



**Ministry of Health and
Long-Term Care**

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

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

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

**Health System Accountability and
Performance Division
Performance Improvement and
Compliance Branch**

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

Hamilton Service Area Office
119 King Street West 11th Floor
HAMILTON ON L8P 4Y7
Telephone: (905) 546-8294
Facsimile: (905) 546-8255

Bureau régional de services de
Hamilton
119 rue King Ouest 11^{ième} étage
HAMILTON ON L8P 4Y7
Téléphone: (905) 546-8294
Télécopieur: (905) 546-8255

Amended Public Copy/Copie modifiée du public de permis

Report Date(s)/ Date(s) du Rapport	Inspection No/ No de l'inspection	Log #/ Registre no	Type of Inspection / Genre d'inspection
Mar 17, 2015;	2015_208141_0002 (A1) (Appeal\Dir#: DR# 040)	H-001087-14	Complaint

Licensee/Titulaire de permis

MAPLEWOOD NURSING HOME LIMITED
500 QUEENSWAY WEST SIMCOE ON N3Y 4R4

Long-Term Care Home/Foyer de soins de longue durée

CEDARWOOD VILLAGE
500 QUEENSWAY WEST SIMCOE ON N3Y 4R4

Name of Inspector(s)/Nom de l'inspecteur ou des inspecteurs



Ministry of Health and
Long-Term Care

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

Ministère de la Santé et des
Soins de longue durée

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

Karen Simpson (Director) - (A1)(Appeal\Dir#: DR# 040)

Amended Inspection Summary/Résumé de l'inspection modifié

Director Review DR# 040 of Inspector's Order(s) has been rescinded.

Issued on this 17 day of March 2015 (A1)(Appeal\Dir#: DR# 040)

Signature of Inspector(s)/Signature de l'inspecteur ou des inspecteurs

Original report signed by the inspector.



**Ministry of Health and
Long-Term Care**

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

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

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

**Health System Accountability and
Performance Division
Performance Improvement and
Compliance Branch**

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

Hamilton Service Area Office
119 King Street West 11th Floor
HAMILTON ON L8P 4Y7
Telephone: (905) 546-8294
Facsimile: (905) 546-8255

Bureau régional de services de
Hamilton
119 rue King Ouest 11^{ième} étage
HAMILTON ON L8P 4Y7
Téléphone: (905) 546-8294
Télécopieur: (905) 546-8255

Amended Public Copy/Copie modifiée du public de permis

Report Date(s)/ Date(s) du Rapport	Inspection No/ No de l'inspection	Log # / Registre no	Type of Inspection / Genre d'inspection
Mar 17, 2015;	2015_208141_0002 (A1) (Appeal/Dir# DR# 040)	H-001087-14	Complaint

Licensee/Titulaire de permis

MAPLEWOOD NURSING HOME LIMITED
500 QUEENSWAY WEST SIMCOE ON N3Y 4R4

Long-Term Care Home/Foyer de soins de longue durée

CEDARWOOD VILLAGE
500 QUEENSWAY WEST SIMCOE ON N3Y 4R4

Name of Inspector(s)/Nom de l'inspecteur ou des inspecteurs



**Ministry of Health and
Long-Term Care**

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

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

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

Karen Simpson (Director) - (A1)(Appeal/Dir# DR# 040)

Amended Inspection Summary/Résumé de l'inspection modifié

The purpose of this inspection was to conduct a Complaint inspection.

This inspection was conducted on the following date(s): August 21, September 5, 16, October 9, 2014.

During the course of the inspection, the inspector(s) spoke with the Director of Care (DOC), The Community Care Access Centre (CCAC), The Advocacy Centre for the Elderly (ACE), and the client.

Ad-hoc notes were used during this inspection.

During the course of this inspection, Non-Compliances were issued.

