

Order of the Director

under the *Long-Term Care Homes Act, 2007*, S.O. 2007, c.8

	<input type="checkbox"/> Licensee Copy/Copie du Titulaire <input checked="" type="checkbox"/> Public Copy/Copie Public
Name of Director:	Wendy Lewis (Acting)
Order Type:	<input type="checkbox"/> Amend or Impose Conditions on Licence Order, section 104 <input type="checkbox"/> Renovation of Municipal Home Order, section 135 <input type="checkbox"/> Compliance Order, section 153 <input type="checkbox"/> Work and Activity Order, section 154 <input type="checkbox"/> Return of Funding Order, section 155 <input checked="" type="checkbox"/> Mandatory Management Order, section 156 <input type="checkbox"/> Revocation of Licence Order, section 157 <input type="checkbox"/> Interim Manager Order, section 157
Intake Log # of original inspection (if applicable):	Not Applicable
Original Inspection #:	Not Applicable
Licensee:	955464 Ontario Limited
LTC Home:	Millennium Trail Manor
Name of Administrator:	Lori Turcotte

Background:	
<p>Millennium Trail Manor is a long-term care (“LTC”) home in Niagara Falls, Ontario within the Hamilton Niagara Haldimand Brant Local Health Integration Network (“LHIN”). The licensee of the LTC home is 955464 Ontario Limited (known as ConMed Health Care group), which is licensed for 160 beds (“the licensee”).</p> <p>On March 17, 2020, the Premier and Cabinet declared an emergency in Ontario under the <i>Emergency Management and Civil Protection Act</i> (“EMCPA”) due to the novel coronavirus (“COVID-19”) pandemic in Ontario. Emergency orders under the EMCPA were issued to respond to the pandemic, including specific orders to alleviate the impact of COVID-19 in LTC homes. On May 12, 2020, Ontario Regulation 210/20 (Management of Long-Term Care Homes in Outbreak) under the EMCPA came into force.</p> <p>Following the termination of the Declaration of Emergency on July 24, 2020, O. Reg. 210/20 made under the EMCPA was continued under the <i>Reopening Ontario (A Flexible Response to COVID-19) Act, 2020</i> (“ROA”) to ensure important measures remained in place to address the sustained threat of COVID-19 in</p>	

LTC homes once the provincial Declaration of Emergency came to an end. The ROA came into effect on July 24, 2020.

Pursuant to Ontario Regulation 210/20 under the ROA and despite any requirement or grounds set out in the *Long-Term Care Homes Act, 2007* (“the Act”) or Ontario Regulation 79/10 (“Regulation”) made under that Act, the Director appointed under the Act may make an order under subsection 156(1) of the Act if at least one resident or staff member in the LTC home has tested positive for COVID-19 in a laboratory test (“a COVID-19 mandatory management order”). In a COVID-19 mandatory management order, pursuant to Ontario Regulation 210/20, the Director may set out the name of the person who is to manage the LTC home.

On September 25, 2020, an outbreak of COVID-19 was declared at Millennium Trail Manor by Niagara Region Public Health as 1 staff member had tested positive for COVID-19 in a laboratory test. On September 29, 2020, 2 residents had tested positive for COVID-19. As of October 8, 2020, 13 days after the outbreak was declared, there were 7 confirmed positive residents and 2 confirmed positive staff members. As of October 25, 2020, there were 9 confirmed resident cases, 9 confirmed staff cases and there have been 2 resident deaths attributed to COVID-19. As of October 25, 2020, the LTC home was still identifying new cases of COVID-19.

The LTC home has received support throughout the outbreak by a hospital and Ontario Health. Specifically, the LTC home has received infection prevention and control (“IPAC”) support from the Niagara Region Public Health, Niagara Health System and Public Health Ontario. It has received staffing support from a staffing agency with coordination assistance from Ontario Health. Despite this assistance, infection continues to spread in the LTC home and IPAC infractions are being identified through inspections conducted by public health inspectors.

The LTC home has asked local staffing agencies not to return to the LTC home citing concerns, including concerns with the LTC home’s IPAC practices. The licensee has reached out to Ontario Health and the Ministry of Long-Term Care on multiple occasions requesting staffing assistance during the outbreak. Ontario Health continues to offer the LTC home multiple names of staffing agencies that are willing to assist the LTC home. The Public Health Unit, Hospital and Ontario Health have all noted that the leadership at the LTC home is fatigued and lacking the ability to make urgent and sound decisions in the best interests of the residents, staff and the LTC home to contain the outbreak.

