



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 prévue le Loi de 2007 les foyers de soins de longue

Health System Accountability and Performance Division
Performance Improvement and Compliance Branch
Division de la responsabilisation et de la performance du système de santé
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Table with 3 columns: Date(s) of inspection, Inspection No, Type of Inspection. Row 1: Jan 19, 20, Feb 17, 2012; 2012\_025168\_0003; Other

Licensee/Titulaire de permis

MARYBAN HOLDINGS LTD
3700 BILLINGS COURT, BURLINGTON, ON, L7N-3N6

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

OAKWOOD PARK LODGE
6747 OAKWOOD DRIVE, NIAGARA FALLS, ON, L2E-6S5

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

LISA VINK (168)

Inspection Summary/Résumé de l'inspection

The purpose of this inspection was to conduct an Other inspection.

During the course of the inspection, the inspector(s) spoke with the licensee of Oakwood Park Lodge.

This inspection is related to log number H-002601-11.

During the course of the inspection, the inspector(s) reviewed Corporation Profile Reports, reviewed statements from SmartMeds Pharmacy to Oakwood Park Lodge and reviewed the contract between SmartMeds Pharmacy and Oakwood Park Lodge.

The following Inspection Protocols were used during this inspection:

Findings of Non-Compliance were found during this inspection.

NON-COMPLIANCE / NON-RESPECT DES EXIGENCES

Legend

WN - Written Notification
VPC - Voluntary Plan of Correction
DR - Director Referral
CO - Compliance Order
WAO - Work and Activity Order

Legendé

WN - Avis écrit
VPC - Plan de redressement volontaire
DR - Aiguillage au directeur
CO - Ordre de conformité
WAO - Ordres : travaux et activités



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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 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.)

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

Ce qui suit constitue un avis écrit de non-respect aux termes du paragraphe 1 de l'article 152 de la LFSLD.

**WN #1: The Licensee has failed to comply with O.Reg 79/10, s. 265. Non-arm's length transactions**  
**Specifically failed to comply with the following subsections:**

**s. 265. (2) Subject to subsection (3), a licensee of a long-term care home shall not enter into a non-arm's length transaction unless,**  
**(a) the supplier has been selected from an open, fair and transparent competitive procurement process involving at least three unrelated bids and has demonstrated economy, efficiency and effectiveness for the money spent superior to that of the other bidders; and**  
**(b) the licensee keeps a record documenting the transaction and the details of the competitive procurement process. O. Reg. 79/10, s. 265 (2).**

**s. 265. (6) Every licensee shall submit to the Director by March 31 in every calendar year, or at any other time required by the Director, a report that sets out, for the previous calendar year, or a time stipulated by the Director, every non-arm's length transaction for goods and services provided during that year or time, including a description of the services or goods received and the money spent for the goods and services. O. Reg. 79/10, s. 265 (6).**

**Findings/Faits saillants :**

1. The licensee failed to submit to the Director by March 31, 2011, a report that set out, for 2010, every non-arms length transaction for goods provided during 2010, including a description of the goods received and the money spent for the goods.  
During an interview with the licensee and statements provided by the licensee from SmartMeds Pharmacy to the long-term care home, Oakwood Park Lodge, it was confirmed that the licensee entered into a non-arms length transaction on a total of 10 occasions between July 1, 2010 and December 31, 2010, for the provision of goods. The licensee has failed to submit to the Director a report of these transactions, as of October 20, 2011.
2. The licensee has not selected a supplier for purchasing specific nursing and personal care supplies for Oakwood Park Lodge in an open, fair and transparent competitive procurement process.  
On 3 occasions in January 2010, 2 occasions in February 2010, 1 occasion in March 2010, 1 occasion in April 2010, 2 occasions in May 2010, 2 occasions in June 2010, 1 occasion in August 2010, 2 occasions in September 2010, 2 occasions in October 2010, 3 occasions in November 2010 and 2 occasions in December 2010, the licensee entered into a non-arm's length transaction with SmartMeds Pharmacy Group, a supplier that it had not selected from an open, fair and transparent competitive bidding procurement process involving at least three unrelated bids as follows:
  - a) The licensee purchased for the home nursing and personal care supplies, which are direct care goods, from SmartMeds Pharmacy Group
  - b) SmartMeds Pharmacy Group is the business name for the Cedar Springs Pharmacy Inc.
  - c) The licensee and Cedar Springs Pharmacy Inc. are associates within the meaning of s. 2(4) of the Long-Term Care Homes Act, 2007.  
-The identified individual is a director of the licensee  
-The same individual is also an officer, specifically the secretary and treasurer, of Cedar Springs Pharmacy Inc.
  - d) The licensee paid money to acquire the supply of nursing and personal care supplies from SmartMeds Pharmacy Group pursuant to statements of transactions, which includes purchases.
  - e) The licensee paid a maximum of \$366.00 on a transaction, in September 2010.



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prévue le Loi de 2007 les  
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Issued on this 17th day of February, 2012

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

A handwritten signature in cursive script, appearing to read "T. Linn".