1 WN(s)

0 VPC(s)

1 CO(s)

0 DR(s)

0 WAO(s)



NON-COMPLIANCE / NON - RESPECT DES EXIGENCES

Legend	Legendé
WN – Written Notification VPC – Voluntary Plan of Correction DR – Director Referral CO – Compliance Order WAO – Work and Activity Order	WN – Avis écrit VPC – Plan de redressement volontaire DR – Aiguillage au directeur CO – Ordre de conformité WAO – Ordres : travaux et activités
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.) The following constitutes written notification of non-compliance under paragraph 1 of section 152 of the LTCHA.	Le non-respect des exigences de la Loi de 2007 sur les foyers de soins de longue durée (LFSLD) a été constaté. (Une exigence de la loi comprend les exigences qui font partie des éléments énumérés dans la définition de « exigence prévue par la présente loi », au paragraphe 2(1) de la LFSLD. Ce qui suit constitue un avis écrit de non-respect aux termes du paragraphe 1 de l'article 152 de la LFSLD.

**WN #1: The Licensee has failed to comply with LTCHA, 2007, s. 44.
Authorization for admission to a home**



Specifically failed to comply with the following:

s. 44. (7) The appropriate placement co-ordinator shall give the licensee of each selected home copies of the assessments and information that were required to have been taken into account, under subsection 43 (6), and the licensee shall review the assessments and information and shall approve the applicant's admission to the home unless,
(a) the home lacks the physical facilities necessary to meet the applicant's care requirements; 2007, c. 8, s. 44. (7).
(b) the staff of the home lack the nursing expertise necessary to meet the applicant's care requirements; or 2007, c. 8, s. 44. (7).
(c) circumstances exist which are provided for in the regulations as being a ground for withholding approval. 2007, c. 8, s. 44. (7).

Findings/Faits saillants :

1. The licensee failed to comply with LTCHA, 2007 s.44(7) whereby the licensee refused an applicant's admission to the home based on reasons that were not permitted within the legislation.

In July, 2014, the home refused admission application of client #001. The letter stated they were unable to admit the client related to exhibited responsive behaviours. The letter further stated that due to the particularly high number of residents with behaviours at this time and the type of behaviours the client was exhibiting it would not be safe for the client or the other residents.

In August, 2014, the Long Term Care Home (LTCH) Inspector spoke with CCAC manager. The manager stated the resident was assessed as allegable for admission into Long-Term Care and remained on their active list. The client was Power of Attorney (POA) for self.

The DOC was interviewed by telephone in September, 2014, by the LTCH Inspector and agreed to review the client's application and assess whether the client could be placed on the home's wait list for when an appropriate bed became available.

In September, 2014 the DOC for the home was contacted by the LTCH Inspector by telephone. The DOC stated the home had reviewed the application for client #001 and they could not accept the client due to their behaviours and the home's current population.



The LTC Inspector received a copy of the letter addressed to client #001 dated on specific day in September, 2014 from the home. The letter stated the client's application had been reviewed and it was determined that the client's needs could not be met by the current programs and services offered in the home. The letter further stated that the client had several behaviours that were generally manageable. However the current resident population would be detrimental to the client's health. The letter concluded due the reasons stated that the home had refused acceptance of the client's application to the the wait list at this time.

In October, 2014, the LTCH Inspector spoke with the DOC by telephone. The DOC was informed that the home's letter did not meet compliance related to refusal of admission, as identified in the legislation. The responsive behaviours described by the home would be considered not outside the LTCH staff expertise as described in the legislation.

The home did not ensure the refusal of admission for client #001 was based on the Long-Term Care Act. [s. 44. (7)]

Additional Required Actions:

CO # - 001 will be served on the licensee. Refer to the "Order(s) of the Inspector".

(A1)(Appeal/Dir# DR# 040)

The following order(s) have been rescinded:CO# 001



**Ministry of Health and
Long-Term Care**

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

**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**

Issued on this 17 day of March 2015 (A1)(Appeal/Dir# DR# 040)

Signature of Inspector(s)/Signature de l'inspecteur ou des inspecteurs

Original report signed by the inspector.



