



**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 sous la
Loi de 2007 sur les foyers de
soins de longue durée**

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

Toronto Service Area Office
5700 Yonge Street, 5th Floor
TORONTO, ON, M2M-4K5
Telephone: (416) 325-9660
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Bureau régional de services de
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5700, rue Yonge, 5e étage
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**Division de la responsabilisation et de la
performance du système de santé
Direction de l'amélioration de la
performance et de la conformité**

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Report Date(s) / Date(s) du Rapport	Inspection No / No de l'inspection	Log # / Registre no	Type of Inspection / Genre d'inspection
Jun 3, 2014	2014_370162_0001	T-384-14 T- 388-14 T- 365-14	Follow up

Licensee/Titulaire de permis

Chartwell Master Care LP
100 Milverton Drive, Suite 700, MISSISSAUGA, ON, L5R-4H1

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

THE GIBSON LONG TERM CARE CENTRE
1925 STEELES AVENUE EAST, NORTH YORK, ON, M2H-2H3

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

TIINA TRALMAN (162), ARIEL JONES (566)

Inspection Summary/Résumé de l'inspection



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

This inspection was conducted on the following date(s): April 17, 22, 23, 25, 28, 2014.

Inspector Diane Brown (110) participated in this inspection.

During the course of the inspection, the inspector(s) spoke with administrator, director of care, registered staff, personal support workers, residents, family members.

During the course of the inspection, the inspector(s) reviewed resident health care records, relevant policies and procedures, Resident Council and Family Council concerns, observed staff to resident interaction and care.

**The following Inspection Protocols were used during this inspection:
Dignity, Choice and Privacy
Prevention of Abuse, Neglect and Retaliation**

Findings of Non-Compliance were found during this inspection.



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.O. 2007, c.8, s. 3. Residents' Bill of Rights

Specifically failed to comply with the following:

s. 3. (1) Every licensee of a long-term care home shall ensure that the following rights of residents are fully respected and promoted:

1. Every resident has the right to be treated with courtesy and respect and in a way that fully recognizes the resident's individuality and respects the resident's dignity. 2007, c. 8, s. 3 (1).

Findings/Faits saillants :

1. The licensee failed to comply with a previous compliance order #005 related to inspection #2013_108110_0014 initiated July 16, 2013, with a required compliance date of November 29, 2013. The order was related to a failure to ensure that every



residents' right to be treated with courtesy and respect and in a way that fully recognize the resident's individuality and respects the resident's dignity, is promoted and respected.

The licensee failed to ensure that every residents' right to be treated with courtesy and respect and in a way that fully recognized the resident's individuality and respects the resident's dignity, is promoted and respected.

On April 17, 2014, the inspector observed an identified staff member transporting an identified resident in an undignified manner. The resident was observed seated on a shower chair in the hallway with his/her pants lowered to the upper thigh and his/her back side exposed. Upon noticing the inspector, the identified staff member placed an additional towel to cover the resident's backside while in the hallway which still did not provide appropriate coverage. The inspector observed the identified staff member to maneuver the resident in the shower chair down the hallway in a sideways manner to what appeared as an attempt to obscure the view of the resident's exposed backside from the inspector.

An interview with the director of care (DOC) identified that staff are expected to cover a resident so that no private area of the body is exposed in any way. Furthermore, the DOC identified that a meeting was recently held with staff which included addressing residents' concerns related to their feeling vulnerable or exposed while being taken to the shower room. [s. 3. (1) 1.]

2. The identified resident reported to inspectors that when he/she calls during the night for an incontinence brief change, staff has responded, "Why do you want another change? You've just been changed". The resident further reported to inspectors, they just walk away without providing continence care.

Inspectors confirmed through interviews with the identified staff member that the resident does have cognitive impairment and has frequently used the call bell to call for an incontinence brief change. Staff interviews confirmed that their response to the identified resident when he/she has called has included, "I just changed you' and walk away".

Staff interviews and record reviews identified that an identified resident does frequently call for a change of incontinence briefs. Staff are aware that whenever the resident calls to change him/her, they need to provide continence care. Staff



acknowledged that the resident likes being washed and feeling dry.

The DOC indicated that the expectation of staff is to respond in a timely manner and if the resident asks to be changed, they should do it right then unless there is something they are doing presently. Furthermore, the DOC confirmed that staff are not expected to interpret whether a resident is wet or dry. [s. 3. (1) 1.]

