

INSPECTION RESULTS

COMPLIANCE ORDER CO #001 Nutritional care and hydration programs

NC #005 Compliance Order pursuant to FLTCA, 2021, s. 154 (1) 2.

Non-compliance with: O. Reg. 246/22, s. 74 (2) (c)

Nutritional care and hydration programs

s. 74 (2) Every licensee of a long-term care home shall ensure that the programs include,

(c) the implementation of interventions to mitigate and manage those risks;

The inspector is ordering the licensee to comply with a Compliance Order [FLTCA, 2021, s. 155 (1) (a)]:

The licensee shall:

(1) Develop and implement a written process within the home's organized program for nutrition care and hydration, detailing roles and responsibilities for staff in the Food Services Department and Recreation Department, which addresses:

(a) communication expectations between the departments about residents attending recreational events and their nutritional needs

(b) provision and preparation of texture-modified food for the event

(2) Maintain a written record of the written process developed to address the requirements under part (1).

(3) Train all of the Food Service Supervisors and all staff within the home's Recreation Department on the written process established under part (1).

(4) Maintain a written record of the training provided, names and roles of staff who completed the training, date the training was completed, and who provided the training.

Grounds

A recreational event was held at the long-term care home where a special event menu had been established. Recreation staff were expected to consult the Food Services

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Department (FSD) regarding a recreational event involving food in order for the FSD to review the resident attendance list and identify any necessary food modifications. Recreation staff did not consult the FSD for the event and only regular texture food was provided to attending residents.

The organized program for nutritional care and hydration did not include a process for implementing interventions to mitigate and manage nutrition risks at recreational event where food was served, to ensure residents were provided food that was safe in accordance with their assessed nutritional needs

A) On a specified date a resident was provided food at the event that was not considered safe based on their assessed nutritional needs. The resident was provided a regular diet item and their diet order at the time was minced texture.

When the resident was not provided food that was safe based on their diet order, this resulted in significant discomfort and harm to the resident.

B) On a specified date, some residents were provided food at the event that was not considered safe based on their assessed nutritional needs.

When residents who required modified texture food were provided regular texture food, this posed a risk of choking and aspiration.

Sources: Resident clinical records, therapeutic menu, recreation event attendee list, the home's investigation records, policies related to food services and texture modified diets, staff email communication, interviews with staff members.

This order must be complied with by September 18, 2026

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REVIEW/APPEAL INFORMATION

TAKE NOTICE The Licensee has the right to request a review by the Director of this (these) Order(s) and/or this Notice of Administrative Penalty (AMP) in accordance with section 169 of the Fixing Long-Term Care Act, 2021 (Act). The licensee can request that the Director stay this (these) Order(s) pending the review. If a licensee requests a review of an AMP, the requirement to pay is stayed until the disposition of the review.

Note: Under the Act, a re-inspection fee is not subject to a review by the Director or an appeal to the Health Services Appeal and Review Board (HSARB). The request for review by the Director must be made in writing and be served on the Director within 28 days from the day the order or AMP was served on the licensee.

The written request for review must include:

- (a) the portions of the order or AMP in respect of which the review is requested;
- (b) any submissions that the licensee wishes the Director to consider; and
- (c) an address for service for the licensee.

The written request for review must be served personally, by registered mail, email or commercial courier upon:

Director

c/o Appeals Coordinator
Long-Term Care Inspections Branch
Ministry of Long-Term Care
438 University Avenue, 8th floor
Toronto, ON, M7A 1N3
e-mail: MLTC.AppealsCoordinator@ontario.ca

If service is made by:

- (a) registered mail, is deemed to be made on the fifth day after the day of mailing
- (b) email, is deemed to be made on the following day, if the document was served after 4 p.m.
- (c) commercial courier, is deemed to be made on the second business day after the commercial courier received the document

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If the licensee is not served with a copy of the Director's decision within 28 days of receipt of the licensee's request for review, this(these) Order(s) is(are) and/or this AMP is deemed to be confirmed by the Director and, for the purposes of an appeal to HSARB, the Director is deemed to have served the licensee with a copy of that decision on the expiry of the 28-day period.

Pursuant to s. 170 of the Act, the licensee has the right to appeal any of the following to HSARB:

- (a) An order made by the Director under sections 155 to 159 of the Act.
- (b) An AMP issued by the Director under section 158 of the Act.
- (c) The Director's review decision, issued under section 169 of the Act, with respect to an inspector's compliance order (s. 155) or AMP (s. 158).

HSARB is an independent tribunal not connected with the Ministry. They are established by legislation to review matters concerning health care services. If the licensee decides to request an appeal, the licensee must give a written notice of appeal within 28 days from the day the licensee was served with a copy of the order, AMP or Director's decision that is being appealed from. The appeal notice must be given to both HSARB and the Director:

Health Services Appeal and Review Board

Attention Registrar
151 Bloor Street West, 9th Floor
Toronto, ON, M5S 1S4

Director

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Long-Term Care Inspections Branch
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Upon receipt, the HSARB will acknowledge your notice of appeal and will provide instructions regarding the appeal and hearing process. A licensee may learn more about the HSARB on the website www.hsarb.on.ca.