



**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
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
Jan 23, 2019	2019_640601_0002	000422-19	Complaint

Licensee/Titulaire de permis

Vigour Limited Partnership on behalf of Vigour General Partner Inc.
302 Town Centre Blvd Suite 300 MARKHAM ON L3R 0E8

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

Rockcliffe Care Community
3015 Lawrence Avenue East SCARBOROUGH ON M1P 2V7

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

KARYN WOOD (601)

Inspection Summary/Résumé de l'inspection



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The purpose of this inspection was to conduct a Complaint inspection.

This inspection was conducted on the following date(s): January 16 and 17, 2019.

Complaint log #000422-19 related to an applicant's application for admission to the home being refused by the licensee.

During the course of the inspection, the inspector(s) spoke with the Central East Local Health Integration Network (CE LHIN) Senior Manager, Social Worker (SW), and the Director of Care (DOC).

The inspector conducted an off-site complaint inspection.

**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)

0 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 had failed to comply with s. 44 (7) of the Long-Term Care Homes Act (LTCHA) whereby the licensee refused the application of applicant #001 for reasons other than provided for in the LTCHA.

Related to complaint log #000422-19:

The Ministry of Health, Central Intake Assessment and Triage Team (CIATT) received a written complaint from the Placement Coordinator of the Central East (CE) Local Health Integration Network (LHIN), regarding applicant #001. Inspector #601 reviewed the written complaint, which indicated that applicant #001 had submitted an application for admission to the home and the application was accepted by the LTCH, on an identified date. According to the written complaint, on an identified date, the CE LHIN received a



rejection letter from the Long-Term Care Home (LTCH) in regards to applicant #001. The rejection letter indicated that applicant #001 required care using a device and the LTCH was currently at capacity with the use of the identified assistive device. The LTCH indicated in the letter they would only accept the applicant for admission when the homes capacity of the assistive device decreased.

During a telephone interview on an identified date, Inspector #601 spoke with the Senior Manager of the Central East (CE) Local Health Integration Network (LHIN). The Senior Manager indicated that applicant #001's application and the required information was provided to the LTCH to review on an identified date. The LTCH accepted applicant #001's application to the home on an identified date and the applicant was placed on the home's wait list. According to the Senior Manager, on an identified date the LTCH was made aware of a bed match for applicant #001. The Senior Manager further reported that on an identified date, the LTCH withdrew applicant #001's approval to the home by updating the electronic system used to communicate information between the LTCH and the CE LHIN. The Senior Manager also indicated that someone from the LTCH did speak directly with a Placement Coordinator from the CE LHIN. The LTCH informed the Placement Coordinator, that they could not accept applicant #001, as the LTCH was at capacity for the identified assistive device.

Inspector #601 reviewed the home's letter with an identified date, addressed to applicant #001, signed by the Executive Director (ED) of the Long-Term Care Home (LTCH). The letter stated the following details for withholding approval for applicant #001's admission to the LTCH:

Unfortunately, we are withholding approval of your application because we do not have the necessary resources to meet your needs. This means that our staff lacks the nursing expertise necessary to meet your requirements with regards to your utilization of the identified assistive device. Currently, we have an identified number of resident's utilizing the identified assistive device in our community and this number is already exceeding the amount in which we can accommodate. We also utilize agency staff for a specified percentage of our registered staff schedule and these agency staff lack the expertise to effectively manage your assistive device. Further to this decision, please note that our care community also provides care to an identified number of frail and elderly seniors who have a wide variety of physical and mental needs. Given our comprehensive review of your history and specialized care requirements, we have concluded that we are unable to provide the care which you require at this time. Therefore, based upon these facts, we cannot approve your application because of the safety and security of yourself and



others.

