

**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**London Service Area Office
130 Dufferin Avenue 4th floor
LONDON ON N6A 5R2
Telephone: (519) 873-1200
Facsimile: (519) 873-1300Bureau régional de services de
London
130, avenue Dufferin 4ème étage
LONDON ON N6A 5R2
Téléphone: (519) 873-1200
Télécopieur: (519) 873-1300**Public Copy/Copie du rapport public**

Report Date(s) / Date(s) du Rapport	Inspection No / No de l'inspection	Log # / No de registre	Type of Inspection / Genre d'inspection
Apr 22, 2021	2021_729615_0015	005413-21	Complaint

Licensee/Titulaire de permisFiddick's Nursing Home Limited
437 First Avenue P.O. Box 340 Petrolia ON N0N 1R0**Long-Term Care Home/Foyer de soins de longue durée**Fiddick's Nursing Home
437 First Avenue P.O. Box 340 Petrolia ON N0N 1R0**Name of Inspector(s)/Nom de l'inspecteur ou des inspecteurs**

HELENE DESABRAIS (615)

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): April 12 and 13, 2021.

The following intakes were inspected during this inspection:

**Complaint Log #004487-21 related to visitation restrictions;
Complaint Log #005413-21 related to visitation restrictions.**

**During the course of the inspection, the inspector(s) spoke with the Administrator,
the Director of Care and the Environmental Manager.**

**The inspector also toured the home, observed Infection Prevention and Control
practices, reviewed email correspondences, reviewed the Ministry of Long-Term
Care policies and Directives and other relevant documents.**

**The following Inspection Protocols were used during this inspection:
Infection Prevention and Control
Reporting and Complaints**

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

<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. 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:**
- 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.**
- 2007, c. 8, s. 3 (1).**

Findings/Faits saillants :

1. The licensee has failed to ensure that residents were able to receive their identified essential caregivers without interference.

The Ministry of Long-Term Care (MLTC)'s "COVID-19 Visiting Policy" effective date of December 26, 2020, stated in section 9.1, regarding caregivers that "homes may not require scheduling, or restrict the length or frequency, of visits by caregivers."

Complaints were submitted to the Ministry of Long-term Care (MLTC) related to the home restricting visits, or length or frequency of visits of essential caregivers with residents.

A review of the home's electronic mail (e-mail) correspondences which was provided by a complainant and also provided copies of the same e-mail correspondences from the home sent to all the essential visitors, on different dates. These correspondences were sent between the months of December, 2020 and April 2021, and included the following:

The home was asking for essential caregivers to consider giving the home a two week period before visiting again, to consider alternatives to in-person visits and that they were unable to facilitate essential visitor covid-19 testing until January 05, 2021.

The home asking essential visitors to pre-booked their visits, visits would be available in one hour blocks and could occur on a Monday, Wednesday, Thursday or Friday.

Communication to Essential Visitors (Caregivers) related to the visitor schedule of one time per week.

A complaint letter sent to the Administrator stated in part: "We are concerned as to why Essential Caregivers are not being allowed the opportunity to participate in providing care for their loved ones as defined by the Directive #3 and the Covid-19 Visiting policy outlined by the Ministry of Long -Term Care? And, why visits are limited to one (1) hour per week, Monday to Friday 9am to 4pm? Essential Caregivers are able to visit at any time, including during an outbreak?"

At a later date, the home stated that they would be open for visits from essential caregivers Mondays through Saturdays. The homes operational hours for essential visitors would be from 0900 hours until 1645 hours and to send a copy of their covid-19

vaccine.

For the coming holidays the home would be closed to essential visitors on Saturday and Sunday.

Beginning, a specific date, visiting hours would be augmented to the following: Monday to Friday from 0900 hours until noon and 1300 hours until 1600 hours and Saturday from 0900 hours until noon.

During a next 28 day period the home asked essential visitors to consider alternatives to in-person visits and that essential visitors from areas other than Lambton County were restricted from visiting.

The Director of Care (DOC) provided the Inspector a correspondence stating that they would be sending to essential visitors, stating in part, that visiting hours were extended past testing times and essential visitors could visit between 0900 hours and 2000 hours Monday through Saturday.

During interviews, when asked if at any time their Public Health Unit requested the home to restrict essential visitors to the home they responded no and the Public Health Unit (PHU) Inspector assigned to the home indicated that at no time did the local PHU provide the home with direction to stop essential visits. Both Administrator and DOC stated that managing essential visitors has been challenging related to not having enough staff to welcome essential visitors and testing before they entered the home.

The home's failure to restrict essential visitors posed a risk of emotional harm to residents.

Sources: the MLTC's COVID-19 Visiting Policy (effective date of December 26, 2020), the Complainant's email correspondences, the home's correspondences to essential visitors and interviews with the Complainant, Administrator, DOC and PHU Inspector. [s. 3. (1) 14.]

