



**Inspection Report  
under the Long-Term  
Care Homes Act, 2007**

**Rapport d'inspection  
prévue le Loi de 2007  
les foyers de soins de  
longue durée**

**Ministry of Health and Long-Term Care**  
Health System Accountability and Performance Division  
Performance Improvement and Compliance Branch

Ottawa Service Area Office  
347 Preston St., 4<sup>th</sup> Floor  
Ottawa ON K1S 3J4

Bureau régional de services d'Ottawa  
347, rue Preston, 4<sup>ième</sup> étage  
Ottawa ON K1S 3J4

**Ministère de la Santé et des Soins de  
longue durée**

Division de la responsabilisation et de la performance du  
système de santé  
Direction de l'amélioration de la performance et de la  
conformité

Telephone: 613-569-5602  
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<input type="checkbox"/> Licensee Copy/Copie du Titulaire	<input checked="" type="checkbox"/> Public Copy/Copie Public
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<b>Date(s) of inspection/Date de l'inspection</b> August 28, 30, 2012	<b>Inspection No/ d'inspection</b> 2012_035124_0024	<b>Type of Inspection/Genre d'inspection</b> Follow up
<b>Licensee/Titulaire</b> OMNI HEALTH CARE LIMITED PARTNERSHIP 1840 LANSDOWNE STREET WEST, UNIT 12, PETERBOROUGH, ON, K9K-2M9		
<b>Long-Term Care Home/Foyer de soins de longue durée</b> BURNBRAE GARDENS LONG TERM CARE RESIDENCE 320 BURNBRAE ROAD EAST, P.O. BOX 1090, CAMPBELLFORD, ON, K0L-1L0		
<b>Name of Inspector(s)/Nom de l'inspecteur(s)</b> Lynda Hamilton (124)		

**Inspection Summary/Sommaire d'inspection**

The purpose of this inspection was to conduct a follow up inspection.

During the course of the inspection, the inspector spoke with the Administrator, Director of Care and the Clinical Care Coordinator.

During the course of the inspection, the inspector reviewed the registered staffing schedules for July, August and September 2012.

The following Inspection Protocols were used during this inspection:  
Sufficient Staffing

Findings of Non-Compliance were found during this inspection. The following action was taken:

WN  
DR



**NON- COMPLIANCE / (Non-respectés)**

**Definitions/Définitions**

**WN** – Written Notifications/Avis écrit  
**VPC** – Voluntary Plan of Correction/Plan de redressement volontaire  
**DR** – Director Referral/Régisseur envoyé  
**CO** – Compliance Order/Ordres de conformité  
**WAO** – Work and Activity Order/Ordres: travaux et activités

The following constitutes written notification of non-compliance under paragraph 1 of section 152 of the LTCHA.

Non-compliance with requirements under the *Long-Term Care Homes Act, 2007* (LTCHA) was found. (A requirement under the LTCHA includes the requirements contained in the items listed in the definition of "requirement under this Act" in subsection 2(1) of the LTCHA.)

Le suivant constituer un avis d'écrit de l'exigence prévue le paragraphe 1 de section 152 de les foyers de soins de longue durée.

Non-respect avec les exigences sur le *Loi de 2007 les foyers de soins de longue durée* à trouvé. (Une exigence dans le loi comprend les exigences contenues dans les points énumérés dans la définition de "exigence prévue par la présente loi" au paragraphe 2(1) de la loi.

**WN #1:** The licensee failed to comply with s.8. (3) of the LTCHA 2007 in that there was not a registered nurse (RN) on duty and present in the home at all times.

**Findings:**

Burnbrae Gardens Long Term Care Residence is a 43 bed long term care home. The home was noted to be non-compliant with 24/7 Registered Nurse coverage during the Service Area Office Initiated Inspection in November 2011. A compliance order was served with a compliance date of December 8, 2011. On the follow up inspection in January 2012, the home continued to be non-compliant with 24/7 Registered Nurse coverage; a second compliance order was served with the compliance date of June 30, 2012.

During the follow up inspection of August 28, 2012, the inspector and the Administrator reviewed the registered staff schedule for the months of July, August and September 2012 and identified that there was not a RN on duty and present in the home at all times.

The Administrator confirmed that there was no RN on duty and present in the home:

- for sixteen eight-hour shifts from July 1-31, 2012
- for thirty-four eight-hour shifts from August 1-28, 2012 and
- for eighteen eight-hour shifts scheduled from August 29-September 12, 2012.
- The shifts not being covered are not a result of an emergency situation. Therefore, the exception to the requirement, Ontario Regulations 79/10 s. 45 (1) (2) is not applicable.

The home has advertised in local newspapers, on the OMNI Corporate website and on the Human Resources Development Canada website.

**Inspector ID #:** 124

**Additional Required Actions:**

**DR** – The above written notification is also being referred to the Director for further action by the Director.

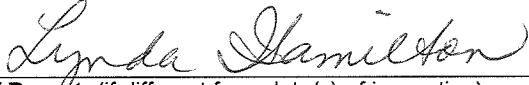


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<b>Signature of Licensee or Representative of Licensee</b> <b>Signature du Titulaire du représentant désigné</b>		<b>Signature of Health System Accountability and Performance Division</b> <b>representative/Signature du (de la) représentant(e) de la Division de la</b> <b>responsabilisation et de la performance du système de santé.</b>	
Lynda Hamilton, LTCH Inspector-Nursing			
<b>Title:</b>	<b>Date:</b>	<b>Date of Report:</b> (if different from date(s) of inspection).	



