

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

Ministère des Soins de longue durée

Inspection de soins de longue durée Division des operations de soins de longue durée

Order(s) of the Director

under the Long-Term Care Homes Act, 2007

	Licensee Copy/Copie du Titulaire Public Copy/Copie Public
Name of Director:	
Order Type:	 □ Amend or Impose Conditions on Licence Order, section 104 □ Renovation of Municipal Home Order, section 135 X Compliance Order, section 153 □ Work and Activity Order, section 154 □ Return of Funding Order, section 155 □ Mandatory Management Order, section 156 □ Revocation of Licence Order, section 157 □ Interim Manager Order, section 157
Intake Log # of original inspection (if applicable):	
Original Inspection #:	2019-781729-0018
Licensee:	2063412 Ontario Limited as General Partner of 2063412 Investment LP
LTC Home:	Creedan Valley Care Community Creemore, ON
Name of Administrator:	Chantal Carriere

Background:

Ministry of Long-Term Care (MLTC) inspectors conducted a follow-up inspection (2019-781729-0018) at Creedan Valley Care Community (LTC home) on the following dates: September 3, 4, 5, 6, 9, 10, 11, 12, and 13, 2019.

The inspectors determined that the Licensee, 2063412 Ontario Limited as General Partner of 2063412 Investment LP (Licensee), failed to comply with requirements under the *Long-Term Care Homes Act, 2007* (LTCHA), including s. 15(2)(a) of the LTCHA and s. 53(4)(b)(c) and s. 33(1) of Ontario Regulation 79/10 (Regulation) under the LTCHA.

Written notifications and compliance orders were issued related to keeping the LTC home, furnishings and equipment clean; managing responsive behaviours; and bathing residents at a minimum twice a week by a method of their preferred choice. This is the third consecutive time following an inspection that a compliance order has been issued related to all three areas of noncompliance.



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Following the inspectors' finding of non-compliance, the matter was referred to the Director in accordance with paragraph 4 of s. 152(1) of the LTCHA.

As set out in the grounds below, the Licensee has repeatedly failed to comply with requirements under the LTCHA and Regulation related to ensuring that strategies are developed and implemented to respond to responsive behaviours, that actions are taken to respond to the needs of the residents including assessments, reassessments and interventions, and that the resident's responses to interventions are documented.

In addition, based on the findings of previous inspections described in the grounds below, the Licensee is not in compliance with subsection 18(1) of the *LTCHA*, as it has failed to ensure that the programs required under sections 8 to 16, the services provided under those programs and anything else required under those sections have complied with any standards or requirements, including outcome measures, provided for in the regulations.

Section 31 of the Regulation applies to the organized program of nursing services and personal support services required under clause 8(1)(a) and (b) of the LTCHA. S. 31(3) of the Regulation requires that the written staffing plan for these organized programs must provide for a staffing mix that is consistent with residents' assessed care and safety needs and that meets the requirements set out in the LTCHA and the Regulation. As described in the Order below, the Licensee has repeatedly failed to comply with the staffing plan requirements under the Regulation for its organized nursing and personal support programs, as it continually fails to ensure that the staffing plan provides for a staffing mix that is consistent with residents' assessed care and safety needs.

The Licensee's non-compliance with these requirements above has resulted in residents at the LTC home currently being at risk for receiving insufficient nursing and personal care to ensure that the assessed needs and safety of residents are being met.

The Licensee's compliance history identifies that over the past fourteen months from the date of this order, three written notifications and three compliance orders related to subsection 15(2)(a) of the LTCHA, 53(4) and 33(1) of the Regulation have been issued. In addition, thirty-five written notifications, nineteen voluntary plans of correction and fourteen compliance orders were issued in relation to services provided under the required programs under sections 8 to 16 of the LTCHA. During this time, the Licensee had a total of 67 written notifications, 27 voluntary plans of correction, 34 compliance orders and 5 Director referrals.

Order: #001	2063412 Ontario Limited as General Partner of 2063412 Investment LP



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To 2063412 Ontario Limited as General Partner of 2063412 Investment LP, you are hereby required to comply with the following order(s) by the date(s) set out below:

Pursuant to:

The Licensee failed to comply with subsection 53(4)(b)(c) of the Ontario Regulation 79/10 (Regulation).

