



Ministry of Health and
Long-Term Care

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

Ministère de la Santé et des
Soins de longue durée

Rapport d'inspection sous la
Loi de 2007 sur les foyers de
soins de longue durée

Health System Accountability and
Performance Division
Performance Improvement and
Compliance Branch

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

Ottawa Service Area Office
347 Preston St, 4th Floor
OTTAWA, ON, K1S-3J4
Telephone: (613) 569-5602
Facsimile: (613) 569-9670

Bureau régional de services d'Ottawa
347, rue Preston, 4^{ième} étage
OTTAWA, ON, K1S-3J4
Téléphone: (613) 569-5602
Télécopieur: (613) 569-9670

Public Copy/Copie du public

Report Date(s) / Date(s) du Rapport	Inspection No / No de l'inspection	Log # / Registre no	Type of Inspection / Genre d'inspection
Nov 28, 2012	2012_021111_0031	002006, 002151	Follow up

Licensee/Titulaire de permis

Glen Hill Terrace Christian Homes Inc.
200 Glen Hill Drive South, WHITBY, ON, L1N-9W2

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

STRATHAVEN LIFECARE CENTRE
264 King Street East, Bowmanville, ON, L1C-1P9

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

LYNDA BROWN (111)

Inspection Summary/Résumé de l'inspection



Ministry of Health and
Long-Term Care

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

Ministère de la Santé et des
Soins de longue durée

Rapport d'inspection sous la
Loi de 2007 sur les foyers de
soins de longue durée

The purpose of this inspection was to conduct a Follow up inspection.

This inspection was conducted on the following date(s): November 5,6,7,14,
2012

Completed follow up inspections related to log 002006 & 002151.

During the course of the inspection, the inspector(s) spoke with the
Administrator, Director of Care (DOC), Facilities Manager, Environmental
Manager, Business Manager, Business Relations Administrators, Social Worker
and three residents.

During the course of the inspection, the inspector(s) reviewed financial records,
trust accounts and accommodation accounts of seven residents, reviewed
health records of three residents and reviewed the homes emergency plans.

The following Inspection Protocols were used during this inspection:

Resident Charges

Safe and Secure Home

Trust Accounts

Findings of Non-Compliance were found during this inspection.

NON-COMPLIANCE / NON - RESPECT DES EXIGENCES

Legend	Legendé
WN – Written Notification	WN – Avis écrit
VPC – Voluntary Plan of Correction	VPC – Plan de redressement volontaire
DR – Director Referral	DR – Aiguillage au directeur
CO – Compliance Order	CO – Ordre de conformité
WAO – Work and Activity Order	WAO – Ordres : travaux et activités



**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**

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.)

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

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.

Ce qui suit constitue un avis écrit de non-respect aux termes du paragraphe 1 de l'article 152 de la LFSLD.

WN #1: The Licensee has failed to comply with O.Reg 79/10, s. 241. Trust accounts



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

Specifically failed to comply with the following:

s. 241. (4) No licensee shall,

(a) hold more than \$5,000 in a trust account for any resident at any time; O. Reg. 79/10, s. 241 (4).

(b) commingle resident funds held in trust with any other funds held by the licensee; or O. Reg. 79/10, s. 241 (4).

(c) charge a resident, or a person acting on behalf of a resident, a transaction fee for withdrawals, deposits, or anything else related to money held in trust. O. Reg. 79/10, s. 241 (4).

s. 241. (7) The licensee shall,

(b) where the licensee has deposited in a trust account money received from any person on behalf of a resident, make part or all of the money available to the resident or a person acting on behalf of the resident,

(i) in accordance with the instructions of the resident or a person acting on behalf of the resident in respect of the property the resident or the person is legally authorized to manage, and

(ii) upon the resident, or the person acting on behalf of the resident, signing an acknowledgement that the resident, or the person acting on behalf of the resident, received the funds; O. Reg. 79/10, s. 241 (7).

s. 241. (7) The licensee shall,

(e) on the written demand of a resident, or a person acting on behalf of a resident, make the residents' book of account referred to in clause (d) available for inspection by the resident or the person during any business day; O. Reg. 79/10, s. 241 (7).

s. 241. (8) A resident, or a person acting on behalf of a resident, who wishes to pay a licensee for charges under section 91 of the Act with money from a trust account shall provide the licensee with a written authorization that specifies what the charge is for, including a description of the goods or services provided, the frequency and timing of the withdrawal and the amount of the charge. O. Reg. 79/10, s. 241 (8).