**Ministry of Health and
Long-Term Care**

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

Order(s) of the Inspector

Ordre(s) de l'inspecteur

Pursuant to section 153 and/or
section 154 of the Long-Term
Care Homes Act, 2007, S.O.
2007, c. 8

Aux termes de l'article 153 et/ou de
l'article 154 de la Loi de 2007 sur les
foyers de soins de longue durée, L.
O. 2007, chap. 8

**Health System Accountability and
Performance Division
Performance Improvement and
Compliance Branch**

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

Hamilton Service Area Office
119 King Street West, 11th Floor
HAMILTON, ON, L8P-4Y7
Telephone: (905) 546-8294
Facsimile: (905) 546-8255

Bureau régional de services de Hamilton
119, rue King Ouest, 11^{ième} étage
HAMILTON, ON, L8P-4Y7
Téléphone: (905) 546-8294
Télécopieur: (905) 546-8255

Amended Public Copy/Copie modifiée du public de permis

Name of Inspector (ID #) /

Nom de l'inspecteur (No) : Karen Simpson (Director) - (A1)(Appeal/Dir# DR# 040)

Inspection No. /

No de l'inspection : 2015_208141_0002 (A1)(Appeal/Dir# DR# 040)

Appeal/Dir# /

Appel/Dir#: DR# 040 (A1)

Log No. /

Registre no. : H-001087-14 (A1)(Appeal/Dir# DR# 040)

Type of Inspection /

Genre d'inspection: Complaint

Report Date(s) /

Date(s) du Rapport : Mar 17, 2015;(A1)(Appeal/Dir# DR# 040)

Licensee /

Titulaire de permis : MAPLEWOOD NURSING HOME LIMITED
500 QUEENSWAY WEST, SIMCOE, ON, N3Y-4R4

LTC Home /

Foyer de SLD : CEDARWOOD VILLAGE
500 QUEENSWAY WEST, SIMCOE, ON, N3Y-4R4

Name of Administrator /

Nom de l'administratrice

ou de l'administrateur : WALTER SGUAZZIN



**Ministry of Health and
Long-Term Care**

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

Order(s) of the Inspector

Ordre(s) de l'inspecteur

Pursuant to section 153 and/or
section 154 of the Long-Term
Care Homes Act, 2007, S.O.
2007, c. 8

Aux termes de l'article 153 et/ou de
l'article 154 de la Loi de 2007 sur les
foyers de soins de longue durée, L.
O. 2007, chap. 8

To MAPLEWOOD NURSING HOME LIMITED, you are hereby required to comply with the following order(s) by the date(s) set out below:

(A1)(Appeal/Dir# DR# 040)

The following Order has been rescinded:

Order # /

Ordre no : 001

Order Type /

Genre d'ordre : Compliance Orders, s. 153. (1) (a)

Pursuant to / Aux termes de :

LTCHA, 2007, s. 44. (7) The appropriate placement co-ordinator shall give the licensee of each selected home copies of the assessments and information that were required to have been taken into account, under subsection 43 (6), and the licensee shall review the assessments and information and shall approve the applicant's admission to the home unless,

(a) the home lacks the physical facilities necessary to meet the applicant's care requirements;

(b) the staff of the home lack the nursing expertise necessary to meet the applicant's care requirements; or

(c) circumstances exist which are provided for in the regulations as being a ground for withholding approval. 2007, c. 8, s. 44. (7).



**Ministry of Health and
Long-Term Care**

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

Order(s) of the Inspector

Ordre(s) de l'inspecteur

Pursuant to section 153 and/or
section 154 of the Long-Term
Care Homes Act, 2007, S.O.
2007, c. 8

Aux termes de l'article 153 et/ou de
l'article 154 de la Loi de 2007 sur les
foyers de soins de longue durée, L.
O. 2007, chap. 8

REVIEW/APPEAL INFORMATION

TAKE NOTICE:

The Licensee has the right to request a review by the Director of this (these) Order(s) and to request that the Director stay this (these) Order(s) in accordance with section 163 of the Long-Term Care Homes Act, 2007.

The request for review by the Director must be made in writing and be served on the Director within 28 days from the day the order was served on the Licensee.

The written request for review must include,

- (a) the portions of the order in respect of which the review is requested;
- (b) any submissions that the Licensee wishes the Director to consider; and
- (c) an address for services for the Licensee.

