



**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**

**Long-Term Care Homes Division
Long-Term Care Inspections Branch**

**Division des foyers de soins de
longue durée
Inspection de soins de longue durée**

Toronto Service Area Office
5700 Yonge Street 5th Floor
TORONTO ON M2M 4K5
Telephone: (416) 325-9660
Facsimile: (416) 327-4486

Bureau régional de services de
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5700 rue Yonge 5e étage
TORONTO ON M2M 4K5
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Public Copy/Copie du public

Report Date(s) / Date(s) du rapport	Inspection No / No de l'inspection	Log # / No de registre	Type of Inspection / Genre d'inspection
Dec 7, 2017	2017_644507_0018	027460-17	Complaint

Licensee/Titulaire de permis

THE KENSINGTON HEALTH CENTRE
25 BRUNSWICK AVENUE TORONTO ON M5S 2L9

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

THE KENSINGTON GARDENS
25 BRUNSWICK AVENUE TORONTO ON M5S 2L9

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

STELLA NG (507)

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): The off-site inspection was conducted on November 30, December 1, 4 and 5, 2017.

During the course of the inspection, the inspector(s) spoke with the director of resident care (DORC), director of client services (DOCS), client services manager, Placement Services of Toronto Central Local Health Integration Network (TC LHIN), facility coordinator of TC LHIN and the complainant.

Ad-hoc notes were used during this inspection.



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

- 1 WN(s)
- 1 VPC(s)
- 1 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>Legendé</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).

s. 44. (10) The persons referred to in subsection (9) are the following:

1. The applicant. 2007, c. 8, s. 44. (10).

2. The Director. 2007, c. 8, s. 44. (10).

3. The appropriate placement co-ordinator. 2007, c. 8, s. 44. (10).

Findings/Faits saillants :

1. The licensee has failed to ensure that the home approved the applicant's admission to the home unless,

(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.

On an identified date, the Ministry of Health and Long - Term Care (MOHLTC) received a complaint in regards to applicant #001's approval for admission to the home was withheld.

Review of the letter sent to the Ministry dated one week prior, in regards to the home's decision to withhold the approval of admission for applicant #001 revealed that the applicant's application was withheld due to the lack of nursing resources to meet the applicant's safety care needs. Further review of the above mentioned letter revealed the home did not have the capacity to accommodate applicant #001's preferences of how care is provided to him/her.

In an interview, staff #102 stated that during a visit with applicant #001 at his/her current residence, the applicant indicated he/she would not change his/her preferences of care provision upon admission to the home. Therefore, the home did not have the nursing resources to care for the applicant if applicant #001 was admitted to the home.

In an interview, staff #102 acknowledged "nursing resources" was not the appropriate term to describe the home's inability to meet applicant #001's care needs under the Long Term Care Homes Act, 2007 (LTCHA). Staff #102 also stated that the home made the decision to withhold applicant #001's admission approval based on the circumstances of applicant #001's preferences of care provision; however, staff #102 was not able to provide which section of the regulations provided a ground for applicant #001's specific preferences of care provision.

The severity of this noncompliance is potential risk of harm. The scope is isolated to applicant #001. As a result, a compliance order is issued. [s. 44. (7)]

2. The licensee has failed to ensure that when withholding approval for admission, the licensee should give to persons described in subsection (10) a written notice setting out, the ground or grounds on which the licensee was withholding approval, a detailed explanation of the supporting facts, as they related both to the home and to the applicant's condition and requirements for care and an explanation of how the supporting facts justify the decision to withhold approval.



On an identified date, the Ministry of Health and Long – Term Care (MOHLTC) received a complaint in regards to applicant #001's approval for admission to the home was withheld.

Review of the letter sent to the Ministry dated one week prior, in regards to the home's decision in withholding the approval of admission for applicant #001 revealed that the applicant's application was withheld due to the lack of nursing resources to meet the applicant's safety care needs. Further review of the above mentioned letter revealed the home did not have the capacity to accommodate applicant #001's preferences of how care is provided to him/her.

In interviews, staff #102 and #103, stated that a letter was sent to applicant #001 via carrier on the above mentioned identified date, informing the applicant approval of admission was withheld.

Review of the letter addressed to applicant #001 revealed the home informed the applicant that the home did not have the resources to provide the nursing expertise to manage his/her safety care needs.

In an interview, staff #102 stated the letter written to applicant #001 did not have a detailed explanation of the supporting facts justifying the decision to withhold approval.
[s. 44. (9) (c)]

3. The licensee has failed to give to the applicant written notice when the licensee withheld approval for admission.

On an identified date, the Ministry of Health and Long -Term Care (MOHLTC) received a complaint in regards to applicant #001's approval for admission to the home was withheld.

