



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 sous la Loi de 2007 sur les foyers de soins de longue durée

Health System Accountability and Performance Division
Performance Improvement and Compliance Branch

Toronto Service Area Office
5700 Yonge Street, 5th Floor
TORONTO, ON, M2M-4K5
Telephone: (416) 325-9660
Facsimile: (416) 327-4486

Bureau régional de services de Toronto
5700, rue Yonge, 5e étage
TORONTO, ON, M2M-4K5
Téléphone: (416) 325-9660
Télécopieur: (416) 327-4486

Division de la responsabilisation et de la performance du système de santé
Direction de l'amélioration de la performance et de la conformité

Public Copy/Copie du public

Report Date(s) / Date(s) du Rapport	Inspection No / No de l'inspection	Log # / Registre no	Type of Inspection / Genre d'inspection
Mar 4, 2014	2013_168202_0051	T-479-13	Complaint

Licensee/Titulaire de permis

THE ONTARIO MISSION OF THE DEAF
2395 BAYVIEW AVENUE, NORTH YORK, ON, M2L-1A2

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

BOB RUMBALL HOME FOR THE DEAF
1 Royal Parkside Drive, BARRIE, ON, L4M-0C4

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

VALERIE JOHNSTON (202)

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): September 23, 2013, January 15, 2014 and February 27, 2014

During the course of the inspection, the inspector(s) spoke with Administrator, Director of Senior Services, Executive Director/Board of Directors from Ontario Mission for the Deaf, Finance Manager, Social Services Manager.

During the course of the inspection, the inspector(s) reviewed clinical records, reviewed resident trust accounts.

The following Inspection Protocols were used during this inspection:
Trust Accounts



Findings of Non-Compliance were found during this inspection.

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>Legendé</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 O.Reg 79/10, s. 241. Trust accounts



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Specifically failed to comply with the following:

s. 241. (4) No licensee shall,

(a) hold more than \$5,000 in a trust account for any resident at any time; O. Reg. 79/10, s. 241 (4).

(b) commingle resident funds held in trust with any other funds held by the licensee; or O. Reg. 79/10, s. 241 (4).

(c) charge a resident, or a person acting on behalf of a resident, a transaction fee for withdrawals, deposits, or anything else related to money held in trust. O. Reg. 79/10, s. 241 (4).

s. 241. (12) A licensee, including a municipality, municipalities or a board of management referred to in section 133 of the Act, shall not receive, hold or administer the property of a resident in trust other than as provided for in this section. O. Reg. 79/10, s. 241 (12).

Findings/Faits saillants :



1. The licensee shall not commingle resident funds held in trust with any other funds held by the licensee.

The Administrator indicated in an interview that the Ontario Mission for the Deaf (OMD) holds funds for an identified number of residents. All funds with the exception of \$1.00 is withdrawn from each of the resident's personal bank account and deposited into a charitable trust account held by the OMD. The trust account held by the OMD holds funds not only for each of the residents but also retains funds for other members for which the OMD supports. The Administrator indicated that the funds in the OMD trust account is used to pay the accommodation fees for each of the residents and to supplement their trust account at the home. The OMD trust account also holds and administers funds for other members within the charity for which the OMD supports. [s. 241. (4) (b)]

2. The licensee failed to ensure that the licensee shall not receive, hold or administer the property of a resident in trust other than as provided for in this section except in accordance with O.Reg. 79/10, s. 241. (13). [s.241. (12)]

The Administrator indicated in an interview that the Ontario Mission for the Deaf (OMD) holds funds for an identified number of residents. Each of the residents receive monthly payments deposited into their personal bank account held at a financial institution. All monies except \$1.00 is automatically withdrawn from each of the resident bank accounts and deposited into a trust account held by the licensee. The licensee holds the funds for each of the residents, will release funds to pay their accommodation fees and will release funds to supplement their trust account held at the home. An interview with the Executive Director/Board of Directors (ED) from the OMD confirmed that the OMD holds and administers the property for an identified number of residents, currently residing at the Bob Rumball Home for the Deaf. [s. 241. (12)]

Additional Required Actions:

CO # - 001, 002 will be served on the licensee. Refer to the "Order(s) of the Inspector".