The Director is issuing a COVID-19 mandatory management order because, as outlined in the grounds, the licensee requires enhanced management capacity to address disease spread in the LTC home and to provide effective administrative leadership to address the outbreak. This enhanced management is necessary to return Millennium Trail Manor to normal operations and save lives.

Order:	
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To 955464 Ontario Limited, you are hereby required to comply with the following order by the date(s) set out below:

Pursuant to: Subsection 156(1) of the *Long-Term Care Homes Act, 2007*, SO c. 8 (“the Act”) as modified by Ontario Regulation 210/20 under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, SO c. 17 (formerly under the *Emergency Management and Civil Protection Act*).

The Director may order a licensee to retain, at the licensee’s expense, a person named by the Director to manage the long-term care home. An order made pursuant to Ontario Regulation 210/20 shall set out the period of time during which the order is in effect, but the period shall not extend past the date that Ontario Regulation 210/20 is revoked.

Order: The Licensee, 955464 Ontario Limited, is ordered:

- (a) To **immediately** retain Niagara Health, located at 1200 Fourth Ave, St. Catharines, Ontario L2S 0A9 to manage Millennium Trail Manor located at 6861 Oakwood Drive, Niagara Falls, ON, L2E 6S5;
- (b) To submit to the Director, Capital Planning Branch, a written contract pursuant to section 110 of the Act **within 24 hours** of being served this Order;
- (c) To execute the written contract **within 24 hours** of receiving approval of the written contract from the Director, Capital Planning Branch pursuant to section 110 of the Act and to deliver a copy of that contract once executed to the Director, Capital Planning Branch;
- (d) To submit to the Director, LTC Inspections Branch, a COVID-19 recovery management plan, prepared in collaboration with Niagara Health to manage Millennium Trail Manor, and that specifically addresses how the licensee will return the home to normal operations with a specific staffing plan to ensure the successful return-to-work of the LTC home’s regular staff **within 48 hours** of being served this Order;
- (e) To enable Niagara Health to begin managing Millennium Trail Manor in accordance with the written contract described in paragraph (c) of this Order **immediately upon** execution of that written contract;
- (f) Subject to Ontario Regulation 210/20, Niagara Health will manage Millennium Trail Manor for 90 days following the date this Order is served;
- (g) Any and all costs associated with complying with this Order are to be paid by the licensee, including for certainty, but not limited to, all costs borne by the licensee, Niagara Health and the Ministry of Long-Term Care associated with retaining Niagara Health as described in paragraph (a) of this Order; and
- (h) Upon being served with this Order, comply with (a)-(g) and not take any actions that undermine or jeopardize the ability for Niagara Health to manage Millennium Trail Manor to its full extent.

Grounds:

Millennium Trail Manor is a long-term care (“LTC”) home in Niagara Falls, Ontario within the Hamilton Niagara Haldimand Brant Local Health Integration Network (“LHIN”). The licensee of the LTC home is 955464 Ontario Limited (known as ConMed Health Care group), which is licensed for 160 beds (“the licensee”).

According to Ministry of Health and Ministry of Long-Term Care Emergency Planning and Preparedness website, the COVID-19 pandemic began as an outbreak of a novel Coronavirus ("2019- nCoV) in China in December 2019. The first known case of COVID-19 in Ontario was identified on January 25, 2020. On March 11, 2020, the World Health Organization declared COVID-19 a pandemic.

On March 17, 2020, the Premier and Cabinet declared an emergency in Ontario under the *Emergency Management and Civil Protection Act* ("EMCPA") due to the COVID-19 pandemic in Ontario. Emergency orders under the EMCPA were issued to respond to the pandemic, including specific orders to alleviate the impact of COVID-19 in LTC homes.

On May 12, 2020, Ontario Regulation 210/20 (Management of Long-Term Care Homes in Outbreak) under the EMCPA came into force. Following the termination of the Declaration of Emergency on July 24, 2020, O. Reg. 210/20 made under the EMCPA was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* ("ROA") to ensure important measures remained in place to address the sustained threat of COVID-19 in LTC homes once the provincial Declaration of Emergency came to an end. The ROA came into effect on July 24, 2020.

Pursuant to Ontario Regulation 210/20 under the ROA, the Director is authorized to make an order under subsection 156(1) of the *Long-Term Care Homes Act, 2007* if at least one resident or staff member in the long-term care home has tested positive for the coronavirus ("COVID-19") in a laboratory test ("a COVID-19 mandatory management order"). In a COVID-19 mandatory management order, pursuant to Ontario Regulation 210/20, the Director may set out the name of the person who is to manage the long-term care home.

