



**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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**Public Copy/Copie du public**

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<b>Report Date(s) / Date(s) du Rapport</b>	<b>Inspection No / No de l'inspection</b>	<b>Log # / No de registre</b>	<b>Type of Inspection / Genre d'inspection</b>
Nov 27, 2018	2018_609569_0004	009831-18	Complaint

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**Licensee/Titulaire de permis**

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

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

The Village of Aspen Lake  
9855 McHugh Street WINDSOR ON N8P 0A6

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

DONNA TIERNEY (569), CASSANDRA ALEKSIC (689)

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**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): June 6, 7, 8, 12, 13, 15, 22, July 16, 25, 30, September 21, October 12 and 17, 2018.**

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

**During the course of the inspection, the inspector(s) spoke with the Erie St. Clair Local Health Integration Network (ESC LHIN) Director, Home and Community Care, the ESC LHIN Placement Care Coordinator, General Manager of The Village of Aspen Lake, and a Social Worker / Neighbourhood Coordinator of the home.**

**The inspectors also reviewed the long-term care home admission application, related correspondence, and documentation provided by the complainant and by The Village of Aspen Lake.**

**Ad-hoc notes were used during this inspection.**

**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**

Legend	Légende
WN – Written Notification VPC – Voluntary Plan of Correction DR – Director Referral CO – Compliance Order WAO – Work and Activity Order	WN – Avis écrit VPC – Plan de redressement volontaire DR – Aiguillage au directeur CO – Ordre de conformité WAO – Ordres : travaux et activités
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 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, the licensee shall give to persons described in subsection (10) a written notice setting out, (a) the ground or grounds on which the licensee was withholding approval; (b) a detailed explanation of the supporting facts, as they related both to the home and to the applicant's condition and requirements for care; (c) an explanation of how the supporting facts justified the decision to withhold approval; and (d) contact information for the Director.

This inspection was completed as a result of a complaint submitted to the Ministry of Health and Long Term Care (MOHLTC) from the Director of Home and Community Care #102 for the Erie St. Clair Local Health Integration Network (ESC LHIN) related to withholding approval for admission to the home for applicant #001.

Review of written documentation faxed to Inspectors #569 and #689 on by Placement Services Care Co-ordinator #101 with the ESC LHIN, indicated that applicant #001 was considered for accommodation at The Village of Aspen Lake and was rejected because of lack of nursing expertise.

A refusal letter was sent by the licensee to the Substitute Decision Maker (SDM) of applicant #001. The letter stated the reason for withholding approval to applicant #001 by the licensee as "We are unable to meet [applicant #001's] level of complex care needs." It continued to state that if the applicant's care needs changed or the home's supports became available, that the home would review the application again. The refusal letter offered no explanation of the supporting facts as they related both to



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the home and the applicant's condition and requirements for care, did not provide an explanation to justify the decision to withhold approval, and there was no contact information for the Director included.

Inspector #569 had a telephone interview with The Village of Aspen Lake General Manager (GM) #100 regarding the contents of the refusal letter as it related to the legislative requirements. GM #100 said the grounds for refusal of applicant #001 were that the home was unable to meet the applicant's level of complex care needs which legislatively fell under the Long-Term Care Homes Act, 2007 s. 44 (7) (c), being where circumstances exist which were provided for in the regulations. When GM #100 was asked if the refusal letter for applicant #001 provided a detailed explanation of the supporting facts, as they related both to the home and to the applicant's condition and care requirements, or if it provided an explanation of how the supporting facts justified the decision to withhold approval, they acknowledged that it did not.

GM #100 was also asked if the refusal letter provided contact information for the complainant to contact the Director if so desired. They acknowledged it did not and that the refusal letter did not contain all the details as required in accordance with the Act. [s. 44. (9)]

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**Issued on this 27th day of November, 2018**

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

**Original report signed by the inspector.**