

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

Rapport d'inspection en vertu de
la Loi de 2007 sur les foyers de
soins de longue durée

Long-Term Care Operations Division
Long-Term Care Inspections Branch

Division des opérations relatives aux
soins de longue durée
Inspection de soins de longue durée

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Report Date(s) / Date(s) du Rapport	Inspection No / No de l'inspection	Log # / No de registre	Type of Inspection / Genre d'inspection
Feb 28, 2020	2020_736689_0001	000918-20, 001043-20	Complaint

Licensee/Titulaire de permis

ATK Care Inc.
1386 Indian Grove MISSISSAUGA ON L5H 2S6

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

Exeter Villa
155 John Street East EXETER ON N0M 1S1

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

CASSANDRA ALEKSIC (689)

Inspection Summary/Résumé de l'inspection

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

This inspection was conducted on the following date(s): Janaury 22 & 23, and February 11 & 12, 2020.

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

Log # 001043-20 / IL-73743-LO; and

Log # 000918-20 / IL-73704-LO regarding potential misuse of funding.

During the course of the inspection, the inspector(s) spoke with the Administrator, the Chief Operating Officer, the Account Manager, Registered Nurses, Personal Support Workers, Physiotherapy Assistants, one Ministry of Long Term Care Senior Program Consultant Licensing Policy and Development Branch, and the Local Health Integration Network.

During the course of this inspection the Inspector observed staff to resident interactions, observed the provision of care, reviewed relevant clinical records and relevant internal documentation.

**The following Inspection Protocols were used during this inspection:
Admission and Discharge**

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

3 WN(s)

2 VPC(s)

1 CO(s)

0 DR(s)

0 WAO(s)

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NON-COMPLIANCE / NON - RESPECT DES EXIGENCES	
Legend WN – Written Notification VPC – Voluntary Plan of Correction DR – Director Referral CO – Compliance Order WAO – Work and Activity Order	Légende 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.O. 2007, c.8, s. 92. Accounts and records

Every licensee of a long-term care home shall keep accounts and records with respect to each long-term care home operated by the licensee,

- (a) that are separate from the accounts and records of any other long-term care home operated by the licensee, and from any other business of the licensee; and**
(b) that meet any other requirements that may be provided for in the regulations.
2007, c. 8, s. 92..

Findings/Faits saillants :

1. The licensee has failed to ensure that the long-term care home kept separate accounts and records for each business operated by the licensee and failed to meet other requirements that may be provided for in the regulations.

The Ministry of Long-Term Care (MLTC) received a complaint related to the misuse of Ministry funding.

An unauthorized person was residing in the Long-Term Care home and was receiving care and services provided by the Long-Term Care (LTC) home funded staff. The home had private pay respite residents residing in the LTC home who were also receiving care and services from the LTC home funded staff. There was no separate tracking or individualized documentation kept to account for the Ministry funded staffing, supplies or resources spent on the private pay respite residents versus LTC residents. The home informed the Inspector that finances related to the care and services provided to the unauthorized person and the private pay respite residents were allocated under the retirement home funding. There was no financial documentation or separate records provided to the Inspector demonstrating how the home was keeping separate records and not misusing Ministry funding for unauthorized or private pay respite residents.

The licensee failed to ensure that the long-term care home kept separate accounts and records from the retirement home, including any financial reports and the records used to produce those reports. [s. 92.]

Additional Required Actions:

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

WN #2: The Licensee has failed to comply with LTCHA, 2007 S.O. 2007, c.8, s. 49. A licensee of a long-term care home shall not admit a person unless the person’s admission to the home is authorized by the placement co-ordinator for the geographic area where the home is located, and shall admit a person whose admission is so authorized. 2007, c. 8, s. 49.

Findings/Faits saillants :

1. The licensee has failed to ensure that the long-term care home not admit a person unless the person's admission to the home was authorized by the placement co-ordinator. According to the Long-Term Care Homes Act, 2007, "resident" means a person admitted to and living in a Long-Term Care (LTC) home.

The Ministry of Long-Term Care (MLTC) received a complaint related to an unauthorized person residing in the LTC home. Records provided by the South West Local Health Integration Network (LHIN) related to the unauthorized person were reviewed and no documented evidence of the application and eligibility process for LTC home admissions was initiated for the unauthorized person. It was identified that the person was moved into a Ministry funded room in the LTC home, received care and services from the LTC home funded staff; however, the person was not admitted as a LTC home resident.

The licensee has failed to ensure that the aforementioned person's admission to the Long-Term Care home was authorized by the placement co-ordinator. [s. 49.]

Additional Required Actions:

VPC - pursuant to the Long-Term Care Homes Act, 2007, S.O. 2007, c.8, s.152(2) the licensee is hereby requested to prepare a written plan of correction for achieving compliance to ensure that the licensee of a long-term care home not admit a person unless the person's admission to the home is authorized by the placement co-ordinator, to be implemented voluntarily.

