



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 sous la Loi de 2007 sur les foyers de soins de longue durée

**Health System Accountability and Performance Division
Performance Improvement and Compliance Branch**

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

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Report Date(s) / Date(s) du Rapport	Inspection No / No de l'inspection	Log # / Registre no	Type of Inspection / Genre d'inspection
Jun 10, 2014	2014_159178_0007	T-258-14	Complaint

Licensee/Titulaire de permis

TORONTO LONG-TERM CARE HOMES AND SERVICES
55 JOHN STREET, METRO HALL, 11th FLOOR, TORONTO, ON, M5V-3C6

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

SUSAN LUI (178), SOFIA DASILVA (567)

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 21, 25, 26, 27, 31, May 8, 12, 14, June 2, 2014.

During the course of the inspection, the inspector(s) spoke with Administrator, Director of Nursing, Community Care Access Centre (CCAC) Community Care Coordinator, legal representative for applicant.

During the course of the inspection, the inspector(s) reviewed records of the complainant's assessment and application to the long term care home, and the home's responses to same.

Ad-hoc notes were used during this inspection.



Findings of Non-Compliance were found during this inspection.

NON-COMPLIANCE / NON - RESPECT DES EXIGENCES

Legend	Legendé
<p>WN – Written Notification VPC – Voluntary Plan of Correction DR – Director Referral CO – Compliance Order WAO – Work and Activity Order</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>WN – Avis écrit VPC – Plan de redressement volontaire DR – Aiguillage au directeur CO – Ordre de conformité WAO – Ordres : travaux et activités</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. (14) If a reassessment required under clause (11) (a) has been done since the licensee approved the applicant's admission to the home, the appropriate placement co-ordinator shall give the licensee a copy of the reassessment and the licensee shall review the reassessment in accordance with the following:**
- 1. The licensee may withdraw the approval only in the circumstances set out in clauses (7) (a) to (c), and such a withdrawal may only be made in accordance with the requirements provided for in the regulations. 2007, c. 8, s. 44. (14).**
 - 2. If the licensee decides not to withdraw the approval, the licensee shall give the appropriate placement co-ordinator a written notice that includes an acknowledgement that the licensee has reviewed the reassessment. 2007, c. 8, s. 44. (14).**
 - 3. If the licensee decides to withdraw the approval, subsections (9) and (10) apply with necessary modifications. 2007, c. 8, s. 44. (14).**

Findings/Faits saillants :

1. The licensee has failed to ensure that the home's approval of admission for Applicant # 1 was withdrawn only in accordance with requirements provided for in the regulations under the Long Term Care Homes Act (LTCHA). Regulation 184 (2) of O. Reg. 79/10 permits a licensee to withdraw the approval of an applicant's admission to a LTCH only if the information provided to the licensee by the placement coordinator indicates that there has been a change in the applicant's condition and as a result, a ground for withholding approval mentioned in subsection 44 (7) of the LTCHA exists. Subsection 44 (7) of the LTCHA permits the licensee to reject an applicant only if one of the following circumstances exists:
 - (a) the home lacks the physical facilities necessary to meet the applicant's care requirements;
 - (b) the staff of the home lack the nursing expertise necessary to meet the applicant's care requirements; or
 - (c) circumstances exist which are provided for in the regulations as being a ground for withholding approval.

Applicant # 1 was initially approved by the licensee and added to the waiting list by the Community Care Access Centre (CCAC) on an identified date. Approximately three months later, after the CCAC submitted a reassessment showing no change in condition of the applicant, the home informed Applicant # 1 and the CCAC that the home lacked the medical expertise, suitable environment and staff resources to manage the applicant's care needs. As a result, the prior approval of the applicant's



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admission was withdrawn by the licensee.

Interviews with CCAC staff and review of Applicant # 1's CCAC assessments confirm that there was no change in the applicant's condition between the time of the applicant's acceptance by the home, and the withdrawal of that acceptance approximately three months later.

In letters notifying Applicant # 1 and the CCAC of the home's withdrawal of acceptance, the home does not identify any change in the applicant's condition between the time of the applicant's acceptance by the home, and the withdrawal of that acceptance approximately three months later.

During interviews with the inspector, the home's Administrator was unable to specify any change in the applicant's condition between the time of the applicant's acceptance by the home, and the withdrawal of that acceptance approximately three months later.

Interviews with members of the home's Admissions Committee confirm that the reason for rejecting Applicant # 1 after initially accepting him/her, is the fact that the applicant has a history of drug dependence and has not been able to sustain abstinence from the drug. [s. 44. (14) 1.]

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 the approval of any applicant, including Applicant # 1, is not withdrawn except in accordance with the regulations set out in the Long Term Care Homes Act (LTCHA) and Regulations, to be implemented voluntarily.



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Issued on this 11th day of June, 2014

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

Auson Sir (178)