



**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

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

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<b>Date(s) of inspection/Date de l'inspection</b>	<b>Inspection No/ d'inspection</b>	<b>Type of Inspection/Genre d'inspection</b>
April 6, 2011	2011-120-2784-06Apr082557	H-00588-11 - Critical Incident
<b>Licensee/Titulaire</b>		
Barton Retirement Inc., 1430 Upper Wellington Street, Hamilton, Ontario L9A 5H3		
<b>Long-Term Care Home/Foyer de soins de longue durée</b>		
The Wellington Nursing Home, 1430 Upper Wellington Street, Hamilton, Ontario L9A 5H3		
<b>Name of Inspector(s)/Nom de l'inspecteur(s)</b>		
Bernadette Susnik, Environmental Health #120		
<b>Inspection Summary/Sommaire d'inspection</b>		
<p>The purpose of this visit was to conduct an inspection related to a Critical Incident report submitted to the Ministry of Health and Long-Term Care.</p> <p>During the course of the inspection, the inspector spoke with the Administrator, Director of Care and the resident. During the course of the inspection, the resident's records (plan of care and progress notes), the home's investigative reports, staff in-service attendance records, educational materials and the home's policy on abuse were reviewed.</p> <p>The following Inspection Protocol was used during this inspection:</p> <ul style="list-style-type: none"> <li><i>Prevention of Abuse, Neglect and Retaliation</i></li> </ul> <p>Findings of Non-Compliance were found during this inspection. The following action was taken:</p> <p><b>3 WN</b></p>		

### 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.

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-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.)

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 the LTCHA 2007, S.O., 2007, c.8, s.24(1)2.*** A person who has reasonable grounds to suspect that any of the following has occurred or may occur shall immediately report the suspicion and the information upon which it is based to the Director:

2. Abuse of a resident by anyone or neglect of a resident by the licensee or staff that resulted in harm or a risk of harm to the resident.

**Findings:**

An identified resident was verbally abused by a staff member that was witnessed by another person. The incident was reported to the Administrator via a written letter 2 days later, however the incident was not immediately reported to the Director and was only submitted 14 days later.

**WN#2: *The licensee has failed to comply with O. Reg. 79/10, s. 96(a)(c) and (e).*** Every licensee of a long-term care home shall ensure that the licensee's written policy under section 20 of the Act to promote zero tolerance of abuse and neglect of residents,

(a) contains procedures and interventions to assist and support residents who have been abused or neglected or allegedly abused or neglected;

(c) identifies measures and strategies to prevent abuse and neglect;

(e) identifies the training and retraining requirements for all staff, including,

i) training on the relationship between power imbalances between staff and residents and the potential for abuse and neglect by those in a position of trust, power and responsibility for resident care, and

ii) situations that may lead to abuse and neglect and how to avoid such situations.

**Findings:**

The home's policy titled "Abuse Policy ADM-VI-06", last updated January 2008 does not contains procedures and interventions to assist and support residents who have been abused or neglected or allegedly abused or neglected, does not identify measures and strategies to prevent abuse and neglect, does not identify the training and retraining requirements for all staff, including,

i) training on the relationship between power imbalances between staff and residents and the potential for abuse and neglect by those in a position of trust, power and responsibility for



- ii) resident care, and situations that may lead to abuse and neglect and how to avoid such situations.

**WN#3: The licensee has failed to comply with the LTCHA, 2007, S.O 2007, c.8, s.19.** Every licensee of a long-term care home shall protect residents from abuse by anyone and shall ensure that residents are not neglected by the licensee or staff.

**Findings:**

The identified resident was verbally abused by a staff member who used profanity and made an additional statement that was degrading and humiliating to the resident. The verbal abuse was witnessed by another person. Resident records and staff documentation were reviewed and interviews conducted that confirm that the incident occurred.

Signature of Licensee or Representative of Licensee  
Signature du Titulaire du représentant désigné

Signature of Health System Accountability and Performance Division representative/Signature du (de la) représentant(e) de la Division de la responsabilisation et de la performance du système de santé.

*Tracey for Lisa Vink*

Report revised for the purpose of publication – October 27, 2011

Title:

Date:

Date of Report: (if different from date(s) of inspection).