



**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
sous la Loi de 2007 sur les foyers
de soins de longue durée**

**Long-Term Care Homes Division
Long-Term Care Inspections Branch**

**Division des foyers de 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
May 6, 2019	2019_759502_0008	004732-19	Complaint

Licensee/Titulaire de permis

The Wexford Residence Inc.
1860 Lawrence Avenue East TORONTO ON M1R 5B1

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

The Wexford
1860 Lawrence Avenue East SCARBOROUGH ON M1R 5B1

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

JULIENNE NGONLOGA (502), PRAVEENA SITTAMPALAM (699)

Inspection Summary/Résumé de l'inspection



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The purpose of this inspection was to conduct a Complaint inspection.

This inspection was conducted on the following date(s): March 19, 20, 21 and 22, 2019.

The following complaint intake was inspected during this inspection: log #004732-19 related to the validity of the Family Council.

During the course of the inspection the inspectors toured the home, reviewed resident health records, and relevant policies and procedures.

During the course of the inspection, the inspector(s) spoke with the Chief Executive Officer (CEO), Director of Programs and Services, Social Services Coordinator, President of the Residents' Council, Family Liaison Council, and Family Council, residents, Family Members (FM), former Family Council Secretary (FCS), Family Council Chairperson (CP) and Family Council Vice Chairperson (VCP).

**The following Inspection Protocols were used during this inspection:
Family Council
Reporting and Complaints**

During the course of this inspection, Non-Compliances were issued.

1 WN(s)

1 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. 65. No interference by licensee

A licensee of a long-term care home,

(a) shall not interfere with the meetings or operation of the Residents' Council or the Family Council;

(b) shall not prevent a member of the Residents' Council or Family Council from entering the long-term care home to attend a meeting of the Council or to perform any functions as a member of the Council and shall not otherwise hinder, obstruct or interfere with such a member carrying out those functions;

(c) shall not prevent a Residents' Council assistant or a Family Council assistant from entering the long-term care home to carry out his or her duties or otherwise hinder, obstruct or interfere with such an assistant carrying out those duties; and

(d) shall ensure that no staff member, including the Administrator or other person involved in the management or operation of the home, does anything that the licensee is forbidden to do under clauses (a) to (c). 2007, c. 8, s. 65.

Findings/Faits saillants :

1. The licensee has failed to ensure that (a) the meetings or operation of the Family Council were not interfered with, and that (d) no staff member, including the Administrator or other person involved in the management or operation of the home, do not interfere with the meetings or operation of the Family Council, prevent a Family Council assistant from entering the home to carry out his or her duties or otherwise hinder, obstruct or interfere with such an assistant carrying out those functions.

On an identified date, the Ministry of Health and Long-term Care (MOHLTC) received a complaint letter related to the validity of the home's Family Council.

Review of the complaint letter indicated that the chairperson and the vice-chairperson of the Wexford Family Council were not family members of a resident or a person of importance to a resident in the home currently. The complaint letter also stated that the chairpersons were preventing them from participating in the voting and election process of the home's Family Council.



In an interview, the complainant stated that they and other family members of residents in the home established a Family Support Group on an identified date, due to disagreements with the Wexford Family Council executive council. The home provided both groups with a staff liaison, a financial budget, and access to meeting rooms. Both Family Support Group and Wexford Family Council co-existed as Family Councils until the date identified above, when a complaint was lodged related to the validity of the Wexford Family Council.

The complainant stated that they did not request to have the Wexford Family Council be dissolved or request to have the Family Support Group become the Wexford Family Liaison Council. They were informed by the Chief Executive Officer (CEO) #100 about the change in the operation of the Family Council one day after the date identified above. The complainant stated the Family Support Group became the Wexford Family Liaison Council on that date and they were the lead.

On the identified date, the chairperson of the Wexford Family Council submitted a letter to the MOHLTC stating that the CEO at the Wexford Residence had interfered with the Wexford Family Council. The letter indicated that the Chair and Vice-Chair from the Wexford Family Council were removed and the lead of the Family Support Group was designated to lead the Wexford Family Liaison Council.