Findings/Faits saillants :



1. Related to log 002151:

Review of resident's #5 & #6 trust account transaction history indicated a balance that exceeded \$5,000.00.

The licensee failed to ensure that the maximum amount in a trust account for any resident at any time did not exceed \$5,000 [s.241(4)(a)].

A directors referral will also be made related to orders 3, 5, & 9 for trust accounts.

2. Related to log 002151:

Review of resident #1 financial records indicated a trust account was in use and the licensee failed to follow the instructions as indicated by the person legally authorized to manage the residents money held in trust.

Review of financial record for resident #6 indicated a trust account was in use and the resident was unaware of this. The licensee failed to ensure that there were written instructions by the person legally authorized to manage the resident's money held in trust.

Review of financial records for resident #5 indicated that a trust account was in use and there were no instructions in place for a period of three years. There were financial transactions that occurred and the resident was unaware of these transactions. The licensee failed to ensure that trust account money received from any person on behalf of a resident, was in accordance with the instructions of the resident or the person legally authorized to manage the residents' money held in trust. The licensee failed to ensure that the resident signed an acknowledgment that they received any of the funds held in trust [s.241(7)(b)(i)(ii)].

3. Related to log 002151:

Review of resident #1 financial records indicated there was a written request by the legally authorized person to review all financial records and this was not provided for a period of 6 months.

An order for O.Reg.79/10, s.241(7)(e) was issued on September 28, 2012 with a



compliance date of October 9, 2012.

The licensee failed to ensure that on the written demand of a legally authorized person acting on behalf of the resident, made the residents' book of account available for inspection by that person by Oct.9, 2012 [S.241(7)(e)].

4.Related to log 002151:

Under the LTCHA, 2007, s. 91(1) A licensee shall not charge a resident for anything, except in accordance with the following:

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.

(2) The agreement referred to in paragraph 3 of subsection (1) must be a written agreement with the resident or a person authorized to enter into such an agreement on the resident's behalf.

The licensee failed to ensure that a resident, or a person acting on behalf of a resident, who wishes to pay a licensee for charges with money from a trust account that indicated what the charges are for, including a description of the goods and services provided, the frequency of the withdrawal, and the amount of the charge [s.241(8)].

Review of the financial record of resident #2 indicated a written agreement for a trust account was signed by the resident authorizing charges but the frequency and the amount of the charges were not indicated on the instructions and there was no indication what one item included.

Review of the financial record for resident #3 indicated a written agreement for a trust account was signed by the Substitute Decision Maker (SDM) authorizing charges but there were no indications of the frequency or the amount of the charges for each item listed.

Review of the financial record for resident #4 indicated a written agreement for a trust account was signed by the SDM authorizing charges but there were no indications of



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

the frequency or the amount of the charge for one item.

Review of the financial record of resident #5 indicated there was no written resident admission agreement in place since admission and a trust account was in use since admission. A written agreement for a trust account was signed by the resident six years after admission authorizing charges but the frequency or the amount of the charges were not provided on the instructions for each item and there was no indication what one item was for.

Review of the financial record for resident #6 indicated there was no written agreement in place for two years after admission and a trust account was in use since admission. The agreement indicated authorization for charges but there was no indication of the frequency or the amount of each item to be charged, or what one of the items was for. The resident confirmed that they were unaware of having a trust account in place.

Additional Required Actions:

CO # - 001, 002, 004 will be served on the licensee. Refer to the "Order(s) of the Inspector".

