



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

**Rapport d'inspection
prévue le *Loi de 2007
les foyers de soins de
longue durée***

Ministry of Health and Long-Term Care
Health System Accountability and Performance Division
Performance Improvement and Compliance Branch

Ottawa Service Area Office
347 Preston St., 4th Floor
Ottawa ON K1S 3J4

Bureau régional de services d'Ottawa
347, rue Preston, 4^{ième} étage
Ottawa ON K1S 3J4

**Ministère de la Santé et des Soins de
longue durée**

Division de la responsabilisation et de la performance du
système de santé
Direction de l'amélioration de la performance et de la
conformité

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Licensee Copy/Copie du Titulaire Public Copy/Copie Public

Date(s) of inspection/Date de l'inspection October 4, 2010	Inspection No/ d'inspection 2010_143_2640_04Oct094157	Type of Inspection/Genre d'inspection Complaint-log # O-000973
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Licensee/Titulaire
Sherwood Park Manor
1814 County Road 2 East
Brockville, ON K6V 5T1
Fax: 613-342-3767

Long-Term Care Home/Foyer de soins de longue durée
Sherwood Park Manor
1814 County Road 2 East
Brockville, ON K6V 5T1
Fax: 613-342-3767

Name of Inspector(s)/Nom de l'inspecteur(s)
Paul Miller (#143)

Inspection Summary/Sommaire d'inspection



The purpose of this inspection was to conduct a complaint inspection. The nature of the complaint involved resident care, odours, lost articles including clothing and resident charges.

During the course of the inspection, the inspector spoke with: The Administrator, a laundry aide, the Supportive Services Manager, a cook, the Director of Nursing, the Office manager, residents and family members as well as a Long Term Care Homes Environmental Inspector.

During the course of the inspection, the inspector: Interviewed staff and residents.

Reviewed resident's health records. Obtained copies of plans of care, treatment administration record and care conference records.

Reviewed and obtained copies of home's Admission agreement, policy and Procedure on locating lost articles and resident satisfaction survey, work routines of housekeepers and scheduling hours for housekeepers. The inspector completed a walk through of all home areas as well the laundry department.

The following Inspection Protocols were used in part or in whole during this inspection: Responsive Behaviors Inspection Protocol and Prevention of Abuse and Neglect Inspection Protocol

There are no findings of Non-Compliance as a result of this inspection.

Findings of Non-Compliance were found during this inspection. The following action was taken:

1 WN

2 CO: CO # 001 and # 002

NON-COMPLIANCE / (Non-respectés)

Definitions/Définitions

WN – Written Notifications/Avis écrit
VPC – Voluntary Plan of Correction/Plan de redressement volontaire
DR – Director Referral/Régisseur envoyé
CO – Compliance Order/Ordres de conformité
WAO – Work and Activity Order/Ordres: travaux et activités

The following constitutes written notification of non-compliance under paragraph 1 of section 152 of the LTCHA.

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.)

Le suivant constituer un avis d'écrit de l'exigence prévue le paragraphe 1 de section 152 de les foyers de soins de longue durée.

Non-respect avec les exigences sur le *Loi de 2007 les foyers de soins de longue durée* à trouvé. (Une exigence dans le loi comprend les exigences contenues dans les points énumérés dans la définition de "exigence prévue par la présente loi" au paragraphe 2(1) de la loi.

WN # 1: The Licensee has failed to comply with: LTCHA, 2007, S.O.2007 c.8, s.91(1)

A licensee shall not charge a resident for anything, except in accordance with the following:

1. For basic accommodation, a resident shall not be charged more than the amount provided for in the regulations for the accommodation provided.

2. For preferred accommodation, a resident shall not be charged more than can be charged for basic accommodation in accordance with paragraph 1 unless the preferred accommodation was provided under an agreement, in which case the resident shall not be charged more than the amount provided for in the regulations for the accommodation provided.
3. For anything other than accommodation, a resident shall be charged only if it was provided under an agreement and shall not be charged more than the amount provided for in the regulations, or, if no amount is provided for, more than a reasonable amount.
4. Despite paragraph 3, a resident shall not be charged for anything that the regulations provide is not to be charged for. 2007, c. 8, s. 91 (1).