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. 76. Training

Specifically failed to comply with the following:

s. 76. (2) Every licensee shall ensure that no person mentioned in subsection (1) performs their responsibilities before receiving training in the areas mentioned below:

- 1. The Residents' Bill of Rights. 2007, c. 8, s. 76. (2).**
- 2. The long-term care home's mission statement. 2007, c. 8, s. 76. (2).**
- 3. The long-term care home's policy to promote zero tolerance of abuse and neglect of residents. 2007, c. 8, s. 76. (2).**
- 4. The duty under section 24 to make mandatory reports. 2007, c. 8, s. 76. (2).**
- 5. The protections afforded by section 26. 2007, c. 8, s. 76. (2).**
- 6. The long-term care home's policy to minimize the restraining of residents. 2007, c. 8, s. 76. (2).**
- 7. Fire prevention and safety. 2007, c. 8, s. 76. (2).**
- 8. Emergency and evacuation procedures. 2007, c. 8, s. 76. (2).**
- 9. Infection prevention and control. 2007, c. 8, s. 76. (2).**
- 10. All Acts, regulations, policies of the Ministry and similar documents, including policies of the licensee, that are relevant to the person's responsibilities. 2007, c. 8, s. 76. (2).**
- 11. Any other areas provided for in the regulations. 2007, c. 8, s. 76. (2).**

Findings/Faits saillants :



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1. The licensee failed to ensure all staff at the home received training around the duty under section 24 to make mandatory reports prior to performing their responsibilities.

An interview with a registered staff and two identified staff members revealed an unawareness of their duty to make mandatory reports to the Director under section 24 of the LTCHA. This section requires a person who has reasonable grounds to suspect that abuse of a resident by anyone or neglect of a resident by the licensee or staff has occurred or may occur shall immediately report the suspicion and the information upon which it is based to the Director.

Staff interviews revealed that they would report any alleged abuse to their supervisor and that management would then report directly to the Ministry.

Furthermore, the DOC confirmed that the home's training material on mandatory reporting requirements was revised on April 9, 2014, to reflect the requirement for anyone to make mandatory reports with respect to abuse of a resident by anyone or neglect of a resident by the licensee or staff to the Director. Previous to April 9, 2014, training material directed staff to report abuse of a resident by anyone or neglect of a resident by the licensee or staff under section 24, to a supervisor.

The mandatory reporting to the Ministry was shared with staff at the general staff meeting on March 28, 2014. Not all staff attended including the identified staff members interviewed during the inspection. [s. 76. (2)]

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 be implemented voluntarily.

WN #3: The Licensee has failed to comply with O.Reg 79/10, s. 101. Dealing with complaints



Specifically failed to comply with the following:

s. 101. (1) Every licensee shall ensure that every written or verbal complaint made to the licensee or a staff member concerning the care of a resident or operation of the home is dealt with as follows:

3. A response shall be made to the person who made the complaint, indicating,
i. what the licensee has done to resolve the complaint, or
ii. that the licensee believes the complaint to be unfounded and the reasons for the belief. O. Reg. 79/10, s. 101 (1).

Findings/Faits saillants :

1. The licensee failed to ensure a response has been made to the person who made the complaint, indicating what the licensee has done to resolve the complaint, or that the licensee believes the complaint to be unfounded and the reasons for the belief.

Record review identified that a letter written by an identified resident on an identified date, expressed concern related to another resident's aggressive behaviour towards him/her. The letter requested a team meeting with the identified resident to discuss his/her concern of not feeling safe and protected from verbal and physical abuse by the other resident.

An interview with the identified resident revealed that no response from the home has been received to date.

An interview with the new administrator confirmed that a response to the identified resident's letter had not been provided as per regulations. [s. 101. (1) 3.]

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 be implemented voluntarily.

**THE FOLLOWING NON-COMPLIANCE AND/OR ACTION(S)/ORDER(S) HAVE
BEEN COMPLIED WITH/
LES CAS DE NON-RESPECTS ET/OU LES ACTIONS ET/OU LES ORDRES
SUIVANT SONT MAINTENANT CONFORME AUX EXIGENCES:**



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COMPLIED / NON-COMPLIANCE / ORDER(S)
REDRESSEMENT EN CAS DE NON-RESPECT OU LES ORDERS

REQUIREMENT/ EXIGENCE	TYPE OF ACTION/ GENRE DE MESURE	INSPECTION # / NO DE L'INSPECTION	INSPECTOR ID #/ NO DE L'INSPECTEUR
LTCHA, 2007 S.O. 2007, c.8 s. 19. (1)	CO #001	2013_108110_0014	162

