

Ministry of Long-Term Care

Long-Term Care Operations Division
Long-Term Care Inspections Branch

London District

130 Dufferin Avenue, 4th Floor
London, ON, N6A 5R2
Telephone: (800) 663-3775

Original Public Report

Report Issue Date: March 11, 2024	
Inspection Number: 2024-1518-0001	
Inspection Type: Critical Incident	
Licensee: Tri-County Mennonite Homes	
Long Term Care Home and City: Greenwood Court, Stratford	
Lead Inspector Kristen Murray (731)	Inspector Digital Signature
Additional Inspector(s) Debra Churcher (670)	

INSPECTION SUMMARY

The inspection occurred onsite on the following date(s): March 5, 6, 2024

Inspector Mark Smith (000815) was also present during the inspection.

The following intake(s) were inspected:

- Intake: #00110091 - 3023-000001-24 related to Staff to Resident abuse

The following **Inspection Protocols** were used during this inspection:

- Infection Prevention and Control
- Prevention of Abuse and Neglect

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INSPECTION RESULTS

COMPLIANCE ORDER CO #001 Duty to protect

NC #001 Compliance Order pursuant to FLTCA, 2021, s. 154 (1) 2.

Non-compliance with: FLTCA, 2021, s. 24 (1)

Duty to protect

s. 24 (1) Every licensee of a long-term care home shall protect residents from abuse by anyone and shall ensure that residents are not neglected by the licensee or staff.

The inspector is ordering the licensee to comply with a Compliance Order [FLTCA, 2021, s. 155 (1) (a)]:

Specifically the licensee shall:

- Re-educate all staff that are employed by the home, that do not have a documented record of being re-educated since February, 26, 2024, related to prevention of abuse and neglect and power imbalances.
- Keep onsite and readily available all records related to the education including the date the education was completed and the content of the education.

Grounds

The licensee has failed to protect a resident from abuse from a staff member.

Rationale and Summary:

The home reported to the Ministry of Long Term Care (MLTC) allegations of abuse towards a resident by a staff member.

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Review of the home's investigation file identified that staff to resident abuse had occurred.

The Assistant Director of Care (ADOC) shared that once the home became aware of the concern they immediately investigated and found abuse had occurred by a staff member towards a resident.

The home's policy related to power imbalances stated that the staff and resident relationship is one of unequal power. Staff have authority over and the ability to advocate for the resident. There was the potential for abuse and neglect by those in a position of trust, power, and responsibility for resident care. A misuse of power was considered to be abuse.

The licensee's failure to protect a resident from abuse has negatively impacted the resident.

Sources:

Review of the home's investigation file, interviews with a Physician, a resident, staff members, and the home's policies related to prevention of abuse and neglect and power imbalances.

[670]

This order must be complied with by March 25, 2024

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REVIEW/APPEAL INFORMATION

TAKE NOTICE The Licensee has the right to request a review by the Director of this (these) Order(s) and/or this Notice of Administrative Penalty (AMP) in accordance with section 169 of the Fixing Long-Term Care Act, 2021 (Act). The licensee can request that the Director stay this (these) Order(s) pending the review. If a licensee requests a review of an AMP, the requirement to pay is stayed until the disposition of the review.

Note: Under the Act, a re-inspection fee is not subject to a review by the Director or an appeal to the Health Services Appeal and Review Board (HSARB). 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 or AMP was served on the licensee.

The written request for review must include:

- (a) the portions of the order or AMP 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, email or commercial courier upon:

Director

c/o Appeals Coordinator
Long-Term Care Inspections Branch
Ministry of Long-Term Care
438 University Avenue, 8th floor
Toronto, ON, M7A 1N3

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e-mail: MLTC.AppealsCoordinator@ontario.ca

If service is made by:

- (a) registered mail, is deemed to be made on the fifth day after the day of mailing
- (b) email, is deemed to be made on the following day, if the document was served after 4 p.m.
- (c) commercial courier, is deemed to be made on the second business day after the commercial courier received the document

If the licensee is not served with a copy of the Director's decision within 28 days of receipt of the licensee's request for review, this(these) Order(s) is(are) and/or this AMP is deemed to be confirmed by the Director and, for the purposes of an appeal to HSARB, the Director is deemed to have served the licensee with a copy of that decision on the expiry of the 28-day period.

Pursuant to s. 170 of the Act, the licensee has the right to appeal any of the following to HSARB:

- (a) An order made by the Director under sections 155 to 159 of the Act.
- (b) An AMP issued by the Director under section 158 of the Act.
- (c) The Director's review decision, issued under section 169 of the Act, with respect to an inspector's compliance order (s. 155) or AMP (s. 158).

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 an appeal, the licensee must give a written notice of appeal within 28 days from the day the licensee was served with a copy of the order, AMP or Director's decision that is being appealed from. The appeal notice must be given to both HSARB and the Director:



**Inspection Report Under the
Fixing Long-Term Care Act, 2021**

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Health Services Appeal and Review Board

Attention Registrar
151 Bloor Street West, 9th Floor
Toronto, ON, M5S 1S4

Director

c/o Appeals Coordinator
Long-Term Care Inspections Branch
Ministry of Long-Term Care
438 University Avenue, 8th Floor
Toronto, ON, M7A 1N3
e-mail: MLTC.AppealsCoordinator@ontario.ca

Upon receipt, the HSARB will acknowledge your notice of appeal and will provide instructions regarding the appeal and hearing process. A licensee may learn more about the HSARB on the website www.hsarb.on.ca.