Findings:

1. The Administrator reported to LTCH Inspector on October 4, 2010 that 80 residents are charged \$18 per month (plus taxes) for clothing maintenance which included iron and mending services. On October 7, 2010 the administrator reported that 91 residents are charged for laundry. When asked for a resident list stated office staff had completed a manual count going through financial files.
2. The Administrator reported that residents were not informed that laundry service was included as a free service to the residents.
3. The Administrator reported on October 4, 2010 that approximately 27 residents have their laundry completed by family's members or associates in the community. When asked if any of these 27 residents were aware that laundry was a free service he reported that they were not informed of this. It is acknowledged that with the resident census of 107 that only 16 residents have their personal clothing laundered outside of the Long term care home as 91 residents as of October 7, 2010 were charged for this service.
4. The Administrator reported that charging for resident's laundry was a practice in place prior to being employed at the home. The Administrator reported to the inspector no knowledge that resident's could not be charged for personal laundry.
5. A residents spouse and Substitute Decision maker reported on October 4, 2010 that the resident was paying \$18 per month plus taxes to have clothes laundered by staff at the home. The residents spouse reported that they had been washing the resident's clothes at home up until recently to save on expenditures. The inspector was also advised that they were being charged \$4.00 plus taxes per month for a wandering bracelet. The spouse reported that this bracelet sets off an alarm when the resident goes near the front door.
6. A laundry aide was interviewed on October 4, 2010. The laundry aide reported that 4 residents have their clothes ironed and demonstrated a resident list that indicates what residents prefer to have clothes ironed. She reported that any mending that is needed is placed in a basket for a volunteer.
7. The office manager provided a list of 15 residents which included the resident that were being charged \$4.00 per month plus taxes for transmitter bracelets. When a request was made of all residents being charged for clothing maintenance inspector was informed that it would have to be done manually.
8. The supportive services manager (SSM) advised inspector on October 4, 2010 that as the manager responsible for the laundry department it is requirement and expectation to attend all resident care conferences. The SSM reported that it has always been the practice of the home to charge for clothing maintenance. When asked if any residents were advised or aware that laundry was a free service



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

Name of Inspector:	Paul Miller	Inspector ID #	143
Inspection Report #:	2010_143_2640_04Oct094157		
Type of Inspection:	Complaint - Log # O-000973		
Licensee:	Sherwood Park Manor 1814 County Road 2 East Brockville, ON K6V 5T1 Fax: 613-342-3767		
LTC Home:	Sherwood Park Manor 1814 County Road 2 East Brockville, ON K6V 5T1		
Name of Administrator:	Shawn Souder		

To Sherwood Park Manor you are hereby required to comply with the following orders by the dates set out below:

Order #:	001	Order Type:	Compliance Order, Section 153 (1)(a)
<p>Pursuant to: The Licensee has failed to comply with: LTCHA, 2007, S.O.2007 c.8, s.91(1) A licensee shall not charge a resident for anything, except in accordance with the following:</p> <ol style="list-style-type: none"> For basic accommodation, a resident shall not be charged more than the amount provided for in the regulations for the accommodation provided. For preferred accommodation, a resident shall not be charged more than can be charged for basic accommodation in accordance with paragraph 1 unless the preferred accommodation was provided under an agreement, in which case the resident shall not be charged more than the amount provided for in the regulations for the accommodation provided. 			



Order: The licensee shall reimburse all residents' for laundry services charges collected from the resident in excess of the maximum amounts that the licensee is allowed to charge for.

Grounds:

1. On October 7, 2010 Shawn Souder reported that 91 residents are charged for laundry services for the cleaning of their personal clothing items.
2. This charge is in addition to the basic and preferred rates for accommodations as spelled in O.Reg. 79/10 s. 247(7).
3. Shawn Souder reported on October 4, 2010 that approximately 27 residents have their laundry completed by family's members or associates in the community. When asked if any of these 27 residents were aware that laundry was a free service he reported that they were not informed of this. It is acknowledged that with the resident census of 107 that only 16 residents have their personal clothing laundered outside of the Long term care home as 91 residents as of October 7, 2010 were charged for this service.
4. Shawn Souder reported that charging for resident's laundry was a practice in place prior to his being the administrator. He informed the inspector that he was unaware that it was not permissible to charge for laundry.
5. A Substitute Decision Maker (SDM) for a resident reported that the resident was paying \$18 per month plus taxes to have clothes laundered by staff at the home. The SDM advised the inspector that the resident was also being charged \$4.00 plus taxes per month for a wandering bracelet.
6. A Laundry aid reported that 4 residents have their clothes ironed and demonstrated a resident list that indicates what residents prefer to have clothes ironed. The laundry aid reported that any mending that is needed is placed in a basket for a volunteer.
7. The Office Manager provided a list of 15 residents which were being charged \$4.00 per month plus taxes for transmitter bracelets.
8. The supportive services manager advised the inspector that it has always been the practice of the home to charge for clothing maintenance. When asked if any residents were advised or aware that laundry was a free service the manager reported that it had not been discussed nor presented to residents at any care conference that the manager had attended. The manager reports that it has been the practice of the home for the past 25 years to charge residents for laundry.
9. Resident satisfaction survey (for new residents) item # 12 states. I purchase laundry services and the assistance with my clothes meets my expectations.
10. During a teleconference held on September 28, 2011 the Administrator and Chair of the Sherwood Park Manor Board requested an extension to the compliance order which was granted.

