



**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 durée**

**Health System Accountability and
Performance Division
Performance Improvement and
Compliance Branch**

Ottawa Service Area Office
347 Preston St, 4th Floor
OTTAWA, ON, L1K-0E1
Telephone: (613) 569-5602
Facsimile: (613) 569-9670

Bureau régional de services d'Ottawa
347, rue Preston, 4^{ième} étage
OTTAWA, ON, L1K-0E1
Téléphone: (613) 569-5602
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**Division de la responsabilisation et de la
performance du système de santé
Direction de l'amélioration de la
performance et de la conformité**

Amended Public Copy/Copie modifiée du public de permis

Report Date(s)/ Date(s) du Rapport	Inspection No/ No de l'inspection	Log # / Registre no	Type of Inspection/ Genre d'inspection
Jul 25, 2014;	2014_179103_0013 (A1)	O-000362-14	Complaint

Licensee/Titulaire de permis

2109577 ONTARIO LIMITED
195 Forum Drive, Unit 617, MISSISSAUGA, ON, L4Z-3M5

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

2109577 ONTARIO LIMITED O/A ARBOUR HEIGHTS
564 Tanner Drive, KINGSTON, ON, K7M-0C3

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

DARLENE MURPHY (103) - (A1)

Amended Inspection Summary/Résumé de l'inspection modifié



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

**This inspection was conducted on the following date(s): Off site inquiry
conducted on May 2, 7, 8, 21, June 6, 2014.**

**During the course of the inspection, the inspector(s) spoke with a Community
Care Access Centre(CCAC) Manager, the home's Family and Community
Coordinator, the Director of Care and the Administrator.**

**During the course of the inspection, the inspector(s) reviewed the home's
refusal letter for Resident #1.**

Ad-hoc notes were used during this inspection.

Findings of Non-Compliance were found during this inspection.



NON-COMPLIANCE / NON - RESPECT DES EXIGENCES

Legend	Legendé
WN – Written Notification VPC – Voluntary Plan of Correction DR – Director Referral CO – Compliance Order WAO – Work and Activity Order	WN – Avis écrit VPC – Plan de redressement volontaire DR – Aiguillage au directeur CO – Ordre de conformité WAO – Ordres : travaux et activités
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.) The following constitutes written notification of non-compliance under paragraph 1 of section 152 of the LTCHA.	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. Ce qui suit constitue un avis écrit de non-respect aux termes du paragraphe 1 de l'article 152 de la LFSLD.

**WN #1: The Licensee has failed to comply with LTCHA, 2007, 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 :

1. The licensee has failed to comply with LTCHA, 2007 s. 44 (7) whereby the licensee refused an applicant's admission to the home based on reasons that are not permitted in the legislation.

On a specified date, the home refused the admission application of Resident #1 and stated the reason for refusal was based on the level of high intensity needs of the present population in the home. The letter further stated the home would reconsider the resident's application in the future if there was a change in the current populations' care requirements.

The home's Family and Community Coordinator, S#100, was interviewed. She advised the inspector she is responsible for reviewing the applications submitted to the home by CCAC and assesses the applicant's admissibility to the home. S#100 was asked to clarify the reason for refusal of this resident and stated the reason for withholding admission was based on the home not having the finances to manage the resident's care needs until such time the resident who currently requires high intensity needs no longer resides in the home. She stated Resident #1 had only chosen Arbour Heights as an admission option and that it could be a year or more before the home would be in a position to admit any resident requiring high intensity needs.

The Administrator was interviewed and was asked to clarify the reason for the refusal as stated in the letter dated on a specified date. The Administrator stated the home was unable to accept Resident #1 because the home lacked the funding to support the resident's care needs in the home at the time the referral was received. She further stated that the current population of residents in the home was utilizing the



maximum amount of high intensity needs and there are no additional funds available.

On a specified date, CCAC Manager S#101 was interviewed. She stated she had spoken with the home and was also advised the reason for refusal was based on the lack of availability of high intensity needs funds to support Resident #1. S#101 was able to provide documentation to support the home's refusal of admission for three additional applicant's since January 1, 2014 based on a lack of high intensity needs funding.

In accordance with the LTCHA, 2007, s. 44 (7), a licensee 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,
- b) the staff of the home lack the nursing expertise necessary to meet the applicant's care requirements, or
- c) circumstances exist which are provided for in the regulations as being a ground for withholding approval.

The home is in violation of the LTCHA, 2007 s. 44 (7) for refusing Resident #1's application for admission based on a purported lack of funding as relates to usage by the current resident population in the home. [s. 44. (7)]

Additional Required Actions:

CO # - 001 will be served on the licensee. Refer to the "Order(s) of the Inspector".

(A1)The following order(s) have been amended:CO# 001



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



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

DARLENE MURPHY (103) - (A1)

Amended Inspection Summary/Résumé de l'inspection modifié

An extension to the home's compliance date has been further amended due to a delay in CCAC providing Arbour Heights with the applicant's updated assesement.