WN #3: The Licensee has failed to comply with LTCHA, 2007 S.O. 2007, c.8, s. 104. Beds allowed under licence

Specifically failed to comply with the following:

s. 104. (1) A licensee shall not operate more beds in a long-term care home than are allowed under the licence for the home or under the terms of a temporary licence issued under section 111 or a temporary emergency licence issued under section 112.

Findings/Faits saillants :

1. The licensee has failed to ensure that they did not operate more beds in a long-term care home than were allowed under the licence for the home.

The Ministry of Long-Term Care (MLTC) received a complaint related to an unauthorized person residing in the Long-Term Care (LTC) home. The home had 47 licensed beds which received funding as per the Long-Term Care Home Payment Calculation Notice, and four private pay respite beds which were unfunded. The home had unauthorized residents residing in the private pay respite beds receiving care and services from LTC home staff.

Exeter Villa Nursing Home had one licence (#2749- L01) issued for a total of 47 beds, with a licence expiry date of June 30, 2025.

The licensee operated unfunded private stay respite beds for unauthorized persons in the Long-Term Care home that were not allowed under the licence for the home. [s. 104. (1)]

Additional Required Actions:

VPC - pursuant to the Long-Term Care Homes Act, 2007, S.O. 2007, c.8, s.152(2) the licensee is hereby requested to prepare a written plan of correction for achieving compliance to ensure that the licensee not operate more beds in a long-term care home than are allowed under the licence for the home or under the terms of a temporary licence issued under section 111 or a temporary emergency licence issued under section 112, to be implemented voluntarily.

Issued on this 10th day of March, 2020

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

Original report signed by the inspector.

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

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

Long-Term Care Operations Division
Long-Term Care Inspections Branch

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Inspection de soins de longue durée

Public Copy/Copie du rapport public

Name of Inspector (ID #) /

Nom de l'inspecteur (No) : CASSANDRA ALEKSIC (689)

Inspection No. /

No de l'inspection : 2020_736689_0001

Log No. /

No de registre : 000918-20, 001043-20

Type of Inspection /

Genre d'inspection: Complaint

Report Date(s) /

Date(s) du Rapport : Feb 28, 2020

Licensee /

Titulaire de permis : ATK Care Inc.
1386 Indian Grove, MISSISSAUGA, ON, L5H-2S6

LTC Home /

Foyer de SLD : Exeter Villa
155 John Street East, EXETER, ON, N0M-1S1

Name of Administrator /

Nom de l'administratrice

ou de l'administrateur : Erika King

To ATK Care Inc., you are hereby required to comply with the following order(s) by the date(s) set out below:

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

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

Order # /

No d'ordre : 001

Order Type /

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

Pursuant to / Aux termes de :

LTCHA, 2007 S.O. 2007, c.8, s. 92. Every licensee of a long-term care home shall keep accounts and records with respect to each long-term care home operated by the licensee,

- (a) that are separate from the accounts and records of any other long-term care home operated by the licensee, and from any other business of the licensee; and
 - (b) that meet any other requirements that may be provided for in the regulations.
- 2007, c. 8, s. 92..

Order / Ordre :

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

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

The licensee must be compliant with s. 92.
Specifically, the licensee must:

- a) Cease admission of any resident into any bed above and beyond what is allowed under the home's license of 47 beds.
- b) Ensure that the beds currently used by respite residents are authorized and licensed, or in the process of. Concurrently, shall ensure that the process for application to a placement co-ordinator for a determination for eligibility for long-term care home admission, is commenced for the unauthorized residents. The home must maintain documented records of the admission, authorization and licensing processes as applicable.
- c) Ensure that the home not admit a person unless the person's admission to the home is authorized by the placement co-ordinator.
- d) Ensure that the financial accounts and records for the long-term care home operated by the licensee are kept separate from the financial accounts and record from the retirement home or any other business. The documented records must be maintained in the home for review.
- e) Ensure that the financial accounts and records for private stay respite residents, and any other respite resident, are kept separate from the long-term care home and retirement home records and must demonstrate how the home is not utilizing ministry funding (products, services, resources, and long-term care home staffing) for these residents until such time as the beds are licensed by the Ministry of Long-Term Care or are no longer filled. The documented records must be maintained in the home for review.

Grounds / Motifs :

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

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

1. The licensee has failed to ensure that the long-term care home kept separate accounts and records for each business operated by the licensee and failed to meet other requirements that may be provided for in the regulations.

The Ministry of Long-Term Care (MLTC) received a complaint related to the misuse of Ministry funding.

