
ADMINISTRATIVE PENALTY ORDER TO BE MADE AVAILABLE IN HOME

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

Dementia Care Inc.
o/a Highview Residences
35, 41 Capulet Walk,
London, ON N6H 5W4

ADMINISTRATIVE PENALTY ORDER NO. 2022-S0029-93-01 – HIGHVIEW RESIDENCES

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that Dementia Care Inc. (the “Licensee”) operating as Highview Residences (the “Home”) has contravened sections of the *Retirement Homes Act, 2010* (the “Act”) and Ontario Regulation 166/11 (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 requirements under the Act and Regulation.

CONTRAVENTION

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

- s. 67(2) of the Act for failing to ensure that the licensee and staff of the home do not neglect the residents

BRIEF SUMMARY OF FACTS

In December 2021, residents of the Home were left overnight in the care of staff who had not received any training in medication administration. A resident had a prescription for pain medication to be administered on an as-needed basis, including during the night, but because staff were not trained in medication administration, the resident did not receive her pain medication.

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 the adverse effect on Resident A is in the minor range. The Home's failure to ensure that residents were left in the care of staff trained in medication administration resulted in the resident not receiving medication as needed that evening, such that the resident was left in a state of unnecessary pain and discomfort.
- b) **Mitigation of Contravention:** The Licensee has taken steps to mitigate the contravention. It provided a thorough response to the inspection report outlining the steps it has taken to ensure the Home is staffed with individuals qualified to administer medications. The Licensee states it has made efforts to recruit and retain such staff and has provided training and education to its staff. The Licensee has not been subsequently cited for neglect or failure to provide medication.
- c) **Economic Benefit-** The Deputy Registrar is not aware of any direct economic benefit to the Licensee from the non-compliance. However, like other contraventions, there may be indirect economic benefit associated with the contravention, in that compliance with the *Act* and Regulation requires more economic investment than the alternative. If there are insufficient staff on duty to provide care services to residents, the Licensee must consider how those needs will be met, and factor those needs into its business model. This factor is neither mitigating nor aggravating and is a neutral consideration in the Deputy Registrar's determination of the amount of the penalty in this case.
- d) **Purpose of the AMP to encourage compliance:** Despite the corrective actions highlighted in its response, the Licensee has had longstanding challenges with respect to staffing and training of existing staff. This penalty is intended to encourage the Licensee to ensure that at all times there are sufficiently trained staff to provide the required care services to residents.

Issued on November 28, 2022