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Order(s) of the Inspector

Ordre(s) de l'inspecteur

Pursuant to section 153 and/or
section 154 of the Long-Term
Care Homes Act, 2007, S.O.
2007, c. 8

Aux termes de l'article 153 et/ou de
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Name of Inspector (ID #) /

Nom de l'inspecteur (No) : DARLENE MURPHY (103) - (A1)

Inspection No. /

No de l'inspection : 2014_179103_0013 (A1)

Appeal/Dir# /

Appel/Dir#:

Log No. /

Registre no. : O-000362-14 (A1)

Type of Inspection /

Genre d'inspection: Complaint

Report Date(s) /

Date(s) du Rapport : Jul 25, 2014;(A1)

Licensee /

Titulaire de permis : 2109577 ONTARIO LIMITED
195 Forum Drive, Unit 617, MISSISSAUGA, ON,
L4Z-3M5

LTC Home /

Foyer de SLD : 2109577 ONTARIO LIMITED O/A ARBOUR
HEIGHTS
564 Tanner Drive, KINGSTON, ON, K7M-0C3



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O. 2007, chap. 8

**Name of Administrator /
Nom de l'administratrice
ou de l'administrateur :** DAVID CLEGG

To 2109577 ONTARIO LIMITED, you are hereby required to comply with the following order(s) by the date(s) set out below:

Order # / Ordre no : 001	Order Type / Genre d'ordre : Compliance Orders, s. 153. (1) (a)
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Pursuant to / Aux termes de :

LTCHA, 2007, 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;

(b) the staff of the home lack the nursing expertise necessary to meet the applicant's care requirements; or

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

Order / Ordre :



Order(s) of the Inspector

Ordre(s) de l'inspecteur

Pursuant to section 153 and/or
section 154 of the Long-Term
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2007, c. 8

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O. 2007, chap. 8

(A1)

The licensee shall immediately contact the appropriate placement coordinator to request Resident #1's most current MDS assessment information. The licensee is ordered to immediately reconsider Resident #1's application utilizing this information and taking into consideration the legislative requirements.

The home shall also cease the practice of withholding an applicant's approval unless:

- the home lacks the physical facilities necessary to meet the applicant's care requirements,
- the staff of the home lack the nursing expertise to meet the applicant's care requirements or
- circumstances exist which are provided for in the regulations as being a ground for withholding approval.

Grounds / Motifs :

1. The licensee has failed to comply with LTCHA, 2007 s. 44 (7) whereby the licensee refused an applicant's admission to the home based on reasons that are not permitted in the legislation.

On a specified date, the home refused the admission application of Resident #1 and stated the reason for refusal was based on the level of high intensity needs of the present population in the home. The letter further stated the home would reconsider the resident's application in the future if there was a change in the current populations' care requirements.

The home's Family and Community Coordinator, S#100, was interviewed. She advised the inspector she is responsible for reviewing the applications submitted to the home by CCAC and assesses the applicant's admissibility to the home. S#100 was asked to clarify the reason for refusal of this resident and stated the reason for withholding admission was based on the home not having the finances to manage the resident's care needs until such time the resident who currently requires high intensity needs no longer resides in the home. She stated Resident #1 had only chosen Arbour Heights as an admission option and that it could be a year or more before the home would be in a position to admit any resident requiring high intensity



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needs.

The Administrator was interviewed and was asked to clarify the reason for the refusal as stated in the letter dated on a specified date. The Administrator stated the home was unable to accept Resident #1 because the home lacked the funding to support the resident's care needs in the home at the time the referral was received. She further stated that the current population of residents in the home was utilizing the maximum amount of high intensity needs and there are no additional funds available.

On a specified date, CCAC Manager S#101 was interviewed. She stated she had spoken with the home and was also advised the reason for refusal was based on the lack of availability of high intensity needs funds to support Resident #1. S#101 was able to provide documentation to support the home's refusal of admission for three additional applicant's since January 1, 2014 based on a lack of high intensity needs funding.

In accordance with the LTCHA, 2007, s. 44 (7), a licensee 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,
- b) the staff of the home lack the nursing expertise necessary to meet the applicant's care requirements, or
- c) circumstances exist which are provided for in the regulations as being a ground for withholding approval.

The home is in violation of the LTCHA, 2007 s. 44 (7) for refusing Resident #1's application for admission based on a purported lack of funding as relates to usage by the current resident population in the home. [s. 44. (7)]

(103)



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Aux termes de l'article 153 et/ou de
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foyers de soins de longue durée, L.
O. 2007, chap. 8

**This order must be complied with by /
Vous devez vous conformer à cet ordre d'ici le :**

Aug 06, 2014(A1)



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REVIEW/APPEAL INFORMATION

TAKE NOTICE:

The Licensee has the right to request a review by the Director of this (these) Order(s) and to request that the Director stay this (these) Order(s) in accordance with section 163 of the Long-Term Care Homes Act, 2007.

The request for review by the Director must be made in writing and be served on the Director within 28 days from the day the order was served on the Licensee.

