



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

Hamilton Service Area Office
119 King Street West, 11th Floor
HAMILTON, ON, L8P-4Y7
Telephone: (905) 546-8294
Facsimile: (905) 546-8255

Bureau régional de services de Hamilton
119, rue King Ouest, 11ième étage
HAMILTON, ON, L8P-4Y7
Téléphone: (905) 546-8294
Télécopieur: (905) 546-8255

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
Aug 8, 2013	2013_189120_0048	H-000456-13	Critical Incident System

Licensee/Titulaire de permis

DEEM MANAGEMENT SERVICES LIMITED
2 QUEEN STREET EAST, SUITE 1500, TORONTO, ON, M5C-3G5

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

HAMILTON CONTINUING CARE
125 WENTWORTH STREET SOUTH, HAMILTON, ON, L8N-2Z1

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

BERNADETTE SUSNIK (120)

Inspection Summary/Résumé de l'inspection

The purpose of this inspection was to conduct a Critical Incident System inspection.

This inspection was conducted on the following date(s): July 24, 2013

During the course of the inspection, the inspector(s) spoke with the Administrator, Environmental Services Supervisor and non-registered staff regarding the power outage that occurred in the home between July 19-20, 2013.

During the course of the inspection, the inspector(s) toured the building, reviewed food temperature logs and the home's contingency plans.

The following Inspection Protocols were used during this inspection:



Safe and Secure Home

Findings of Non-Compliance were found during this inspection.

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>Legendé</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 O.Reg 79/10, s. 19. Generators Specifically failed to comply with the following:

s. 19. (4) The licensee of a home to which subsection (2) or (3) applies shall ensure, not later than six months after the day this section comes into force, that the home has guaranteed access to a generator that will be operational within three hours of a power outage and that can maintain everything required under clauses (1) (a), (b) and (c). O. Reg. 79/10, s. 19 (4).

Findings/Faits saillants :



The home (classified as a C home) did not have guaranteed access to a generator that was operational within 3 hours of the power outage that affected the home between 8 p.m. on July 19, 2013 and midnight July 20, 2013 and that could maintain 1) the heating system 2) emergency lighting in hallways/corridors, stairways and exits, 3) essential services including dietary services equipment required to store food at safe temperatures and prepare and deliver meals and snacks, 4) the resident-staff communication and response system, 5) elevators, 6) life support and safety and emergency equipment.

The City of Hamilton, where the home was situated was affected by a rain storm beginning 6:15 p.m. on Friday, July 19, 2013. Many areas of the city were affected by power outages, including the Long-Term Care Home. The home lost power for a total of 28 hours. The management of the home was able to acquire a generator for 10 hours starting at 2 p.m. on July 20, 2013 to operate one refrigerator and a small appliance. Essential services and lighting systems required above could not be maintained over the course of the 28 hours. The administrator confirmed that they did not have any contracts or arrangements with a generator company that could guarantee that the home had access to a generator which could supply the necessary power to operate the services required in the building. The following services were affected;

1) Heating.

The home could not provide heating if required to do so if temperatures dropped below 22C.

2) Emergency lighting in hallways/corridors, stairways and exits,

The home was not able to sustain emergency lighting in corridors, stairways and exits beyond the life of the back-up light batteries which was approximately 30-60 minutes. The home did not have any back-up lighting other than a few portable lights or hand held flashlights.

3) Essential services including dietary services equipment required to store food at safe temperatures and prepare and deliver meals and snacks.

The home was not able to operate dietary services equipment such as freezers,



refrigerators and hot holding equipment throughout the power outage. Many perishable foods had to be discarded as they could not be kept refrigerated. Only one refrigerator was plugged into a small generator and was able to keep a small amount of food below 4C starting July 20th at 2 p.m. Meals could not be prepared according to the established and planned menus as the preparation equipment such as blenders and mixers could not be powered. The home's gas stove could not be operated as the mechanical ventilation was not operational to be able to extract any carbon monoxide generated. Residents on specialized diets were provided with jarred baby food, apple sauce and left over pureed bread. Other residents received sandwiches, yogurt, hot dogs (cooked on an outdoor barbeque), muffins, cheese, bread, jam and peanut butter.

