

Ministry of Health
and Long-Term Care

Ministère de la Santé
et des Soins de longue durée



Health System Accountability and
Performance Division
Performance Improvement and Compliance Branch
Toronto Service Area Office

55 St. Clair Avenue West, 8th Floor
Toronto ON M4V 2Y7

Telephone: 416-325-9297
1-866-311-8002

Facsimile: 416-327-4486

Division de la responsabilisation et de la
performance du système de santé
Direction de l'amélioration de la performance
et de la conformité
Bureau régional de services de Toronto

55, avenue St. Clair Ouest, 8^{ième} étage
Toronto, ON M4V 2Y7

Téléphone: 416-325-9297
1-866-311-8002

Télécopieur: 416-327-4486

DEC 06 2010

Mr. Nelson Ribeiro
Administrator
The Westbury
495 The West Mall
Etobicoke ON M9C 5S3

Dear Mr. Ribeiro:

Please find enclosed the **Inspection Report-Public Copy** for an inspection conducted **October 28, 2010** under the *Long-Term Care Homes Act, 2007* (LTCHA) for the purpose of ensuring compliance with requirements under the LTCHA.

This inspection report must be posted in the home, in a conspicuous and easily accessible location in accordance with the LTCHA, 2007, S.O. 2007, c.8, s.79 (1) and (2).

A copy of the **Inspection Report-Public Copy** must be made available without charge upon request. The report will also be on file with the Toronto Service Area Office, Performance Improvement and Compliance Branch.

Sincerely,

A. Marsillo

for Jane Carruthers
LTC Homes Inspector

A. Marsillo

for Amanda Williams
LTC Homes Inspector

October 28, 2010
LTCHA for the purpose of
LTCHA



**Inspection Report
under the Long-Term
Care Homes Act, 2007**

**Rapport d'inspection
prevue le Loi de 2007
les foyers de soins de
longue durée**

Ministry of Health and Long-Term Care
Health System Accountability and Performance Division
Performance Improvement and Compliance Branch

**Ministère de la Santé et des Soins de
longue durée**

Division de la responsabilisation et de la performance du
système de santé
Direction de l'amélioration de la performance et de la
conformité

Toronto Service Area Office
55 St. Clair Avenue West, 8th Floor

Telephone: 416-325-9297
1-866-311-8002
Facsimile: 416-327-4486

Bureau régional de services de Toronto
55, avenue St. Clair ouest, 8^{ième} étage
Ottawa ON K1S 3J4

Téléphone: 416-325-9297
1-866-311-8002
Télécopieur: 416-327-4486

☐ Licensee Copy/Copie du Titulaire ☒ Public Copy/Copie Public

Date(s) of inspection/Date de l'inspection	Inspection No/ d'inspection	Type of Inspection/Genre d'inspection
October 28, 2010 Licensee/Titulaire	2010_113_2943_18Nov131908 2010_101_2943_28Oct125924	Other (T-2867)
Regency LTC Operating Limited Partnership on behalf of Regency Operator GP Inc. as General Partner, 100 Milverton Drive, Suite 700, Mississauga, ON L5R 4H1 Long-Term Care Home/Foyer de soins de longue durée		
The Westbury, 495 The West Mall, Etobicoke, ON M9C 5C3		
Name of Inspector(s)/Nom de l'inspecteur(s) Jane Carruthers (113) and Amanda Williams (101)		
Inspection Summary/Sommaire d'inspection		
The purpose of this inspection was a result of identification of additional non-compliance statements unrelated to the complaint inspection conducted at the same time.		
During the course of the inspection, the inspectors spoke with: The Acting Administrator, Director of Nursing, Environmental Services Supervisor, Chartwell's Environmental Corporate Consultant, President of the Resident Council, front-line nursing staff, registered staff and residents.		
During the course of the inspection, the inspector(s): conducted a walk-through of communal tub and shower rooms, resident rooms and recorded air and water temperatures.		
The following Inspection Protocols were used during this inspection: Accommodation- housekeeping Safe and Secure		
☒ Findings of Non-Compliance were found during this inspection. The following action was taken: 4 WN 2 VPC 1 CO: CO # 001		



NON- COMPLIANCE / (Non-respectés)

Definitions/Définitions

WN – Written Notifications/Avis écrit
VPC – Voluntary Plan of Correction/Plan de redressement volontaire
DR – Director Referral/Régisseur envoyé
CO – Compliance Order/Ordres de conformité
WAO – Work and Activity Order/Ordres: travaux et activités

The following constitutes written notification of non-compliance under paragraph 1 of section 152 of the LTCHA.