Review of the letter sent to the Ministry dated one week prior, in regards to the home's decision in withholding the approval of admission for applicant #001 revealed that the applicant's application was withheld due to the lack of nursing resources to meet the applicant's safety care needs. Further review of the above mentioned letter revealed the home did not have the capacity to accommodate applicant #001's preferences of how care is provided to him/her.



In an interview, the complainant stated that as of the above mentioned identified date, applicant #001 had not yet received a letter from the home in regards to his/her withholding approval of admission.

In interviews, staff #102 and #103, stated that a letter was sent to applicant #001 informing the applicant's approval of admission was withheld via carrier on the same day when the MOHLTC received the complaint.

Review of the letter addressed to applicant #001 revealed the home informed the applicant that the home did not have the resources to provide the nursing expertise to manage his/her safety care needs.

Review of the tracking details of an identified package tracking number revealed a shipping label was created the day after the MOHLTC received the complaint by the carrier. The same tracking details further revealed three days after the shipping label was created, the receiver has not yet received the package.

In an interview, staff #102 acknowledged there were discrepancies between the letters sent to the Ministry and applicant #001 regarding the withholding approval of admission for the applicant. The letter to applicant #001 was written one week after the letter was sent to the Ministry. Staff #102 further stated both letters should have been sent on the same day, not one week apart. [s. 44. (10) 1.]

Additional Required Actions:

CO # - 001 will be served on the licensee. Refer to the "Order(s) of the Inspector". 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 to give the applicant written notice setting out, the ground or grounds on which the licensee is withholding approval, a detail explanation of the supporting facts, as they related both to the home and the applicant's condition and requirements for care and an explanation of how the supporting facts justify the decision to withhold the approval, to be implemented voluntarily.



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Loi de 2007 sur les foyers de
soins de longue durée**

Issued on this 8th day of January, 2018

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

Original report signed by the inspector.



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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

Ordre(s) de l'inspecteur

Aux termes de l'article 153 et/ou
de l'article 154 de la *Loi de 2007 sur les foyers
de soins de longue durée*, L.O. 2007, chap. 8

**Long-Term Care Homes Division
Long-Term Care Inspections Branch**

**Division des foyers de soins de longue durée
Inspection de soins de longue durée**

Public Copy/Copie du public

Name of Inspector (ID #) /

Nom de l'inspecteur (No) : STELLA NG (507)

Inspection No. /

No de l'inspection : 2017_644507_0018

Log No. /

No de registre : 027460-17

Type of Inspection /

Genre d'inspection: Complaint

Report Date(s) /

Date(s) du Rapport : Dec 7, 2017

Licensee /

Titulaire de permis : THE KENSINGTON HEALTH CENTRE
25 BRUNSWICK AVENUE, TORONTO, ON, M5S-2L9

LTC Home /

Foyer de SLD : THE KENSINGTON GARDENS
25 BRUNSWICK AVENUE, TORONTO, ON, M5S-2L9

Name of Administrator /

Nom de l'administratrice

ou de l'administrateur : William O'Neill

To THE KENSINGTON HEALTH CENTRE, you are hereby required to comply with the following order(s) by the date(s) set out below:

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*

Ordre(s) de l'inspecteur

Aux termes de l'article 153 et/ou
de l'article 154 de la *Loi de 2007 sur les foyers
de soins de longue durée, L.O. 2007, chap. 8*

Order # /

Ordre no : 001

Order Type /

Genre d'ordre : Compliance Orders, s. 153. (1) (a)

Pursuant to / Aux termes de :

LTCHA, 2007 S.O. 2007, c.8, 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;

(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. 2007, c. 8, s. 44. (7).

Order / Ordre :

The licensee shall immediately contact the Toronto Central Local Health Integration Network (TC LHIN) placement coordinator to request applicant #001's most current MDS assessment information. The licensee shall reconsider applicant #001's application utilizing this information and taking into consideration the legislative requirements.

The home shall also cease the practice of withholding an applicant's approval unless

- the home lacks the physical facilities necessary to meet the applicant's care requirements,

- the staff of the home lack the nursing expertise to meet the applicant's care requirements, or

- circumstances exist which are provided for in the regulations as being ground for withholding approval.

Grounds / Motifs :

1. The licensee has failed to ensure that the home approved the applicant's admission to the home unless,

(a) the home lacks the physical facilities necessary to meet the applicant's care



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de soins de longue durée, L.O. 2007, chap. 8*

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.

On an identified date, the Ministry of Health and Long - Term Care (MOHLTC) received a complaint in regards to applicant #001's approval for admission to the home was withheld.

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The severity of this noncompliance is potential risk of harm. The scope is isolated to applicant #001. As a result, a compliance order is issued. (507)



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de l'article 154 de la *Loi de 2007 sur les foyers
de soins de longue durée*, L.O. 2007, chap. 8

**This order must be complied with by /
Vous devez vous conformer à cet ordre d'ici le :**

Dec 22, 2017



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de soins de longue durée*, L.O. 2007, chap. 8

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 services for the Licensee.

