



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 prévue le Loi de 2007 les foyers de soins de longue

Health System Accountability and Performance Division Performance Improvement and Compliance Branch

Hamilton Service Area Office 119 King Street West, 11th Floor HAMILTON, ON, L8P-4Y7

Bureau régional de services de Hamilton 119, rue King Ouest, 11ième étage HAMILTON, ON, L8P-4Y7

Public Copy/Copie du public

Table with 3 columns: Date(s) of inspection, Inspection No, Type of Inspection. Row 1: Jan 19, 20, 26, 2012; 2012\_025168\_0005; Other

Licensee/Titulaire de permis: 955464 ONTARIO LIMITED, 3700 BILLINGS COURT, BURLINGTON, ON, L7N-3N6. Long-Term Care Home/Foyer de soins de longue durée: VALLEY PARK LODGE, 6400 VALLEY WAY, NIAGARA FALLS, ON, L2E-7E3. Name of Inspector(s): LISA VINK (168)

Inspection Summary/Résumé de l'inspection

The purpose of this inspection was to conduct an Other inspection. During the course of the inspection, the inspector(s) spoke with the licensee of Valley Park Lodge. This inspection is related to log number H-002407-11. During the course of the inspection, the inspector(s) reviewed Corporation Profile Reports, reviewed statements from SmartMeds Pharmacy to Valley Park Lodge and reviewed the contract between SmartMeds Pharmacy and Valley Park Lodge. The following Inspection Protocols were used during this inspection: Findings of Non-Compliance were found during this inspection.

NON-COMPLIANCE / NON-RESPECT DES EXIGENCES

Table with 2 columns: Legend and Legendé. Legend: WN - Written Notification, VPC - Voluntary Plan of Correction, DR - Director Referral, CO - Compliance Order, WAO - Work and Activity Order. Legendé: WN - Avis écrit, VPC - Plan de redressement volontaire, DR - Aiguillage au directeur, CO - Ordre de conformité, WAO - Ordres : travaux et activités

<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>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>The following constitutes written notification of non-compliance under paragraph 1 of section 152 of the LTCHA.</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 O.Reg 79/10, s. 265. Non-arm's length transactions**  
Specifically failed to comply with the following subsections:

**s. 265. (2) Subject to subsection (3), a licensee of a long-term care home shall not enter into a non-arm's length transaction unless,**

- (a) the supplier has been selected from an open, fair and transparent competitive procurement process involving at least three unrelated bids and has demonstrated economy, efficiency and effectiveness for the money spent superior to that of the other bidders; and**
- (b) the licensee keeps a record documenting the transaction and the details of the competitive procurement process. O. Reg. 79/10, s. 265 (2).**

**s. 265. (6) Every licensee shall submit to the Director by March 31 in every calendar year, or at any other time required by the Director, a report that sets out, for the previous calendar year, or a time stipulated by the Director, every non-arm's length transaction for goods and services provided during that year or time, including a description of the services or goods received and the money spent for the goods and services. O. Reg. 79/10, s. 265 (6).**

**Findings/Faits saillants :**

1. The licensee has not selected a supplier for purchasing specific nursing and personal care supplies for Valley Park Lodge in an open, fair and transparent competitive procurement process.

On 2 occasions in January 2010, 1 occasion in April 2010, 2 occasions in May 2010, 1 occasion in July 2010, and 3 occasions in September 2010, the licensee entered into a non-arm's length transaction with SmartMeds Pharmacy Group, a supplier that it had not selected from an open, fair and transparent competitive bidding procurement process involving at least three unrelated bids as follows:

- a) The licensee purchased for the home nursing and personal care supplies, which are direct care goods, from SmartMeds Pharmacy Group
- b) SmartMeds Pharmacy Group is the business name for the Cedar Springs Pharmacy Inc.
- c) The licensee and Cedar Springs Pharmacy Inc. are associates within the meaning of s. 2(4) of the Long-Term Care Homes Act, 2007.

-The identified individual is a director of the licensee

-The same individual is also an officer, specifically the secretary and treasurer, of Cedar Springs Pharmacy Inc.

d) The licensee paid money to acquire the supply of nursing and personal care supplies from SmartMeds Pharmacy Group pursuant to statements of transactions, which includes purchases.

e) The licensee paid a maximum of \$36.00 on a transaction, in September 2010.

2. The licensee failed to submit to the Director by March 31, 2011, a report that set out, for 2010, every non-arms length transaction for goods provided during 2010, including a description of the goods received and the money spent for the goods.

During an interview with the licensee and statements provided by the licensee from SmartMeds Pharmacy to the long-term care home, Valley Park Lodge, it was confirmed that the licensee entered into a non-arms length transaction on a total of 4 occasions between July 1, 2010 and December 31, 2010, for the provision of goods. The licensee has failed to submit to the Director a report of these transactions, as of October 20, 2010.



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  
prévus le Loi de 2007 les  
foyers de soins de longue

Issued on this 17th day of February, 2012

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

A handwritten signature in black ink, appearing to read "H. Smith", is written in the signature box.