Issued on this 10th day of June, 2014

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



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**Name of Inspector (ID #) /
Nom de l'inspecteur (No) :** TIINA TRALMAN (162), ARIEL JONES (566)

**Inspection No. /
No de l'inspection :** 2014_370162_0001

**Log No. /
Registre no:** T-384-14 T-388-14 T-365-14

**Type of Inspection /
Genre
d'inspection:** Follow up

**Report Date(s) /
Date(s) du Rapport :** Jun 3, 2014

**Licensee /
Titulaire de permis :** Chartwell Master Care LP
100 Milverton Drive, Suite 700, MISSISSAUGA, ON,
L5R-4H1

**LTC Home /
Foyer de SLD :** THE GIBSON LONG TERM CARE CENTRE
1925 STEELES AVENUE EAST, NORTH YORK, ON,
M2H-2H3

**Name of Administrator /
Nom de l'administratrice
ou de l'administrateur :** SOILI HELPPI

To Chartwell Master Care LP, you are hereby required to comply with the following order(s) by the date(s) set out below:



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Pursuant to section 153 and/or
section 154 of the *Long-Term Care
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Order # / **Order Type /**
Ordre no : 001 **Genre d'ordre :** Compliance Orders, s. 153. (1) (b)

Linked to Existing Order /
Lien vers ordre 2013_108110_0014, CO #005;
existant:

Pursuant to / Aux termes de :

LTCHA, 2007 S.O. 2007, c.8, s. 3. (1) Every licensee of a long-term care home shall ensure that the following rights of residents are fully respected and promoted:

1. Every resident has the right to be treated with courtesy and respect and in a way that fully recognizes the resident's individuality and respects the resident's dignity.
2. Every resident has the right to be protected from abuse.
3. Every resident has the right not to be neglected by the licensee or staff.
4. Every resident has the right to be properly sheltered, fed, clothed, groomed and cared for in a manner consistent with his or her needs.
5. Every resident has the right to live in a safe and clean environment.
6. Every resident has the right to exercise the rights of a citizen.
7. Every resident has the right to be told who is responsible for and who is providing the resident's direct care.
8. Every resident has the right to be afforded privacy in treatment and in caring for his or her personal needs.
9. Every resident has the right to have his or her participation in decision-making respected.
10. Every resident has the right to keep and display personal possessions, pictures and furnishings in his or her room subject to safety requirements and the rights of other residents.
11. Every resident has the right to,
 - i. participate fully in the development, implementation, review and revision of his or her plan of care,
 - ii. give or refuse consent to any treatment, care or services for which his or her consent is required by law and to be informed of the consequences of giving or refusing consent,
 - iii. participate fully in making any decision concerning any aspect of his or her care, including any decision concerning his or her admission, discharge or transfer to or from a long-term care home or a secure unit and to obtain an



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independent opinion with regard to any of those matters, and

iv. have his or her personal health information within the meaning of the Personal Health Information Protection Act, 2004 kept confidential in accordance with that Act, and to have access to his or her records of personal health information, including his or her plan of care, in accordance with that Act.

12. Every resident has the right to receive care and assistance towards independence based on a restorative care philosophy to maximize independence to the greatest extent possible.

13. Every resident has the right not to be restrained, except in the limited circumstances provided for under this Act and subject to the requirements provided for under this Act.

14. Every resident has the right to communicate in confidence, receive visitors of his or her choice and consult in private with any person without interference.

15. Every resident who is dying or who is very ill has the right to have family and friends present 24 hours per day.

16. Every resident has the right to designate a person to receive information concerning any transfer or any hospitalization of the resident and to have that person receive that information immediately.

17. Every resident has the right to raise concerns or recommend changes in policies and services on behalf of himself or herself or others to the following persons and organizations without interference and without fear of coercion, discrimination or reprisal, whether directed at the resident or anyone else,

i. the Residents' Council,

ii. the Family Council,

iii. the licensee, and, if the licensee is a corporation, the directors and officers of the corporation, and, in the case of a home approved under Part VIII, a member of the committee of management for the home under section 132 or of the board of management for the home under section 125 or 129,

iv. staff members,

v. government officials,

vi. any other person inside or outside the long-term care home.

18. Every resident has the right to form friendships and relationships and to participate in the life of the long-term care home.

