



**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**

**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**

Sudbury Service Area Office
159 Cedar Street Suite 403
SUDBURY ON P3E 6A5
Telephone: (705) 564-3130
Facsimile: (705) 564-3133

Bureau régional de services de
Sudbury
159 rue Cedar Bureau 403
SUDBURY ON P3E 6A5
Téléphone: (705) 564-3130
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Public Copy/Copie du public

Report Date(s) / Date(s) du apport	Inspection No / No de l'inspection	Log # / Registre no	Type of Inspection / Genre d'inspection
May 11, 2015	2015_282543_0004	S-000488-14	Complaint

Licensee/Titulaire de permis

BOARD OF MANAGEMENT OF THE DISTRICT OF PARRY SOUND WEST
21 Belvedere Avenue PARRY SOUND ON P2A 2A2

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

BELVEDERE HEIGHTS
21 BELVEDERE AVENUE PARRY SOUND ON P2A 2A2

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

TIFFANY BOUCHER (543)

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): March 4, 2015

log #S-000488-14

During the course of the inspection, the inspector(s) spoke with the Administrator

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)
1 CO(s)
0 DR(s)
0 WAO(s)

NON-COMPLIANCE / NON - RESPECT DES EXIGENCES

Legend	Legendé
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 O.Reg 79/10, s. 155. Criteria for eligibility, long-stay

Specifically failed to comply with the following:

- s. 155. (1) A placement co-ordinator shall determine a person to be eligible for long-term care home admission as a long-stay resident only if,**
- (a) the person is at least 18 years old; O. Reg. 79/10, s. 155 (1).**
 - (b) the person is an insured person under the Health Insurance Act; O. Reg. 79/10, s. 155 (1).**
 - (c) the person,**
 - (i) requires that nursing care be available on site 24 hours a day,**
 - (ii) requires, at frequent intervals throughout the day, assistance with activities of daily living, or**
 - (iii) requires, at frequent intervals throughout the day, on-site supervision or on-site monitoring to ensure his or her safety or well-being; O. Reg. 79/10, s. 155 (1).**
 - (d) the publicly-funded community-based services available to the person and the other caregiving, support or companionship arrangements available to the person are not sufficient, in any combination, to meet the person's requirements; and O. Reg. 79/10, s. 155 (1).**
 - (e) the person's care requirements can be met in a long-term care home. O. Reg. 79/10, s. 155 (1).**

Findings/Faits saillants :

1. The licensee failed to ensure compliance with O.Reg 79/10, s.155 which states a placement co-ordinator shall determine a person to be eligible for long-term care home admission as a long-stay resident according to the eligibility criteria provided for in this regulation.

Inspector #543 reviewed a letter from the Director of Nursing Administration, sent to resident #001's substitute decision maker in response to their application for placement at the home. The letter stated that resident #001 is a confirmed smoker of numerous cigarettes per day, for a long period of time. To enhance the well-being of our residents and staff, the home is presently moving to smoke-free status and will no longer permit smoking on its property. Our requirement is that smokers be smoke-free for at least six months before admission. We understand that this resident has also unsuccessfully trialed a smoking cessation regimen. For this reason, the home does not have the

physical facilities to support resident #001 and will not be in a position to offer admission to them at this time.

On November 24, 2014, Inspector #543 had a telephone conversation with the Administrator of the home regarding a resident's bed refusal related to the home's smoking policy. The Administrator stated the following:

- the home has a new policy that has been in effect since last August.(Transitioning to a Smoke-Free Home-Effective August 2014)
- if a smoker smokes one package per day they cannot be admitted to the home
- the home cannot facilitate the ability to accommodate resident, high amount of cigarettes/day, no staff to assist or take the resident out
- the home cannot allow the resident to keep cigarettes or lighters in their room
- a resident must prove they have not been smoking for a period of time (approximately 6 months, something that demonstrates that the resident has not smoked). The home will speak to families when the residents are coming from their own home and emphasize that they cannot bring in cigarettes or lighters to the resident once admitted to the home
- the home has had a problem in the past with smokers smoking in the building (common areas)
- there is designated smoking area outside the facility for residents
- staff and visitors must go off the property onto the municipal street to smoke. Anybody new being admitted to the home will have to do the same
- the home will offer a smoking cessation program
- there are 2 residents in the home now who smoke, they received letters from the home stating they have 2 years to quit

