



**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**

**Division de la responsabilisation et de la
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Direction de l'amélioration de la
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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
Feb 26, Apr 13, 2015	2014_321501_0024	T-1485-14	Complaint

Licensee/Titulaire de permis

VIGOUR LIMITED PARTNERSHIP ON BEHALF OF VIGOUR
302 Town Centre Blvd Suite #200 MARKHAM ON L3R 0E8

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

LEISUREWORLD CAREGIVING CENTRE - CHELTENHAM
5935 BATHURST STREET NORTH YORK ON M2R 1Y8

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

SUSAN SEMEREDY (501)

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): November 27, 28 and
December 2, 2014.**

**During the course of the inspection, the inspector(s) spoke with the administrator,
personal support workers, registered staff, director of dietary services
(DDS), program manager, registered dietitian (RD), resident relations coordinator,
residents and substitute decision makers.**

**The following Inspection Protocols were used during this inspection:
Nutrition and Hydration**

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

4 WN(s)

3 VPC(s)

0 CO(s)

0 DR(s)

0 WAO(s)

NON-COMPLIANCE / NON - RESPECT DES EXIGENCES

Legend WN – Written Notification VPC – Voluntary Plan of Correction DR – Director Referral CO – Compliance Order WAO – Work and Activity Order	Legendé WN – Avis écrit VPC – Plan de redressement volontaire DR – Aiguillage au directeur CO – Ordre de conformité WAO – Ordres : travaux et activités
<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. 3. Residents' Bill of Rights
Specifically failed to comply with the following:

s. 3. (1) Every licensee of a long-term care home shall ensure that the following rights of residents are fully respected and promoted:

4. Every resident has the right to be properly sheltered, fed, clothed, groomed and cared for in a manner consistent with his or her needs. 2007, c. 8, s. 3 (1).

Findings/Faits saillants :

1. The licensee has failed to ensure that every resident's right to be properly fed and



cared for in a manner consistent with his or her needs is fully respected and promoted. Resident #1, #4, #5 and #7's spiritual and religious need for cultural foods was not fully respected and promoted.

Interviews with staff including the administrator revealed that the home has an unwritten policy that it does not provide cultural food and will not assist with or fund any cultural foods being brought into the home as it is well communicated to residents and families before and at admission that the home "does not provide cultural food".

Resident #1 was admitted to Leisureworld Cheltenham at an identified time, and is of an identified faith. Resident interview revealed that he/she would want to eat cultural food as part of his/her religious observance. Record review revealed that resident #1 follows a modified diabetic diet with a do not serve pork or pork products intervention. He/she states he/she has been trying to work with the home to have cultural foods provided to him/her but has been told that it is not possible.

Interview with the DDS and the director of programs confirmed the home is aware of resident #1's preference for cultural foods but confirmed the home does not offer this option. [s. 3. (1) 4.]

2. Resident #4 was admitted to Leisureworld Cheltenham at an identified time, and is of an identified faith. Record review and resident and SDM interview revealed that cultural food is part of resident #4's religious observance, he/she ate cultural foods all his/her life and he/he would want to eat cultural foods now. Interview with resident's SDM revealed that resident #4 needed placement sooner than a home that provides cultural foods was available, so they agreed resident #4 should come to Leisureworld Cheltenham. Record review and the SDM confirmed that prior to coming to this home, resident #4 received cultural Meals on Wheels.

Record review and staff interviews confirmed that resident #4 is very religious. Staff interviews revealed that the home was aware that resident #4 wants to eat cultural food. [s. 3. (1) 4.]

3. Resident #5 was admitted to Leisureworld Cheltenham at an identified time and is of an identified faith. Resident and SDM interview identified that cultural food is part of resident #5's religious observance and he/she ate cultural food all his/her life. Interview with the director of programs revealed resident #5 regularly attends religious services within the home. Resident #5 was interviewed on two separate occasions and on both

occasions confirmed that he/she would want to eat cultural foods. Record review revealed that resident #5 receives a regular diet with a do not serve pork/pork products or shellfish intervention due to religious preferences. [s. 3. (1) 4.]

4. Resident #7 was admitted to Leisureworld Cheltenham at an identified time, and was identified as being of an identified faith. Resident and SDM interview revealed that cultural food is part of resident#7's religious observance and he/she has eaten cultural food all his/her life. Resident, SDM and staff interviews revealed that the family brings food from home for the resident's daily lunch and dinner due to his/her preference to eat cultural food and the home's refusal to provide it. Record review and staff interviews confirmed that the home is aware of resident #7's preference for cultural foods.

LTCHA, 2007 s.3.(1)4. was issued as a written notification on September 30, 2014, during inspection #2014_108110_0010. [s. 3. (1) 4.]

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 every resident's right to be properly fed and cared for in a manner consistent with his or her spiritual and religious needs is fully respected and promoted, to be implemented voluntarily.

**WN #2: The Licensee has failed to comply with O.Reg 79/10, s. 71. Menu planning
Specifically failed to comply with the following:**

s. 71. (5) The licensee shall ensure that an individualized menu is developed for each resident whose needs cannot be met through the home's menu cycle. O. Reg. 79/10, s. 71 (5).

Findings/Faits saillants :



1. The licensee has failed to ensure that an individualized menu is developed for resident #1 and #7 whose spiritual and religious needs cannot be met through the home's menu cycle.

Resident #1 was identified to be of an identified faith and regularly attends religious services in the home. The resident stated that he/she would prefer to eat cultural foods to honour his/her religious observance and has made his/her preference known to the home. He/she indicated that he/she enjoys the cultural chicken soup that a friend sometimes brings in.

