
ADMINISTRATIVE PENALTY ORDER SUMMARY TO BE MADE AVAILABLE IN HOME

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

Marian Residence Retirement Home
o/a Marian Residence Retirement Home
640 Hillview Road
Cambridge, ON N3H 5H3

ADMINISTRATIVE PENALTY ORDER 2023-T0544-93-01 – MARIAN RESIDENCE RETIREMENT HOME

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that Marian Residence Retirement Home (the “Licensee”) operating as Marian Residence Retirement Home (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:

- Sections 67(1) and (2) of the Act, in relation to the Licensee’s failure to protect a resident of the Home from physical abuse and neglect by its staff.
- Section 61(2) of the Act, in relation to the Licensee’s interference with external care providers providing medication administration to a resident of the Home.
- Section 29 of the Regulation, in relation to the Licensee’s failure to administer medication to a resident of the Home in accordance with the directions for use specified by the prescriber.

BRIEF SUMMARY OF FACTS

The Licensee interfered with a resident receiving end-of-life pain management medication from an external care provider, which resulted in pain and suffering for 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 Licensee's non-compliance caused a major adverse effect on the Resident in the form of pain and suffering. In addition to the physical adverse effects, the Licensee denied the Resident their right to make informed personal care decisions at the end of their life. The severity of adverse effect is in the Major category.

b) Mitigation of Contravention:

The Licensee has not taken good-faith steps to mitigate the contravention. Mitigation is only possible when there is recognition of non-compliance. The Licensee stands by its actions in this case, which it states supported and facilitated the health and well-being of the Resident. It has not expressed insight into the serious ways it contravened the Act and Regulation.

The Licensee had the Resident transferred to hospital shortly after barring entry to the home to the external palliative care nurse, but it provided inaccurate and inadequate information to the attending paramedics. The Deputy Registrar does not regard the hospital transfer as mitigating the contravention, particularly since the Licensee does not recognize it contravened the Act and Regulation. The hospital transfer allowed the Licensee to shift responsibility for the Resident's care.

c) Previous Contraventions:

The Licensee has not previously been cited for interference, abuse, neglect, or failing to administer a medication in accordance with the prescribed directions.

d) Economic Benefit:

The Licensee did not derive an economic benefit from the contravention.

e) Purpose of Administrative Penalty:

The purpose of the Administrative Penalty is to encourage compliance with the Act and Regulation.

Issued on March 1, 2023.