

Order of the Director

under the *Long-Term Care Homes Act, 2007*, S.O. 2007, c.8

	<input type="checkbox"/> Licensee Copy/Copie du Titulaire <input checked="" type="checkbox"/> Public Copy/Copie Public
Name of Director:	Wendy Lewis (Acting)
Order Type:	<input type="checkbox"/> Amend or Impose Conditions on Licence Order, section 104 <input type="checkbox"/> Renovation of Municipal Home Order, section 135 <input type="checkbox"/> Compliance Order, section 153 <input type="checkbox"/> Work and Activity Order, section 154 <input type="checkbox"/> Return of Funding Order, section 155 <input checked="" type="checkbox"/> Mandatory Management Order, section 156 <input type="checkbox"/> Revocation of Licence Order, section 157 <input type="checkbox"/> Interim Manager Order, section 157
Intake Log # of original inspection (if applicable):	Not Applicable
Original Inspection #:	Not Applicable
Licensee:	Corporation of the County of Simcoe
LTC Home:	Simcoe Manor Home for the Aged
Name of Administrator:	Janina Grabowski

Background:	
<p>Simcoe Manor Home for the Aged (“Simcoe Manor”) is a long-term care (“LTC”) home in Beeton, Ontario within the Central Local Health Integration Network (“LHIN”). The Corporation of the County of Simcoe is the licensee of the LTC home, which is approved for 126 beds (“the licensee”).</p> <p>On March 17, 2020, the Premier and Cabinet declared an emergency in Ontario under the <i>Emergency Management and Civil Protection Act</i> (“EMCPA”) due to the novel coronavirus (“COVID-19”) pandemic in Ontario. Emergency orders under the EMCPA were issued to respond to the pandemic, including specific orders to alleviate the impact of COVID-19 in LTC homes. On May 12, 2020, Ontario Regulation 210/20 (Management of Long-Term Care Homes in Outbreak) under the EMCPA came into force.</p> <p>Following the termination of the Declaration of Emergency on July 24, 2020, O. Reg. 210/20 made under the EMCPA was continued under the <i>Reopening Ontario (A Flexible Response to COVID-19) Act, 2020</i> (“ROA”) to ensure important measures remained in place to address the sustained threat of COVID-19 in LTC homes once the provincial Declaration of Emergency came to an end. The ROA came into effect on</p>	

July 24, 2020.

Pursuant to Ontario Regulation 210/20 under the ROA and despite any requirement or grounds set out in the *Long-Term Care Homes Act, 2007* (“the Act”) or Ontario Regulation 79/10 (“Regulation”) made under that Act, the Director appointed under the Act may make an order under subsection 156(1) of the Act if at least one resident or staff member in the LTC home has tested positive for COVID-19 in a laboratory test (“a COVID-19 mandatory management order”). In a COVID-19 mandatory management order, pursuant to Ontario Regulation 210/20, the Director may set out the name of the person who is to manage the LTC home.

On October 2, 2020, an outbreak of COVID-19 was declared at Simcoe Manor by the Simcoe Muskoka District Health Unit as 3 staff members had tested positive for COVID-19 in a laboratory test. The following day on October 3, 2020, 3 residents had tested positive for COVID-19. As of October 12, 2020, 10 days after the outbreak was declared, there were 28 confirmed positive residents, 5 resident deaths as a result of COVID-19 and 19 confirmed positive staff members. As of October 12, 2020, the LTC home was still identifying new cases of COVID-19. Since the outbreak, the number of confirmed cases among residents and staff has increased substantially.

The LTC home has received support throughout the outbreak but has not shown an ability to contain the spread of the disease in the LTC home. The LTC home has received infection prevention and control (“IPAC”) support from the Simcoe Muskoka District Health Unit, Stevenson Memorial Hospital and the licensee’s corporate team. It has received staffing support from agency staff and paramedic services arranged through the County of Simcoe. Despite this assistance, infection continues to spread in the LTC home. Along with the continued spread of infection at the LTC home, the LTC home is unable to properly implement personal protective equipment measures and IPAC practices, which includes appropriate cohorting measures when staff are interacting with COVID-19 positive residents.

The Director is issuing a COVID-19 mandatory management order because, as outlined in the grounds, the licensee requires enhanced management capacity to address disease spread in the LTC home as well as a lack of sustainable IPAC measures and administrative leadership. This enhanced management is necessary to return Simcoe Manor to normal operations and save lives.

Order:

To Corporation of the County of Simcoe you are hereby required to comply with the following order by the date(s) set out below:

Pursuant to: Subsection 156(1) of the *Long-Term Care Homes Act, 2007*, SO c. 8 (“the Act”) as modified by Ontario Regulation 210/20 under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, SO c. 17 (formerly under the *Emergency Management and Civil Protection Act*).

The Director may order a licensee to retain, at the licensee’s expense, a person named by the Director to manage the long-term care home. An order made pursuant to Ontario Regulation 210/20 shall set out the period of time during which the order is in effect, but the period shall not extend past the date that Ontario Regulation 210/20 is revoked.