WN #2: The Licensee has failed to comply with LTCHA, 2007 S.O. 2007, c.8, s. 101. Conditions of licence



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Specifically failed to comply with the following:

s. 101. (4) Every licensee shall comply with the conditions to which the licence is subject. 2007, c. 8, s. 101. (4).

Findings/Faits saillants :



1. The licensee failed to ensure that the licensee comply with the conditions to which the license is subject.[s.101.(4)]

The long term care service accountability agreement (L-SAA) between North Simcoe Muskoka Local Health Integration Network (LHIN) and the Ontario Mission of the Deaf Incorporated, states as follows:

Conflict of Interest. The Health Service Provider (HSP) will use the Funding, provide the Services and otherwise fulfill its obligations under this Agreement without an actual, potential or perceived Conflict of Interest. The HSP will disclose to the LHIN without delay any situation that a reasonable person would interpret as an actual, potential or perceived Conflict of Interest and comply with any requirements prescribed by the LHIN to resolve any Conflict of Interest.

The L-SAA defines conflict of interest as:

"Conflict of Interest" in respect of an HSP, includes any situation or circumstance where: in relation to the performance of its obligations under this Agreement

- (i) the HSP;
- (ii) a member of the HSP's Board or
- (iii) any person employed by the HSP who has the capacity to influence the HSP's decision,

has other commitments, relationships or financial interests that:

- (iv) could or could be seen to interfere with the HSP's objective, unbiased and impartial exercise of its judgment; or
- (v) could or could be seen to compromise, impair or be incompatible with the effective performance of its obligations under this Agreement.

An interview with the Ontario Mission for the Deaf's Executive Director/Board of Directors (ED) revealed that he holds Power of Attorney for Personal Care and for Finances for identified residents at the home. The ED indicated that the Ontario Mission for the Deaf (OMD) holds and administers property held in trust at the OMD for each of the residents, contrary to s. 241 (12) of the regulations. A review of the clinical records for the residents revealed that the ED has held Power of Attorney for Care and for Finances for an identified period of time for each of the residents.

It is a condition of the license pursuant to s. 101(3) that the licensee shall comply with the service accountability agreement with the Local Health Integration Network (L-SAA). The ED confirmed in an interview that the above information had not been disclosed to the LHIN. [s. 101. (4)]



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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 the licensee comply with the conditions to which the license is subject, to be implemented voluntarily.

Issued on this 4th day of March, 2014

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

Valerie Johnston



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Order(s) of the Inspector
Pursuant to section 153 and/or
section 154 of the *Long-Term Care
Homes Act, 2007*, S.O. 2007, c.8

Ordre(s) de l'inspecteur
Aux termes de l'article 153 et/ou
de l'article 154 de la *Loi de 2007 sur les foyers
de soins de longue durée*, L.O. 2007, chap. 8

Health System Accountability and Performance Division
Performance Improvement and Compliance Branch

Division de la responsabilisation et de la performance du système de santé
Direction de l'amélioration de la performance et de la conformité

Public Copy/Copie du public

Name of Inspector (ID #) /

Nom de l'inspecteur (No) : VALERIE JOHNSTON (202)

Inspection No. /

No de l'inspection : 2013_168202_0051

Log No. /

Registre no: T-479-13

Type of Inspection /

Genre

Complaint

d'inspection:

Report Date(s) /

Date(s) du Rapport : Mar 4, 2014

Licensee /

Titulaire de permis :

THE ONTARIO MISSION OF THE DEAF
2395 BAYVIEW AVENUE, NORTH YORK, ON,
M2L-1A2

LTC Home /

Foyer de SLD :

BOB RUMBALL HOME FOR THE DEAF
1 Royal Parkside Drive, BARRIE, ON, L4M-0C4

Name of Administrator /

Nom de l'administratrice

ou de l'administrateur : Shirley Cassel

To THE ONTARIO MISSION OF THE DEAF, you are hereby required to comply with the following order(s) by the date(s) set out below:



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Pursuant to section 153 and/or
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Ordre(s) de l'inspecteur
Aux termes de l'article 153 et/ou
de l'article 154 de la *Loi de 2007 sur les foyers
de soins de longue durée*, L.O. 2007, chap. 8

Order # /

Ordre no : 001

Order Type /

Genre d'ordre : Compliance Orders, s. 153. (1) (a)

Pursuant to / Aux termes de :

O.Reg 79/10, s. 241. (12) A licensee, including a municipality, municipalities or a board of management referred to in section 133 of the Act, shall not receive, hold or administer the property of a resident in trust other than as provided for in this section. O. Reg. 79/10, s. 241 (12).

