

**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
Oct 19, 2020	2020_563670_0028	018927-20	Complaint

Licensee/Titulaire de permis

Rykka Care Centres LP
3760 14th Avenue Suite 402 MARKHAM ON L3R 3T7

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

Berkshire Care Centre
350 Dougall Avenue WINDSOR ON N9A 4P4

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

DEBRA CHURCHER (670)

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): September 30 and October 1, 2020.

The purpose of this inspection was to inspect complaint Log# 018927-10 IL-82698-LO related to alleged improper refusal of admissions.

During the course of the inspection, the inspector(s) spoke with the Administrator, the Director of Care, the Social Worker and a representative from the Erie St Clair LHIN.

During the course of this inspection the inspector reviewed the homes internal documentation including refusal letters and reviewed internal LHIN documentation.

**The following Inspection Protocols were used during this inspection:
Admission and Discharge**

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. 44. Authorization for admission to a home

Specifically failed to comply with the following:

s. 44. (7) The appropriate placement co-ordinator shall give the licensee of each selected home copies of the assessments and information that were required to have been taken into account, under subsection 43 (6), and the licensee shall review the assessments and information and shall approve the applicant's admission to the home unless,

(a) the home lacks the physical facilities necessary to meet the applicant's care requirements; 2007, c. 8, s. 44. (7).

(b) the staff of the home lack the nursing expertise necessary to meet the applicant's care requirements; or 2007, c. 8, s. 44. (7).

(c) circumstances exist which are provided for in the regulations as being a ground for withholding approval. 2007, c. 8, s. 44. (7).

Findings/Faits saillants :

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1. The licensee has failed to ensure that resident #006's application for admission to the home was approved unless; a) the home lacked the physical facilities necessary to meet the applicant's care requirements; (b) the staff of the home lacked the nursing expertise necessary to meet the applicant's care requirements; and (c) circumstances existed which were provided for in the regulations as being a ground for withholding approval.

A complaint was submitted to the Ministry of Long-Term Care (MLTC) relating to admission refusals. Review of the documentation provided by the home indicated that the home refused admission to resident #006. The refusal letter stated that the resident had a specific history.

During an interview on October 1, 2020 with the Director of Care they acknowledged that they had access to internal and external Behavior Supports Ontario resources as well as external Geriatric Mental Health supports. Stated they were aware that of the resident's history and that there had been no further issues. The Director of Care acknowledged that the home had residents with additional supports in the home such as 1-1 staffing.

Sources: Interview with the Director of Care and Social Worker, LHIN bypass and refusal documentation and refusal letter.

The licensee has failed to ensure that applications were denied based on the circumstances provided in the regulations as being a ground to withhold approval. The refusal letter written by the home stated that resident #006 had not had any further documented incidents. The home also acknowledged that they have access to additional resources to manage responsive behaviors. The home has not demonstrated that it lacked: (a) the physical facilities necessary to meet the applicant's care requirements; or, (b) the nursing expertise necessary to meet the applicant's care requirements. [s. 44. (7)]

Issued on this 19th day of October, 2020

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

Original report signed by the inspector.