RHRA Retirement Homes Regulatory Authority

ORDER TO COMPLY

Pursuant to the *Retirement Homes Act, 2010* S.O. 2010, Chapter 11, section 90.

SENT BY MAIL TO:

1753359 Ontario Ltd.
258 Talbot Street East
Aylmer, Ontario
N5H 1H7

AND BY EMAIL TO: internationalholdingsltd@yahoo.com

ORDER NO.: 2013-SO130-90-01

REGARDING: Brookside Manor

CONTRAVENTION

The Registrar of the Retirement Homes Regulatory Authority ("RHRA") believes on reasonable grounds that 1753359 Ontario Ltd. (the "Licensee") has contravened paragraph 29(d) of Regulation 166/11 (the "Regulation") under the *Retirement Homes Act, 2010* (the "Act"), which states as follows:

Administration of drugs or other substances

29. If one of the care services that the licensee or the staff of a retirement home provide to a resident of the home is the administration of a drug or other substance, the licensee shall ensure that,

> (d) a member of a College, as defined in the *Regulated Health Professions Act, 1991*, supervises the administration of the drug or other substance to the resident in the home;

REQUIRED ACTION

Pursuant to section 90 of the Act, the Registrar orders as follows:

To ensure compliance with paragraph 29(d) of the regulation, and to protect residents from harm or risk of harm that may result from the unsupervised administration of drugs by unregulated care providers, the Licensee must provide evidence acceptable to the Registrar that a member of a College, as defined in the *Regulated Health Professions Act, 1991*, supervises the administration of a drug or other substance to any resident of Brookside Manor (the "Home") to whom the licensee provides the care service of administration of a drug or other substance. The Licensee must submit this evidence to the Registrar by December 6, 2013.

Submission of evidence to the Registrar may be by facsimile to 1-855-630-3775 or by email to compliance@rhra.ca.

Failure to comply with this Order is an offence under section 98 of the Act. If convicted of an offence under the Act, a corporation is liable to a fine of not more than $50,000 on a first conviction, and not more than $200,000 on each subsequent conviction.

GROUNDS FOR THE ORDER

1. The Licensee is a deemed licensee under the Act, having applied for a retirement home licence in respect of the home before the the legislated deadline of July 1, 2012. As a deemed licensee, the Licensee is subject to the requirements set out in the Act and Regulation.

2. On August 28, 2013, the RHRA received a report of harm or risk of harm to a resident of the Home. On September 4, 2013, a RHRA inspector visited the Home in connection to the report. Among other findings, the inspector found that although the Licensee provides administration of drugs and other substances as a care service, there was no member of a College, as defined in the *Regulated Health Professions Act, 1991*, who supervises the administration of drugs or other substances to residents in the Home. Before leaving the Home, the inspector advised the Home's administrator that the Licensee was not in compliance with paragraph 29(d) of the Regulation.

3. On August 28, 2013, the RHRA inspector confirmed with the Home's pharmacist that he does not supervise the administration of drugs or other substances to residents in the home.

4. On September 10, 2013, the RHRA sent the Licensee a Draft Inspection Report indicating non-compliance with paragraph 29(d) of the Regulation.

5. During September 2013, the South West Community Care Access Centre intervened at the Home to provide nursing services on a short-term and emergency basis,

including supervision and training relating to the administration of drugs to residents in the Home.

6. On September 18, 2013, the RHRA received an email from the Licensee in response to the Draft Inspection Report. The Licensee's response did not address how it intended to correct its non-compliance with paragraph 29(d) of the Regulation.

7. On November 4, 2013 a RHRA inspector re-confirmed with the Home's pharmacist that he does not supervise the administration of drugs or other substances to residents in the home.

8. The RHRA sent the Licensee a Final Inspection Report on November 4, 2013 indicating non-compliance with paragraph 29(d) of the Regulation.

9. On November 5, 2013, the RHRA received an email from the Licensee in response to the Final Inspection Report. The email did not address non-compliance with paragraph 29(d) of the Regulation. Accompanying the email was a letter from a registered nurse. The letter set out certain work that the Licensee had retained the nurse to do in the Home, and her comments about the compliance status of the Home in certain areas, including meal preparation. The letter did not address non-compliance with paragraph 29(d) of the Regulation.

10. On November 6, 2013, a RHRA inspector contacted the registered nurse, who confirmed that she does not supervise the administration of drugs and other substances to residents in the Home.

APPEALS

No later than fifteen (15) days after being served with this Order, you may appeal the Order to the Licence Appeal Tribunal. The enclosed "Appealing a Registrar Order" provides information about your right to request a hearing, including timelines and procedure.

Issued on November 25, 2013.



Mary Beth Valentine, Registrar of the Retirement Homes Regulatory Authority

RHRA Retirement Homes Regulatory Authority

APPEALING A REGISTRAR ORDER

A licensee or another person who is the subject of an order or decision by the Registrar of the Retirement Homes Regulatory Authority ("RHRA") has the right to appeal the order or decision. The appeal is to the Licence Appeal Tribunal ("LAT"). The rights and requirements relating to an appeal are set out in Part VI of the *Retirement Homes Act, 2010* (the "Act"). The Act and its regulations are available at www.e-laws.gov.on.ca and through the RHRA's website, www.rhra.ca.

LAT is an independent tribunal. It is separate from the RHRA and established under different legislation. On appeal, LAT has the power to affirm the Registrar's order or decision, or substitute its decision for the order or decision of the Registrar. If the order or decision is for an administrative monetary penalty, LAT has the power to reduce the amount of the penalty.

A licensee or person who wishes to appeal a Registrar order or decision must give LAT and the Registrar a written notice of appeal setting out the grounds for the appeal within fifteen (15) days after the day the licensee or person was served with the Registrar's order or decision.

The address for giving the Registrar the written notice of appeal is as follows:

Office of the Registrar
Retirement Homes Regulatory Authority
160 Eglinton Avenue East, Fifth Floor
Toronto, Ontario M4P 3B5
Fax: (416) 487-1223

For information and instructions about an appeal, including any fees LAT may require, visit the LAT website at www.lat.gov.on.ca. Notice of Appeal Forms are available for download under the Appeal Process tab on the left side of the LAT website.

You may contact LAT by phone at (416) 314-4260 or 1-800-255-2214 (toll free).

Note that under section 101 of the Act, an appeal of a Registrar order or decision does not stay (i.e. stop or freeze) the order or decision, unless LAT orders otherwise in writing. The person making an appeal may apply to LAT for a stay. LAT may order a stay only if it is satisfied that the stay will not cause harm or risk of harm to a resident.