WN #2: The Licensee has failed to comply with O.Reg 79/10, s. 230. Emergency plans



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

Specifically failed to comply with the following:

- s. 230. (3) In developing the plans, the licensee shall,
- (a) consult with the relevant community agencies, partner facilities and resources that will be involved in responding to the emergency; and O. Reg. 79/10, s. 230 (3).
 - (b) ensure that hazards and risks that may give rise to an emergency impacting the home are identified and assessed, whether the hazards and risks arise within the home or in the surrounding vicinity or community. O. Reg. 79/10, s. 230 (3).
- s. 230. (4) The licensee shall ensure that the emergency plans provide for the following:
- 1. Dealing with,
 - i. fires,
 - ii. community disasters,
 - iii. violent outbursts,
 - iv. bomb threats,
 - v. medical emergencies,
 - vi. chemical spills,
 - vii. situations involving a missing resident, and
 - viii. loss of one or more essential services. O. Reg. 79/10, s. 230 (4).
- s. 230. (6) The licensee shall ensure that the emergency plans for the home are evaluated and updated at least annually, including the updating of all emergency contact information. O. Reg. 79/10, s. 230 (6).
-

Findings/Faits saillants :



1. Related to log 002006:

Interview of the Administrator and Facilities Manager indicated that there were no other emergency plans in the home other than fire safety, community disaster, bomb threats and loss of one or more essential services.

Review of the emergency plans for the home confirmed that only the fire safety, community disaster, bomb threats and loss of one or more essential services are in place. There is no indication of procedures in dealing with medical emergencies, chemical spills, violent outbursts, or situations involving a missing resident.

The licensee failed to ensure that the emergency plans provided for dealing with violent outbursts, medical emergencies, chemical spills, or situations involving a missing resident

[s.230(4)iii, v,vi,vii]. [s. 230. (4) 1.]

Additional Required Actions:

CO # - 003 will be served on the licensee. Refer to the "Order(s) of the Inspector".

**THE FOLLOWING NON-COMPLIANCE AND/OR ACTION(S)/ORDER(S) HAVE BEEN COMPLIED WITH/
LES CAS DE NON-RESPECTS ET/OU LES ACTIONS ET/OU LES ORDRES SUIVANT SONT MAINTENANT CONFORME AUX EXIGENCES:**

COMPLIED NON-COMPLIANCE/ORDER(S) REDRESSEMENT EN CAS DE NON-RESPECT OU LES ORDERS:			
REQUIREMENT/ EXIGENCE	TYPE OF ACTION/ GENRE DE MESURE	INSPECTION # / NO DE L'INSPECTION	INSPECTOR ID #/ NO DE L'INSPECTEUR
O.Reg 79/10 r. 230.	CO #001	2012_021111_0024	111
O.Reg 79/10 r. 230.	CO #002	2012_021111_0024	111
O.Reg 79/10 r. 241.	CO #001	2012_021111_0025	111



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

O.Reg 79/10 r. 241.	CO #002	2012_021111_0025	111
O.Reg 79/10 r. 253.	CO #003	2012_021111_0025	111

Issued on this 3rd day of December, 2012

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

Lynda Brown



Ministry of Health and
Long-Term Care

Ministère de la Santé et
des Soins de longue durée

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*

Health System Accountability and Performance Division
Performance Improvement and Compliance Branch

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

Public Copy/Copie du public

Name of Inspector (ID #) /
Nom de l'inspecteur (No) : LYNDA BROWN (111)

Inspection No. /
No de l'inspection : 2012_021111_0031

Log No. /
Registre no: 002006, 002151

Type of Inspection /
Genre d'inspection: Follow up

Report Date(s) /
Date(s) du Rapport : Nov 28, 2012

Licensee /
Titulaire de permis : Glen Hill Terrace Christian Homes Inc.
200 Glen Hill Drive South, WHITBY, ON, L1N-9W2

LTC Home /
Foyer de SLD : STRATHAVEN LIFECARE CENTRE
264 King Street East, Bowmanville, ON, L1C-1P9

Name of Administrator /
Nom de l'administratrice
ou de l'administrateur : PATRICK BROWN ^{JB} SHELLEY FAZACKERLEY

To Glen Hill Terrace Christian Homes Inc., you are hereby required to comply with the following order(s) by the date(s) set out below:



Ministry of Health and
Long-Term Care

Ministère de la Santé et
des Soins de longue durée

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 :

O.Reg 79/10, s. 241. (4) No licensee shall,

(a) hold more than \$5,000 in a trust account for any resident at any time;

(b) commingle resident funds held in trust with any other funds held by the licensee; or

(c) charge a resident, or a person acting on behalf of a resident, a transaction fee for withdrawals, deposits, or anything else related to money held in trust. O. Reg. 79/10, s. 241 (4).

