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## ADMINISTRATIVE PENALTY ORDER TO BE MADE AVAILABLE IN HOME

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

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Oxford SC Walford Sudbury LP  
o/a The Walford Sudbury  
99 Walford Road  
Sudbury, ON, P3E 6K3

### ADMINISTRATIVE PENALTY ORDER NO. 2022-N0498-93-01 – THE WALFORD SUDBURY

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that Oxford SC Walford Sudbury LP (the “Licensee”) operating as The Walford Sudbury (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:

- Section 33(2)(d) of the Regulation for failing to complete the prescribed documentation for medication errors.
- Section 33(3) of the Regulation for failing to complete annual evaluations of medication error risks and keeping a written record of each evaluation.
- Section 29(c) of the Regulation for being unable to show that staff administering medications had been trained as required.
- Section 14(5) of the Regulation for failing to ensure annual training in areas as described in s.14(4) of the Regulation.
- Section 62(12) of the Act for failing to complete a plan of care for a resident within the prescribed time.

## BRIEF SUMMARY OF FACTS

A staff member of the Home provided medication to two residents at one time and inadvertently provided the incorrect medication to one of the residents. The Licensee's submissions did not indicate that any detailed analysis of the incident had been carried out. In requiring the Licensee to undertake a root cause assessment and to take appropriate mitigative steps the goal is to ensure that the Licensee reviews its processes to ensure that another similar incident does not occur.

## 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:** Based on the evidence in this matter, the Deputy Registrar cannot attribute the Licensee's inability to demonstrate that staff were trained appropriately in medication administration to the administration of the wrong medication to the resident and the Deputy Registrar acknowledges that the actions of the staff member involved appear to have been generally consistent with the Home's medication administration procedures. However, the Licensee's failure to have an organized and documented medication administration training regime in place put residents at risk of harm and is in the moderate range of severity.
- b) **Mitigation of Contravention:** On the most recent routine inspection of April 2022, the Licensee was compliant with the medication administration sections of the Regulation under sections 29 and 32, including training for its staff. However, the Licensee continued to be noncompliant with certain plan of care requirements, such as approvals by Resident or Resident's SDM. The Licensee's mitigation efforts, though delayed, are factors in reducing the amount of the monetary penalty.
- c) **Previous contraventions:** Over the course of several RHRA inspections, the Licensee has been repeatedly non-compliant with respect to producing evidence that its staff had been appropriately trained in medication administration. This factor weighs more heavily in favour of a larger penalty.
- d) **Economic benefit:** The Licensee did not derive an economic benefit from the non-compliance. This weighs in favour of lowering the penalty.
- e) **Purpose of Administrative Penalty:** The conduct is serious and prior inspections had found concerns regarding staff training and medication administration that went uncorrected. The Deputy Registrar would have expected that after several citations and a warning letter regarding medication administration, the Licensee would have been more diligent about ensuring that its staff were appropriately trained. The purpose of this administrative penalty is to encourage the Licensee to maintain compliance going forward.

**Issued on August 10, 2022.**