Compliance Order # 001 was faxed to the licensee on September 29, 2011.

This order must be complied with by: December 31, 2011

Order #:	002	Order Type:	Compliance Order, Section 153 (1)(b)
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Pursuant to: The Licensee has failed to comply with: LTCHA, 2007, S.O.2007 c.8, s.78(2)(k)

The package of information shall include, at a minimum,

- (a) the Residents' Bill of Rights;
- (b) the long-term care home's mission statement;
- (c) the long-term care home's policy to promote zero tolerance of abuse and neglect of residents;
- (d) an explanation of the duty under section 24 to make mandatory reports;
- (e) the long-term care home's procedure for initiating complaints to the licensee;
- (f) the written procedure, provided by the Director, for making complaints to the Director, together with the name and telephone number of the Director, or the name and telephone number of a person designated by the Director to receive complaints;
- (g) notification of the long-term care home's policy to minimize the restraining of residents and how a copy of the policy can be obtained;
- (h) the name and telephone number of the licensee;
- (i) a statement of the maximum amount that a resident can be charged under paragraph 1 or 2 of subsection 91 (1) for each type of accommodation offered in the long-term care home;
- (j) a statement of the reductions, available under the regulations, in the amount that qualified residents can be charged for each type of accommodation offered in the long-term care home;
- (k) information about what is paid for by funding under this Act or the *Local Health System Integration Act, 2006* or the payments that residents make for accommodation and for which residents do not have to pay additional charges;
- (l) a list of what is available in the long-term care home for an extra charge, and the amount of the extra charge;
- (m) a statement that residents are not required to purchase care, services, programs or goods from the licensee and may purchase such things from other providers, subject to any restrictions by the licensee, under the regulations, with respect to the supply of drugs;
- (n) a disclosure of any non-arm's length relationships that exist between the licensee and other providers who may offer care, services, programs or goods to residents;
- (o) information about the Residents' Council, including any information that may be provided by the Residents' Council for inclusion in the package;



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Direction de l'amélioration de la performance et de la conformité

(p) information about the Family Council, if any, including any information that may be provided by the Family Council for inclusion in the package, or, if there is no Family Council, any information provided for in the regulations;

(q) an explanation of the protections afforded by section 26; and

(r) any other information provided for in the regulations. 2007, c. 8, s. 78 (2).

Order: The licensee shall prepare, submit and implement a plan for achieving compliance to meet the requirement that the package of information provided to residents include information about what is funded under the Act or the payments made for accommodations for which residents do not have to pay additional charges for. The plan is to be submitted to Inspector: Paul Miller, Ministry of Health and Long-Term Care, Performance Improvement and Compliance Branch, 347 Preston Street, 4th Floor, Ottawa ON K1S 3J4, Fax 613-569-9670.

Grounds:

1. A review of Sherwood Park Manor package of information provided at time of admission reviewed on October 4, 2010 and discussed with Shawn Souder (Administrator) on October 5, 2010 did not provide information in respect of accommodation charges for which residents do not have to pay additional charges for.

Compliance Order # 002 was faxed to the licensee on September 29, 2011.

This order must be complied with by:	December 31, 2011
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 Direction de l'amélioration de la performance et de la conformité

REVIEW/APEAL 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 service for the Licensee.

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

Director
 c/o Appeals Clerk
 Performance Improvement and Compliance Branch
 Ministry of Health and Long-Term Care
 55 St. Clair Ave. West
 Suite 800, 8th floor
 Toronto, ON M4V 2Y2
 Fax: 416-327-7603

When service is made by registered mail, it is deemed to be made on the fifth day after the day of mailing 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 group of members not connected with the Ministry. They are appointed by legislation to review matters concerning health care services. If the Licensee decides to request a hearing, the Licensee must, with 28 days of being served with the notice of the Director's decision, mail or deliver a written notice of appeal to both:

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

Director
 c/o Appeals Clerk
 Performance Improvement and Compliance Branch
 55 St. Claire Avenue, West
 Suite 800, 8th Floor
 Toronto, ON M4V 2Y2

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 29th day September , 2011.	
Signature of Inspector:	
Name of Inspector:	Paul Miller
Service Area Office:	Ottawa Service Area Office