Subsection 53(4)(b) and (c) states:

- (b) The licensee shall ensure that, for each resident demonstrating responsive behaviours, strategies are developed and implemented to respond to these behaviours, where possible; and
- (c) actions are taken to respond to the needs of the residents, including assessments, reassessments and interventions and that the resident's responses to interventions are documented.

The Licensee also failed to comply with subsection 18(1) of the LTCHA. Subsection 18(1) states:

Every Licensee shall ensure that the programs required under sections 8 to 16, the services provided under those programs and anything else required under those sections comply with any standards or requirements, including outcome measures, provided for in the regulations.

Order:

The licensee must be compliant with s. 53(4)(b)(c) of the Regulation and s. 18 (1) of the LTCHA.

Specifically, the Licensee shall,

- 1) Bring in a dedicated internal resource(s) with extensive experience in managing or operating LTC homes to be on-site at the home on a full-time basis, with the sole responsibility and job function to assist the home with achieving and sustaining compliance with requirements under the LTCHA and to:
 - a) Create an action plan with the primary focus of implementing actions at the staff level in order to achieve and sustain compliance. The action plan, at a minimum, must address the following areas:
 - The LTC home's responsive behaviour program. The action plan shall include an
 evaluation of the LTC home's responsive behaviour program, strategies utilized and
 implemented, process for referrals, assessments and monitoring, as well as, actions
 for improvement to the responsive behaviour program including its education



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component for staff.

- A staffing plan for the organized program of nursing services and personal support services. The review shall include, but not limited to an evaluation of the staffing mix identified in each home area to ensure that the staffing mix is consistent with the assessed care and safety needs of residents' in that home area, actions to promote continuity of care, how to attract and retain personal support workers and registered staff and evaluation of the back-up plan for when nursing and personal support staff cannot come into work.
- Strategies and actions are put in place to ensure that the Nursing and Personal Support Services in the home provide skin and wound care and falls prevention interventions to residents and to achieve and sustain compliance related to the LTC homes programs and policies as set out in the Long-Term Care Homes Act, 2007 (LTCHA), s. 8 – 16.
- Upon completion of the action plan, the Licensee will submit the plan to the Director for approval. The plan must identify each area of non-compliance, the actions that will be implemented, person(s) responsible and the timelines for implementation. That plan will be reviewed by the Director and may be subject to change based on the Director's review. Upon approval of the plan by the Director, the licensee will implement the actions identified in the plan.
- b) Provide coaching and mentoring support to the Executive Director, Director of Care and Assistant Director of Care(s) at Creedan Valley Care Community:
 - The Licensee will submit a plan to provide coaching and mentoring support to the Executive Director, Director of Care and Assistant Director of Care(s) at Creedan Valley Care Community related to staffing, including how to retain staff, planning for staffing issues and ensuring and sustaining compliance with the standards and requirements for the programs required under sections 8-16 of the LTCHA. This coaching and mentoring will support the Executive Director, Director of Care and Assistant Director of Care(s) to achieve compliance with the specific areas of noncompliance identified and ensure that they have the knowledge and skills to sustain that compliance.
 - The plan will include the areas to be covered in the coaching and mentoring, timelines for the coaching and mentoring, and a report at the end of the mentoring period confirming the areas identified have been covered. The areas covered are to include at a minimum, the orientation of each person to their role and responsibility in the LTC home, a detailed overview of the LTCHA and Regulation 79/10, with a focus on the current non-compliance identified in this Order, the requirements of outstanding Inspector and Director's Orders and areas of non-compliance identified



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in recent inspections.

All plans are to be submitted to Stacey Colameco, Director, by fax to 1-416-327-7603 or courier to 1075 Bay Street, 11th Floor, Toronto, Ontario M5S 2B1 by November 15, 2019.

Grounds:

In addition to the actions identified by inspectors in the compliance orders issued in Inspection #2019-781729-0018, this Order is being issued to ensure that the licensee achieves compliance with the serious and on-going non-compliance that is identified in further detail below. This Order relies on the evidence of the non-compliance that is contained within the follow-up inspection reports noted below as well as in other inspection reports identified in the compliance history.

October 4, 2019 (2019-781729-0018): A follow-up inspection at the LTC home was conducted on September 3-6, 9-13, 2019.

