

**Inspection Report under
the Long-Term Care
Homes Act, 2007**

**Rapport d'inspection en vertu de
la Loi de 2007 sur les foyers de
soins de longue durée**

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

**Division des opérations relatives aux
soins de longue durée
Inspection de soins de longue durée**

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Report Date(s) / Date(s) du Rapport	Inspection No / No de l'inspection	Log # / No de registre	Type of Inspection / Genre d'inspection
Nov 19, 2020	2020_718751_0009	020143-20, 020154- 20, 020243-20, 020431-20	Complaint

Licensee/Titulaire de permis

Markhaven, Inc.
54 Parkway Avenue MARKHAM ON L3P 2G4

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

Markhaven
54 Parkway Avenue MARKHAM ON L3P 2G4

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

ASAL FOULADGAR (751)

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): October 22, 2020 -
November 16, 2020.**

During this inspection the following complaint intakes were inspected:

**Four Logs related to the home's visitor policy not allowing essential care givers
visitations.**

**During the course of the inspection, the inspector(s) spoke with the Executive
Director (ED), Director of Care (DOC), Public Health Inspector(s) (PHI), and
residents' substitute decision-makers (SDM).**

**During the course of this inspection the inspector(s) also reviewed clinical health
records and relevant policies and procedures.**

**Please note this inspection was conducted off-site as no observation was required
due to the nature of the complaints.**

**The following Inspection Protocols were used during this inspection:
Dignity, Choice and Privacy**

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

1 WN(s)

0 VPC(s)

0 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>Légende</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. 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:

14. Every resident has the right to communicate in confidence, receive visitors of his or her choice and consult in private with any person without interference. 2007, c. 8, s. 3 (1).

Findings/Faits saillants :

1. The licensee has failed to ensure that residents received visitors of their choice.

In accordance with the Updated Ministry of Long-term Care (MLTC) Visitor Policy to Long-Term Care (LTC) Homes on July 15, 2020, which was released to supplement COVID-19 Directive #3 for LTC Homes under the LTC Homes Act, 2007, Issued under Section 77.7 of the Health Protection and Promotion Act (HPPA), R.S.O. 1990, c. H.7, and provided updated guidance to long-term care homes on reopening homes to visitors, Essential caregivers defined as “individuals who are not staff, essential visitors nor on-site contractors that provide care services to one resident at a home. In many cases, these essential caregivers are family members”. In further review of the MLTC updated COVID-19 Visiting Policy, released on October 5, 2020 with effective date of October 7, 2020, a caregiver is defined as “a type of essential visitor who is designated by the resident and/or their substitute decision-maker and is visiting to provide direct care to the resident (e.g. supporting feeding, mobility, personal hygiene, cognitive stimulation, communication, meaningful connection, relational continuity and assistance in decision-making). Examples of caregivers include family members who provide meaningful connection, a privately hired caregiver, paid companions and translators.”

The MLTC received complaints from family members of multiple residents at the home, indicating as of October 2, 2020, the home had restricted all essential care giver visitations. All identified family members told inspector that they had been the residents' designated essential care givers and were able to visit the residents prior to October 2, 2020.

Review of the home's visitor policy #IPCM-J-010 last updated in October 2020, indicated that “As of October 2, 2020 the home reserves the right to restrict all access to the facility to only essential visitors (loved one is acutely ill/significant deterioration/palliative. No access will be granted to essential caregivers. All outdoor visits have stopped.”

In an interview with Executive Director (ED) #100 and Director of Care (DOC) #101, they confirmed that the home has restricted all essential care givers visitations and only essential visitors who are visiting a very ill or palliative residents can visit their loved ones. ED #100 and DOC #101 acknowledged that their current visitor policy conflicts with the resident's Bill of Rights to receive visitors of their choice.

Separate interviews with Public Health Inspectors (PHI) #102 and #103, confirmed that

the home's restrictions to the essential care givers visitation as of October 2, 2020 was not directed by the local public health unit.

Sources: Directive #3 for LTC Homes under the LTC Homes Act, 2007, with revision date of October 14, 2020, MLTC COVID-19 Visiting Policy with effective date of October 7, 2020, Updated MLTC Visitor Policy to LTC Homes released on July 15, 2020, Markhaven's Visitors policy #IPCM-J-010 with last review date of October 2020. Interview with ED #100, DOC #101, PHI #102, PHI #103, and family members. [s. 3. (1) 14.]

Issued on this 25th day of November, 2020

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

Original report signed by the inspector.