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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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Dementia Care (Kitchener) Inc.  
o/a Highview Residences Kitchener  
20 Reichert Drive  
Kitchener, ON N2P 0G9

### **ADMINISTRATIVE PENALTY ORDER NO. 2023-T0513-93-01 – HIGHVIEW RESIDENCES KITCHENER**

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that Dementia Care (Kitchener) Inc. (the “Licensee”) operating as Highview Residences Kitchener (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 29(a) of the Reg - failing to ensure that no drug is administered by the licensee or staff in the home unless it has been prescribed by a person authorized to prescribe the drug.
- Section 29(b) of the Reg – failing to ensure a drug was administered in accordance with the directions for use specified by the prescribing physician.
- Section 67(2) of the Act - failing to protect a resident of the Home from neglect.

### **BRIEF SUMMARY OF FACTS**

On October 7, 2022, an RHRA inspector conducted an inspection at the Home. Over the period of six days, the Home failed to ensure medications were administered in accordance with the prescribing physician’s directions. By failing to ensure that staff followed procedures, the Licensee failed to protect Resident A from neglect.

## **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 contraventions had a serious adverse effect on Resident A as they received two types of blood thinners and a high dose of Quetiapine. The adverse effects likely could have been avoided with staff following the Home's medication policy. Severity of adverse effect is in the Major category.

b) **Mitigation of Contravention:**

The Licensee has taken corrective steps to ensure that staff are fully trained on medication administration. Additionally, the Licensee advised that care coordinators are following the pharmacy audits closely and following up with their nursing team. Further, the Home has worked with the physician's software to ensure that when a medication is ordered for a resident, a fax is sent to the pharmacy and the Home. This eliminates the risk of not receiving the order in order to perform the appropriate checks. This factor serves to lower the overall quantum of the penalty.

c) **Previous Contraventions:**

The Licensee does not have a history of similar contraventions. This factor weighs in favour of a lower penalty amount.

d) **Economic Benefit:**

There is no known economic benefit from the contravention. This factor weighs in favour of a lower penalty amount.

e) **Purpose of Administrative Penalty:**

The purpose of the administrative penalty is to encourage compliance with the Act and Regulation.

**Issued on December 8, 2023**