

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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Report Date(s) / Date(s) du Rapport	Inspection No / No de l'inspection	Log # / No de registre	Type of Inspection / Genre d'inspection
Nov 29, 2019	2019_630589_0025	019053-19	Complaint

Licensee/Titulaire de permis

City of Toronto
c/o Seniors Services and Long-Term Care 365 Bloor Street East, 15th Floor TORONTO
ON M4W 3L4

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

Castleview Wychwood Towers
351 Christie Street TORONTO ON M6G 3C3

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

JOANNE ZAHUR (589)

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): November 14, 15, 19, 20, 21, & 22, 2019.

The following inspection was conducted:

-Log #019053-19 related to withholding approval for admission.

During the course of the inspection, the inspector(s) spoke with the Administrator, Director of Nursing (DON), Registered Nurse (RN), Toronto Central-Local Health Integrated Network (TC-LHIN) coordinator, and Support Assistant C (SAC).

During the course of the inspection, the inspector reviewed the complaint from the Advocacy Centre for the Elderly (ACE), LHIN applicant assessments, and LTCH's written notices of withholding admission.

Ad-hoc notes were used during this inspection.

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

1 WN(s)

1 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>Légende</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. (7) The appropriate placement co-ordinator shall give the licensee of each selected home copies of the assessments and information that were required to have been taken into account, under subsection 43 (6), and the licensee shall review the assessments and information and shall approve the applicant's admission to the home unless,

(a) the home lacks the physical facilities necessary to meet the applicant's care requirements; 2007, c. 8, s. 44. (7).

(b) the staff of the home lack the nursing expertise necessary to meet the applicant's care requirements; or 2007, c. 8, s. 44. (7).

(c) circumstances exist which are provided for in the regulations as being a ground for withholding approval. 2007, c. 8, s. 44. (7).

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 applicants #001 and #003's admission to the home was approved after a review of assessments and information provided by the placement coordinator.

A complaint was received by the Director for applicant #001. A review of the written notice of withholding admission for applicant #001 indicated they did not have a suitable environment to meet their current needs. The written notice of withholding admission indicated applicant #001 exhibited multiple responsive behaviours.

During an interview, staff #103 indicated the long term-care home (LTCH) has a secure resident home area (RHA), have an internal behavioural support team and that they have access to external consultants related to the management of responsive behaviours.

Staff #103 also indicated the LTCH had staff educated in specific strategies on how to manage responsive behaviours.

Staff #100 acknowledged that the LTCH has had a history of accepting and managing many applicants with responsive behaviours however once admitted to the LTCH, there would be a potential risk to the applicant and other residents of the home due to its location and proximity to specific local establishments. Therefore the LTCH indicated that they did not have a suitable environment necessary to meet applicant #001's current care needs which does not meet legislative requirements. [s. 44. (7)]

2. Related to non-compliance under s. 44. (7) of the LTCHA for applicant #001, the scope was increased to include applicant's #002 and #003.

A review of applicant #002's written notice of withholding admission indicated that based on the current information the LTCH lacked the physical facilities necessary to care for them in a safe manner. A further review of the written notice indicated that the LTCH has a history of accepting and managing many applicants and that they provide a clear analysis and deliberation of all of the information provided before they consider withholding approval of any applicant. The written notice further indicated that the LTCH had provided due diligence in consideration of their application and had considered the implications and potential risks of admitting them to the LTCH at this time.

During an interview, staff #103 indicated the LTCH currently has residents requiring the same care needs as applicant #002 and therefore were at their capacity. Due to the fact that the LTCH currently has residents requiring the same care needs as applicant #002, their rationale for withholding approval related to the lack of physical facilities is not supported.

Staff #100 acknowledged that the LTCH would reconsider the applicant's application if resent. [s. 44. (7)]

3. A review of applicant #003's written notice of withholding admission indicated that the LTCH could not meet their health care needs based on an underlying health condition, their responsive behaviours and the use of a specific mobility aid. Based on the previously mentioned information, the LTCH felt they do not have a suitable environment to meet applicant #003's current needs.