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.)

Le suivant constituer un avis d'écrit de l'exigences prévue le paragraphe 1 de section 152 de les foyers de soins de longue durée.

Non-respect avec les exigences sur le *Loi de 2007 les foyers de soins de longue durée* à trouvé. (Une exigence dans le loi comprend les exigences contenues dans les points énumérés dans la définition de "exigence prévue par la présente loi" au paragraphe 2(1) de la loi.

WN #1: The Licensee has failed to comply with LTCHA, 2007, S.O. 2007, c.8 s. 15(2)(a). Every licensee of a long-term care home shall ensure that, the home, furnishings and equipment are kept clean and sanitary;

Findings:

1. Bath tubs and commodes were soiled with hair, dust and debris on several floors throughout the home. (9th, 7th, 6th, 5th)
2. Feces were found on the floor of the shower stall in the 9th floor shower room.
3. Feces were found on the toilet seat in the tub room in the 6th floor tub and shower room.

Inspector ID #: 113 & 101

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 bath tubs, shower stalls and bathing equipment are maintained in a clean and sanitary state. This plan is to be implemented voluntarily.

WN #2: The Licensee has failed to comply with O. Reg. 79/10 s. 87(3). The licensee shall ensure that a sufficient supply of housekeeping equipment and cleaning supplies is readily available to all staff at the home.

Findings:

1. Disinfectant for staff use was not present in the 5th and 7th floor tub/shower rooms.
2. A container of wipes for disinfecting equipment was available in the tub/shower room on 9th floor, however, could not be used as they were totally dry. There was no other disinfectant available.

Inspector ID #: 101 & 113

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 there is a supply of disinfectant available at all times for staff to use on tub/shower equipment. This plan is to be implemented voluntarily.



WN #3: The Licensee has failed to comply with O. Reg. 79/10 s. 90(2)(g). The licensee shall ensure that procedures are developed and implemented to ensure that, the temperature of the water serving all bathtubs, showers, and hand basins used by residents does not exceed 49 degrees Celsius, and is controlled by a device, inaccessible to residents, that regulates the temperature;

Findings:

1. Bath tub water temperatures were noted to exceed 49 degrees Celsius. Water temperatures reached a maximum of 54 degrees Celsius in the following bath tubs and showers: (9th, 8th, 7th, 5th).
2. Resident room 814 bathroom water temperature reached a maximum of 51C.
3. Sink water temperature in the living room on 8th floor 50.2°C.

Inspector ID #: 113 & 101

Additional Required Actions:

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

WN#4: The Licensee has failed to comply with O. Reg. 79/10 s87 (2) (b). As part of the organized program of housekeeping under clause 15 (1) (a) of the Act, the licensee shall ensure that procedures are developed and implemented for, cleaning and disinfection of resident care equipment, such as whirlpools, tubs, shower chairs, and lift chairs and supplies and devices, including personal assistance services devices, assistive aids, and positioning aids and contact surfaces, using hospital grade disinfectant and in accordance with manufacturer's specifications;

Findings:

1. Disinfectant for staff use was not present in the 5th and 7th floor tub/shower rooms.
2. A container of wipes for disinfecting equipment was available in the tub/shower room on 9th floor, however, could not be used as they were totally dry. There was no other disinfectant available.
3. Bath tubs and commodes were soiled with hair, dust and debris on several floors throughout the home. (9th, 7th, 6th, 5th)
4. Feces were found on the floor of the shower stall in the 9th floor shower room.
5. Feces were found on the toilet seat in the tub room in the 6th floor tub and shower room.