The written request for review must be served personally, by registered mail or by fax upon:

Director
c/o Appeals Coordinator
Performance Improvement and Compliance Branch
Ministry of Health and Long-Term Care
1075 Bay Street, 11th Floor
Toronto, ON M5S 2B1
Fax: 416-327-7603

When service is made by registered mail, it is deemed to be made on the fifth day after the day of mailing and when service is made by fax, it is deemed to be made on the first business day after the day the fax is sent. If the Licensee is not served with written notice of the Director's decision within 28 days of receipt of the Licensee's request for review, this(these) Order(s) is(are) deemed to be confirmed by the Director and the Licensee is deemed to have been served with a copy of that decision on the expiry of the 28 day period.

The Licensee has the right to appeal the Director's decision on a request for review of an Inspector's Order(s) to the Health Services Appeal and Review Board (HSARB) in accordance with section 164 of the Long-Term Care Homes Act, 2007. The HSARB is an independent tribunal not connected with the Ministry. They are established by legislation to review matters concerning health care services. If the Licensee decides to request a hearing, the Licensee must, within 28 days of being served with the notice of the Director's decision, give a written notice of appeal to both:

Health Services Appeal and Review Board and the Director



**Ministry of Health and
Long-Term Care**

Order(s) of the Inspector

Pursuant to section 153 and/or
section 154 of the Long-Term
Care Homes Act, 2007, S.O.
2007, c. 8

Attention Registrar
151 Bloor Street West
9th Floor
Toronto, ON M5S 2T5

Director
c/o Appeals Coordinator
Performance Improvement and Compliance Branch
Ministry of Health and Long-Term Care
1075 Bay Street, 11th Floor
Toronto, ON M5S 2B1
Fax: 416-327-7603

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

Ordre(s) de l'inspecteur

Aux termes de l'article 153 et/ou de
l'article 154 de la Loi de 2007 sur les
foyers de soins de longue durée, L.
O. 2007, chap. 8

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.

RENSEIGNEMENTS SUR LE RÉEXAMEN/L'APPEL

PRENDRE AVIS

En vertu de l'article 163 de la Loi de 2007 sur les foyers de soins de longue durée, le titulaire de permis peut demander au directeur de réexaminer l'ordre ou les ordres qu'il a donné et d'en suspendre l'exécution.

La demande de réexamen doit être présentée par écrit et est signifiée au directeur dans les 28 jours qui suivent la signification de l'ordre au titulaire de permis.

La demande de réexamen doit contenir ce qui suit :

- a) les parties de l'ordre qui font l'objet de la demande de réexamen;
- b) les observations que le titulaire de permis souhaite que le directeur examine;
- c) l'adresse du titulaire de permis aux fins de signification.

La demande écrite est signifiée en personne ou envoyée par courrier recommandé ou par télécopieur au:

Directeur
a/s Coordinateur des appels
Direction de l'amélioration de la performance et de la conformité
Ministère de la Santé et des Soins de longue durée
1075, rue Bay, 11e étage
Toronto ON M5S 2B1
Télécopieur : 416-327-7603



**Ministry of Health and
Long-Term Care**

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

Order(s) of the Inspector

Ordre(s) de l'inspecteur

Pursuant to section 153 and/or
section 154 of the Long-Term
Care Homes Act, 2007, S.O.
2007, c. 8

Aux termes de l'article 153 et/ou de
l'article 154 de la Loi de 2007 sur les
foyers de soins de longue durée, L.
O. 2007, chap. 8

Les demandes envoyées par courrier recommandé sont réputées avoir été signifiées le cinquième jour suivant l'envoi et, en cas de transmission par télécopieur, la signification est réputée faite le jour ouvrable suivant l'envoi. Si le titulaire de permis ne reçoit pas d'avis écrit de la décision du directeur dans les 28 jours suivant la signification de la demande de réexamen, l'ordre ou les ordres sont réputés confirmés par le directeur. Dans ce cas, le titulaire de permis est réputé avoir reçu une copie de la décision avant l'expiration du délai de 28 jours.

