

Original Public Report

Report Issue Date September 6, 2022

Inspection Number 2022_1032_0003

Inspection Type

- ☐ Critical Incident System
 ☐ Complaint
 ☒ Follow-Up
 ☐ Director Order Follow-up
☐ Proactive Inspection
 ☐ SAO Initiated
 ☐ Post-occupancy
☐ Other _____

Licensee

Mississauga Long Term Care Facility Inc
26 Peter Street North Mississauga ON L5H 2G7

Long-Term Care Home and City

Mississauga Long Term Care Facility
26 Peter Street North Mississauga ON L5H 2G7

Lead Inspector

Nicole Ranger (189)

Inspector Digital Signature

Additional Inspector(s)

Nira Khemraj (692020) was present during this inspection

INSPECTION SUMMARY

The inspection occurred on the following date(s): August 17, 19, 2022.

The following intake(s) were inspected:

- Log # 016040-22 (Follow-up) related to Air Temperature requirements.

Previously Issued Compliance Order(s)

The following previously issued Compliance Order(s) were found **NOT** to be in compliance.

Legislative Reference		Inspection #	Order #	Inspector (ID) who inspected the order
O. Reg. 246/22	s. 24 (2)(3)(4)(5)	2022_1032_0002	001	Nicole Ranger (189)

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

- Infection Prevention and Control (IPAC)
- Safe and Secure Home

WRITTEN NOTIFICATION FAILURE TO COMPLY

NC#001 Written Notification pursuant to FLTCA, 2021, s. 154(1)1

Non compliance with: FLTCA, 2021, s. 104 (4)

The Licensee has failed to comply with the conditions of Compliance Order (CO) #001 issued June 24, 2022, under inspection report 2022_1032_0002 with a compliance order due date of July 8, 2022.

Rationale and Summary

Compliance Order (CO) #001 under inspection report 2022_1032_0002 required the home to be compliant with O. Reg 246/22, s. 24 (2)(3)(4)(5).

The licensee shall ensure that the air temperature is measured and documented in required areas of the home.

The compliance order required the home to:

Ensure that air temperatures are measured and documented in writing, at a minimum in the following areas of the home:

1. At least two resident bedrooms in different parts of the home.
2. One resident common area on every floor of the home, which may include a lounge, dining area or corridor.
3. Every designated cooling area, if there are any in the home.
4. The temperature required to be measured under subsection (2) shall be documented at least once every morning, once every afternoon between 12 p.m. and 5 p.m. and once every evening or night.
5. In addition to the requirements in subsection (2), for every resident bedroom that is not served by air conditioning, the temperature is measured and documented in writing once a day in the afternoon between 12 p.m. and 5 p.m.
6. Maintain a record of the measurements documented under subsections (2), (3) and (4) for at least one year.

Follow up inspection was conducted August 17 and 19, 2022. The inspector found the home in compliance with items #1, 2, 3 and 4, however the home was not in compliance with item #5.

During observation of the home, resident #001 reported that their air conditioning (a/c) unit was not functional for over one year. Maintenance Lead #102 reported that they disconnected the air conditioning unit as per the resident's request and that the a/c unit was not working. Maintenance Lead #102, Director of Care #101 and Acting Administrator #100 were unable to provide air temperature documentation and acknowledged they did not take daily air temperature readings in the affected resident room.

The Director of Care #101 and Acting Administrator #100 acknowledged that item #5 of the compliance order was not completed as ordered.

Sources: Observation of resident #001's room, interview with resident #001, Director of Care #101, Acting Administrator #100, Maintenance Lead #102.

(189)

An Administrative Monetary Penalty (AMP) is being issued on this written notification [AMP#001]

NOTICE OF ADMINISTRATIVE MONETARY PENALTY (AMP)

The Licensee has failed to comply with O. Reg. 246/22 s. 24 (4)

Notice of Administrative Monetary Penalty AMP #001 Related to Compliance Order #001

Pursuant to section 158 of the *Fixing Long-Term Care Act, 2021*, the licensee is required to pay an administrative penalty of **\$1100.00**, to be paid within 30 days from the date of the invoice.

In accordance with s. 349 (6) and (7) of O. Reg. 246/22, this administrative penalty is being issued for the licensee's failure to comply with an order under s. 155 of the Act.

Compliance History

- Order #001 of Inspection #2022_1032_0002, O. Reg 246/22 s. 24 (2)(3)(4)(5)

This is the **first** time an AMP has been issued to the licensee for failing to comply with this requirement.

Invoice with payment information will be provided under a separate mailing after service of this notice.

*Licensees must **not** pay an AMP from a resident-care funding envelope provided by the Ministry [i.e., Nursing and Personal Care (NPC); Program and Support Services (PSS); and Raw Food (RF)]. By submitting a payment to the Minister of Finance, the licensee is attesting to using funds outside a resident-care funding envelope to pay the AMP.*

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. Please include the inspection report # and the order or AMP #;
- (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
email: MLTC.AppealsCoordinator@ontario.ca

If service is made by:

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

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:

- An order made by the Director under sections 155 to 159 of the Act.
- An AMP issued by the Director under section 158 of the Act.
- 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:

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

Toronto Service Area Office
5700 Yonge Street, 5th Floor
Toronto ON M2M 4K5
Telephone: 1-866-311-8002
TorontoSAO.moh@ontario.ca

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
email: 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.