Inspector ID #: 113 & 101

Signature of Licensee or Representative of Licensee
Signature du Titulaire du représentant désigné

Signature of Health System Accountability and Performance Division
representative/Signature du (de la) représentant(e) de la Division de la
responsabilisation et de la performance du système de santé.

Title:

Date:

Date of Report (if different from date(s) of inspection).



Ministry of Health and Long-Term Care
Health System Accountability and Performance Division
Performance Improvement and Compliance Branch

Ministère de la Santé et des Soins de longue durée
Division de la responsabilisation et de la performance du système de santé
Direction de l'amélioration de la performance et de la conformité

Order(s) of the Inspector

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

	☐ Licensee Copy/Copie du Titulaire	☒ Public Copy/Copie Public
Name of Inspector:	Jane Carruthers and Amanda Williams	Inspector ID # 113 & 101
Log #:	T-2867	
Inspection Report #:	2010_101_2943_28Oct125924 2010_113_2943_18Nov131908	
Type of Inspection:	Other	
Date of Inspection:	October 28, 2010	
Licensee:	Regency LTC Operating Limited Partnership on behalf of Regency Operator GP Inc. as General Partner, 100 Milverton Drive, Suite 700, Mississauga, ON L5R 4H1	
LTC Home:	The Westbury, 495 The West Mall, Ellicott, ON M9C 5C3	
Name of Administrator:	Acting: Radisa Urosevic	

To Regency LTC Operating Limited Partnership on behalf of Regency Operator GP Inc. as General Partner, you are hereby required to comply with the following order(s) by the date(s) set out below:

Order #:	001	Order Type:	Compliance Order, Section 153 (1)(a)
Pursuant to: O. Reg. 79/10 s. 90(2)(g). The licensee shall ensure that procedures are developed and implemented to ensure that, the temperature of the water serving all bathtubs, showers, and hand basins used by residents does not exceed 49 degrees Celsius, and is controlled by a device, inaccessible to residents, that regulates the temperature;			
Order: 1. The licensee shall ensure that a system to identify, communicate and correct water temperatures that exceed 49 degrees Celsius is in place.			
Grounds: 1. Bath tub water temperatures were noted to exceed 49 degrees Celsius. Water temperatures reached a maximum of 54 degrees Celsius in the following bath tubs and showers: (9 th , 8 th , 7 th , 5 th). 2. Resident room 814 bathroom water temperature reached a maximum of 51C. 3. Sink water temperature in the living room on 8 th floor was 50.2°C.			
This order must be complied with by:		Immediately	



Ministry of Health and Long-Term Care
Health System Accountability and Performance Division
Performance Improvement and Compliance Branch

Ministère de la Santé et des Soins de longue durée
Division de la responsabilisation et de la performance du système de santé
Direction de l'amélioration de la performance et de la conformité

REVIEW/APEAL 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 service for the Licensee.

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

Director
c/o Appeals Clerk
Performance Improvement and Compliance Branch
Ministry of Health and Long-Term Care
55 St. Clair Ave. West
Suite 800, 8th floor
Toronto, ON M4V 2Y2
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 group of members not connected with the Ministry. They are appointed by legislation to review matters concerning health care services. If the Licensee decides to request a hearing, the Licensee must, with 28 days of being served with the notice of the Director's decision, mail or deliver a written notice of appeal to both:

Health Services Appeal and Review Board and the
Attention Registrar
151 Bloor Street West
9th Floor
Toronto, ON
M5S 2T5

Director
c/o Appeals Clerk
Performance Improvement and Compliance Branch
55 St. Claire Avenue, West
Suite 800, 8th Floor
Toronto, ON M4V 2Y2

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 24 th day of November, 2010.	
Signature of Inspector:	<i>And Williams</i>
Name of Inspector:	<i>Amanda Williams</i>
Service Area Office:	<i>Toronto</i>