
ADMINISTRATIVE PENALTY ORDER TO BE MADE AVAILABLE IN HOME

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

Village Care Holdings Inc. &
Manorcare Holdings Inc.
o/a Queens Village for Seniors

ORDER NO. 2022-S0173-93-02 – QUEENS VILLAGE FOR SENIORS

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that Village Care Holdings Inc. & Manorcare Holdings Inc. (the “Licensee”) operating as Queens Village for Seniors (the “Home”) has contravened sections of the *Retirement Homes Act, 2010* (the “Act”) or Ontario Regulation 166/11 under the Act (the “Regulation”).

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 Act and Regulation.

Contraventions

The RHRA conducted an inspection of the Home on April 23, 2021. The Deputy Registrar has reasonable grounds to believe that the Licensee contravened the following section of the Act::

Section 74(a) (b) and (c) of the Act by failing to investigate an alleged incident of abuse of a resident;

Section 67(4) of the Act by failing to report an alleged abuse to the RHRA and to the resident’s substitute decision maker.

Section 118 of the Act by knowingly providing false or misleading information to an inspector.

Brief Summary of Facts

The Deputy Registrar has reasonable grounds to believe that the Licensee failed to appropriately investigate an allegation that a staff member had acted in an abusive manner towards a resident of the Home and failed to follow its abuse policy by failing to report the allegation to the RHRA and the resident’s substitute decision maker. In addition, the Deputy Registrar has reasonable grounds to believe that one of the Licensee’s staff knowingly provided a false account of its response to the allegation to an RHRA inspector and provided falsified documentation to the inspector to support their account.

Administrative Penalty Factors

1. **Adverse Effect:** That a staff member failed to conduct an appropriate investigation of an alleged abuse, including discouraging another staff member from reporting the allegation, and delivered a false account of the abuse investigation and falsified documentation to bolster the false account to an RHRA inspector, is very concerning. The staff member's conduct has the potential for a major adverse effect on resident well-being and has the effect of discouraging compliance by other staff. Licensees bear responsibility for ensuring that staff act in compliance with the Act and Regulation and in residents' best interests.
2. **Previous Contravention:** The Licensee has not previously been cited for failure to report an alleged abuse, failure to investigate an incident of alleged abuse or providing false information.
3. **Mitigating Factors:** The Licensee terminated the relevant staff member, but did not take appropriate steps to ensure all staff understood their responsibilities with respect to honesty and integrity. The Licensee has since reported an unrelated allegation of abuse to the RHRA. The Licensee's corrective actions serve to reduce the quantum of penalty.
4. **Economic Benefit of Non-Compliance:** There is no evidence that the Licensee derived an economic benefit from the non-compliance.
5. **Purpose of the AMP to encourage compliance:** In consideration of the Licensee's mitigative action, the Deputy Registrar has determined the administrative penalty should be at the lower end of the major range. The purpose of the monetary penalty is to encourage the Licensee to achieve and maintain compliance with the Act.

Issued on April 29, 2022