Additional Required Actions:

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

Issued on this 23rd day of April, 2021

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

Original report signed by the inspector.

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

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

Public Copy/Copie du rapport public

Name of Inspector (ID #) /

Nom de l'inspecteur (No) : HELENE DESABRAIS (615)

Inspection No. /

No de l'inspection : 2021_729615_0015

Log No. /

No de registre : 005413-21

Type of Inspection /

Genre d'inspection: Complaint

Report Date(s) /

Date(s) du Rapport : Apr 22, 2021

Licensee /

Titulaire de permis : Fiddick's Nursing Home Limited
437 First Avenue, P.O. Box 340, Petrolia, ON, N0N-1R0

LTC Home /

Foyer de SLD : Fiddick's Nursing Home
437 First Avenue, P.O. Box 340, Petrolia, ON, N0N-1R0

Name of Administrator /

Nom de l'administratrice

ou de l'administrateur : Michael Fiddick

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

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

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. 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 independent opinion with regard to any of those matters, and
 - iv. have his or her personal health information within the meaning of the Personal

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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 licensee must be compliant with s. 3(1) 14 of the LTCHA.

Specifically the licensee must:

- 1) Review and revise (as necessary) the home's current visitation policy to ensure residents have the opportunity to receive their identified essential caregivers without any interference or restrictions, as per Directive #3 and associated memo's in place and;
- 2) Communicate the above to all essential visitors.

Grounds / Motifs :

1. The licensee has failed to ensure that residents were able to receive their identified essential caregivers without interference.

The Ministry of Long-Term Care (MLTC)'s "COVID-19 Visiting Policy" effective date of December 26, 2020, stated in section 9.1, regarding caregivers that "homes may not require scheduling, or restrict the length or frequency, of visits by caregivers."

Complaints were submitted to the Ministry of Long-term Care (MLTC) related to the home restricting visits, or length or frequency of visits of essential caregivers

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with residents.

A review of the home's electronic mail (e-mail) correspondences which was provided by a complainant and also provided copies of the same e-mail correspondences from the home sent to all the essential visitors, on different dates. These correspondences were sent between the months of December, 2020 and April 2021, and included the following:

The home was asking for essential caregivers to consider giving the home a two week period before visiting again, to consider alternatives to in-person visits and that they were unable to facilitate essential visitor covid-19 testing until January 05, 2021.

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At a later date, the home stated that they would be open for visits from essential caregivers Mondays through Saturdays. The homes operational hours for essential visitors would be from 0900 hours until 1645 hours and to send a copy of their covid-19 vaccine.

For the coming holidays the home would be closed to essential visitors on Saturday and Sunday.

Beginning, a specific date, visiting hours would be augmented to the following: Monday to Friday from 0900 hours until noon and 1300 hours until 1600 hours

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and Saturday from 0900 hours until noon.

During a next 28 day period the home asked essential visitors to consider alternatives to in-person visits and that essential visitors from areas other than Lambton County were restricted from visiting.

The Director of Care (DOC) provided the Inspector a correspondence stating that they would be sending to essential visitors, stating in part, that visiting hours were extended past testing times and essential visitors could visit between 0900 hours and 2000 hours Monday through Saturday.

During interviews, when asked if at any time their Public Health Unit requested the home to restrict essential visitors to the home they responded no and the Public Health Unit (PHU) Inspector assigned to the home indicated that at no time did the local PHU provide the home with direction to stop essential visits. Both Administrator and DOC stated that managing essential visitors has been challenging related to not having enough staff to welcome essential visitors and testing before they entered the home.

The home's failure to restrict essential visitors posed a risk of emotional harm to residents.

Sources: the MLTC's COVID-19 Visiting Policy (effective date of December 26, 2020), the Complainant's email correspondences, the home's correspondences to essential visitors and interviews with the Complainant, Administrator, DOC and PHU Inspector.

Severity: There were risk of harm to residents in the home as their essential visitors had restrictions to enter the home.

Scope: All residents in the home were affected with the visitation restrictions demonstrating non-compliance as widespread in the home.

Compliance History: In the last 36 months, the licensee had no previous non-compliance related to this section. (615)

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l'article 154 de la *Loi de 2007 sur les
foyers de soins de longue durée*, L.O.
2007, chap. 8

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

Apr 30, 2021

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, 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

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

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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.

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Ordre(s) de l'inspecteur

Pursuant to section 153 and/or
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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

**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, 11^e 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.
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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 22nd day of April, 2021

Signature of Inspector /

Signature de l'inspecteur :

Name of Inspector /

Nom de l'inspecteur : Helene Desabrais

Service Area Office /

Bureau régional de services : London Service Area Office