
ADMINISTRATIVE PENALTY ORDER TO BE MADE AVAILABLE IN HOME

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

2661694 Ontario Inc.
o/a Lake Simcoe Retirement & Assisted Living
24 Simcoe Street
Orillia, ON L3V 1G4

ADMINISTRATIVE PENALTY ORDER NO. 2024-N0509-93-01 – LAKE SIMCOE RETIREMENT & ASSISTED LIVING

The Deputy Registrar of the Retirement Homes Regulatory Authority (the “Deputy Registrar” and the “RHRA”, respectively) has reasonable grounds to believe that 2661694 Ontario Inc. (the “Licensee”) operating as Lake Simcoe Retirement & Assisted Living (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 67(2) of the Act - failing to ensure that a resident of the home is not neglected.
- Section 29(e) of the Regulation – failing to ensure that staff receive ongoing training in relation to administering medication.
- Section 14(5) of the Regulation – failing to ensure staff receive ongoing training in relation to abuse and behaviour management.

BRIEF SUMMARY OF FACTS

On December 7, 2022, the Home received a fax from the Home’s physician with Resident A’s positive test result for a urinary tract infection. The physician prescribed medication with instructions to take once and dissolve in half cup of water. During a 22-day period following December 7, Resident A exhibited concerning behaviours. It was determined on December 29, 2022, that a member of staff had not administered the medication, although they had indicated on the electronic medication administration record that they had. By failing to

ensure that staff followed medication administration procedures, the Licensee failed to ensure that Resident A was not neglected.

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 moderate adverse effect on Resident A, as the failure to receive the prescribed medication caused their infection to go untreated for a significant period of time, during which their behaviour deteriorated. The inaction of failing to administer the medication jeopardized the safety of the resident and, given the duration for which the resident did not receive the medication, could have had very serious consequences. The potential adverse effect on the resident falls into the "moderate" range.

b) Mitigation of Contravention:

The Licensee has taken corrective steps to ensure that staff are fully trained on medication administration and that staff take steps to ensure that all required medication is administered. However, there was no indication as to how the Licensee would monitor for compliance going forward. On the whole, this factor serves to lower the overall quantum of the penalty.

c) Previous Contraventions:

The Licensee does not have a history of similar contraventions relating to neglect or staff training and has not previously been the subject of any enforcement actions. This is a mitigating factor in the assessment of the amount of the quantum of the penalty.

d) Economic Benefit:

The Licensee did not receive any direct economic benefit from this non-compliance, and so this is a neutral factor.

e) Purpose of Administrative Penalty:

To emphasize to the Licensee the seriousness of ensuring that medication administration is done safely and appropriately and to encourage the Licensee to ensure compliance in the future. The penalty is not intended to be punitive.

Issued on January 3, 2024