Order: The Licensee, Corporation of the County of Simcoe, is ordered:

- (a) To **immediately** retain Royal Victoria Regional Health Centre, located at 201 Georgian Drive, Barrie, Ontario L4M 6M2 to manage Simcoe Manor Home for the Aged located at 5988 8th Line, Main Street East, Beeton, ON, L0G 1A0;
- (b) To submit to the Director, Capital Planning Branch, a written contract pursuant to section 110 of the Act **within 24 hours** of being served this Order;
- (c) To execute the written contract **within 24 hours** of receiving approval of the written contract from the Director, Capital Planning Branch pursuant to section 110 of the Act and to deliver a copy of that contract once executed to the Director, Capital Planning Branch;
- (d) To submit to the Director, LTC Inspections Branch, a COVID-19 recovery management plan, prepared in collaboration with Royal Victoria Regional Health Centre to manage Simcoe Manor Home for the Aged, and that specifically addresses how the licensee will return the home to normal operations with a specific staffing plan to ensure the successful return-to-work of the LTC home's regular staff **within 48 hours** of being served this Order;
- (e) To enable Royal Victoria Regional Health Centre to begin managing Simcoe Manor Home for the Aged in accordance with the written contract described in paragraph (c) of this Order **immediately upon** execution of that written contract;
- (f) Subject to Ontario Regulation 210/20, Royal Victoria Regional Health Centre will manage Simcoe Manor Home for the Aged for 90 days following the date this Order is served;
- (g) Any and all costs associated with complying with this Order are to be paid by the licensee, including for certainty, but not limited to, all costs borne by the licensee, Royal Victoria Regional Health Centre and the Ministry of Long-Term Care associated with retaining Royal Victoria Regional Health Centre as described in paragraph (a) of this Order; and
- (h) Upon being served with this Order, comply with (a)-(g) and not take any actions that undermine or jeopardize the ability for Royal Victoria Regional Health Centre to manage Simcoe Manor Home for the Aged to its full extent.

Grounds:

Simcoe Manor Home for the Aged ("Simcoe Manor") is a long-term care ("LTC") home in Beeton, Ontario within the Central Local Health Integration Network ("LHIN"). The Corporation of the County of Simcoe is the licensee of the LTC home ("the licensee"). The LTC home is approved for 126 beds.

According to Ministry of Health and Ministry of Long-Term Care Emergency Planning and Preparedness website, the COVID-19 pandemic began as an outbreak of a novel Coronavirus ("2019- nCoV") in China in December 2019. The first known case of COVID-19 in Ontario was identified on January 25, 2020. On March 11, 2020, the World Health Organization declared COVID-19 a pandemic.

On March 17, 2020, the Premier and Cabinet declared an emergency in Ontario under the *Emergency Management and Civil Protection Act* ("EMCPA") due to the COVID-19 pandemic in Ontario. Emergency

orders under the EMCPA were issued to respond to the pandemic, including specific orders to alleviate the impact of COVID-19 in LTC homes.

On May 12, 2020, Ontario Regulation 210/20 (Management of Long-Term Care Homes in Outbreak) under the EMCPA came into force. Following the termination of the Declaration of Emergency on July 24, 2020, O. Reg. 210/20 made under the EMCPA was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (“ROA”) to ensure important measures remained in place to address the sustained threat of COVID-19 in LTC homes once the provincial Declaration of Emergency came to an end. The ROA came into effect on July 24, 2020.

Pursuant to Ontario Regulation 210/20 under the ROA, the Director is authorized to make an order under subsection 156(1) of the *Long-Term Care Homes Act, 2007* if at least one resident or staff member in the long-term care home has tested positive for the coronavirus (“COVID-19”) in a laboratory test (“a COVID-19 mandatory management order”). In a COVID-19 mandatory management order, pursuant to Ontario Regulation 210/20, the Director may set out the name of the person who is to manage the long-term care home.

COVID-19 Outbreak at Simcoe Manor

On October 2, 2020, an outbreak of COVID-19 was declared at the LTC home by the Simcoe Muskoka District Health Unit as 3 staff members had tested positive for COVID-19 in a laboratory test. This was the second outbreak of COVID-19 at the LTC home. The first outbreak at the LTC home was declared on June 22, 2020.

On October 3, 2020, one day after the declared outbreak, 3 residents had tested positive for COVID-19. On October 5, 2020, 3 additional staff members and 15 additional residents had been confirmed positive and there was 1 resident death associated with COVID-19.

The following chart shows the progression of the outbreak at Simcoe Manor as reported to the Ministry of Long-Term Care by the LTC home. This information includes the total number of residents who have been confirmed to have tested positive for COVID-19, the number of resident deaths from COVID-19 and the number of staff members who have been confirmed to have tested positive for COVID-19. The numbers in the chart are cumulative and are expressed as a total on the date reported.