Interview with the program manager confirmed resident #1 looks forward to all identified religious services in the home and he/she has stated at the Food Committee that he/she would like to have cultural foods available in the home.

Interview with the DDS revealed that since the previous inspection in July 2014, the home has not made a plan of correction for achieving compliance to ensure that resident #1 have an individualized menu providing cultural foods to meet his/her spiritual needs. Record review confirmed that resident #1 continues on a modified diabetic diet with a do not serve pork or pork product intervention. [s. 71. (5)]

2. Resident #7 was identified to be of an identified faith and regularly attends religious services in the home. Resident interview revealed that he/she would prefer to eat cultural food and has eaten cultural food all his/her life. Record review and the RD confirmed that resident #7 had significant weight loss in an identified month due to his/her reluctance to eat non-cultural food and the family was encouraged to bring in cultural foods from home. Interview with the SDM revealed the family had been bringing in cultural food from home for most of the two years resident #7 has been in the home and these foods included cultural snacks. The SDM also stated that they have had to bring in cultural foods from home because otherwise resident #7 "would starve to death". [s. 71. (5)]



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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 an individualized menu is developed for resident #1 and #7 whose spiritual and religious needs cannot be met through the home's menu cycle, to be implemented voluntarily.

WN #3: The Licensee has failed to comply with LTCHA, 2007 S.O. 2007, c.8, s. 91. Resident charges

Specifically failed to comply with the following:

s. 91. (4) A licensee shall not accept payment from or on behalf of a resident for anything that the licensee is prohibited from charging for under subsection (1) and shall not cause or permit anyone to make such a charge or accept such a payment on the licensee's behalf. 2007, c. 8, s. 91. (4).

Findings/Faits saillants :



1. The licensee has failed to ensure that it shall not cause or permit anyone to make a charge or accept a payment on the licensee's behalf that the licensee is prohibited from charging for under the legislation.

According to the definitions set out in the Regulation, basic accommodation and preferred accommodation includes dietary services and raw food.

Resident #7 paid the co-payment charges for dietary services and raw foods. Cultural food is an eligible expenditure under the raw food and other accommodation envelopes. To the extent that the accommodation fee does not cover the full cost of the food, the licensee can claim the rest of the cost as eligible expenditures through the raw food and other accommodation envelopes pursuant to the Ministry's funding and financial management policies. The LTCHA and Regulation prohibit the licensee from charging a resident for goods and services that a licensee is required to provide to a resident.

Resident #7 is currently living at Leisuresworld Cheltenham, is of an identified faith, had cultural foods all his/her life, and requires cultural foods as part of his/her religious observance. Leisuresworld Cheltenham does not have a cultural kitchen.

Family and staff interviews confirmed that family have been bringing in cultural food from home for resident #7's lunch, dinner and snacks for the past two years. Interview with the administrator revealed he/she was unaware of this arrangement until it was brought to his/her attention by the RD during this inspection. Staff interviews confirmed that the licensee will not order or pay for cultural meals and make it known that it is the resident and/or family responsibility to make such arrangements and this information is provided to residents and families prior to admission to the home. [s. 91. (4)]

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 it shall not cause or permit anyone to make a charge or accept a payment on the licensee's behalf that the licensee is prohibited from charging for under the legislation, to be implemented voluntarily.



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**WN #4: The Licensee has failed to comply with LTCHA, 2007 S.O. 2007, c.8, s. 6.
Plan of care**

Specifically failed to comply with the following:

s. 6. (2) The licensee shall ensure that the care set out in the plan of care is based on an assessment of the resident and the needs and preferences of that resident. 2007, c. 8, s. 6 (2).

Findings/Faits saillants :



1. The licensee has failed to ensure that the plan of care is based on an assessment of the resident and the resident's needs and preferences.

Record review revealed that resident #4 was identified to be of an identified faith and described as being very religious. Resident #4 was interviewed on two separate occasions and on both occasions confirmed to the inspector that he/she had eaten cultural foods his/her whole life and he/she would prefer to have cultural foods now. Interview with the resident's family confirmed that he/she is very religious, had eaten cultural foods all his/her life and would prefer to have cultural foods now.

Interview with the resident relations coordinator revealed that the home was aware of resident #4's preference to have cultural food but since the home does not provide cultural foods, it is not possible. Interview with the director of programs confirmed that resident #4 is very religious and attends any and all identified religious programs.

Record review revealed that resident #4 is on a modified diabetic diet with a do not serve pork and products intervention. Interview with the director of dietary services revealed that resident #4 has asked for special food and dietary restrictions during a certain religious holiday period. Interview with both the director of dietary services and the registered dietitian revealed that they were unaware of resident #4's preference for cultural foods but it is not something that is discussed or assessed during nutritional assessments as the home does not provide this dietary option. [s. 6. (2)]

2. Resident #5 was identified as being of an identified faith and attends religious services within the home. Resident and family interviews revealed that he/she ate cultural food all his/her life. Resident stated he/she would want to continue to eat cultural food but no one has ever asked him/her or given him/her this option. Record review revealed that resident #5 receives a regular diet with a do not serve pork/pork products or shellfish due to religious preferences. Interview with the RD confirmed the home was not aware of resident #5's preference for cultural food as this question is not asked or assessed during the initial nutrition assessment. [s. 6. (2)]



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Issued on this 13th day of April, 2015

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

Original report signed by the inspector.