Eligibility requirements for admission to a LTCH are set out in the Long-Term Care Homes Act, 2007 and the Ontario Regulation 79/10; and a placement co-ordinator is the only party authorized to determine eligibility. The home cannot institute an admission eligibility requirement that a prospective resident must not have smoked for the previous six months. [s. 155. (1)]

Additional Required Actions:

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



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Loi de 2007 sur les foyers de
soins de longue durée**

Issued on this 14th day of May, 2015

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

Original report signed by the inspector.



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

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

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

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) : TIFFANY BOUCHER (543)

Inspection No. /

No de l'inspection : 2015_282543_0004

Log No. /

Registre no: S-000488-14

Type of Inspection /

Genre

d'inspection:

Complaint

Report Date(s) /

Date(s) du Rapport : May 11, 2015

Licensee /

Titulaire de permis :

BOARD OF MANAGEMENT OF THE DISTRICT OF
PARRY SOUND WEST
21 Belvedere Avenue, PARRY SOUND, ON, P2A-2A2

LTC Home /

Foyer de SLD :

BELVEDERE HEIGHTS
21 BELVEDERE AVENUE, PARRY SOUND, ON,
P2A-2A2

Name of Administrator /

Nom de l'administratrice

ou de l'administrateur : DONNA DELLIO

To BOARD OF MANAGEMENT OF THE DISTRICT OF PARRY SOUND WEST, you
are hereby required to comply with the following order(s) by the date(s) set out below:



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

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

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

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(s) of the InspectorPursuant 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**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. 155. (1) A placement co-ordinator shall determine a person to be eligible for long-term care home admission as a long-stay resident only if,

- (a) the person is at least 18 years old;
- (b) the person is an insured person under the Health Insurance Act;
- (c) the person,
 - (i) requires that nursing care be available on site 24 hours a day,
 - (ii) requires, at frequent intervals throughout the day, assistance with activities of daily living, or
 - (iii) requires, at frequent intervals throughout the day, on-site supervision or on-site monitoring to ensure his or her safety or well-being;
- (d) the publicly-funded community-based services available to the person and the other caregiving, support or companionship arrangements available to the person are not sufficient, in any combination, to meet the person's requirements; and
- (e) the person's care requirements can be met in a long-term care home. O. Reg. 79/10, s. 155 (1).

Order / Ordre :

Eligibility requirements for admission to a LTCH are set out in the Long-Term Care Homes Act, 2007 and the Ontario Regulation 79/10; and a placement co-ordinator is the only party authorized to determine eligibility.

-To achieve compliance with O. Reg. 79/10, s. 155 the licensee will refrain from refusing the admission of any resident; for any reason other than what is outlined in this regulation

Grounds / Motifs :

1. 1. The licensee failed to ensure compliance with O.Reg 79/10, s.155 which states a placement co-ordinator shall determine a person to be eligible for long-term care home admission as a long-stay resident according to the eligibility criteria provided for in this regulation.

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*

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(approximately 6 months, something that demonstrates that the resident has not smoked). The home will speak to families when the residents are coming from their own home and emphasize that they cannot bring in cigarettes or lighters to the resident once admitted to the home
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(common areas)
- there is designated smoking area outside the facility for residents
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Anybody new being admitted to the home will have to do the same
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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

ordinator is the only party authorized to determine eligibility. [s. 155. (1)]

The licensee cannot institute an admission eligibility requirement that a
prospective resident must not have smoked for the previous six months. (543)

This order must be complied with by /

Vous devez vous conformer à cet ordre d'ici le : May 22, 2015



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Pursuant to section 153 and/or
section 154 of the *Long-Term Care
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de soins de longue durée*, L.O. 2007, chap. 8

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, 11e 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 11th day of May, 2015

Signature of Inspector /

Signature de l'inspecteur :

Name of Inspector /

Nom de l'inspecteur : Tiffany Boucher

Service Area Office /

Bureau régional de services : Sudbury Service Area Office