4) Resident-staff communication and response system.

The home's resident-staff communication and response system was not functional throughout the power outage (28 hours). No alternative system was in place other than more frequent monitoring of residents by staff.

5) Elevators.

The home is equipped with one elevator which services 3 floors. The elevator was not operational over the course of the power outage (28 hours) and residents were therefore restricted to their floor. Very few residents were capable of using the stairs, with the majority of the residents being dependent on a wheelchair or walker. The home did not have any available equipment or method(s) in which to transfer residents up and down the stairs.

6) Life support and safety and emergency equipment.

At the time of the power outage, the home had 6 residents using portable oxygen cylinders. The home's concentrators could not refill the cylinders due to the power loss. One cylinder was full and 2 were being filled at the time of the power outage. The supplier was contacted for additional cylinders but was not able to deliver them until 2:00 a.m. July 20, 2013 due to the stormy conditions. Paramedics were contacted to respond to a distressed resident on oxygen at 11:30 p.m. on July 19, 2013 and at that time the paramedics supplied the home with some oxygen cylinders. When the home received their generator at 2:00 p.m. on July 20, 2013, they were able to plug in



their concentrator to refill their own cylinders. [s.19(4)]

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 O.Reg 79/10, s. 230. Emergency plans

Specifically failed to comply with the following:

s. 230. (4) The licensee shall ensure that the emergency plans provide for the following:

- 1. Dealing with,**
 - i. fires,**
 - ii. community disasters,**
 - iii. violent outbursts,**
 - iv. bomb threats,**
 - v. medical emergencies,**
 - vi. chemical spills,**
 - vii. situations involving a missing resident, and**
 - viii. loss of one or more essential services. O. Reg. 79/10, s. 230 (4).**

s. 230. (5) The licensee shall ensure that the emergency plans address the following components:

- 1. Plan activation. O. Reg. 79/10, s. 230 (5).**
 - 2. Lines of authority. O. Reg. 79/10, s. 230 (5).**
 - 3. Communications plan. O. Reg. 79/10, s. 230 (5).**
 - 4. Specific staff roles and responsibilities. O. Reg. 79/10, s. 230 (5).**
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Findings/Faits saillants :



1. The emergency plans do not provide for dealing with loss of one or more essential services.

The home's emergency plans, updated in 2012 identify that in the case of a power loss, their corporate head office in Waterloo would be able to supply generators. However, during the power outage beginning at 8:00 p.m. on July 19, 2013 and ending on July 20, 2013 at midnight, a generator or generators could not be obtained to operate all of the essential services listed under O. Reg. 79/10, s. 19(1)(a)(b) and (c). The home's emergency plans (or their management company's plans) did not have any information for staff to follow with respect to a loss of elevator service, the resident-staff communication and response system, door locking systems, dietary equipment and lighting systems. [s.230(4)1.]

2. The home's emergency plans do not address the following components:

1. Plan activation.
2. Lines of authority.
3. Communications plan.
4. Specific staff roles and responsibilities

Many of the emergency plans the home has in place for situations such as missing residents, fire, bomb threat or chemical spill are missing information related to components 1-4 above. [s. 230. (5)]

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 emergency plans provide for dealing with loss of one or more essential services and that the plans address Plan activation, Lines of authority, Communications plan, and Specific staff roles and responsibilities, to be implemented voluntarily.