Date	Total Confirmed Resident Cases of COVID-19	Total Resident Deaths from COVID-19	Total Confirmed Staff Cases of COVID-19
10/02/2020	0	0	3
10/03/2020	3	0	3
10/04/2020	3	0	3
10/05/2020	19	1	6
10/06/2020	26	3	7
10/07/2020	26	3	12
10/08/2020	26	4	17
10/09/2020	29	4	19

10/10/2020	30	4	19
10/11/2020	32	4	19
10/12/2020	33	5	19

Since the outbreak, the number of confirmed cases among residents and staff has increased substantially. As of October 12, 2020, only 10 days after the declared outbreak, 28 residents and 19 staff members at Simcoe Manor had tested positive for COVID-19 and a total of 5 residents had died from COVID-19.

Licensee’s Inability to Contain the Spread of COVID-19

On October 6, 2020, the Ministry of Long-Term Care (“Ministry”) conducted an inspection at the LTC home related to the COVID-19 outbreak at the LTC home and its management. On October 10, 2020, the licensee was served with a compliance order for the licensee’s non-compliance with section 5 of the *Long-Term Care Homes Act 2007* for its failure to ensure a safe and secure environment for residents. The Ministry’s inspection identified concerns about the licensee’s ability to manage the outbreak and ensure a safe and secure environment for residents based on the following:

- On-going personal protective equipment (“PPE”) breaches by staff based on multiple observations that included staff not changing PPE or performing hand hygiene between interacting with COVID-19 positive and negative residents.
- Resident and staff cohorting had not been implemented, and staff had not been assigned to provide care to only positive and/or negative residents.
- Signage indicating which residents were positive for COVID-19 was not consistent. Since staff were not able to determine the viral status of all residents, they were not able to complete an accurate point-of-care risk assessment before resident interaction.
- PPE was not readily available to staff when interacting with positive residents. Appropriate methods/containers were not available for discarding PPE.
- Clean staff uniforms were immediately adjacent to the dirty uniforms and in the same room as doffing stations.
- PPE carts outside of residents’ rooms were observed to contain residents’ clean clothing and used dishes/drinks along with PPE.

A Public Health Nurse and Public Health Inspector from Simcoe Muskoka District Health Unit and a representative from Stevenson Memorial Hospital were also on-site at the LTC home and conducted a public health infection prevention and control (IPAC) assessment at the home, which identified similar areas of concern.

On October 9, 2020, following the continued spread of COVID-19 in the LTC home, the Medical Officer of Health for Simcoe Muskoka District Health Unit issued an Order pursuant to section 29.2 of the *Health Protection and Promotion Act* to the licensee of the LTC home and Royal Victoria Regional Health Centre.

The Order required Royal Victoria Regional Health Centre to attend Simcoe Manor for the purpose of monitoring, investigating and responding to the COVID-19 outbreak at the LTC home to ensure that monitoring, investigating and responding to the outbreak at the LTC home was completed in consultation with the Medical Officer of Health and the Simcoe Muskoka District Health Unit. Among other direction, the licensee was ordered to immediately develop and implement measures for the purposes of ensuring effective infection prevention and control of COVID-19 in the LTC home with the professional input and

guidance from staff of, or persons designated by, the Royal Victoria Regional Health Centre and the Simcoe Muskoka District Health Unit. Further, the licensee was to ensure the inclusion of infection prevention and control best practices. Among other reasons, the medical officer of health issued the Order because of multiple concerns for infection prevention and control and outbreak management at the LTC home.

Further, on October 9, 2020, it was reported that a COVID-19 positive staff member worked night shift on October 8 to 9, 2020 in the LTC home and that the Simcoe Muskoka District Health Unit along with the LTC home were investigating.

The LTC home's management team has not been able to implement appropriate IPAC measures despite receiving specific IPAC assistance and direction from Stevenson Memorial Hospital and the Public Health Unit. The LTC home's inability to implement this direction, its consistent pattern of inaction and lack of urgency in relation to implementing necessary IPAC practices has caused further spread of the disease without proper containment.

Despite receiving assistance from the Simcoe Muskoka District Health Unit, confirmed cases continue to increase in the LTC home. Management from the Ministry of Long-Term Care have been involved in meetings with the LTC home and have expressed concerns related to the LTC home's ability to appropriately implement IPAC practices.

This LTC home has an outbreak of COVID-19 that is not being contained. The licensee has not taken urgent action and has not provided the clinical and administrative leadership that is needed to ensure necessary IPAC measures are implemented and followed at all times to contain the spread. As such, a COVID-19 mandatory management order is needed to address disease spread in the LTC home and to return the LTC home to normal operations.

This order must be complied with by:	The dates as outlined and specified in this Order
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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

and the

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.



Ministry of Long-Term Care

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

Ministère des Soins de longue durée

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

Issued on this 13 day of October, 2020.	
Signature of Director:	
Name of Director:	Wendy Lewis (Acting)