



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

**Rapport d'inspection  
prévue le Loi de 2007  
les foyers de soins de  
longue durée**

**Ministry of Health and Long-Term Care**  
Health System Accountability and Performance Division  
Performance Improvement and Compliance Branch

Ottawa Service Area Office  
347 Preston St., 4<sup>th</sup> Floor  
Ottawa ON K1S 3J4

Bureau régional de services d'Ottawa  
347, rue Preston, 4<sup>ième</sup> étage  
Ottawa ON K1S 3J4

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

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

Telephone: 613-569-5602  
Facsimile: 613-569-9670

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Licensee Copy/Copie du Titulaire       Public Copy/Copie Public

<b>Date(s) of inspection/Date de l'inspection</b> November 17, 18, 2010	<b>Inspection No/ d'inspection</b> 2010_161_1160_19Nov105101	<b>Type of Inspection/Genre d'inspection</b> Other (Critical Incident Log # O-002432)
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**Licensee/Titulaire**  
Caessant Care Nursing and Retirement Homes Limited  
264 Norwich Avenue  
Woodstock, ON N4S 3V9  
Fax: 519-539-9601

**Long-Term Care Home/Foyer de soins de longue durée**  
Caessant Care Bourget  
2279 Laval Street  
PO. Box 99  
Bourget, ON K0J 1E0

**Name of Inspector(s)/Nom de l'inspecteur(s)**  
Kathleen Smid (# 161)

**Inspection Summary/Sommaire d'inspection**

The purpose of this inspection was to conduct a critical incident inspection (# 1160-000012-10) related to a lack of registered nurse coverage for 2 hours on October 29, 2010.

During the course of the inspection, the inspector spoke with the home's Administrator and the Director of Care.

The following Inspection Protocols were used in part or in whole during this inspection:  
Sufficient Staffing Inspection

Findings of Non-Compliance were found during this inspection. The following action was taken:

1 WN  
1 CO: CO # 001

**NON- COMPLIANCE / (Non-respectés)**
**Definitions/Définitions**

**WN** – Written Notifications/Avis écrit  
**VPC** – Voluntary Plan of Correction/Plan de redressement volontaire  
**DR** – Director Referral/Régisseur envoyé  
**CO** – Compliance Order/Ordres de conformité  
**WAO** – Work and Activity Order/Ordres: travaux et activités

The following constitutes written notification of non-compliance under paragraph 1 of section 152 of the LTCHA.

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 suivant constituer un avis d'écrit de l'exigence prévue le paragraphe 1 de section 152 de les foyers de soins de longue durée.

Non-respect avec les exigences sur le *Loi de 2007 les foyers de soins de longue durée* à trouvé. (Une exigence dans le loi comprend les exigences contenues dans les points énumérés dans la définition de "exigence prévue par la présente loi" au paragraphe 2(1) de la loi.

**WN #1:** The Licensee has failed to comply with O. Reg 79/10 s.45(1) The following are the exceptions to the requirement that at least one registered nurse who is both an employee of the licensee and a member of the regular nursing staff of the home is on duty and present in the home at all times, as required under subsection 8(3) of the Act:

1. For homes with a licensed bed capacity of 64 beds or fewer,
  - ii. in the case of an emergency where the back-up plan referred to in clause 31 (3) (d) of this regulation fails to ensure that the requirement under subsection 8(3) of the Act is met,
- B.** a registered practical nurse who is a member of the regular nursing staff may be used if the Director of Nursing and Personal Care or a registered nurse who is both an employee of the licensee and a member of the regular nursing staff is available by telephone

**Findings:**

1. The shift beginning at 23:00 on October 28, 2010 and ended at 05:00 on October 29, 2010 was staffed with a registered practical nurse from an employment agency. At 05:00 on October 29, 2010 the registered practical nurse from an employment agency suffered a personal health care crisis and was subsequently brought to the emergency department of a hospital. The home failed to ensure that the home's Director of Nursing and Personal Care or a registered nurse who is both an employee of the licensee and a member of the regular nursing staff were available by telephone.
2. From 05:00 – 07:00 on October 29, 2010, the home did not have a registered staff member in the home nor did the home ensure that the home's Director of Nursing and Personal Care or a registered nurse who is both an employee of the licensee and a member of the regular nursing staff were available by telephone.

**Inspector ID #:** 161

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

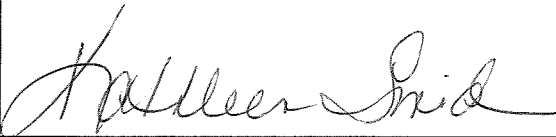


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Signature of Licensee or Representative of Licensee Signature du Titulaire du représentant désigné		Signature of Health System Accountability and Performance Division representative/Signature du (de la) représentant(e) de la Division de la responsabilisation et de la performance du système de santé.
		