Order / Ordre :

The licensee shall refrain from holding and administering the property held in trust for a resident unless in accordance with O. Reg 79/10. s. 241 of the Long-Term Care Homes Act, 2007.

Grounds / Motifs :

1. The licensee failed to ensure that the licensee shall not receive, hold or administer the property of a resident in trust other than as provided for in this section except in accordance with O.Reg. 79/10, s. 241. (13). [s.241. (12)]

The Administrator indicated in an interview that the Ontario Mission for the Deaf (OMD) holds funds for an identified number of residents. Each of the residents receive monthly payments deposited into their personal bank account held at a financial institution. All monies except \$1.00 is automatically withdrawn from each of the resident bank accounts and deposited into a trust account held by the licensee. The licensee holds the funds for each of the residents, will release funds to pay their accommodation fees and will release funds to supplement their trust account held at the home. An interview with the Executive Director/Board of Directors (ED) from the OMD confirmed that the OMD holds and administers the property for an identified number of residents, currently residing at the Bob Rumball Home for the Deaf. (202)

This order must be complied with by /

Vous devez vous conformer à cet ordre d'ici le : May 30, 2014



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Order(s) of the Inspector

Pursuant to section 153 and/or
section 154 of the *Long-Term Care
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de l'article 154 de la *Loi de 2007 sur les foyers
de soins de longue durée*, L.O. 2007, chap. 8

Order # /

Ordre no : 002

Order Type /

Genre d'ordre : Compliance Orders, s. 153. (1) (b)

Pursuant to / Aux termes de :

O.Reg 79/10, s. 241. (12) A licensee, including a municipality, municipalities or a board of management referred to in section 133 of the Act, shall not receive, hold or administer the property of a resident in trust other than as provided for in this section. O. Reg. 79/10, s. 241 (12).

Order / Ordre :

The licensee shall prepare, submit, and implement a plan to ensure that the licensee shall not receive, hold or administer property of a resident in trust other than as provided for in this section except in accordance with O.Reg. 79/10, s. 241.(13)]. Please submit plan to valerie.johnston@ontario.ca by March 30, 2014.

Grounds / Motifs :

1. The licensee failed to ensure that the licensee shall not receive, hold or administer the property of a resident in trust other than as provided for in this section except in accordance with O.Reg. 79/10, s. 241. (12). [s.241. (12)]

The Administrator indicated in an interview that the Ontario Mission for the Deaf (OMD) holds funds for an identified number of residents. Each of the residents receive monthly payments deposited into their personal bank account held at a financial institution. All monies except \$1.00 is automatically withdrawn from each of the resident bank accounts and deposited into a trust account held by the licensee. The licensee holds the funds for each of the residents, will release funds to pay their accommodation fees and will release funds to supplement their trust account held at the home. An interview with the Executive Director/Board of Directors (ED) from the OMD confirmed that the OMD holds and administers the property for an identified number of residents, currently residing at the Bob Rumball Home for the Deaf. (202)



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de l'article 154 de la *Loi de 2007 sur les foyers
de soins de longue durée*, L.O. 2007, chap. 8

**This order must be complied with by /
Vous devez vous conformer à cet ordre d'ici le :**

May 30, 2014



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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 to request that the Director stay this (these) Order(s) in accordance with section 163 of the Long-Term Care Homes Act, 2007.

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 was served on the Licensee.

The written request for review must include,

- (a) the portions of the order in respect of which the review is requested;
- (b) any submissions that the Licensee wishes the Director to consider; and
- (c) an address for services for the Licensee.

The written request for review must be served personally, by registered mail or by fax upon:

Director
c/o Appeals Coordinator
Performance Improvement and Compliance Branch
Ministry of Health and Long-Term Care
1075 Bay Street, 11th Floor
TORONTO, ON
M5S-2B1
Fax: 416-327-7603



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When service is made by registered mail, it is deemed to be made on the fifth day after the day of mailing and when service is made by fax, it is deemed to be made on the first business day after the day the fax is sent. If the Licensee is not served with written notice of the Director's decision within 28 days of receipt of the Licensee's request for review, this(these) Order(s) is(are) deemed to be confirmed by the Director and the Licensee is deemed to have been served with a copy of that decision on the expiry of the 28 day period.