Order / Ordre :

The licensee shall ensure that all residents with trust accounts do not hold more than \$5,000 in a trust account for any resident at any time.

Grounds / Motifs :

1. Related to log 002151:

Review of resident's #5 & #6 trust account transaction history indicated a balance that exceeded \$5,000.00.

The licensee failed to ensure that the maximum amount in a trust account for any resident at any time did not exceed \$5,000 [s.241(4)(a)].

(111)

This order must be complied with by /

Vous devez vous conformer à cet ordre d'ici le : Dec 31, 2012



**Ministry of Health and
Long-Term Care**

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

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

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 : 002

Order Type /

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

Pursuant to / Aux termes de :



**Ministry of Health and
Long-Term Care**

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

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

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

O.Reg 79/10, s. 241. (7) The licensee shall,

(a) provide a resident, or a person acting on behalf of a resident, with a written receipt for all money received by the licensee from the resident, or any other person, for deposit in a trust account on behalf of the resident;

(b) where the licensee has deposited in a trust account money received from any person on behalf of a resident, make part or all of the money available to the resident or a person acting on behalf of the resident,

(i) in accordance with the instructions of the resident or a person acting on behalf of the resident in respect of the property the resident or the person is legally authorized to manage, and

(ii) upon the resident, or the person acting on behalf of the resident, signing an acknowledgement that the resident, or the person acting on behalf of the resident, received the funds;

(c) maintain a separate ledger for each trust account showing all deposits to and withdrawals from the trust account, the name of the resident for whom the deposit or withdrawal is made and the date of each deposit or withdrawal;

(d) maintain a separate book of account for each resident for whom money is deposited in a trust account;

(e) on the written demand of a resident, or a person acting on behalf of a resident, make the residents' book of account referred to in clause (d) available for inspection by the resident or the person during any business day;

(f) provide to the resident, or to a person acting on behalf of a resident, a quarterly itemized written statement respecting the money held by the licensee in trust for the resident, including deposits and withdrawals and the balance of the resident's funds as of the date of the statement; and

(g) with respect to each resident for whom money is deposited in a trust account, retain for a period of not less than seven years,

(i) the books of account, ledgers, deposit books, deposit slips, pass-books, monthly bank statements, cheque books and cancelled cheques applicable to the trust account,

(ii) the written instructions and authorizations and acknowledgements of receipt of funds of the resident and the person acting on behalf of the resident, and

(iii) the written receipts and statements provided to the resident, or a person acting on behalf of a resident. O. Reg. 79/10, s. 241 (7).

Order / Ordre :



**Ministry of Health and
Long-Term Care**

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

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

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

1) The licensee is to ensure that monies deposited in a trust account received from any person on behalf of a resident, is done according to the instructions of the resident or the person acting on behalf of the resident and, who is the legally authorized person to manage the money. The resident or the person acting on behalf of the resident, must also sign an acknowledgment that the resident received any of the monies from the trust account.[s.241(7)(b)]

2) On the written demand of a resident, or a person acting on behalf of a resident, the licensee is to make the residents' book of account available for inspection by that person during any business day[s.241(7)(e)].

Grounds / Motifs :



**Ministry of Health and
Long-Term Care**

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

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

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

1. Related to log 002151:

Review of resident #1 financial records indicated a trust account was in use and the licensee failed to follow the instructions as indicated by the person legally authorized to manage the residents money held in trust.

Review of financial record for resident #6 indicated a trust account was in use and the resident was unaware of this. The licensee failed to ensure that there were written instructions by the person legally authorized to manage the resident's money held in trust.

Review of financial records for resident #5 indicated that a trust account was in use and there were no instructions in place for a period of three years. There were financial transactions that occurred and the resident was unaware of these transactions. The licensee failed to ensure that trust account money received from any person on behalf of a resident, was in accordance with the instructions of the resident or the person legally authorized to manage the residents' money held in trust. The licensee failed to ensure that the resident signed an acknowledgment that they received any of the funds held in trust [s.241(7)(b)(i)(ii)].

(111)

2. Review of resident #1 financial records indicated there was a written request by the legally authorized person to review all financial records and this was not provided for a period of 6 months.