COVID-19 Outbreak at Millennium Trail Manor

On September 25, 2020, an outbreak of COVID-19 was declared at the LTC home by Niagara Region Public Health as 1 staff member had tested positive for COVID-19 in a laboratory test. This was the second outbreak of COVID-19 at the LTC home. The first outbreak at the LTC home was declared just over a month before on August 18, 2020.

On September 29, 2020, four days after the declared outbreak, 2 residents had tested positive for COVID-19. On October 25, 2020, another staff member was identified as testing positive bringing the total confirmed cases at the LTC home to 9 positive residents and 9 positive staff members. There were also 2 resident deaths as a result of COVID-19.

The following chart shows the progression of the outbreak at Millennium Trail Manor as reported to the Ministry of Long-Term Care by the LTC home. This information includes the total number of residents who have been confirmed to have tested positive for COVID-19, the number of resident deaths from COVID-19 and the number of staff members who have been confirmed to have tested positive for COVID-19. The numbers in the chart are cumulative and are expressed as a total on the date reported.

Date (month/day/year)	Total Confirmed Resident Cases of COVID-19	Total Resident Deaths from COVID- 19	Total Confirmed Staff Cases of COVID-19
09/25/2020	0	0	1
09/29/2020	2	0	1
10/05/2020	2	0	2
10/08/2020	7	0	2
10/14/2020	7	1	2
10/16/2020	8	2	2
10/17/2020	8	2	6
10/19/2020	8	2	7
10/20/2020	9	2	7
10/23/2020	9	2	8
10/25/2020	9	2	9

New confirmed cases of COVID-19 among residents and staff members continue to be identified a month after the declaration of the outbreak.

Licensee’s Inability to Manage the COVID-19 Outbreak

On October 8, 2020, the LTC home’s Medical Director contacted Niagara Health to request additional supports for the LTC home. On October 9, 2020, a teleconference was held, which included the LTC home’s Administrator, representatives of Niagara Region Public Health, Niagara Health, Ministry of Long-Term Care (the Ministry) and Ontario Health and Hamilton Niagara Haldimand Brant LHIN representatives.

It was noted by the LTC home that it had vacancies in key positions, such as the Infection Prevention and Control (IPAC) Lead, Administrator and the Assistant Director of Care positions. The home has hired a new IPAC lead as of October 26, 2020 and a new Administrator is to start as of November 2, 2020. Both positions will require orientation, coaching and mentoring. Without key permanent leadership positions firmly in place, the LTC home currently lacks proper and effective leadership to adopt effective IPAC measures to contain the outbreak. The LTC home requires enhanced leadership support to address the spread of COVID-19 and to help stabilize the home and return it to normal operations.

A corporate team member of the licensee was temporarily acting in the role of Administrator. The licensee was reported to have no additional supports to provide the LTC home in these two specific positions (IPAC Lead and Assistant Director of Care) prior to their recent filling. During the meeting on October 8, 2020, the acting Administrator was agreeable for the LTC home to receive assistance in the management of the outbreak, including:

- IPAC support from Public Health Ontario (PHO)
- Refresher training for staff on Personal Protective Equipment donning and doffing from local EMS
- Education from the local public health unit/Associate Medical Officer of Health for staff regarding N95 usage

PHO conducted a site visit to the LTC home on October 13, 2020 and Niagara Health followed-up with a site visit on October 19, 2020 providing both inspection and onsite education related to the LTC home's IPAC practices. Specific recommendations to enhance IPAC measures were made to the LTC home during the PHO visit, which included:

- Placement of PPE and droplet/contact precaution signage,
- Proper storage, cleaning, restocking and inspection of PPE,
- Monitoring hand hygiene containers for prompt refilling,
- Additional training and implementation of best practices related to Point of Care Risk assessment and PPE use, cohorting of cleaning staff, and
- Communication with local partners for staffing assistance and outreach to local hospital for professional IPAC support.

Recommendations made by the Niagara Health IPAC specialists included replacing hand hygiene signage, alternative methods of storing PPE, removal of unnecessary paper documentation, and ongoing education and auditing of proper donning and doffing of PPE and social distancing measures. The IPAC specialists additionally provided education to staff related to PPE usage.

On October 26, 2020, two Niagara Health representatives entered the LTC home to assist and conduct an IPAC assessment. They noted an absence of swabs for staff and residents and incomplete contact tracings. They also found misuse of medical masks and issues with proper storage of gowns and PPE.

Leadership fatigue was also noted by the Public Health Unit, Public Health Ontario, Ontario Health, Hospital and the Ministry. The Administrator has been found to be overwhelmed with responding to the outbreak. It has been noted that the leadership at the LTC home lacks focus to effectively manage the outbreak and staffing situation in the LTC home.