The Licensee has the right to appeal the Director's decision on a request for review of an Inspector's Order(s) to the Health Services Appeal and Review Board (HSARB) in accordance with section 164 of the Long-Term Care Homes Act, 2007. The 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 a hearing, the Licensee must, within 28 days of being served with the notice of the Director's decision, give a written notice of appeal to both:

Health Services Appeal and Review Board and the Director

Attention Registrar
151 Bloor Street West
9th Floor
Toronto, ON M5S 2T5

Director
c/o Appeals Coordinator
Performance Improvement and Compliance
Branch
Ministry of Health and Long-Term Care
1075 Bay Street, 11th Floor
TORONTO, ON
M5S-2B1
Fax: 416-327-7603

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



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RENSEIGNEMENTS SUR LE RÉEXAMEN/L'APPEL

PRENDRE AVIS

En vertu de l'article 163 de la Loi de 2007 sur les foyers de soins de longue durée, le titulaire de permis peut demander au directeur de réexaminer l'ordre ou les ordres qu'il a donné et d'en suspendre l'exécution.

La demande de réexamen doit être présentée par écrit et est signifiée au directeur dans les 28 jours qui suivent la signification de l'ordre au titulaire de permis.

La demande de réexamen doit contenir ce qui suit :

- a) les parties de l'ordre qui font l'objet de la demande de réexamen;
- b) les observations que le titulaire de permis souhaite que le directeur examine;
- c) l'adresse du titulaire de permis aux fins de signification.

La demande écrite est signifiée en personne ou envoyée par courrier recommandé ou par télécopieur au:

Directeur
a/s Coordinateur des appels
Direction de l'amélioration de la performance et de la conformité
Ministère de la Santé et des Soins de longue durée
1075, rue Bay, 11^e étage
Ontario, ON
M5S-2B1
Fax: 416-327-7603

Les demandes envoyées par courrier recommandé sont réputées avoir été signifiées le cinquième jour suivant l'envoi et, en cas de transmission par télécopieur, la signification est réputée faite le jour ouvrable suivant l'envoi. Si le titulaire de permis ne reçoit pas d'avis écrit de la décision du directeur dans les 28 jours suivant la signification de la demande de réexamen, l'ordre ou les ordres sont réputés confirmés par le directeur. Dans ce cas, le titulaire de permis est réputé avoir reçu une copie de la décision avant l'expiration du délai de 28 jours.



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En vertu de l'article 164 de la Loi de 2007 sur les foyers de soins de longue durée, le titulaire de permis a le droit d'interjeter appel, auprès de la Commission d'appel et de révision des services de santé, de la décision rendue par le directeur au sujet d'une demande de réexamen d'un ordre ou d'ordres donnés par un inspecteur. La Commission est un tribunal indépendant du ministère. Il a été établi en vertu de la loi et il a pour mandat de trancher des litiges concernant les services de santé. Le titulaire de permis qui décide de demander une audience doit, dans les 28 jours qui suivent celui où lui a été signifié l'avis de décision du directeur, faire parvenir un avis d'appel écrit aux deux endroits suivants :

À l'attention du registraire
Commission d'appel et de révision
des services de santé
151, rue Bloor Ouest, 9e étage
Toronto (Ontario) M5S 2T5

Directeur
a/s Coordinateur des appels
Direction de l'amélioration de la performance et de la
conformité
Ministère de la Santé et des Soins de longue durée
1075, rue Bay, 11e étage
Ontario, ON
M5S-2B1
Fax: 416-327-7603

La Commission accusera réception des avis d'appel et transmettra des instructions sur la façon de procéder pour interjeter appel. Les titulaires de permis peuvent se renseigner sur la Commission d'appel et de révision des services de santé en consultant son site Web, au www.hsarb.on.ca.

Issued on this 4th day of March, 2014

Signature of Inspector /

Signature de l'inspecteur :

Name of Inspector /

Nom de l'inspecteur :

Valerie Johnston

Service Area Office /

Bureau régional de services : Toronto Service Area Office