
ADMINISTRATIVE PENALTY ORDER SUMMARY TO BE MADE AVAILABLE IN HOME

Pursuant to the *Retirement Homes Act, 2010* S.O. 2010, Chapter 11, section 93.

Chartwell Master Care Corporation
o/a Chartwell Queen's Square Retirement Residence
10 Melville Street N.
Cambridge, ON N1S 1H5

ADMINISTRATIVE PENALTY ORDER 2024-T0101-93-01 – CHARTWELL QUEEN'S SQUARE RETIREMENT RESIDENCE

The Deputy Registrar of the Retirement Homes Regulatory Authority (the "Deputy Registrar" and the "RHRA", respectively) has reasonable grounds to believe that Chartwell Master Care Corporation (the "Licensee") operating as Chartwell Queen's Square Retirement Residence (the "Home") has contravened sections of the *Retirement Homes Act, 2010* (the "Act").

The Deputy Registrar issues this Order to Pay an Administrative Penalty under section 93 of the Act to encourage the Licensee to comply with the requirements under the Act and Regulation.

CONTRAVENTIONS

The Deputy Registrar has reasonable grounds to believe that the Licensee contravened the following sections of the Act:

- Section 29(b) of the Regulation as the Licensee failed to administer diabetic medication to a resident including that they failed to perform blood glucose monitoring and adjust diabetic medication accordingly in accordance with the directions for use specified by the person who prescribed the drug for the resident.
- Section 62(9) para 1 of the Act as the Licensee failed to ensure that the resident or the resident's substitute decision-maker had approved one resident's plan of care.
- Section 67(2) of the Act as the Licensee failed to administer a diabetic medication to the resident and missed several days of blood glucose readings, which resulted in the resident experiencing symptoms of hyperglycemia and requiring hospitalization. The Licensee's inactions jeopardized the health and safety of the resident and failed to protect the resident from neglect.
- Section 75(1) of the Act as the Licensee failed to report the incident of neglect to the Registrar in a timely manner.

BRIEF SUMMARY OF FACTS

The RHRA conducted an inspection of the Home on November 17, 2023, resulting in, among other citations, findings of non-compliance relating to the failure to perform blood glucose monitoring and administer diabetic medication in accordance with the directions for use specified by the prescriber, and the neglect of a resident of the Home. Specifically, for several days, staff of the Home failed to monitor a resident's blood glucose levels as directed and failed to administer their diabetic medication on several occasions, which resulted in the resident being hospitalized. The Deputy Registrar has reasonable grounds to believe that the Licensee failed to protect a resident from neglect, as the inactions by staff jeopardized the health and safety of the resident.

ADMINISTRATIVE PENALTY FACTORS

The Deputy Registrar considered the factors contained in subsection 60.1(1) of the Regulation in determining the amount of the Administrative Penalty:

- (a) **Severity of Adverse Effect / Potential Adverse Effect:** The severity of adverse effect was major. Staff of the Home failed to consistently record a resident's blood glucose levels and failed to administer the resident's insulin as directed in the days leading up to the incident. As a result, the resident was hospitalized for several weeks. The incident resulted in significant harm to the resident. For these reasons, the contravention falls into the major range.
- (b) **Mitigation of Contravention:** The Licensee submitted a response to the findings of the inspection report which provided that it re-trained staff in its Medication Administration Policies, and that the General Manager and Health and Wellness Manager reviewed its Abuse Allegation and Follow-Up Policy and Investigations Policy to understand reporting requirements and timelines. The Licensee also conducted an investigation into the incident and issued disciplinary warnings to staff involved. Further, the Licensee demonstrated insight into the Home's failures with regard to this incident. These factors serve to lower the monetary penalty.
- (c) **Previous Contraventions:** Prior to the subject inspection, the Licensee has not previously been cited with section 29(b) of the Regulation or sections 62(9) para 1 and 75(1) of the Act. This serves to reduce the quantum of the administrative penalty. The Licensee was previously cited with section 67(2) of the Act in March 2016; however, this incident occurred over eight years ago and so was given minimal consideration in this assessment and did not factor into the amount of the penalty.
- (d) **Economic Benefit:** The Licensee did not derive an economic benefit from its non-compliance with the Act, weighing in favour of a lower penalty.
- (e) **Purpose of Administrative Penalty:** Due to the severity of the outcome resulting from this incident, the Deputy Registrar believes that a monetary penalty is appropriate to maintain compliance with the Act and Regulations going forward and to reinforce that instances of this kind of non-compliance are unacceptable.

Issued on June 14, 2024.