Staff #103 stated that even though the LTCH's hallways are large, resident rooms cannot

always accommodate these specific mobility aids and that sometimes residents do not have the dexterity to use them safely. RN #103 further indicated that the LTCH was currently at its capacity for these specific mobility aids.

Observations conducted by the inspector randomly in the home indicated residents use these specific mobility aids safely within the hallways, entering and exiting the elevator and going into the secure back garden space. Observations of random resident rooms revealed beds were positioned against the wall at opposite sides of the room to enable space for resident and staff movement. Observations conducted by the inspector in an identified dining room did not indicate the space was cluttered.

Staff#100 acknowledged that the LTCH would reconsider the applicant's application if resent. [s. 44. (7)]

4. The Licensee has failed to ensure, if the licensee withholds approval for admission, the licensee shall give to persons described in subsection (10) a written notice setting out,
 - (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;
 - (c) an explanation of how the supporting facts justify the decision to withhold approval; and
 - (d) contact information for the Director. 2007, c. 8, s. 44. (9).

The Director received a complaint in regards to applicant #001's application for admission to the long-term care home (LTCH) was withheld.

Record review of the written notice of withholding admission from the LTCH to applicant #001 indicated that the LTCH's admission committee had reviewed their application and recommended to withhold approval of their application for admission based on the fact that applicant #001 exhibited several responsive behaviours.

The written notice of withholding admission further indicated that based on the above-mentioned information, the LTCH did not have a suitable environment to meet applicant #001's current needs.

There was no supporting evidence that the legislative requirements under b, c and d were demonstrated in the written notice of withholding admission for applicant #001.

Staff #100 acknowledged that the written notice of withholding admission did not provide applicant #001, and the appropriate placement coordinator:

- a detailed explanation of the supporting facts, as they relate both to the home and to the applicant's condition and requirements for care,
- an explanation of how the supporting facts justify the decision to withhold approval, and
- contact information for the Director. [s. 44. (9)]

5. Related to non-compliance under s. 44. (9) of the LTCHA for applicant #001, the scope was increased to include applicants #002 and #003.

Record review of the written notice of withholding admission from the LTCH to applicant #003 indicated that the LTCH's admission committee had reviewed their application and recommended to withhold approval of their application for admission based on the following information, an underlying health condition, responsive behaviours and the use of a specific mobility aid.

There was no supporting evidence that the legislative requirements under b, c and d were demonstrated in the written notice of withholding admission for applicant #003.

During interviews, staff #100 and staff #101 acknowledged that the written notice of withholding admission did not provide applicant #003, and the appropriate placement coordinator:

- a detailed explanation of the supporting facts, as they relate both to the home and to the applicant's condition and requirements for care,
- an explanation of how the supporting facts justify the decision to withhold approval, and
- contact information for the Director. [s. 44. (9)]

6. Record review of the written notice of withholding admission from the LTCH to applicant #002 indicated that the LTCH's admission committee had reviewed their application and recommended to withhold approval of their application for admission based on an underlying health condition and that the LTCH lacked the physical facilities necessary to care for them in a safe manner.

There was no supporting evidence that the legislative requirements under b, c and d were demonstrated in the written notice of withholding admission for applicant #002.

During interviews, staff #100 and staff #101 acknowledged that the written notice of

withholding admission did not provide applicant #002, and the appropriate placement coordinator:

- a detailed explanation of the supporting facts, as they relate both to the home and to the applicant's condition and requirements for care,
- an explanation of how the supporting facts justify the decision to withhold approval, and
- contact information for the Director. [s. 44. (9)]

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, if the licensee withholds approval for admission, the licensee shall give to persons described in subsection (10) a written notice setting out,

(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;

(c) an explanation of how the supporting facts justify the decision to withhold approval; and

(d) contact information for the Director, to be implemented voluntarily.

Issued on this 4th day of December, 2019

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

Original report signed by the inspector.