An order for O.Reg.79/10, s.241(7)(e) was issued on September 28, 2012 with a compliance date of October 9, 2012.

The licensee failed to ensure that on the written demand of a legally authorized person acting on behalf of the resident, made the residents' book of account available for inspection by that person by Oct.9, 2012 [S.241(7)(e)]. (111)

This order must be complied with by /

Vous devez vous conformer à cet ordre d'ici le : Dec 03, 2012



Ministry of Health and
Long-Term Care

Ministère de la Santé et
des Soins de longue durée

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 : 003

Order Type /

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

Pursuant to / Aux termes de :

O.Reg 79/10, s. 230. (4) The licensee shall ensure that the emergency plans provide for the following:

1. Dealing with,

i. fires,

ii. community disasters,

iii. violent outbursts,

iv. bomb threats,

v. medical emergencies,

vi. chemical spills,

vii. situations involving a missing resident, and

viii. loss of one or more essential services.

2. Evacuation of the home, including a system in the home to account for the whereabouts of all residents in the event that it is necessary to evacuate and relocate residents and evacuate staff and others in case of an emergency.

3. Resources, supplies and equipment vital for the emergency response being set aside and readily available at the home.

4. Identification of the community agencies, partner facilities and resources that will be involved in responding to the emergency. O. Reg. 79/10, s. 230 (4).

Order / Ordre :

1) The licensee must review and develop the emergency plans to provide for dealing with violent outbursts, medical emergencies, chemical spills, and situations involving a missing resident.

2) The licensee is to then provide training to all staff regarding the revised emergency plans

[s.230 (4)iii, v, vi, vii].

Grounds / Motifs :



**Ministry of Health and
Long-Term Care**

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

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

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

1. Related to log 002006:

Interview of the Administrator and Facilities Manager indicated that there were no other emergency plans in the home other than fire safety, community disaster, bomb threats and loss of one or more essential services.

Review of the emergency plans for the home confirmed that only the fire safety, community disaster, bomb threats and loss of one or more essential services are in place. There is no indication of procedures in dealing with medical emergencies, chemical spills, violent outbursts, or situations involving a missing resident.

The licensee failed to ensure that the emergency plans provided for dealing with violent outbursts, medical emergencies, chemical spills, or situations involving a missing resident [s.230(4)iii, v,vi,vii]. (111)

This order must be complied with by /

Vous devez vous conformer à cet ordre d'ici le : Dec 31, 2012



Ministry of Health and
Long-Term Care

Ministère de la Santé et
des Soins de longue durée

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 : 004

Order Type /

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

Pursuant to / Aux termes de :

O.Reg 79/10, s. 241. (8) A resident, or a person acting on behalf of a resident, who wishes to pay a licensee for charges under section 91 of the Act with money from a trust account shall provide the licensee with a written authorization that specifies what the charge is for, including a description of the goods or services provided, the frequency and timing of the withdrawal and the amount of the charge. O. Reg. 79/10, s. 241 (8).

Order / Ordre :

The licensee is to ensure that any resident, or a person acting on behalf of a resident, who wishes to pay a licensee for charges with money from a trust account has written authorization that specifies what the charge is for, including a description of the goods and services provided, the frequency of the withdrawal and the amount of the charge.

Grounds / Motifs :

1. Related to log 002151:

Under the LTCHA, 2007, s. 91(1) A licensee shall not charge a resident for anything, except in accordance with the following:

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.

(2) The agreement referred to in paragraph 3 of subsection (1) must be a written agreement with the resident or a person authorized to enter into such an agreement on the resident's behalf.

The licensee failed to ensure that a resident, or a person acting on behalf of a resident, who wishes to pay a licensee for charges with money from a trust account that indicated what the charges are for, including a description of the



Ministry of Health and
Long-Term Care

Ministère de la Santé et
des Soins de longue durée

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

goods and services provided, the frequency of the withdrawal, and the amount of the charge [s.241(8)].

Review of the financial record of resident #2 indicated a written agreement for a trust account was signed by the resident authorizing charges but the frequency and the amount of the charges were not indicated on the instructions and there was no indication what one item included.

Review of the financial record for resident #3 indicated a written agreement for a trust account was signed by the Substitute Decision Maker (SDM) authorizing charges but there were no indications of the frequency or the amount of the charges for each item listed.