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

Director
c/o Appeals Coordinator
Long-Term Care Inspections Branch
Ministry of Health and Long-Term Care
1075 Bay Street, 11th Floor
TORONTO, ON
M5S-2B1
Fax: 416-327-7603



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When service is made by registered mail, it is deemed to be made on the fifth day after the day of mailing, when service is made by a commercial courier it is deemed to be made on the second business day after the day the courier receives the document, 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 tribunal not connected with the Ministry. They are established by legislation to review matters concerning health care services. If the Licensee decides to request a hearing, the Licensee must, within 28 days of being served with the notice of the Director's decision, give a written notice of appeal to both:

Health Services Appeal and Review Board and the Director

Attention Registrar
151 Bloor Street West
9th Floor
Toronto, ON M5S 2T5

Director
c/o Appeals Coordinator
Long-Term Care Inspections Branch
Ministry of Health and Long-Term Care
1075 Bay Street, 11th Floor
TORONTO, ON
M5S-2B1
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.



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RENSEIGNEMENTS RELATIFS AUX RÉEXAMENS DE DÉCISION ET AUX APPELS

PRENEZ AVIS :

Le/la titulaire de permis a le droit de faire une demande de réexamen par le directeur de cet ordre ou de ces ordres, et de demander que le directeur suspende cet ordre ou ces ordres conformément à l'article 163 de la Loi de 2007 sur les foyers de soins de longue durée.

La demande au directeur doit être présentée par écrit et signifiée au directeur dans les 28 jours qui suivent la signification de l'ordre au/à la titulaire de permis.

La demande écrite doit comporter ce qui suit :

- a) les parties de l'ordre qui font l'objet de la demande de réexamen;
- b) les observations que le/la titulaire de permis souhaite que le directeur examine;
- c) l'adresse du/de la titulaire de permis aux fins de signification.

La demande de réexamen présentée par écrit doit être signifiée en personne, par courrier recommandé, par messagerie commerciale ou par télécopieur, au :

Directeur
a/s du coordonnateur/de la coordonnatrice en matière d'appels
Direction de l'inspection des foyers de soins de longue durée
Ministère de la Santé et des Soins de longue durée
1075, rue Bay, 11e étage
Toronto ON M5S 2B1
Télécopieur : 416 327-7603



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Quand la signification est faite par courrier recommandé, elle est réputée être faite le cinquième jour qui suit le jour de l'envoi, quand la signification est faite par messagerie commerciale, elle est réputée être faite le deuxième jour ouvrable après le jour où la messagerie reçoit le document, et lorsque la signification est faite par télécopieur, elle est réputée être faite le premier jour ouvrable qui suit le jour de l'envoi de la télécopie. Si un avis écrit de la décision du directeur n'est pas signifié au/à la titulaire de permis dans les 28 jours de la réception de la demande de réexamen présentée par le/la titulaire de permis, cet ordre ou ces ordres sont réputés être confirmés par le directeur, et le/la titulaire de permis est réputé(e) avoir reçu une copie de la décision en question à l'expiration de ce délai.

Le/la titulaire de permis a le droit d'interjeter appel devant la Commission d'appel et de révision des services de santé (CARSS) de la décision du directeur relative à une demande de réexamen d'un ordre ou des ordres d'un inspecteur ou d'une inspectrice conformément à l'article 164 de la Loi de 2007 sur les foyers de soins de longue durée. La CARSS est un tribunal autonome qui n'a pas de lien avec le ministère. Elle est créée par la loi pour examiner les questions relatives aux services de santé. Si le/la titulaire décide de faire une demande d'audience, il ou elle doit, dans les 28 jours de la signification de l'avis de la décision du directeur, donner par écrit un avis d'appel à la fois à :

la Commission d'appel et de révision des services de santé et au directeur

À l'attention du/de la registrateur(e)
151, rue Bloor Ouest, 9e étage
Toronto ON M5S 2T5

Directeur
a/s du coordonnateur/de la coordonnatrice en matière
d'appels
Direction de l'inspection des foyers de soins de longue durée
Ministère de la Santé et des Soins de longue durée
1075, rue Bay, 11e étage
Toronto ON M5S 2B1
Télécopieur : 416 327-7603

À la réception de votre avis d'appel, la CARSS en accusera réception et fournira des instructions relatives au processus d'appel. Le/la titulaire de permis peut en savoir davantage sur la CARSS sur le site Web www.hsarb.on.ca.

Issued on this 7th day of December, 2017

**Signature of Inspector /
Signature de l'inspecteur :**



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Name of Inspector /

Nom de l'inspecteur :

STELLA NG

Service Area Office /

Bureau régional de services : Toronto Service Area Office