The written request for review must include,

- (a) the portions of the order in respect of which the review is requested;
- (b) any submissions that the Licensee wishes the Director to consider; and
- (c) an address for services for the Licensee.

The written request for review must be served personally, by registered mail or by fax upon:

Director
c/o Appeals Coordinator
Performance Improvement and Compliance Branch
Ministry of Health and Long-Term Care
1075 Bay Street, 11th Floor
Toronto, ON M5S 2B1
Fax: 416-327-7603

When service is made by registered mail, it is deemed to be made on the fifth day after the day of mailing and when service is made by fax, it is deemed to be made on the first business day after the day the fax is sent. If the Licensee is not served with written notice of the Director's decision within 28 days of receipt of the Licensee's request for review, this(these) Order(s) is(are) deemed to be confirmed by the Director and the Licensee is deemed to have been served with a copy of that decision on the expiry of the 28 day period.

The Licensee has the right to appeal the Director's decision on a request for review of an Inspector's Order(s) to the Health Services Appeal and Review Board (HSARB) in accordance with section 164 of the Long-Term Care Homes Act, 2007. The HSARB is an independent tribunal not connected with the Ministry. They are established by legislation to review matters concerning health care services. If the Licensee decides to request a hearing, the Licensee must, within 28 days of being served with the notice of the Director's decision, give a written notice of appeal to both:

Health Services Appeal and Review Board and the Director



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Care Homes Act, 2007, S.O.
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Attention Registrar
151 Bloor Street West
9th Floor
Toronto, ON M5S 2T5

Director
c/o Appeals Coordinator
Performance Improvement and Compliance Branch
Ministry of Health and Long-Term Care
1075 Bay Street, 11th Floor
Toronto, ON M5S 2B1
Fax: 416-327-7603

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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.

RENSEIGNEMENTS SUR LE RÉEXAMEN/L'APPEL

PRENDRE AVIS

En vertu de l'article 163 de la Loi de 2007 sur les foyers de soins de longue durée, le titulaire de permis peut demander au directeur de réexaminer l'ordre ou les ordres qu'il a donné et d'en suspendre l'exécution.

La demande de réexamen doit être présentée par écrit et est signifiée au directeur dans les 28 jours qui suivent la signification de l'ordre au titulaire de permis.

La demande de réexamen doit contenir ce qui suit :

- a) les parties de l'ordre qui font l'objet de la demande de réexamen;
- b) les observations que le titulaire de permis souhaite que le directeur examine;
- c) l'adresse du titulaire de permis aux fins de signification.

La demande écrite est signifiée en personne ou envoyée par courrier recommandé ou par télécopieur au:

Directeur
a/s Coordinateur des appels
Direction de l'amélioration de la performance et de la conformité
Ministère de la Santé et des Soins de longue durée
1075, rue Bay, 11e étage
Toronto ON M5S 2B1
Télécopieur : 416-327-7603



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O. 2007, chap. 8

Les demandes envoyées par courrier recommandé sont réputées avoir été signifiées le cinquième jour suivant l'envoi et, en cas de transmission par télécopieur, la signification est réputée faite le jour ouvrable suivant l'envoi. Si le titulaire de permis ne reçoit pas d'avis écrit de la décision du directeur dans les 28 jours suivant la signification de la demande de réexamen, l'ordre ou les ordres sont réputés confirmés par le directeur. Dans ce cas, le titulaire de permis est réputé avoir reçu une copie de la décision avant l'expiration du délai de 28 jours.

En vertu de l'article 164 de la Loi de 2007 sur les foyers de soins de longue durée, le titulaire de permis a le droit d'interjeter appel, auprès de la Commission d'appel et de révision des services de santé, de la décision rendue par le directeur au sujet d'une demande de réexamen d'un ordre ou d'ordres donnés par un inspecteur. La Commission est un tribunal indépendant du ministère. Il a été établi en vertu de la loi et il a pour mandat de trancher des litiges concernant les services de santé. Le titulaire de permis qui décide de demander une audience doit, dans les 28 jours qui suivent celui où lui a été signifié l'avis de décision du directeur, faire parvenir un avis d'appel écrit aux deux endroits suivants :

À l'attention du registraire
Commission d'appel et de révision
des services de santé
151, rue Bloor Ouest, 9e étage
Toronto (Ontario) M5S 2T5

Directeur
a/s Coordinateur des appels
Direction de l'amélioration de la performance et de la
conformité
Ministère de la Santé et des Soins de longue durée
1075, rue Bay, 11e étage
Toronto ON M5S 2B1
Télécopieur : 416-327-7603

La Commission accusera réception des avis d'appel et transmettra des instructions sur la façon de procéder pour interjeter appel. Les titulaires de permis peuvent se renseigner sur la Commission d'appel et de révision des services de santé en consultant son site Web, au www.hsarb.on.ca.

Issued on this 25 day of July 2014 (A1)

**Signature of Inspector /
Signature de l'inspecteur :**

**Name of Inspector /
Nom de l'inspecteur :**

DARLENE MURPHY

**Service Area Office /
Bureau régional de services :**

Ottawa