

Ministry of Long-Term Care
Long-Term Care Operations Division
Long-Term Care Inspection Branch

London District
130 Dufferin Avenue, 4th Floor
London, ON, N6A 5R2
Telephone: (800) 663-3775

Original Public Report	
Report Issue Date: May 4, 2023	
Inspection Number: 2023-1608-0003	
Inspection Type: Critical Incident System	
Licensee: The Corporation of the County of Lambton	
Long Term Care Home and City: Marshall Gowland Manor, Sarnia	
Lead Inspector Tatiana Pyper (733564)	Inspector Digital Signature
Additional Inspector(s) Jennifer Bertolin (740915)	

INSPECTION SUMMARY
<p>The inspection occurred onsite on the following date(s): April 25, 26, and 27, 2023</p> <p>The following intake(s) were inspected:</p> <ul style="list-style-type: none"> • Intake: #00017245 - CIS #613-000001-23 related to Falls Prevention and Management. • Intake: #00019355 - CIS #613-000009-23 related to Resident's Rights. <p>The following intake(s) were completed in this inspection:</p> <p>Intake: #00014102 - CIS #613-000036-22 Intake: #00014812 - CIS #613-000040-22 Intake: #00017837 - CIS #613-000003-23</p>

The following **Inspection Protocols** were used during this inspection:

- Infection Prevention and Control
- Residents' Rights and Choices
- Falls Prevention and Management

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INSPECTION RESULTS

COMPLIANCE ORDER CO #001 RESIDENT'S RIGHTS

NC #001 Compliance Order pursuant to FLTCA, 2021, s. 154 (1) 2.

Non-compliance with: FLTCA, 2021, s. 3 (1) 1.

The inspector is ordering the licensee to comply with a Compliance Order [FLTCA, 2021, s. 155 (1) (a)]:

Specifically, the licensee shall:

1. Provide privacy and confidentiality training, including the duty of care confidentiality, to all direct care staff by the Compliance Order Due Date. Ensure the training is documented, including the date the training occurred, the content of the training, and the staff members who completed the training.
2. Review and update the home's Privacy and Confidentiality Policy to include directions on staff use of cell phones and social media related to resident care and confidentiality by the Compliance Order Due Date.

Grounds

The licensee has failed to ensure that resident's rights to be treated with courtesy and respect and in a way that fully recognized resident's inherent dignity, were fully respected.

Rationale and Summary

A Critical Incident System (CIS) report was received by the Director, after the home has been informed of a privacy breach that had occurred, involving three residents of the home.

A privacy breach notice letter from Legal Services of the County of Lambton was sent to three residents, as well as their substitute decision makers.

Review of the privacy breach notice letter indicated that the Administrator had informed the residents as well as their substitute decision makers of a privacy breach that had occurred at Marshall Gowland

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Manor, contrary to the home's policies and expectations, and the employee's duties and responsibilities.

In an interview, Director of Care (DOC) noted that the privacy breach was reported to the Information and Privacy Commissioner of Ontario.

[733564]

This order must be complied with by

May 15, 2023

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REVIEW/APPEAL INFORMATION

TAKE NOTICE

The licensee has the right to request a review by the Director of this (these) Order(s) and/or this Notice of Administrative Penalty (AMP) in accordance with section 169 of the Fixing Long-Term Care Act, 2021 (Act). The licensee can request that the Director stay this (these) Order(s) pending the review. If a licensee requests a review of an AMP, the requirement to pay is stayed until the disposition of the review.

Note: Under the Act, a re-inspection fee is not subject to a review by the Director or an appeal to the Health Services Appeal and Review Board (HSARB). 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 or AMP was served on the licensee.

The written request for review must include:

- (a) the portions of the order or AMP 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, email or commercial courier upon:

Director

c/o Appeals Coordinator
Long-Term Care Inspections Branch
Ministry of Long-Term Care
438 University Avenue, 8th floor
Toronto, ON, M7A 1N3
e-mail: MLTC.AppealsCoordinator@ontario.ca

If service is made by:

- (a) registered mail, is deemed to be made on the fifth day after the day of mailing
- (b) email, is deemed to be made on the following day, if the document was served after 4 p.m.
- (c) commercial courier, is deemed to be made on the second business day after the commercial courier received the document

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If the licensee is not served with a copy of the Director's decision within 28 days of receipt of the licensee's request for review, this(these) Order(s) is(are) and/or this AMP is deemed to be confirmed by the Director and, for the purposes of an appeal to HSARB, the Director is deemed to have served the licensee with a copy of that decision on the expiry of the 28-day period.

Pursuant to s. 170 of the Act, the licensee has the right to appeal any of the following to HSARB:

- (a) An order made by the Director under sections 155 to 159 of the Act.
- (b) An AMP issued by the Director under section 158 of the Act.
- (c) The Director's review decision, issued under section 169 of the Act, with respect to an inspector's compliance order (s. 155) or AMP (s. 158).

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 an appeal, the licensee must give a written notice of appeal within 28 days from the day the licensee was served with a copy of the order, AMP or Director's decision that is being appealed from. The appeal notice must be given to both HSARB and the Director:

Health Services Appeal and Review Board

Attention Registrar
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
438 University Avenue, 8th Floor
Toronto, ON, M7A 1N3
e-mail: MLTC.AppealsCoordinator@ontario.ca

Upon receipt, the HSARB will acknowledge your notice of appeal and will provide instructions regarding the appeal and hearing process. A licensee may learn more about the HSARB on the website www.hsarb.on.ca.