

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

Rapport d'inspection prévue
sous *la Loi de 2007 sur les foyers
de soins de longue durée*

Long-Term Care Homes Division
Long-Term Care Inspections Branch

Division des foyers de soins de
longue durée
Inspection de soins de longue durée

Central East Service Area Office
33 King Street West, 4th Floor
OSHAWA ON L1H 1A1
Telephone: (905) 440-4190
Facsimile: (905) 440-4111

Bureau régional de services de
Centre-Est
33, rue King Ouest, étage 4
OSHAWA ON L1H 1A1
Téléphone: (905) 440-4190
Télécopieur: (905) 440-4111

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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
Oct 10, 2019	2019_749653_0025	015921-19	Complaint

Licensee/Titulaire de permis

Regional Municipality of Durham
605 Rossland Road East WHITBY ON L1N 6A3

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

Fairview Lodge
632 Dundas Street West P.O. Box 300 WHITBY ON L1N 5S3

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

ROMELA VILLASPIR (653)

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): October 4, 2019.

Complaint log #015921-19 related to withholding approval for admission of applicant #001, had been inspected.

During the course of the inspection, the inspector reviewed Central East Local Health Integration Network (CE LHIN)'s client notes report, hospital patient notes, the home's written notice to CE LHIN, applicable documents from Public Health Ontario, and contacted the Regional Specialist from Public Health Ontario.

During the course of the inspection, the inspector(s) spoke with the CE LHIN Placement Coordinator, Manager of Environmental Services (MES), Infection Control Practitioner (ICP), the Director of Care (DOC), and the Senior Public Health Inspector from Durham Region Health Department.

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

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

1 WN(s)

1 VPC(s)

0 CO(s)

0 DR(s)

0 WAO(s)

NON-COMPLIANCE / NON - RESPECT DES EXIGENCES

<p>Legend</p> <p>WN – Written Notification VPC – Voluntary Plan of Correction DR – Director Referral CO – Compliance Order WAO – Work and Activity Order</p>	<p>Légende</p> <p>WN – Avis écrit VPC – Plan de redressement volontaire DR – Aiguillage au directeur CO – Ordre de conformité WAO – Ordres : travaux et activités</p>
<p>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).</p> <p>The following constitutes written notification of non-compliance under paragraph 1 of section 152 of the LTCHA.</p>	<p>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.</p> <p>Ce qui suit constitue un avis écrit de non-respect aux termes du paragraphe 1 de l'article 152 de la LFSLD.</p>

WN #1: The Licensee has failed to comply with LTCHA, 2007 S.O. 2007, c.8, 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).

s. 44. (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; 2007, c. 8, s. 44. (9).

(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; 2007, c. 8, s. 44. (9).

(c) an explanation of how the supporting facts justify the decision to withhold approval; and 2007, c. 8, s. 44. (9).

(d) contact information for the Director. 2007, c. 8, s. 44. (9).

Findings/Faits saillants :

1. The licensee has failed to comply with s. 44 (7) of the Long-Term Care Homes Act (LTCHA) whereby the licensee refused the application of applicant #001 for reasons other than provided for in the LTCHA.

According to 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.

The Ministry of Long-Term Care (MLTC) received a complaint on an identified date, related to the home withholding approval for admission of applicant #001.

An interview with the Central East Local Health Integration Network (LHIN) Placement Co-ordinator indicated on an identified date the application of applicant #001 was made, for basic accommodation to five Long-Term Care homes including Fairview Lodge.

A review of hospital patient notes indicated applicant #001 had an identified medical condition and required an identified care provision.

A review of the home's written notice addressed to CE LHIN indicated the following:

- The home upheld their decision to refuse applicant #001's admission to the home because they cannot meet best practice standards for environmental cleaning necessary to meet their care requirements.
- The home lacked the physical facilities necessary to meet the applicant's care requirements.
- The home had been working with the Region of Durham Long-Term Care Homes to prepare for placement of applicants with the identified medical condition.

At the time of the inspection, applicant #001 remained in the hospital.

During an interview, the DOC indicated the home's reason for upholding the decision for the refusal of applicant #001 was because the home lacked the physical facilities, and they cannot meet best practice standards for environmental cleaning necessary to meet their care requirements.

A review of correspondence received by Inspector #653 from the Regional Specialist from Public Health Ontario verified the best practice guidelines for environmental cleaning and the recommended accommodation interventions to meet the care requirements of the applicant with the identified medical condition.

As per record reviews and interviews, there was not enough information to substantiate that the home lacks the physical facilities necessary to meet the applicant's care requirements as it relates to their medical condition.

The licensee has failed to comply with s. 44 (7) of the LTCHA whereby the licensee refused the application of applicant #001 for reasons other than provided for in the

LTCHA. [s. 44. (7)]

2. The licensee has failed to ensure that when withholding approval for admission, the licensee shall give a written notice to the applicant, setting out the ground or grounds on which the licensee is withholding approval; a detailed explanation of the supporting facts, as they relate both to the home and to the applicant's condition and requirements for care; an explanation of how the supporting facts justify the decision to withhold approval.

According to LTCHA, s. 44 (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.

According to LTCHA, s. 44 (10), The persons referred to in subsection (9) are the following:

1. The applicant.
2. The appropriate placement co-ordinator.

The MLTC received a complaint on an identified date, related to the home withholding approval for admission of applicant #001.

An interview with the CE LHIN Placement Co-ordinator indicated on an identified date the application of applicant #001 was made, for basic accommodation to five Long-Term Care homes including Fairview Lodge.

A review of hospital patient notes indicated applicant #001 had an identified medical condition and required an identified care provision.

A review of the home's written notice addressed to CE LHIN indicated the following:

- The home upheld their decision to refuse applicant #001's admission to the home because they cannot meet best practice standards for environmental cleaning necessary to meet their care requirements.
- The home lacked the physical facilities necessary to meet the applicant's care requirements.

-The home had been working with the Region of Durham Long-Term Care Homes to prepare for placement of applicants with the identified medical condition.

During an interview, the DOC indicated the CE LHIN was under the impression that applicant #001 was still on the home's waitlist, and the home believed the applicant was no longer on the waitlist following the refusal of their admission on an identified date. Subsequently, the home had a meeting with CE LHIN and the above-mentioned letter was sent to the CE LHIN following the meeting. The DOC further indicated the letter was only addressed to the CE LHIN, and not the applicant, as they believed that applicant #001 was no longer on their waitlist.

Further interview with the LHIN Placement Co-ordinator indicated following the refusal of admission to the home, the applicant would remain on the home's waitlist until such time that the refusal had been confirmed by the LHIN Placement Co-ordinator. In this case, the home's refusal of applicant #001's admission was not confirmed by the LHIN Placement Co-ordinator, therefore, they remained on the home's waitlist.

As per record reviews and staff interviews, it was identified that the new written notice was only given to the appropriate placement co-ordinator, but not the applicant. [s. 44. (9)]

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 ensure that
-the licensee 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;
-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, to be implemented voluntarily.

Issued on this 11th day of October, 2019

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

Original report signed by the inspector.