## Order(s) of the Director

under the *Long-Term Care Homes Act, 2007*, S.O. 2007, c.8

	<input type="checkbox"/> Licensee Copy/Copie du Titulaire <input checked="" type="checkbox"/> Public Copy/Copie Public
<b>Name of Director:</b>	Karen Slater (A) Director
<b>Order Type:</b>	<input type="checkbox"/> Amend or Impose Conditions on Licence Order, section 104 <input type="checkbox"/> Renovation of Municipal Home Order, section 135 <input checked="" type="checkbox"/> Compliance Order, section 153 <input type="checkbox"/> Work and Activity Order, section 154 <input type="checkbox"/> Return of Funding Order, section 155 <input type="checkbox"/> Mandatory Management Order, section 156 <input type="checkbox"/> Revocation of Licence Order, section 157 <input type="checkbox"/> Interim Manager Order, section 157
<b>Licensee:</b>	OMNI HEALTH CARE LIMITED PARTNERSHIP 1840 LANSDOWNE STREET WEST, UNIT 12, PETERBOROUGH, ON, K9K-2M9
<b>LTC Home:</b>	BURNBRAE GARDENS LONG TERM CARE RESIDENCE 320 BURNBRAE ROAD EAST, P.O. BOX 1090, CAMPBELLFORD, ON, K0L-1L0
<b>Name of Administrator:</b>	

To Omni Health Care Limited Partnership:

**Pursuant to:** s. 8(3) *Long Term Care Homes Act (LTCHA)*, S.O. 2007, Chapter 8.

Every licensee of a long-term care home shall ensure that at least one registered nurse who is both an employee of the licensee and a member of the regular nursing staff of the home is on duty and present in the home at all times, except as provided for in the regulations. 2007, c. 8, s. 8 (3).

**Order:**

The licensee, is hereby required to comply with the following:

The licensee shall prepare, submit and implement a plan to ensure that at least one registered nurse who is both an employee of the licensee and a member of the regular nursing staff of the home is on duty and present in the home at all times, except as provided for in the regulations.

This plan shall include a documented back-up plan that addresses situations when there is no RN on duty



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and present in the home, and strategies for recruitment of Registered Nurses.

This plan must be submitted in writing to Inspector, Lynda Hamilton at 347 Preston Street, 4th Floor, Ottawa, ON K1S 3J4 or by fax at 613-569-9670 on or before September 20, 2012.

**Grounds:**

Burnbrae Gardens Long Term Care Residence is a 43 bed long term care home.

The home was noted to be non-compliant with 24/7 Registered Nurse coverage during the Service Area Office Initiated Inspection in November 2011. A compliance order was served with a compliance date of December 8, 2011. On the follow up inspection in January 2012, the home continued to be non-compliant with 24/7 Registered Nurse coverage; a second compliance order was served with the compliance date of June 30, 2012.

During the follow up inspection of August 28, 2012, Inspector 124 and the Administrator reviewed the registered staff schedule for the months of July, August and September 2012 and identified that there was not a RN on duty and present in the home at all times.

The Administrator confirmed that there was no RN on duty and present in the home:

- for sixteen eight-hour shifts from July 1-31, 2012
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-for eighteen eight-hour shifts scheduled from August 29-September 12, 2012.

The shifts not being covered are not a result of an emergency situation. Therefore, the exception to the requirement, Ontario Regulations 79/10 s. 45 (1) (2) is not applicable.

**This order must be complied with by:** February 1, 2013.

**REVIEW/APPEAL INFORMATION**

TAKE NOTICE:

The Licensee has the right to appeal this Order(s) to the Health Services Appeal and Review Board (HSARB) in accordance with section 164 of the *Long-Term Care Homes Act, 2007*. If the Licensee decides to request a hearing, the Licensee must, with 28 days of being served with this Order, mail or deliver a written notice of appeal to both:

**Health Services Appeal and Review Board**  
Attention Registrar  
151 Bloor Street West  
9th Floor  
Toronto, ON  
M5S 2T5

and the

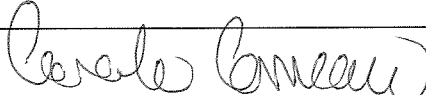

**Director**  
c/o Appeals Clerk  
Performance Improvement and Compliance Branch  
1075 Bay St., 11th Floor, Suite 1100  
Toronto ON M5S 2B1  
Fax: 416-327-7603

Upon receipt, the HSARB will acknowledge your notice of appeal and will provide instructions regarding the appeal process. The Licensee may learn more about the HSARB on the website [www.hsarb.on.ca](http://www.hsarb.on.ca).



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Direction de l'amélioration de la performance et de la conformité

Issued on this September 7, 2012.	
Signature of Director:	
Name of Director: 	Karen Slater