Responsive Behaviours:

Following the inspection, CO #001 and Director Referral #001 was issued in relation to Regulation, s. 53(4)(b)(c). The licensee failed to ensure that, for each resident demonstrating responsive behaviours, strategies were developed and implemented to respond to these behaviours, where possible; and actions were taken to respond to the needs of the residents, including assessments, reassessments and interventions and that the resident's responses to interventions were documented.

A Critical Incident System (CI) report was submitted to the MLTC related to alleged physical abuse by one resident towards another resident. On review of the LTC home's risk management report, critical incident system report, the resident's progress notes and interviews with staff:

The resident had a history in the LTC home of responsive behaviours which involved demonstrating verbal and physical aggression towards co-residents. There were at least five occasions over a three-month period when the resident demonstrated these behaviours. After one of the incidents, there was a monitoring form that was put in place however, there was no plan of care in place that identified the behaviours, triggers, or strategies that were developed and implemented to manage the behaviours until after the fifth incident occurred.

The resident was then observed demonstrating physical aggression towards another resident causing injuries. The Dementia Observation System (DOS) and thirty-minute monitoring form showed that over a one week-period, the assessment and monitoring forms were not completed for multiple shifts after the physical altercations occurred. There was no documented follow-up of the DOS monitoring forms, assessments, and any interventions implemented after the initial DOS monitoring tool was put in place. Staff identified a specific trigger for the resident, however, there



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were no interventions documented or implemented. There were no strategies developed and implemented to manage any of the resident's responsive behaviours.

Further, the licensee failed to take action to respond to the needs of two other residents exhibiting responsive behaviours, including not conducting assessments and implementing interventions, and not documenting any of the resident's responses to the interventions. A critical incident system report submitted to the MLTC alleged that one resident demonstrated inappropriate behavior towards another.

On review of the LTC home's investigative notes, critical incident system report, resident clinical records, and interviews with staff:

A resident was witnessed by staff exhibiting inappropriate behaviour towards another resident. The resident had exhibited responsive behaviours on two separate occasions over an eleven-day period which involved demonstrating inappropriate behaviour towards a co-resident. Over a three-day period after the first incident occurred, there was no documentation in the resident's clinical record to indicate that an incident of inappropriate behaviour occurred. There was no documentation of an assessment of the resident, nor was there any indication how the resident reacted to the incident. There was no documentation in either the plan of care for each of the residents including any assessments or interventions the home put in place to keep the resident safe until four days after the incident occurred.

Accordingly, where residents demonstrated responsive behaviours, the licensee failed to take actions to respond to the needs of residents that included assessments and interventions and that the resident's responses to the interventions were documented.

The evidence gathered in this inspection demonstrates that despite inspectors' Orders issued on May 22, 2019 (detailed below) related to addressing residents' responsive behaviour, the licensee remains non-compliant with requirements related to responsive behaviours and has failed to act on previous Orders of inspectors, which puts residents at a risk of actual harm.

Programs:

The licensee has failed to ensure that the services provided within the programs required under sections 8 to 16 of the Act complied with the standards and requirements provided for in the Regulation. The Licensee currently has an outstanding compliance order related to s. 31(3) of the Regulation related to the LTC home's organized program of nursing and personal support services, which was issued on May 22, 2019 during follow up inspection 2019_773155_0007.

The organized program of nursing services for the LTC home did not meet the assessed needs of residents. Residents identified at risk of altered skin integrity did not receive a skin assessment by a member of the registered nursing staff upon return of the resident from hospital. Registered staff did not keep the medication carts that stored drugs secured and locked.



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Additionally, outstanding compliance orders issued August 15, 2019, during follow up inspection 2019_545147_007 demonstrated residents with altered skin integrity that did not receive an assessment or weekly skin assessments by a registered staff member as directed by the Regulation. Residents assessed with moderate to high risk of falls, and where there was a pattern of falls, approaches to care were not implemented when interventions were not effective. This resulted in residents continuing to fall and sustain injuries.

The organized program of personal support services in the areas of bathing did not meet the assessed needs of the residents. The impact of insufficient staffing on residents include concerns of residents not receiving their baths by the method of choice twice a week as per s. 33(1) of the Regulation. Residents were either not receiving their preferred method of choice for bathing, the bath was missed, or it was being replaced by a bed bath. Four of four residents reviewed were identified as not having been bathed according to their assessed needs.