Title:	Date:	Date of Report: (if different from date(s) of inspection).
		November 18, 2010



## 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*

	<input type="checkbox"/> Licensee Copy/Copie du Titulaire	<input checked="" type="checkbox"/> Public Copy/Copie Public
<b>Name of Inspector:</b>	Kathleen Smid	<b>Inspector ID #</b> 161
<b>Log #:</b>	O-002432	
<b>Inspection Report #:</b>	2010_161_1160_19Nov105101	
<b>Type of Inspection:</b>	Critical Incident Inspection	
<b>Date of Inspection:</b>	November 17, 18, 2010	
<b>Licensee:</b>	Caressant Care Nursing and Retirement Homes Limited 264 Norwich Avenue Woodstock, ON N4S 3V9 Fax: 519-539-9601	
<b>LTC Home:</b>	Caressant Care Bourget	
<b>Name of Administrator:</b>	Gerry Miller	

To Caressant Care Nursing and Retirement Homes Limited, you are hereby required to comply with the following order(s) by the date(s) set out below:

<b>Order #:</b>	001	<b>Order Type:</b>	Compliance Order, Section 153 (1)(b)]
<p><b>Pursuant to Ontario Regulation 79/10, s.45(1)</b> The following are the exceptions to the requirement that at least one registered nurse who is both an employee of the licensee and a member of the regular nursing staff of the home is on duty and present in the home at all times, as required under subsection 8(3) of the Act:</p> <p>1. For homes with a licensed bed capacity of 64 beds or fewer,</p> <p>ii. in the case of an emergency where the back-up plan referred to in clause 31 (3) (d) of this regulation fails to ensure that the requirement under subsection 8(3) of the Act is met,</p> <p>B. a registered practical nurse who is a member of the regular nursing staff may be used if the Director of Nursing and Personal Care or a registered nurse who is both an employee of the licensee and a member of the regular nursing staff is available by telephone</p>			



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

Health System Accountability and Performance Division  
Performance Improvement and Compliance Branch

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

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

**Order:** The licensee shall prepare, submit and implement a plan for achieving compliance to meet the requirement that at least one registered nurse who is both an employee of the licensee and a member of the regular nursing staff of the home is on duty and present in the home at all times. The plan is to be submitted to Inspector: Kathleen Smid, 347 Preston Street, 4<sup>th</sup> Floor, Ottawa ON K1S 3J4, Fax 613-569-9670.

**Grounds:**

1. The shift beginning at 23:00 on October 28, 2010 and ended at 05:00 on October 29, 2010 was staffed with a registered practical nurse from an employment agency. At 05:00 on October 29, 2010 the registered practical nurse from an employment agency suffered a personal health care crisis and was subsequently brought to the emergency department of a hospital. The home failed to ensure that the home's Director of Nursing and Personal Care or a registered nurse who is both an employee of the licensee and a member of the regular nursing staff were available by telephone.

2. From 05:00 – 07:00 on October 29, 2010, the home did not have a registered staff member in the home nor did the home ensure that the home's Director of Nursing and Personal Care or a registered nurse who is both an employee of the licensee and a member of the regular nursing staff were available by telephone.

<b>This order must be complied with by:</b>	Immediately
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**Ministry of Health and Long-Term Care**  
 Health System Accountability and Performance Division  
 Performance Improvement and Compliance Branch

**Ministère de la Santé et des Soins de longue durée**  
 Division de la responsabilisation et de la performance du système de santé  
 Direction de l'amélioration de la performance et de la conformité

**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 service for the Licensee.

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

**Director**  
 c/o Appeals Clerk  
 Performance Improvement and Compliance Branch  
 Ministry of Health and Long-Term Care  
 55 St. Clair Ave. West  
 Suite 800, 8<sup>th</sup> floor  
 Toronto, ON M4V 2Y2  
 Fax: 416-327-7603

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 group of members not connected with the Ministry. They are appointed by legislation to review matters concerning health care services. If the Licensee decides to request a hearing, the Licensee must, with 28 days of being served with the notice of the Director's decision, mail or deliver a written notice of appeal to both:

**Health Services Appeal and Review Board and the**  
 Attention Registrar  
 151 Bloor Street West  
 9th Floor  
 Toronto, ON  
 M5S 2T5

**Director**  
 c/o Appeals Clerk  
 Performance Improvement and Compliance Branch  
 55 St. Claire Avenue, West  
 Suite 800, 8<sup>th</sup> Floor  
 Toronto, ON M4V 2Y2

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](http://www.hsarb.on.ca).

Issued on this 23rd day of November, 2010.	
Signature of Inspector:	
Name of Inspector:	Kathleen Smid
Service Area Office:	Ottawa Service Area Office