19. Every resident has the right to have his or her lifestyle and choices respected.

20. Every resident has the right to participate in the Residents' Council.

21. Every resident has the right to meet privately with his or her spouse or another person in a room that assures privacy.

22. Every resident has the right to share a room with another resident according



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to their mutual wishes, if appropriate accommodation is available.

23. Every resident has the right to pursue social, cultural, religious, spiritual and other interests, to develop his or her potential and to be given reasonable assistance by the licensee to pursue these interests and to develop his or her potential.

24. Every resident has the right to be informed in writing of any law, rule or policy affecting services provided to the resident and of the procedures for initiating complaints.

25. Every resident has the right to manage his or her own financial affairs unless the resident lacks the legal capacity to do so.

26. Every resident has the right to be given access to protected outdoor areas in order to enjoy outdoor activity unless the physical setting makes this impossible.

27. Every resident has the right to have any friend, family member, or other person of importance to the resident attend any meeting with the licensee or the staff of the home. 2007, c. 8, s. 3 (1).

Order / Ordre :

The License shall prepare, submit and implement a plan to ensure that every resident has the right to be treated with courtesy and respect and in a way that fully recognize the resident's individuality and respects the resident's dignity is promoted and respected, including but not limited to:

- Develop an ongoing process to monitor and evaluate staff interactions with residents with respect to responding to any resident's request for assistance or care, and ensuring residents are appropriately covered while being taken to / from shower/bath area,
- Incorporate the ongoing process to monitor the care provided to residents into the Home's Quality Improvement Program,
- Educate/re-educate all staff on the expectation of ensuring residents' rights are fully respected and promoted.

Please submit this plan via email to inspector at Tiina.Tralman@ontario.ca on or before June 17, 2014.

Grounds / Motifs :

1. 1. The licensee failed to comply with a previous compliance order #005 related to inspection #2013_108110_0014 initiated July 16, 2013, with a required compliance date of November 29, 2013. The order was related to a failure to ensure that every residents' right to be treated with courtesy and



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respect and in a way that fully recognize the resident's individuality and respects the resident's dignity, is promoted and respected.

The licensee failed to ensure that every residents' right to be treated with courtesy and respect and in a way that fully recognizes the resident's individuality and respects the resident's dignity, is promoted and respected.

On April 17, 2014, the inspector observed an identified staff member transporting an identified resident in an undignified manner. The resident was observed seated on a shower chair in the hallway with his/her pants lowered to the upper thigh and his/her back side exposed. Upon noticing the inspector, the identified staff member placed an additional towel to cover the resident's backside while in the hallway which still did not provide appropriate coverage. The inspector observed the identified staff member to maneuver the resident in the shower chair down the hallway in a sideways manner to what appeared as an attempt to obscure the view of the resident's exposed backside from the inspector.

An interview with the director of care (DOC) identified that staff are expected to cover a resident so that no private area of the body is exposed in any way. Furthermore, the DOC identified that a meeting was recently held with staff which included addressing residents' concerns related to their feeling vulnerable or exposed while being taken to the shower room.

2. The identified resident reported to inspectors that when he/she calls during the night for an incontinence brief change, staff has responded, "Why do you want another change? You've just been changed". The resident further reported to inspectors, they just walk away without providing continence care.

Inspectors confirmed through interviews with the identified staff member that the resident does have cognitive impairment and has frequently used the call bell to call for an incontinence brief change. Staff interviews confirmed that their response to the identified resident when he/she has called has included, "I just changed you' and walk away".

Staff interviews and record reviews identified that an identified resident does frequently call for a change of incontinence briefs. Staff are aware that whenever the resident calls to change him/her, they need to provide continence care. Staff acknowledged that the resident likes being washed and feeling dry.



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The DOC indicated that the expectation of staff is to respond in a timely manner and if the resident asks to be changed, they should do it right then unless there is something they are doing presently. Furthermore, the DOC confirmed that staff are not expected to interpret whether a resident is wet or dry. (162)

This order must be complied with by /

Vous devez vous conformer à cet ordre d'ici le : Jun 27, 2014



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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



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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

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

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.



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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, 11^e étage
Ontario, ON
M5S-2B1
Fax: 416-327-7603

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.



**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*

**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*


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
Ontario, ON
M5S-2B1
Fax: 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 3rd day of June, 2014

Signature of Inspector /
Signature de l'inspecteur : 

Name of Inspector /
Nom de l'inspecteur : TIINA TRALMAN

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