Record review of a letter titled "Letter of Complaint", sent to the chairperson on the same day by CEO #100, indicated the Wexford Family Council was no longer recognized by the home, as the chairperson and vice-chairperson did not have a family member residing in the home as a resident and were not a person of interest to a resident in the home. The letter also stated that they were restricting family members of residents who were currently in the home. The letter further stated that effective immediately, the CEO had discontinued the assigned staff assistant to the Wexford Family Council, access to the meeting rooms, removed all information posted on each floor by the Wexford Family Council on their designated bulletin boards, and that they had nine days to retrieve all their belongings. The letter also indicated that the lead of the Family Support Group would become the chairperson of the recognized Family Council.

Two days after receiving the complaint letter, an email was sent by CEO #100 to all staff of the home to inform them of the new Family Liaison Council in the home and it was effective immediately.

Review of a letter titled "Clarification of Family Council Membership", dated April 30,



2015, and signed by the Director of the Performance Improvement and Compliance Branch, in the Ministry of Health and Long-Term Care, indicated that a person can no longer be a member of the Family Council after the death or transfer of the resident, unless the person is a person of importance to another resident in the home. A "person of importance" may include a friend or a significant other. The letter also indicated that in the event of any conflict, the provisions of the LTCHA and the Regulation would be default.

From the review of the current term of references of the Wexford Family Council September and Wexford Family Liaison Council, both groups operating in the home as Family Council did not agree on who can be members of the Family Council.

In a joint interview with the chairperson and vice-chairperson, the current and former secretary of the Wexford Family Council, they told Inspectors #502 and #699 that they were the current members of the Wexford Family Council, attending the meetings regularly. The chairperson indicated that they have other members on their mailing list.

In an interview with the current secretary of Wexford Family Council, they told the inspectors that they joined the Wexford Family Council a year ago and had attended one meeting. They stated that they have a family member currently residing in the home, resident #003, who had been residing in the home for four years.

The chair and vice-chairpersons confirmed to the inspectors that they were not a family member of a resident currently in the home, and the vice-chairperson did not have a person of importance in the home currently. The chairperson claimed that resident #003 was a person of importance to them, as they had been helping and advising the Wexford Family Council secretary with the care of resident #003. They also claimed that resident #004 was a person of importance to them, as they had visited them over 10 years and the resident had attended the Wexford Family Council in the past.

In separate interviews with residents #003 and #004, they stated they did not know the chairperson. Resident #004 further stated that they attended the WFC in the past and none of the Wexford Family Council's member was a person of importance to them.

Through record review and interviews with the inspectors, the chairpersons had not demonstrated that they were a person of importance to a resident in the home at the time of inspection, therefore, they did not meet the criteria to be a member of the Family Council under the LTCHA.



In an interview, the chairperson indicated that they had not been able to carry out the operation of the Wexford Family Council since the date of the complaint letter identified above.

In an interview, CEO #100, stated that a Family Council must be provided a staff liaison person, a copy of the financial budget and anything outlined in the legislation related to the licensees' responsibility to the Family Council. The CEO stated that interference would be when the above mentioned requirements are withdrawn from the Family Council. They further stated that they dissolved the Family Council under the chairperson's leadership when it was brought to their attention that the chair and vice-chairpersons did not have a person of significance in the home and prevented family members from attending Family Council meetings. The CEO stated the home did not have to acknowledge the Family Council under the direction of the chairperson as they did not meet the criteria to be a member of the Family Council under the LTCHA. The CEO stated the Family Council under the chairperson's leadership was dissolved in response to the lead of Family Support Group's complaint letter that was sent to the MOHLTC on the date identified above. The CEO stated the Wexford Family Council secretary was allowed to carry out the Wexford Family Council's activity as they were a family member of a resident currently in the home. However the chair and vice chairpersons were not allowed to carry out any duties in the home as a member of the Wexford Family Council.

Non-compliance was identified through record review, observations, family member and staff interviews. The licensee interfered with the operation of the Family Council when it dissolved the Family Council even though the Wexford Family Council secretary was an active member and had a family member who was a resident in the home. [s. 65.]



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Additional Required Actions:

VPC - pursuant to the Long-Term Care Homes Act, 2007, S.O. 2007, c.8, s.152(2) the licensee is hereby requested to prepare a written plan of correction for achieving compliance to ensure that (a) the meetings or operation of the Family Council are not interfered with, and that (d) no staff member, including the Administrator or other person involved in the management or operation of the home, interfere with the meetings or operation of the Family Council, prevent a Family Council assistant from entering the home to carry out his or her duties or otherwise hinder, obstruct or interfere with such an assistant carrying out those functions, to be implemented voluntarily.

Issued on this 9th day of May, 2019

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

Original report signed by the inspector.