

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

	Licensee Copy/Copie du Titulaire	<input checked="" type="checkbox"/> Public Copy/Copie Public
Name of Inspector:	Gail Peplinskie Monique Berger Kelly-Jean Schienbein Margot Burns-Prouty	Inspector ID # 154 151 158 106
Log #:		
Inspection Report #:	2011_154_2829_22Feb162203	
Type of Inspection:	Follow up inspection	
Date of Inspection:	February 22, 2011	
Licensee:	Finlandia Nursing Home Limited	
LTC Home:	Finlandia Hoivakoti Nursing Home	
Name of Administrator:	Claire McChesney	

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

Order #:	001	Order Type:	Compliance Order, Section 153 (1)(a)(b)
<p>Pursuant to: O. Reg 79/10, s. 112, For the purposes of section 35 of the Act, every licensee of a long-term care home shall ensure that the following devices are not used in the home:</p> <p>3. Any device with locks that can only be released by a separate device, such as a key or magnet.</p>			
<p>Order: The licensee is required to:</p> <p>(a) refrain from using any device with locks that can only be released by a separate device, such as a key or magnet, for the residents listed below and all other resident that this applies to and,</p> <p>(b) the licensee is required to prepare, submit and implement a plan for achieving compliance with O. Reg 79/10, s. 112., for the residents listed below and all other resident that this applies to.</p>			

Grounds:

On February 22, 2011, 14 residents had the prohibited devices applied.

The prohibited devices observed by the inspectors, had locks that could only be released by a separate device; a pin.

This order must be complied with by:

- (a) immediately and
- (b) written plan submission with in 24 hours.

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 service for the Licensee.

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

Director
 c/o Appeals Clerk
 Performance Improvement and Compliance Branch
 Ministry of Health and Long-Term Care
 55 St. Clair Ave. West
 Suite 800, 8th floor
 Toronto, ON M4V 2Y2
 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 group of members not connected with the Ministry. They are appointed by legislation to review matters concerning health care services. If the Licensee decides to request a hearing, the Licensee must, with 28 days of being served with the notice of the Director's decision, mail or deliver a written notice of appeal to both:

Health Services Appeal and Review Board and the
 Attention Registrar
 151 Bloor Street West
 9th Floor
 Toronto, ON
 M5S 2T5

Director
 c/o Appeals Clerk
 Performance Improvement and Compliance Branch
 55 St. Claire Avenue, West
 Suite 800, 8th Floor
 Toronto, ON M4V 2Y2

Fax: 416-327-7603



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

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 22 day of February, 2011.	
Signature of Inspector:	
Name of Inspector:	Gail Peplinskie
Service Area Office:	Sudbury Service Area Office



**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***

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

Sudbury Service Area Office
159 Cedar Street, Suite 603
Sudbury ON P3E 6A5

Bureau régional de services de Sudbury
159, rue Cedar, Bureau 603
Sudbury ON P3E 6A5

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

Telephone: 705-564-3130
Facsimile: 705-564-3133

Téléphone: 705-564-3130
Télécopieur: 705-564-3133

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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Date(s) of inspection/Date de l'inspection	Inspection No/ d'inspection	Type of Inspection/Genre d'inspection
February 22, 2011	2011_154_2829_22Feb162203	Follow-Up
Licensee/Titulaire Finlandia Nursing Home Limited, c/o Sudbury Finnish Rest Home, 233 Fourth Avenue, Sudbury, ON P3B 4C3 Fax: 705-524-5943		
Long-Term Care Home/Foyer de soins de longue durée Finlandia Nursing Home Limited, 233 Fourth Avenue, Sudbury, ON P3B 4C3 Fax: 705-524-5943		
Name of Inspector(s)/Nom de l'inspecteur(s) Gail Peplinskie #154 Monique Berger #151 Kelly-Jean Schienbein #158 Margot Burns-Prouty #106		
Inspection Summary/Sommaire d'inspection		

The purpose of this inspection was to conduct a Follow-Up inspection.

During the course of the inspection, the inspector(s) spoke with:

- Administrator
- Director of Care
- Nurse Managers
- RAI MDS Coordinator
- Registered Nursing Staff
- Personal Support Workers (PSW)

During the course of the inspection, the inspector(s):

- walked throughout all four resident home areas
- discussed with Administrator and Director of Care the non-compliance

The following Inspection Protocols were used in part or in whole during this inspection: None, Ad Hoc Note used.

Inspection team was in the home for a Mock (Training) Inspection and due to the severity and scope of the non-compliance, a Compliance Order was served immediately to the administrator.

Findings of Non-Compliance were found during this inspection. The following action was taken:

- 1 WN
- 1 CO: CO #001

NON- COMPLIANCE / (Non-respectés)

Definitions/Définitions

- WN** – Written Notifications/Avis écrit
- VPC** – Voluntary Plan of Correction/Plan de redressement volontaire
- DR** – Director Referral/Régisseur envoyé
- CO** – Compliance Order/Ordres de conformité
- WAO** – Work and Activity Order/Ordres: travaux et activités

The following constitutes written notification of non-compliance under paragraph 1 of section 152 of the LTCHA.

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.)

Le suivant constituer un avis d'écrit de l'exigence prévue le paragraphe 1 de section 152 de les foyers de soins de longue durée.

Non-respect avec les exigences sur le *Loi de 2007 les foyers de soins de longue durée* à trouvé. (Une exigence dans le loi comprend les exigences contenues dans les points énumérés dans la définition de "exigence prévue par la présente loi" au paragraphe 2(1) de la loi.

WN #1: The Licensee has failed to comply with O. Reg. 79/10, s.112 For the purposes of section 35 of the Act, every licensee of a long-term care home shall ensure that the following devices are not used in the home:

1. Roller bars on wheelchairs and commodes or toilets.
2. Vest or jacket restraints.
3. Any device with locks that can only be released by a separate device, such as a key or magnet.
4. Four point extremity restraints.



- 5. Any device used to restrain a resident to a commode or toilet.
- 6. Any device that cannot be immediately released by staff.
- 7. Sheets, wraps, tensors or other types of strips or bandages used other than for a therapeutic purpose.

Findings: On February 22, 2011, 14 residents had the prohibited devices applied.

The prohibited devices observed by the inspectors, had locks that could only be released by a separate device; a pin.

Inspector ID #: 154

Additional Required Actions:

CO # 001 was served on the licensee February 22, 2011

Signature of Licensee or Representative of Licensee Signature du Titulaire du représentant désigné	Signature of Health System Accountability and Performance Division representative/Signature du (de la) représentant(e) de la Division de la responsabilisation et de la performance du système de santé.
Title:	Date of Report: June 3/11