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

Issued on this 8th day of August, 2013

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

B. Sosnik



Ministry of Health and
Long-Term Care

Ministère de la Santé et
des Soins de longue durée

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 System Accountability and Performance Division
Performance Improvement and Compliance Branch

Division de la responsabilisation et de la performance du système de santé
Direction de l'amélioration de la performance et de la conformité

Public Copy/Copie du public

Name of Inspector (ID #) /
Nom de l'inspecteur (No) : BERNADETTE SUSNIK (120)

Inspection No. /
No de l'inspection : 2013_189120_0048

Log No. /
Registre no: H-000456-13

Type of Inspection /
Genre d'inspection: Critical Incident System

Report Date(s) /
Date(s) du Rapport : Aug 8, 2013

Licensee /
Titulaire de permis : DEEM MANAGEMENT SERVICES LIMITED
2 QUEEN STREET EAST, SUITE 1500, TORONTO,
ON, M5C-3G5

LTC Home /
Foyer de SLD : HAMILTON CONTINUING CARE
125 WENTWORTH STREET SOUTH, HAMILTON, ON,
L8N-2Z1

Name of Administrator /
Nom de l'administratrice
ou de l'administrateur : Enesia Malapela

To DEEM MANAGEMENT SERVICES LIMITED, you are hereby required to comply with the following order(s) by the date(s) set out below:



Order # / Ordre no : 001	Order Type / Genre d'ordre : Compliance Orders, s. 153. (1) (b)
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Pursuant to / Aux termes de :

O.Reg 79/10, s. 19. (4) The licensee of a home to which subsection (2) or (3) applies shall ensure, not later than six months after the day this section comes into force, that the home has guaranteed access to a generator that will be operational within three hours of a power outage and that can maintain everything required under clauses (1) (a), (b) and (c). O. Reg. 79/10, s. 19 (4).

Order / Ordre :

The licensee shall prepare, submit and implement a plan that summarizes how the home will ensure that the home has guaranteed access to a generator that will be operational within three hours of a power outage and that can maintain everything required under clauses (1) (a), (b) and (c) of O. Reg. 79/10, s. 19.

The plan shall be emailed to Bernadette.susnik@ontario.ca (Ministry of Health and Long-Term Care, Performance Improvement and Compliance Branch, 119 King Street West, 11th floor, Hamilton, ON L8P 4Y7) or faxed to 905-546-8255 by September 9, 2013. The plan shall be implemented within 6 months of the date of this report.

Note: If an extension is required of plan submission or implementation, please contact the inspector at least one week prior to the expiry date.

Grounds / Motifs :

1. The home (classified as a C home) did not have guaranteed access to a generator that was operational within 3 hours of the power outage that affected the home between 8 p.m. on July 19, 2013 and midnight July 20, 2013 and that could maintain 1) the heating system 2) emergency lighting in hallways/corridors, stairways and exits, 3) essential services including dietary services equipment required to store food at safe temperatures and prepare and deliver meals and snacks, 4) the resident-staff communication and response system, 5) elevators, 6) life support and safety and emergency equipment.



**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*

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The home was not able to operate dietary services equipment such as freezers, refrigerators and hot holding equipment throughout the power outage. Many perishable foods had to be discarded as they could not be kept refrigerated. Only one refrigerator was plugged into a small generator and was able to keep a small amount of food below 4C starting July 20th at 2 p.m. Meals could not be prepared according to the established and planned menus as the preparation equipment such as blenders and mixers could not be powered. The home's gas stove could not be operated as the mechanical ventilation was not operational to be able to extract any carbon monoxide generated. Residents on specialized diets were provided with jarred baby food, apple sauce and left over pureed bread. Other residents received sandwiches, yogurt, hot dogs (cooked on an



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This order must be complied with by /

Vous devez vous conformer à cet ordre d'ici le : Sep 09, 2013



Ministry of Health and
Long-Term Care

Ministère de la Santé et
des Soins de longue durée

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 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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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

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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.



Ministry of Health and
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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.



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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 8th day of August, 2013

**Signature of Inspector /
Signature de l'inspecteur :**

B. Susnik

Name of Inspector /

Nom de l'inspecteur : BERNADETTE SUSNIK

Service Area Office /

Bureau régional de services : Hamilton Service Area Office