On October 17, 2020, 3 new staff cases of COVID-19 were reported and multiple close contacts were identified in the home without proper physical distancing ensured. Critical staffing shortages were identified. Niagara Health and Ontario Health aided the home contacting local agencies to ensure adequate staffing levels in the home. The LTC home has experienced significant difficulty filling registered staffing shifts in the home and there have been no marked improvements in the licensee ensuring adequate staffing levels to assist with containing the spread of infection.

The partner organizations, including Niagara Health, Niagara Region Public Health, Ontario Health/LHIN and the Ministry met on October 21, 2020 to discuss assistance available to the LTC home for outbreak management. Suggestions to provide longer term contract positions to secure agency staff was suggested. The LTC home was noted to be refusing staff from agencies related to concerns with agency staff members' levels of training and knowledge of appropriate practices for utilizing PPE. The Ministry met with the licensee's corporate representatives on October 22, 2020. The Ministry identified to the licensee that the LTC home required additional leadership oversight to manage the outbreak and staffing issues. The licensee has demonstrated it is not taking swift action to ensure adequate levels of staffing at the LTC home.

The LTC home has hired an IPAC team lead to start on October 26, 2020 and a new Administrator effective November 2, 2020. These key positions will require support and mentoring and are being added more than a month after the outbreak commenced. This demonstrates the licensee's lack of urgency to

take effective and immediate action to staff positions at the LTC home and address the outbreak.

Prior to and throughout the outbreak the Ministry and Niagara Region Public Health have received multiple anonymous complaints with allegations of inadequate IPAC practices, falsification of documentation and neglect of residents at the LTC home. Upon inspection by the Ministry, non-compliance under the *Long-Term Care Homes Act, 2007* has been identified, including 2 compliance orders issued on October 13, 2020. These Compliance Orders included ordering the licensee to protect residents from neglect of staff from an incident resulting in harm to a resident and following the home's policies within their nursing and personal support services program resulting in harm to a resident. A subsequent inspection has been completed with respect to reporting of unexpected deaths (the inspection report is currently being completed).

Public Health Inspectors have completed a total of six outbreak and complaint inspections between September 29 and October 23, 2020, and have noted multiple infractions including:

- PPE not stored in a manner to prevent contamination noted on multiple inspections,
- staff not donning and doffing PPE correctly noted on multiple inspections,
- inadequate cleaning/disinfecting of eyewear noted on multiple inspections,
- inadequate outbreak training for staff,
- not all employees wearing masks appropriately,
- active screening of staff not occurring twice per day,
- alcohol-based hand rub was not available at all point of care and in other resident common areas, and
- mechanical dishwasher sanitizing cycle documentation was unsatisfactory.

On October 26, 2020, an Administrator and Director of Care from Niagara Health Systems entered the home to offer assistance and conduct assessments. Despite additional support being provided to Millennium Trail Manor throughout the outbreak, the disease spread continues, critical staffing shortages continue, and the number of cases continue to rise. The LTC home's leadership team is unable to manage the staffing situation in the home. Vacant key leadership positions, leadership fatigue, a lack of urgency and lack of licensee support of the LTC home's leadership team are negatively impacting effective outbreak management at the LTC home. The licensee cannot manage the outbreak on its own in light of these current issues at the LTC home.

This LTC home has an outbreak of COVID-19 that is not being contained. The licensee has not taken urgent action and has not provided the clinical and administrative leadership that is needed to ensure appropriate staffing levels and that necessary IPAC measures are implemented and followed at all times to contain the spread. As such, a COVID-19 mandatory management order is needed to address disease spread in the LTC home and to return the LTC home to normal operations.

This order must be complied with by:	The dates as outlined and specified in this Order
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REVIEW/APPEAL INFORMATION



Ministry of Long-Term Care

Long-Term Care Operations Division
Long-Term Care Inspections Branch

Ministère des Soins de longue durée

Inspection de soins de longue durée
Division des foyers de soins de longue durée

The Licensee has the right to appeal this Order(s) to the Health Services Appeal and Review Board (HSARB) in accordance with section 164 of the *Long-Term Care Homes Act, 2007*. If the Licensee decides to request a hearing, the Licensee must, with 28 days of being served with this Order, mail or deliver a written notice of appeal to both:

Health Services Appeal and Review Board

Attention Registrar
151 Bloor Street West
9th Floor
Toronto, ON
M5S 2T5

and the

Director

c/o Appeals Clerk
Long-Term Care Inspections Branch
1075 Bay St., 11th Floor, Suite 1100
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.

Issued on this 27th day of October, 2020.

Signature of Director:

Name of Director:

Wendy Lewis (Acting)