During a telephone interview on an identified date, Inspector #601 spoke with the Social Worker who indicated being the LTCH's Admission Coordinator. According to the Social Worker, applicant #001's application for admission to the home was initially accepted by the LTCH on an identified date, with a note to the CE LHIN that the applicant can only be accepted for admission when the capacity of the identified assistive device decreased in the home. The Social Worker reported having a telephone conversation with the Placement Coordinator from the CE LHIN about the applicant being admitted to the home. The Social Worker indicated that this information was communicated to the ED and the letter was written to withhold applicant #001's admission to the home. The Social Worker said the main reason for withholding the application was due to the amount of identified assistive devices currently in the home and that agency staff were utilized in the home for a specified percentage of the schedule.

During a telephone interview on an identified date, the Director of Care (DOC) indicated to Inspector #601 that applicant #001 had an identified assistive device. According to the DOC, applicant #001's admission was withheld due to the home being at capacity for residents that required identified care. The DOC also indicated that the LTCH was currently providing nursing care for a specified number of residents that had the identified assistive device. The DOC confirmed that the registered staff currently working in the home do have the necessary nursing expertise to provide the care to resident's that have the identified assistive device.

The licensee has failed to comply with s. 44 (7) of the LTCHA, whereby the licensee withheld the approval of applicant #001's application to the LTCH for reasons other than provided for in the LTCHA. [s. 44. (7)]

2. The licensee has failed to ensure that when withholding approval for admission, the licensee shall give 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 applicants condition and requirements for care; an explanation of how the supporting facts justify the decision to withhold approval.

Related to complaint log #000422-19:

The Ministry of Health, Central Intake Assessment and Triage Team (CIATT) received a written complaint from the Placement Coordinator of the Central East (CE) Local Health



Integration Network (LHIN), regarding applicant #001. Inspector #601 reviewed the written complaint, which indicated that applicant #001 had submitted an application for admission to the home and the application was accepted by the LTCH, on an identified date. According to the written complaint, on an identified date, the CE LHIN received a rejection letter from the Long-Term Care Home (LTCH) in regards to applicant #001. The rejection letter indicated that applicant #001 required care using a device and the LTCH was currently at capacity with the use of the identified assistive device. The LTCH indicated in the letter they would only accept the applicant for admission when the capacity of the assistive device decreased.

Inspector #601 reviewed the home's letter with an identified date, addressed to applicant #001, signed by the Executive Director (ED) of the Long-Term Care Home (LTCH). The letter stated the following details for withholding approval for applicant #001's admission to the LTCH:

Unfortunately, we are withholding approval of your application because we do not have the necessary resources to meet your needs. This means that our staff lacks the nursing expertise necessary to meet your requirements with regards to your utilization of the identified assistive device. Currently, we have an identified number of resident's utilizing the identified assistive device in our community and this number is already exceeding the amount in which we can accommodate. We also utilize agency staff for a specified percentage of our registered staff schedule and these agency staff lack the expertise to effectively manage your assistive device. Further to this decision, please note that our care community also provides care to an identified number of frail and elderly seniors who have a wide variety of physical and mental needs. Given our comprehensive review of your history and specialized care requirements, we have concluded that we are unable to provide the care which you require at this time. Therefore, based upon these facts, we cannot approve your application because of the safety and security of yourself and others.

During a telephone interview on an identified date, the Director of Care (DOC) indicated to Inspector #601 that at the time the letter was written by the Executive Director on the identified date, the LTCH lacked the necessary nursing resources to accept the applicant.

A further review of the refusal letter with an identified date, revealed that the refusal letter did not provide a detailed explanation of the supporting facts or how the facts justify the decision to withhold approval regarding applicant #001's application to the LTCH.



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The licensee has failed to ensure that the above mentioned letter with an identified date, addressed to applicant #001 provided sufficient details as required, for withholding approval for admission, and that the letter provided a detailed explanation of the supporting facts, as they related both to the home and to the applicant's condition and requirements for care, and an explanation of how the supporting facts justified the decision to withhold approval. [s. 44. (9)]

Issued on this 23rd day of January, 2019

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

Original report signed by the inspector.