Additionally, an outstanding compliance order issued on August 15, 2019, during follow up inspection 2019_545147_007, demonstrated that residents did not receive falls prevention interventions as specified in their plan of care, placing the residents at risk for injuries. Five residents were identified as not having the care set out in the plan of care related to falls prevention interventions being provided. An insufficient number of personal support workers contributed to the failure to provide the assessed care needs of residents as it related to falls prevention interventions.

The Licensee's organized program of housekeeping for the LTC home failed to ensure that the LTC home, furnishings and equipment were kept clean and sanitary, as required under s. 15(2)(a) of the LTCHA. During this follow-up inspection (2019-781729-0018), wheelchairs were not cleaned, and one resident's wheelchair was not placed on the monthly equipment cleaning schedule. In the LTC home, the inspectors observed cobwebs, dead insects and dust on window panes, dirt built up in the large dining room, dead insects in light covers in the physio room, dust build up on the ceiling vent in library and fans in the television room. The nurses' station was also observed as not being kept clean and sanitary. Staff indicated that the duster for the cleaning of window panes had not yet been received by the LTC home. However, records showed that it was not ordered until after the inspector identified the deficiencies related to cleaning.

During a follow-up inspection (2019_773155_0007) conducted between March 5-29, 2019, mattresses, resident rooms, bathrooms and hallways had strong lingering offensive odours. The organized housekeeping program did not have procedures developed and implemented to address offensive lingering odours, as required under s. 87 (2)(d) of the Regulation.

The Licensee's organized program of maintenance services failed to ensure in that the LTC home, furnishings and equipment were maintained in a safe condition and in a good state of repair, as required under s. 15(2)(c) of the LTCHA. During a follow-up inspection (2019_773155_0007) conducted between March 5-29, 2019, it was identified that the flooring in common areas and in resident rooms were stained and dirty; paint was peeling off countertops in resident washrooms, walls in hallways and resident rooms; baseboards were missing or in



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disrepair and there were missing floor tiles in identified areas.

During a follow-up inspection (2019_773155_0007) conducted between March 5-29, 2019, procedures were not developed and implemented to ensure heating and ventilation systems were cleaned and in good state of repair; all plumbing fixtures, toilets, sinks, grab bars and washroom fixtures and accessories were not maintained and kept from corrosion and cracks; gas or electric fireplaces and heat generating equipment were not inspected by a qualified individual at least annually and that documentation was kept of the service. This is contrary to s. 90(2)(c)(d)(e) of the Regulation, which requires that as part of the organized program of maintenance service under clause 15 (1)(c) of the LTCHA, heating, ventilation and air conditioning systems are to be cleaned and in good state of repair and inspected at least every six months by a certified individual and that documentation is kept of the inspection; all plumbing fixtures, toilets, sinks, grab bars and washroom fixtures and accessories are to be maintained and kept free from corrosion and cracks; and gas or electric fireplaces and heat generating equipment are to be inspected by a qualified individual at least annually, and that documentation is kept of the inspection.

The evidence gathered in this inspection demonstrates the Licensee's failure to ensure that services for the various programs required under section 8 to 16 meet the requirements set out in the LTCHA and Regulation. Further, despite the inspectors' Orders issued over the past sixteen months related to specific programs under section 8 to 16 of the LTCHA (detailed below), the Licensee continues to fail to act and comply with the Orders of inspectors.

Compliance History: Previous inspections where s 53 (4)(b)(c) was issued.

May 22, 2019 (2019_773155_0007) A follow-up inspection was conducted between March 5-29, 2019. The Licensee failed to comply with CO#002 from inspection # 2018_742527_0013 issued on August 28, 2018, with a compliance due date of September 7, 2018. CO #015 was issued in relation to the Regulation, s. 53(4)(b)(c) The licensee failed to ensure that, for each resident demonstrating responsive behaviours, strategies were developed and implemented to respond to these behaviours, where possible; and actions were taken to respond to the needs of the residents, including assessments, reassessments and interventions and that the resident's responses to interventions are documented.

