regulation, the Act or Regulation will prevail. **This document does not constitute legal advice or interpretation. Users should consult legal counsel for all purposes of legal advice and interpretation.***

**In effect January 1, 2025:**

## Amendments to On-Site Requirements for Registered Dietitians

Registered Dietitians (RDs), section 80 of the Regulation

### *Current Requirements:*

- Section 80 of the Regulation outlines requirements for licensees with respect to RDs.
- Based on this section, every licensee of a long-term care home must ensure there is at least one RD who is a staff member of the home who is on site at the home for a minimum of 30 minutes per resident per month to carry out clinical and nutritional care duties.

### *Amendments to the Current Requirements:*

- Section 80 has been amended to add that every licensee must have a back-up plan in place to address situations when the staff RD is not able to be on-site in accordance with the on-site requirement. The back-up plan must, at a minimum, identify actions and strategies the licensee will take to comply with the on-site requirement.
- Further, there is a new exception to the on-site requirement of the RD if, (a) the licensee's back-up plan fails to ensure compliance with the on-site requirement; b) the staff RD provides the clinical and nutritional care by telephone or by means of video conferencing; and (c) if the licensee determines that it is necessary, a member of a regulated health profession working within their scope of practice is on-site to collaborate with the RD when the RD is providing the care by telephone/video-conferencing.
- If a licensee is relying on the exception, they are required to keep a written record of the actions and strategies they took with their back-up plan to comply with the on-site requirement and the reasons the licensee decided to have, or not to have, a member of the regulated health profession on-site to collaborate with the RD.

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**Questions?**

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### *Rationale for Amendment:*

- The ministry has heard through consultations with its key stakeholders that some homes are struggling to meet the registered dietitian on-site requirement (e.g. the minimum time required), especially in rural, remote, and northern communities, and enabling hybrid and virtual care would help address some of the broader health human resource challenges.
- This amendment is aligned with standards for care and flexibility provided in other jurisdictions, allowing a balance in enabling greater flexibility for homes that struggle to meet onsite requirements while upholding clinical and resident quality of care standards.
- This amendment is also supported by existing standards of practice developed by the College of Dietitians of Ontario (CDO). The CDO is the regulatory body for setting and enforcing standards in the public interest for entry to practice, continuing competence, and conduct and ethics for more than 4,500 RDs across Ontario.
- In accordance with the *Regulated Health Professions Act, 1991*, the CDO developed standards of practice that promote the ability of registrants to respond to changes in practice environments, advances in technology and other emerging issues.
- In March 2023, the CDO approved [Virtual Care Standards and Guidances for Dietitians in Ontario](#), which sets out the performance expectations for RDs when using virtual care. The standards work together with relevant legislation and other standards and guidelines, including the [Code of Ethics for Dietitians \(March 2024\)](#).
- The CDO has also developed [Collaborative Care Professional Practice Guidances for RDs \(December 2018\)](#), which can support RDs in collaborating with interprofessional teams in determining which duties should be performed onsite by a regulated health professional working within their scope of practice.

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