En vertu de l'article 164 de la Loi de 2007 sur les foyers de soins de longue durée, le titulaire de permis a le droit d'interjeter appel, auprès de la Commission d'appel et de révision des services de santé, de la décision rendue par le directeur au sujet d'une demande de réexamen d'un ordre ou d'ordres donnés par un inspecteur. La Commission est un tribunal indépendant du ministère. Il a été établi en vertu de la loi et il a pour mandat de trancher des litiges concernant les services de santé. Le titulaire de permis qui décide de demander une audience doit, dans les 28 jours qui suivent celui où lui a été signifié l'avis de décision du directeur, faire parvenir un avis d'appel écrit aux deux endroits suivants :

À l'attention du registraire
Commission d'appel et de révision
des services de santé
151, rue Bloor Ouest, 9e étage
Toronto (Ontario) M5S 2T5

Directeur
a/s Coordinateur des appels
Direction de l'amélioration de la performance et de la
conformité
Ministère de la Santé et des Soins de longue durée
1075, rue Bay, 11e étage
Toronto ON M5S 2B1
Télécopieur : 416-327-7603

La Commission accusera réception des avis d'appel et transmettra des instructions sur la façon de procéder pour interjeter appel. Les titulaires de permis peuvent se renseigner sur la Commission d'appel et de révision des services de santé en consultant son site Web, au www.hsarb.on.ca.

Issued on this 17 day of March 2015 (A1)

**Signature of Inspector /
Signature de l'inspecteur :**

**Name of Inspector /
Nom de l'inspecteur :**

Karen Simpson (Director) - (A1)(Appeal/Dir# DR#
040)

**Service Area Office /
Bureau régional de services :**

Hamilton

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

Order(s) of the Director

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

	☐ Licensee Copy/Copie du Titulaire ☒ Public Copy/Copie Public
Name of Director:	
Order Type:	☐ Amend or Impose Conditions on Licence Order, section 104 ☐ Renovation of Municipal Home Order, section 135 ☒ Compliance Order, section 153 ☐ Work and Activity Order, section 154 ☐ Return of Funding Order, section 155 ☐ Mandatory Management Order, section 156 ☐ Revocation of Licence Order, section 157 ☐ Interim Manager Order, section 157
Intake Log # of original inspection (if applicable):	H-001087-14
Original Inspection #:	2015_208141_0002
Licensee:	Maplewood Nursing Home Limited
LTC Home:	Cedarwood Village
Name of Administrator:	Walter Squazzin

Background:	
Ministry of Health and Long-Term Care (MOHLTC) Inspector #141 (Inspector) conducted an off-site inspection of Cedarwood Village (the Home), in Simcoe, ON, in August, September, and October, 2014. The purpose of the inspection was to conduct a Complaint inspection. During the inspection the Inspector found that the Licensee, Maplewood Nursing Home Limited (the Licensee), failed to comply with s. 44 (7) of the <i>Long-Term Care Homes Act, 2007</i> (LTCHA). Pursuant to s.153 (1)(a) of the LTCHA the Inspector issued Compliance Order #001 in relation to LTCHA, 2007, c.8, s.44 (7). Section 44 (7) of the LTCHA states: "The licensee shall immediately contact the appropriate placement coordinator to request client #001 most current MDS assessment information. The licensee will reconsider client #001 application utilizing this information and taking into consideration the legislative requirements. The	

home shall also cease the practice of withholding an applicant's approval unless the home lacks the physical facilities necessary to meet the applicant's care requirements, the staff of the home lack the nursing expertise to meet the applicant's care requirements, or circumstances exist which are provided for in the regulations as being ground for withholding approval."

The Licensee made a timely request that the Director review CO #001.

Order #001, that was issued by the Inspector and served on the Licensee on January 16, 2015, is substituted with this Director Order as permitted by s. 153(1)(a) of the LTCHA.

Order:

#001

To Maplewood Nursing Home Limited, you are hereby required to comply with the following order(s) by the date(s) set out below:

Pursuant to:

LTCHA, 2007, s. 44, subsections (7):

Licensee consideration and approval

(7) The appropriate placement co-ordinator shall give the licensee of each selected home copies of the assessments and information that were required to have been taken into account, under subsection 43 (6), and the licensee shall review the assessments and information and shall approve the applicant's admission to the home unless,

- (a) the home lacks the physical facilities necessary to meet the applicant's care requirements;
- (b) the staff of the home lack the nursing expertise necessary to meet the applicant's care requirements; or
- (c) circumstances exist which are provided for in the regulations as being a ground for withholding approval. 2007, c. 8, s. 44 (7).

and LTCHA, s. 44 (9):

Written notice if licensee withholds approval

(9) If the licensee withholds approval for admission, the licensee shall give to persons described in subsection (10) a written notice setting out,

- (a) the ground or grounds on which the licensee is withholding approval;

- (b) a detailed explanation of the supporting facts, as they relate both to the home and to the applicant's condition and requirements for care;
- (c) an explanation of how the supporting facts justify the decision to withhold approval; and
- (d) contact information for the Director. 2007, c. 8, s. 44 (9).