A complaint was brought forward related to two specific residents that demonstrated responsive behaviours including physical aggression. The LTC home had very few strategies that had been developed or implemented to manage the residents' behaviours, and when they were, there was no consistency with the implementation. Residents with responsive behaviours were not being assessed, reassessed or referred to behavioural supports when needed to assist with behaviour management.

August 28, 2018 (2018_742527_0013) CO #002 was issued in relation to the Regulation, s. 53(4)(b)(c). The licensee failed to ensure that, for each resident demonstrating responsive behaviours, strategies were developed and implemented to respond to these behaviours, where



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possible; and actions were taken to respond to the needs of the residents, including assessments, reassessments and interventions and that the resident's responses to interventions are documented.

A critical incident system was submitted by the LTC home related to the alleged abuse of a resident. During the inspection, it was found that the licensee did not take actions to respond to the needs of the resident when the resident was demonstrating inappropriate responsive behaviours. On three separate occasions the resident demonstrated inappropriate responsive behaviours towards another resident and the licensee failed to ensure that, for the resident, who was demonstrating responsive behaviours, actions were taken to respond to the needs of the residents, including assessments, reassessments and interventions and that the resident's responses to interventions were documented.

Compliance History: Previous inspections where programs required under s 8-16; the services provided under those programs and anything else required under those sections was issued.

May 22, 2019 (2019_773155_0007) The licensee failed to comply with compliance order #004 from inspection # 2018_742527_0012 served on August 29, 2018, with a compliance due date of September 28, 2018. CO #012 was issued in relation to the Regulation, s. 31(3), the licensee failed to ensure that a staffing plan provided for a staffing mix that was consistent with residents assessed care and safety needs that mey the requirements set out in the Act and Regulation.

On two separate 14-day periods over February and March 2019, the LTC home had 272 and 316.8 vacant PSW hours. The impact of insufficient staffing on residents included concerns related to safety as staff indicated they could not respond timely to call bells which resulted in resident falls. In a three-month period from May to July 2019, residents in the home had sustained at least 103 falls. Staff reported not being able to toilet residents which also increased the potential for falls as well as their risk of skin concerns. Residents were either not receiving their preferred tub bath or it was being replaced by a bed bath. They were not able to make up the missed baths due to the ongoing shortages.

The licensee failed to comply with compliance order #005 from inspection # 2018_742527_0012 served on August 29, 2018, with a compliance due date of September 28, 2018. CO #013 was issued in relation to the Regulation, s. 33(1), the licensee failed to ensure that each resident of the home was bathed, at a minimum, twice a week by the method of his or her choice. 77 per cent of residents did not receive their bath on their scheduled bath day on four identified days; residents reported not consistently receiving two baths per week and a choice of a shower was not provided. Those residents that requested a shower were suspended above the tub in a sling and sprayed with the bath hose.

The licensee failed to comply with compliance order #002 from inspection # 2018_742527_0012 served on August 29, 2018, with a compliance due date of July 4, 2019. CO #005 was issued in relation to the LTCHA, s. 15 (2)(a) The licensee failed to ensure that the home, furnishings and



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equipment were kept clean and sanitary. Wheelchairs were not being cleaned and kept sanitary. Flooring in common areas and resident rooms were stained and dirty; cob webs and bugs were found throughout the LTC home; ceiling vents and fans were dusty and not maintained. The procedures for housekeeping were not being followed.

August 29, 2018 (2018_742527_0012) CO #004 was issued related in relation to the Regulation, s. 31 (3), the licensee failed to ensure that a staffing plan provided for a staffing mix that was consistent with residents assessed care and safety needs that meets the requirements set out in the Act and Regulation.

Over a three-month period from April to June 2019, the LTC home had at least 459.3 vacant PSW hours. The impact of insufficient staffing on residents resulted in several residents not receiving bathing at a minimum of twice a week and effected resident care.

CO #005 was issued in relation to the Regulation, s. 33(1), the licensee failed to ensure that each resident of the LTC home was bathed, at a minimum, twice a week by the method of his or her choice. Three of three residents reviewed were not bathed twice a week by the method of his or her choice. The LTC home did not have sufficient staff and the scheduled bath shifts were being pulled in attempts to provide resident care shifts.

