



February 7, 2012

916233

Ms. Annemarie Seel  
1045 Joan Crescent Manor  
Victoria BC V8S 3L3

Dear Ms. Seel:

Re: January 19, 2012 letter of response to request for information

Thank you for providing a copy of the Vancouver Island Health Authority's report regarding a complaint by s.22 which was provided by you in response to my recent request for information about verbal complaints that were communicated to you in 2011.

From a review of the documents provided, it appears that Joan Crescent Manor has restricted visiting hours from 10 am – 6 pm, and that in addition, if a visitor wishes to take a resident out into the community, the visitor must provide a minimum of 72 hours notice. It further appears that when on an outing in the community, residents may be prevented from communicating candidly with visitors, as staff from Joan Crescent Manor are also to be present on these occasions.

These policies, as described in the VIHA report, cause me to be concerned about the well-being of persons in care at Joan Crescent Manor, as they appear to hinder residents' right to communicate with visitors in a private and confidential manner. In some cases persons in care may wish to share confidential information or concerns with their visitors, and the presence of a staff member may make it difficult for them to be candid. Residents may also have concerns regarding their financial arrangements or their care, or about Joan Crescent Manor, and they are entitled to share these concerns confidentially and to seek external advice and assistance if they choose to do so. It appears that these policies may be in contravention of the *Community Care and Assisted Living Act* Residents' Bill of Rights, which is set out in the Schedule to the Act, and of the Residential Care Regulation requirements. In particular:

**Schedule to the *Community Care and Assisted Living Act***

**Rights to health, safety and dignity**

2. An adult person in care has the right to the protection and promotion of his or her health safety and dignity, including a right to all of the following...

...2

- (d) **to have his or her personal privacy respected**, including in relation to his or her records, bedroom, belongings and storage spaces;
- (e) to receive visitors and to communicate with visitors in private....

### **Residential Care Regulation**

#### **Access to persons in care**

- 57** (1) A licensee must ensure that a parent or representative has reasonable access to a person in care for whom he or she is responsible.
- (2) A licensee must, to the greatest extent possible while maintaining the health, safety and dignity of all persons in care, ensure that a person in care may
- (a) receive visitors of the person in care's choice at any time, and**
  - (b) communicate with visitors in private.**

Please send me a copy of your policy regarding visitors, as well as explanation of why visiting hours are restricted to 10 am – 6 pm. In addition, if Vancouver Island Health Authority has previously provided Joan Crescent Manor with an exemption to section 57 of the Residential Care Regulation, please provide me with a copy of that exemption. Please also send a copy of any policy you have developed regarding outings in the community.

Finally, as referenced in the first paragraph of this letter, I remain concerned that there does not appear to be an in-house record of informal concerns that are expressed to staff and management of the facility, as is required by sections 60 and 89 of the Residential Care Regulation. Such concerns may, at times, be expressed orally rather than in writing, but the regulatory requirements apply regardless.

### **Dispute Resolution**

#### **60** A licensee must

- (a) establish a fair, prompt and effective process for persons in care and their parents or representatives, family members and contact persons to express a concern, make a complaint or resolve a dispute,
- (b) ensure that there is no retaliation against a person in care as a result of anyone expressing a concern or making a complaint, and
- (c) ensure that all complaints, concerns and disputes are responded to promptly.

### **Record of Complaints and Compliance**

**89** (1) A licensee must keep a record respecting complaints made and concerns expressed to the licensee under section 60 [*dispute resolution*], and the responses to them.

Please provide me with an explanation of how informal complaints are managed, as well as how they are recorded and responded to prior to reaching the level of a complaint to the health authority. Please provide, as well, copies of any records respecting the receipt and resolution of informal complaints for the period between January 1, 2011 and December 31, 2011. Please ensure that all the information requested in this letter is submitted to me by February 24, 2012.

Thank you in advance for providing this information. If you would like to discuss these issues, or to meet with me again in person, please feel free to call me by telephone at: 250 952-1442.

