



**Ministry of Health and
Long-Term Care**

**Inspection Report under
the Long-Term Care
Homes Act, 2007**

**Ministère de la Santé et des
Soins de longue durée**

**Rapport d'inspection 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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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 |
|--|---|--------------------------------|--|
| May 31, 2016 | 2016_416515_0005 | 029868-15 | Complaint |

Licensee/Titulaire de permis

Schlegel Villages Inc
325 Max Becker Drive Suite 201 KITCHENER ON N2E 4H5

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

THE VILLAGE OF ASPEN LAKE
9855 McHugh Street WINDSOR ON N8P 0A6

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

RAE MARTIN (515)

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): April 5, 6, 7, 8, 20, May 10 and 11, 2016.

This off- site complaint inspection is related to authorization for admission to a home.

During the course of the inspection, the inspector(s) spoke with the General Manager, Neighbourhood Coordinator and Erie St. Clair Community Care Access Centre Patient Services Manager.

The inspector also reviewed the long-term care home admission application, related correspondence and documentation from inquiries completed by Inspector #171.

Ad-hoc notes were used during this inspection.

During the course of this inspection, Non-Compliances were issued.

2 WN(s)

2 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>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 LTCHA, 2007 S.O. 2007, c.8, s. 44.
Authorization for admission to a home**



Specifically failed to comply with the following:

- 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 has failed to ensure that when withholding approval for admission to the home there was a detailed explanation of the supporting facts, as they related to both the home and the applicant's condition and requirements for care, and explanation of how the supporting facts justified the decision to withhold approval.

Applicant #001 was residing in the community. A review of the application for long-term care completed by the CCAC indicated the family believed the applicant was not in the right level of care and they were concerned for his/her safety.

A Community Care Access Center (CCAC) Care Coordinator assessed the applicant and determined the applicant was eligible for long-term care placement.

A review of the CCAC health records system identified the licensee received the new referral for admission on an identified date, and approval was withheld two months later. A response documented on the CCAC placement form was faxed to the CCAC and the Ministry of Health and Long-Term Care, however there was no documented evidence that a letter had been sent to the applicant. In telephone interviews on two specified dates, the Neighbourhood Coordinator stated that a letter was sent out to the applicant but when asked for a copy, she indicated that neither a paper nor electronic copy was kept. In a telephone interview, the General Manager stated that she had signed a letter and that it was sent to the applicant. The General Manager acknowledged that the response was not sent within five business days.

The explanation of the supporting facts, as they relate both to the home and the applicant's condition and requirements for care, were not detailed as required.

The supporting facts, as they relate both to the home and the applicant's condition and requirements for care, were not consistent with the assessment and information provided by the CCAC. They were not detailed in a way to explain the origin of the information and as such could not be verified.

The licensee did not give an explanation of how the supporting facts, as they relate to the applicant's condition and requirements for care, relate to the lack of nursing expertise chosen as the grounds for withholding approval.

The licensee did not provide an explanation to justify the decision to withhold approval.



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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 ensure that when withholding approval for admission to the home, there is a detailed explanation of the supporting facts, as they related to both the home and the applicant's condition and requirements for care, and an explanation of how the supporting facts justified the decision to withhold approval, to be implemented voluntarily.

WN #2: The Licensee has failed to comply with O.Reg 79/10, s. 162. Approval by licensee

Specifically failed to comply with the following:

s. 162. (3) Subject to subsections (4) and (5), the licensee shall, within five business days after receiving the request mentioned in clause (1) (b), do one of the following:

- 1. Give the appropriate placement co-ordinator the written notice required under subsection 44 (8) of the Act. O. Reg. 79/10, s. 162 (3).**
- 2. If the licensee is withholding approval for the applicant's admission, give the written notice required under subsection 44 (9) of the Act to the persons mentioned in subsection 44 (10) of the Act. O. Reg. 79/10, s. 162 (3).**

Findings/Faits saillants :



1. The licensee has failed to ensure that written notice was provided within five business days after receiving the request to determine whether to give or withhold approval for the applicant's admission to the home.

A review of the documentation from the CCAC revealed that an application was sent to the licensee by the CCAC for Applicant #001 on an identified date. A review of the CCAC health records system indicated that the licensee withheld approval two months later. A response was faxed to the CCAC and the Ministry of Health and Long-Term Care the same day.

In telephone interviews on two specified dates, the Neighbourhood Coordinator stated that a letter was sent out to the applicant but when asked for a copy, she indicated that neither a paper nor electronic copy was kept.

In a telephone interview, the General Manager acknowledged that the licensee had not provided written notice within five business days after receiving the request to determine whether to give or withhold approval for the applicant's admission to the home.

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 written notice is provided within five business days after receiving the request to determine whether to give or withhold approval for the applicant's admission to the home, to be implemented voluntarily.

Issued on this 31st day of May, 2016

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



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Original report signed by the inspector.