CO #002 was issued in relation to the LTCHA, s. 15 (2)(a), the licensee failed to ensure that the home, furnishings and equipment were kept clean and sanitary. Resident wheelchairs were not cleaned.

Director's Order

Relying on the findings and evidence gathered in the inspections mentioned above, I have determined that a Director's Order is warranted given the Licensee's non-compliance with s. 53 (4)(b)(c) of the Regulation related to the management of residents' responsive behaviours. Specifically, the licensee has failed to ensure that for each resident demonstrating responsive behaviours, strategies were developed and implemented to respond to these behaviours, where possible; and actions were taken to respond to the needs of the residents, including assessments, reassessments and interventions and that the resident's responses to interventions were documented.

The Licensee is also non-compliant with section 18 of the LTCHA, as it has failed to ensure that the programs required under sections 8 to 16, the services provided under those programs and anything else required under those sections comply with any standards or requirements, including outcome measures, provided for in the regulations. Several of the programs have not met the specific requirements of the Regulation. The Licensee's non-compliance with these requirements above has resulted in residents at the LTC home currently being at risk for receiving insufficient nursing and personal care to ensure that the assessed needs and safety of residents are being



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met.

The decision to issue this Director's Order is based on the scope and severity of non-compliance, and the LTC home's compliance history over the past 36 months. The scope is identified as widespread in the LTC home and represents systemic failure that affects or has the potential to negatively affect a large number of the LTC home's residents. The severity is determined to be actual harm or risk of actual harm.

The Licensee has a history of repeated non-compliance. The LTC home had a level 4 history as they had on-going non-compliance with section 53 (4)(b)(c) of the Regulation that included:

- Compliance Order #015 issued May 22, 2019 with a compliance due date of June 21, 2019 (2019_773155_0007)
- Compliance Order #002 issued August 28, 2019 with a compliance due date of September 7, 2018. (2018_742527_0013)

The LTC home had a level 5 history as they had on-going non-compliance with section 31(3) of the Regulation that included:

- Compliance Order #012 issued May 22, 2019 with a compliance due date of August 30, 2019 (2019_773155_0007)
- Compliance Order #004 issued August 29, 2019 with a compliance due date of September 28, 2018. (2018_742527_0013)

At the request of the Director, the LTC home submitted a plan of corrective action from inspection 2019_773155_0007 to the Director on June 28, 2019 that outlined steps to come into compliance with outstanding compliance orders. However, the LTC home failed to implement the corrective action plan.

Given the repeated non-compliance with Orders and Director's Referrals at this LTC home, the lack of understanding from staff and management exhibited to MLTC inspectors with respect to requirements under the LTCHA and the actions needed to address the non-compliance, it is necessary to ensure the leadership team at the LTC home is well positioned to ensure the care and safety of residents in the LTC home. At the time of the inspection, the ADOC position remained vacant. A leadership team has not been consistent in the LTC home during the past year as there have been vacancies and interim coverage in both the Executive Director and DOC positions which has contributed to the ineffectiveness in bringing the home into compliance. The current Executive Director has been in the home since August 20, 2019, and the DOC has been in the home since September 3, 2019.

Taking into consideration the level of non-compliance and recent onboarding of new leadership in the LTC home, the licensee needs assistance to determine how to achieve and sustain



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compliance under the LTCHA and Regulation with respect to the non-compliance identified in this Order. In addition, the Executive Director, Director of Care and Assistant Director of Care(s) require coaching and mentoring in the various areas identified in the Order to assist in ensuring that the Licensee achieves and sustains compliance long-term.

This order must be complied with by: January 31, 2020

and the

REVIEW/APPEAL INFORMATION

TAKE NOTICE:

The Licensee has the right to appeal this Order(s) to the Health Services Appeal and Review Board (HSARB) in accordance with section 164 of the Long-Term Care Homes Act, 2007. If the Licensee decides to request a hearing, the Licensee must, with 28 days of being served with this Order, mail or deliver a written notice of appeal to both:

Health Services Appeal and Review Board Attention Registrar 151 Bloor Street West 9th Floor Toronto, ON M5S 2T5 Director

c/o Appeals Clerk Long-Term Care Inspections Branch 1075 Bay St., 11th Floor, Suite 1100 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.

Issued on this 25 day of October, 2019		
Signature of Director:		
Name of Director:	Stacey Colameco	



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