Review of the financial record for resident #4 indicated a written agreement for a trust account was signed by the SDM authorizing charges but there were no indications of the frequency or the amount of the charge for one item.

Review of the financial record of resident #5 indicated there was no written resident admission agreement in place since admission and a trust account was in use since admission. A written agreement for a trust account was signed by the resident six years after admission authorizing charges but the frequency or the amount of the charges were not provided on the instructions for each item and there was no indication what one item was for.

Review of the financial record for resident #6 indicated there was no written agreement in place for two years after admission and a trust account was in use since admission. The agreement indicated authorization for charges but there was no indication of the frequency or the amount of each item to be charged, or what one of the items was for. The resident confirmed that they were unaware of having a trust account in place. (111)

This order must be complied with by /

Vous devez vous conformer à cet ordre d'ici le : Dec 03, 2012



**Ministry of Health and
Long-Term Care**

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

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

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



Ministry of Health and
Long-Term Care

Ministère de la Santé et
des Soins de longue durée

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

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 or by fax upon:

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



**Ministry of Health and
Long-Term Care**

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

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

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

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 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
Performance Improvement and Compliance
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.



Ministry of Health and
Long-Term Care

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*

Ministère de la Santé et
des Soins de longue durée

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*

RENSEIGNEMENTS SUR LE RÉEXAMEN/L'APPEL

PRENDRE AVIS

En vertu de l'article 163 de la Loi de 2007 sur les foyers de soins de longue durée, le titulaire de permis peut demander au directeur de réexaminer l'ordre ou les ordres qu'il a donné et d'en suspendre l'exécution.

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

La demande de réexamen doit contenir ce qui suit :

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

La demande écrite est signifiée en personne ou envoyée par courrier recommandé ou par télécopieur au:

Directeur
a/s Coordinateur des appels
Direction de l'amélioration de la performance et de la conformité
Ministère de la Santé et des Soins de longue durée
1075, rue Bay, 11e étage
Ontario, ON
M5S-2B1
Fax: 416-327-7603

Les demandes envoyées par courrier recommandé sont réputées avoir été signifiées le cinquième jour suivant l'envoi et, en cas de transmission par télécopieur, la signification est réputée faite le jour ouvrable suivant l'envoi. Si le titulaire de permis ne reçoit pas d'avis écrit de la décision du directeur dans les 28 jours suivant la signification de la demande de réexamen, l'ordre ou les ordres sont réputés confirmés par le directeur. Dans ce cas, le titulaire de permis est réputé avoir reçu une copie de la décision avant l'expiration du délai de 28 jours.



**Ministry of Health and
Long-Term Care**

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*

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

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*

En vertu de l'article 164 de la Loi de 2007 sur les foyers de soins de longue durée, le titulaire de permis a le droit d'interjeter appel, auprès de la Commission d'appel et de révision des services de santé, de la décision rendue par le directeur au sujet d'une demande de réexamen d'un ordre ou d'ordres donnés par un inspecteur. La Commission est un tribunal indépendant du ministère. Il a été établi en vertu de la loi et il a pour mandat de trancher des litiges concernant les services de santé. Le titulaire de permis qui décide de demander une audience doit, dans les 28 jours qui suivent celui où lui a été signifié l'avis de décision du directeur, faire parvenir un avis d'appel écrit aux deux endroits suivants :

À l'attention du registraire
Commission d'appel et de révision
des services de santé
151, rue Bloor Ouest, 9e étage
Toronto (Ontario) M5S 2T5

Directeur
a/s Coordinateur des appels
Direction de l'amélioration de la performance et de la
conformité
Ministère de la Santé et des Soins de longue durée
1075, rue Bay, 11e étage
Ontario, ON
M5S-2B1
Fax: 416-327-7603

La Commission accusera réception des avis d'appel et transmettra des instructions sur la façon de procéder pour interjeter appel. Les titulaires de permis peuvent se renseigner sur la Commission d'appel et de révision des services de santé en consultant son site Web, au www.hsarb.on.ca.

Issued on this 28th day of November, 2012

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

**Name of Inspector /
Nom de l'inspecteur :**

LYNDA BROWN

Service Area Office /

Bureau régional de services : Ottawa Service Area Office