
ADMINISTRATIVE PENALTY ORDER TO BE MADE AVAILABLE IN HOME

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

9604430 Canada Inc.
o/a Waterford Retirement Community - Barrhaven
121 Marketplace Avenue
Nepean, ON K2J 6M6

ADMINISTRATIVE PENALTY ORDER NO. 2023-N0543-93-01 – WATERFORD RETIREMENT COMMUNITY - BARRHAVEN

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that 9604430 Canada Inc. (the “Licensee”) operating as Waterford Retirement Community - Barrhaven (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 14(2) of the Regulation and sections 65(2)(i) & (4) of the Act in relation to the Licensee’s failure to ensure that staff were properly trained in the medication management policies of the Licensee that are relevant to the person’s duties.
- Section 33(3) of the Regulation in relation to the Licensee’s failure to complete an annual evaluation of medication errors and adverse drug reactions as prescribed.
- Section 62(12)(b) of the Act in relation to the Licensee’s failure to ensure that a resident was reassessed as required.
- Section 67(2) of the Act in relation to the Licensee’s failure to ensure staff were properly trained in the Home’s medication management system, and by failing to reassess a resident when their care needs changed. This represented a pattern of inaction that jeopardized the health and safety of a resident.

- Section 75(1) para 1 of the Act in relation to the Licensee's failure to immediately report an incident of improper or incompetent treatment or care that resulted in harm to a resident to the Registrar.

BRIEF SUMMARY OF FACTS

A resident of the Home was prescribed a medication which was not delivered to the Home by the pharmacy. Staff of the Home failed to recognize that the required medication was missing despite the resident's continuous decline in health, ultimately resulting in the resident's transfer to hospital.

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:

- Severity of Adverse Effect / Potential Adverse Effect:** Multiple staff reported that a resident continued to decline for three days despite a physician's order for a medication. Despite the resident's continuous decline in health, the Home's staff failed to recognize that the medication was not received at the Home and was therefore not being administered. Staff failed to follow-up with the pharmacy regarding the missing medication. Although the Licensee conducted an investigation and submitted a detailed action plan indicating that corrective steps were taken, the outcome in this scenario resulted in severe physical harm to the resident. For these reasons, the contravention falls into the major category.
- Mitigation of Contravention:** The Licensee submitted an action plan demonstrating insight into the underlying cause of the incident, and the response outlined corrective actions taken including updating policies, retraining staff, conducting an investigation of the incident, and issuing disciplinary warning letters to the staff involved. An RHRA Inspector has since confirmed at a June 30, 2023, routine inspection that the Home has corrected past-non-compliance issues that were flagged. This factor serves to lower the administrative penalty.
- Previous Contraventions:** The Licensee has not previously been issued any Enforcement Actions and has not previously been cited with section 67(2) of the Act, nor were they cited with this same non-compliance at any subsequent inspections. However, at a subsequent inspection conducted on November 9, 2022, the Licensee was again cited with sections 62(12)(b) and 75(1) para 2 of the Act. These repeat citations serve as an aggravating factor in determining the administrative penalty quantum as the Licensee indicated in their response to the inspection report that by September 6, 2022 all management would review and have full understanding of section 75 and the need for reporting without delay.

- d. **Economic Benefit:** The Licensee did not derive an economic benefit from its noncompliance with the Act.
- e. **Purpose of Administrative Penalty:** The Deputy Registrar believes that an administrative penalty is required to maintain compliance with the Act and Regulations going forward and that future instances of similar non-compliance will not be tolerated.

Issued on December 8, 2023.