

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

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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
Jul 23, 2019	2019_804600_0014	007909-19	Complaint

Licensee/Titulaire de permis

Heritage Nursing Homes Inc.
1195 Queen Street East TORONTO ON M4M 1L6

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

The Heritage Nursing Home
1195 Queen Street East TORONTO ON M4M 1L6

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

GORDANA KRSTEVSKA (600)

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): July 4 and 5, 2019.

A complaint intake #007909-19, regarding withholding approval for admission was inspected during this inspection.

During the course of the inspection, the inspector(s) spoke with the Director of Care (DOC), Director of Resident and Family Services (DRFS), and Placement Coordinator - Manager of Long-Term Care Performance and Capacity from Toronto Central Local Health Integration Network (TC LHIN).

During the course of the inspection, the inspector reviewed the applications from the LHIN, withholding approval written notices, corresponding note between home and the LHIN.

**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 approve the applicant's admission to the home unless:

(a) the home lacked the physical facilities necessary to meet the applicant's care requirements;

(b) the staff of the home lacked the nursing expertise necessary to meet the applicant's care requirements; or

(c) circumstances existed which were provided for in the regulations as being a ground for withholding approval.

A complaint was submitted to the Ministry of Health and Long-Term Care (MOHLTC) on an identified date, by an applicant for withholding an approval for admission at Heritage Nursing Home. As a part of the policy for inspecting complaints, inspection was extended to two more applicants who received the written notices withholding approval.

A review of the written notice withholding approval regarding applicant #001, from an identified date sent to the Local Health Integration Network (LHIN) indicated that according to the assessment record the applicant had some changes in health condition. Further in the notice, the home indicated that given applicant's condition, they had many residents with similar conditions in the home, they were unable to accept their application for placement in the facility because their care needs could not be supported. [s. 44. (7)]

2. A review of the written notice withholding approval regarding applicant #002, dated January, 2019, indicated that the applicant was diagnosed with identified changes in their health condition. Further in the note the home indicated that they were unable to accept their application for the placement in the home as their behaviour care needs could not be supported. [s. 44. (7)]

3. Review of the written notice withholding approval sent to LHIN for withholding approval for admission of applicant #003 indicated that the applicant had change in their health condition. Further in the notice the home indicated that they were unable to accept their application for placement in the home as their behaviour care needs could not be supported.

A review of the written notice withholding approval for the three applicants did not indicate the home lacks the physical facilities necessary to meet the applicants' care requirements or that the staff of the home lack the nursing expertise necessary to meet the applicants' care requirements, or circumstances existed which were provided for in the regulations as being a ground for withholding approval.

During an interview with Director of Resident and Family Services (DRFS), they confirmed reviewing the applications of the identified applicants and identifying that the applicants had identified conditions. Furthermore, the DRFS indicated that they believed that the applicants posed some disruption to the residents in the home due to their identified health condition. The DRFS was unable to indicate where in the Regulations a ground for withholding applicant #001, #002, and #003's, applications existed.

An interview with the Director of Care (DOC) stated the practice in the home was that all applications received from Toronto Central LHIN are to be reviewed by the DRFS services who would highlight the areas of concern, forward the application to the DOC and both would make a decision. When needed, the decision would come from an interdisciplinary team including the identified program lead and the attending physician.

Identified applications had been reviewed by the interdisciplinary team and had been decided to withhold approval of applicants to be on the waiting list for this home. After reviewing the MOHLTC Regulation with the DOC, the DOC agreed that a ground for withholding approval for the identified applicants was not provided for in the Regulation. [s. 44. (7)]

4. The licensee has failed to ensure that if the licensee withholds approval for admission, the licensee shall give to persons described in subsection (10) a written notice 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; and an explanation of how the supporting facts justify the decision to withhold approval.

A review of the written notice withholding approval for applicant #001 from an identified date, did not set out the ground or grounds on which the licensee was 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 and an explanation of how the supporting facts justify the decision to withhold approval. [s. 44. (9)]

5. A review of the written notice withholding approval for applicant #002 from an identified date, did not set out the ground or grounds on which the licensee was 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 and an explanation of how the supporting facts justify the decision to withhold approval. [s. 44. (9)]

6. A review of the written notice withholding approval for applicant #003 from an identified date, did not set out the ground or grounds on which the licensee was 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 and an explanation of how the supporting facts justify the decision to withhold approval.

An interview with the DOC confirmed that they acknowledged the Regulation requirements and agreed that the home did not comply with the regulation when issuing written notices withholding approval to applicants #001, #002 and #003 that did not indicate the ground, grounds set on which they were withholding approval or a detailed explanation of the supporting facts, and an explanation of how the supporting facts justify their decision to withhold approval. [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 - to ensure that when the placement coordinator gives the licensee copies of the assessments and information that were required to have been taken into account, under subsection 43 (6), the licensee review the assessments and information, and 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, to be implemented voluntarily,

- to ensure that 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, and

(c) an explanation of how the supporting facts justify the decision to withhold approval, to be implemented voluntarily.

Issued on this 23rd day of July, 2019

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

Original report signed by the inspector.