Order:

The Licensee shall immediately contact the appropriate placement coordinator to request client #001's (the applicant's) most current MDS assessment information. The Licensee will reconsider client #001's application utilizing this information and taking into consideration the legislative requirements. The home shall also cease the practice of withholding an applicant's approval unless: the home lacks the physical facilities necessary to meet the applicant's care requirements; the staff of the home lack the nursing expertise to meet the applicant's care requirements; or, circumstances exist which are provided for in the regulations as being grounds for withholding approval. Should the Licensee withhold approval, the Licensee must meet the requirements of s. 44 (9) of the LTCHA and provide:

- (a) The ground or grounds on which the Licensee is withholding approval;
- (b) A detailed explanation of the supporting facts as they relate both to the home and to the applicant's condition and requirements for care;
- (c) An explanation of how the supporting facts justify the decision to withhold approval; and
- (d) Contact information for the Director.

Grounds:

The Licensee failed to comply with subsection 44 (7) and subsection 44 (9) of the LTCHA, whereby the Licensee refused an applicant's admission without providing sufficient supporting facts to support the grounds provided as a reason to withhold the approval.

In June, 2014 the Home withheld approval for admission for client #001 (the applicant) stating that the applicant had several behaviours including inappropriate outbursts which the Home was unable to handle at that time, and because the Home had a particularly high number of residents with behaviors.

In July, 2014 the Home again withheld approval for admission for the applicant, stating that the applicant had several behaviours that the Home was unable to handle at that time, due to a particularly high number of residents with behaviors. The Home refused the applicant's admission.

In August, 2014, the CCAC manager informed the Inspector that the applicant had been assessed and deemed eligible for admission to a long-term care home and remained on the CCAC's "active list".

During a September, 2014 telephone interview the Director of Care (DOC) agreed to review the applicant's application and assess whether she could be placed on the Home's wait list.

In a subsequent telephone interview with the Home's DOC in September, the Inspector was told that the application had been reviewed and that the Home could not accept the applicant due to her behaviours

and the Home's current population.

In September, 2014 the Home refused to place the applicant on the Home's waitlist. The Home determined that the applicant's needs cannot be met by their current programs and services and that the applicant has several behaviours that are generally manageable, but in consideration of the current resident population it would be detrimental to the applicant's health.

In October, 2014, the Inspector once again spoke to the DOC by telephone and informed her that the Home's letter to the applicant did not meet legislative requirements, and that the applicant's responsive behaviours as described by the Home in their letter, would not be outside the expertise of the Home's staff.

As a result of failing to support the requirements for withholding approval the Licensee also failed to meet the requirement for s. 44(7) as they were unable to demonstrate how the staff of the home lacked the nursing expertise or the physical environment to meet the applicant's care requirements.

In addition, the Licensee failed to meet the requirements of s. 44(9) of the LTCHA in that it did not provide, in any of the three letters:

- (a) A detailed explanation of the supporting facts as they relate both to the home and to the applicant's condition and requirements for care;
- (b) An explanation of how the supporting facts justify the decision to withhold approval; and
- (c) Contact information for the Director.

The Licensee therefore did not provide the required grounds in its refusal letters to the applicant, and relied upon an inference that a "reasonable person" might draw to connect the description of the reasons provided in the letters to the grounds for refusal in compliance with the applicable legislative provision.

This order must be complied with by:	March 31, 2015
---	----------------

**Ministry of Health and Long-Term Care**

Health System Accountability and Performance Division
Performance Improvement and Compliance Branch

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

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.

Issued on this 10th day of March, 2015.	
Signature of Director:	
Name of Director:	Mary Nestor



Ministry of Health and Long-Term Care

Health System Accountability and Performance Division
Performance Improvement and Compliance Branch

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

Version date: May 29, 2012