An unauthorized person was residing in the Long-Term Care home and was receiving care and services provided by the Long-Term Care home funded staff. The home also had private pay respite residents residing in the LTC home who were also receiving care and services from the LTC home funded staff. There was no separate tracking or individualized documentation kept to account for the Ministry funded staffing, supplies or resources spent on the private pay respite residents versus LTC residents. The home informed the Inspector that finances related to the care and services provided to the unauthorized person and the private pay respite residents were allocated under the retirement home funding. There were no individualized financial documentation or separate records provided to the Inspector demonstrating how the home was keeping separate records and not misusing Ministry funding for non-Long-Term Care home or private pay respite residents.

The licensee failed to ensure that the long-term care home kept separate accounts and records from the retirement home, including any financial reports and the records used to produce those reports.

The severity of this issue was a level 1 as there was no risk of harm to the residents. The scope was level 3, widespread as no records or documentation was provided. Compliance history was a level 2 as the home did not have a history of non-compliance in this subsection of the legislation. (689)

**This order must be complied with by /
Vous devez vous conformer à cet ordre d'ici le :**

Apr 30, 2020

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

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

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, commercial courier or by fax upon:

Director
c/o Appeals Coordinator
Long-Term Care Inspections Branch
Ministry of 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, when service is made by a commercial courier it is deemed to be made on the second business day after the day the courier receives the document, 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:

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

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

Health Services Appeal and Review Board and the Director

Attention Registrar
Health Services Appeal and Review Board
151 Bloor Street West, 9th Floor
Toronto, ON M5S 1S4

Director
c/o Appeals Coordinator
Long-Term Care Inspections Branch
Ministry of Long-Term Care
1075 Bay Street, 11th Floor
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.

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

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

**RENSEIGNEMENTS RELATIFS AUX RÉEXAMENS DE DÉCISION ET AUX
APPELS**

PRENEZ AVIS :

Le/la titulaire de permis a le droit de faire une demande de réexamen par le directeur de cet ordre ou de ces ordres, et de demander que le directeur suspende cet ordre ou ces ordres conformément à l'article 163 de la Loi de 2007 sur les foyers de soins de longue durée.

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

La demande écrite doit comporter ce qui suit :

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

La demande de réexamen présentée par écrit doit être signifiée en personne, par courrier recommandé, par messagerie commerciale ou par télécopieur, au :

Directeur
a/s du coordonnateur/de la coordonnatrice en matière d'appels
Direction de l'inspection des foyers de soins de longue durée
Ministère des Soins de longue durée
1075, rue Bay, 11e étage
Toronto ON M5S 2B1
Télécopieur : 416-327-7603

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

Quand la signification est faite par courrier recommandé, elle est réputée être faite le cinquième jour qui suit le jour de l'envoi, quand la signification est faite par messagerie commerciale, elle est réputée être faite le deuxième jour ouvrable après le jour où la messagerie reçoit le document, et lorsque la signification est faite par télécopieur, elle est réputée être faite le premier jour ouvrable qui suit le jour de l'envoi de la télécopie. Si un avis écrit de la décision du directeur n'est pas signifié au/à la titulaire de permis dans les 28 jours de la réception de la demande de réexamen présentée par le/la titulaire de permis, cet ordre ou ces ordres sont réputés être confirmés par le directeur, et le/la titulaire de permis est réputé(e) avoir reçu une copie de la décision en question à l'expiration de ce délai.

Le/la titulaire de permis a le droit d'interjeter appel devant la Commission d'appel et de révision des services de santé (CARSS) de la décision du directeur relative à une demande de réexamen d'un ordre ou des ordres d'un inspecteur ou d'une inspectrice conformément à l'article 164 de la Loi de 2007 sur les foyers de soins de longue durée. La CARSS est un tribunal autonome qui n'a pas de lien avec le ministère. Elle est créée par la loi pour examiner les questions relatives aux services de santé. Si le/la titulaire décide de faire une demande d'audience, il ou elle doit, dans les 28 jours de la signification de l'avis de la décision du directeur, donner par écrit un avis d'appel à la fois à :

la Commission d'appel et de révision des services de santé et au directeur

À l'attention du/de la registrateur(e)
Commission d'appel et de révision
des services de santé
151, rue Bloor Ouest, 9e étage
Toronto ON M5S 1S4

Directeur
a/s du coordonnateur/de la coordonnatrice en matière
d'appels
Direction de l'inspection des foyers de soins de longue durée
Ministère des Soins de longue durée
1075, rue Bay, 11e étage
Toronto ON M5S 2B1
Télécopieur : 416-327-7603

À la réception de votre avis d'appel, la CARSS en accusera réception et fournira des instructions relatives au processus d'appel. Le/la titulaire de permis peut en savoir davantage sur la CARSS sur le site Web www.hsarb.on.ca.

Issued on this 28th day of February, 2020

Signature of Inspector /

Signature de l'inspecteur :

Name of Inspector /

Nom de l'inspecteur : Cassandra Aleksic

Service Area Office /

Bureau régional de services : London Service Area Office