Yours truly,

Sue Bedford  
Director of Licensing

pc: Laurie J. Soloway, Barrister & Solicitor, Legal Services Branch, Ministry of Attorney  
General

Z:\HAD General\Correspondence\2012\Finals\1st Quarter (Jan-Mar)\916233 Joan Crescent  
Manor.docx

JOAN  
CRESCENT  
MANOR

1045 Joan Crescent,  
Victoria, B.C., V8S 3L3  
tel.: (250) 595-1315  
fax: (250) 592-0859  
e-mail: joancrescentmanor@shaw.ca

916233<sub>1</sub>

Dear Ms Bedford

19/1/2012

Re: your letter of Jan.3<sup>rd</sup> 2012

We are not clear what you are asking as we explained at our meeting with you how issues come to our attention. You let us to understand this meeting was a courtesy to us. We regret having taken your time as we simply were trying to understand how the Spooner situation could merit 3 investigations over a period of 6 months plus.

. We are not in possession of any complains as they are received through our licensing team who question the validity and our response. We don't always receive documented Findings and we were told to use email for verification. Since we are aware each call to our licensing office has to be followed and is documented and is confidential. We have provided you with Findings of an inspection and I believe names are included . Most of the time the information is not accurate when reported and we then provide the accurate information. You state in your letter verbal complaints have been communicated and resolved .I am not sure of what specific issue you are asking. I am enclosing findings from the same person and the same ongoing comments made to licensing .We are happy to clarify if needed.

Respectfully

*A. Seel*  
A.Seel

FAXED  
20/1/12

**From:** Bedford, Sue HLTH:EX  
**Sent:** Monday, July 30, 2012 2:56 PM  
**To:** Stehle, Vickie D HLTH:EX  
**Subject:** FW: Complaints 2nd Quarter addendum  
**Attachments:** Complaints 2nd Quarter addendum.docx

2<sup>nd</sup> e-mail from JCM

Sue Bedford Director, Community Care Facility Licensing  
Health Authorities Division, Ministry of Health  
6-2, 1515 Blanshard Street, Victoria BC V8W 3C8

**TEAMWORK CURIOSITY PASSION SERVICE COURAGE ACCOUNTABILITY**

Phone: (250) 952-1442

Fax: (250) 952-1282

[sue.bedford@gov.bc.ca](mailto:sue.bedford@gov.bc.ca)

*This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material from any computer.*

---

**From:** JCM [<mailto:joancrescentmanor@shaw.ca>]  
**Sent:** Thursday, June 21, 2012 3:44 PM  
**To:** Bedford, Sue HLTH:EX; [kim.bruce@viha.ca](mailto:kim.bruce@viha.ca); Alison Coupar  
**Subject:** Complaints 2nd Quarter addendum

Dear Sue Bedford,

Upon re-reading of your letter requesting a list of complaints I thought I should add this section in regard to one of our residents and his complex visitation case.

Sincerely

Eric Blumenschein

Joan Crescent Manor

**From:** Bedford, Sue HLTH:EX  
**Sent:** Monday, July 30, 2012 2:56 PM  
**To:** Stehle, Vickie D HLTH:EX  
**Subject:** FW: Complaints  
**Attachments:** Complaints 2nd Quarter new layout addendum.docx; rfcminutesjune.docx

3<sup>rd</sup> e-mail from JCM

Sue Bedford Director, Community Care Facility Licensing  
Health Authorities Division, Ministry of Health  
6-2, 1515 Blanshard Street, Victoria BC V8W 3C8

**TEAMWORK CURIOSITY PASSION SERVICE COURAGE ACCOUNTABILITY**

Phone: (250) 952-1442

Fax: (250) 952-1282

[sue.bedford@gov.bc.ca](mailto:sue.bedford@gov.bc.ca)

*This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material from any computer.*

---

**From:** JCM [<mailto:joancrescentmanor@shaw.ca>]

**Sent:** Wednesday, June 27, 2012 9:05 AM

**To:** Bedford, Sue HLTH:EX

**Subject:** Re: Complaints

I have added into the complaints log the Resident Family Council Meeting under a new layout. I hope this will be more helpful for the next report.

Eric Blumenschein

Joan Crescent Manor

\

**From:** Bedford, Sue HLTH:EX

**Sent:** Tuesday, June 26, 2012 2:32 PM

**To:** 'JCM' ; <mailto:kim.bruce@viha.ca>

**Subject:** RE: Complaints

Thanks for this Eric. If you could please summarize the complaint by subject area, date received, who complained (for example, person in care, family member of person in care etc) and then add the description, that would be helpful.

Sue Bedford Director, Community Care Licensing  
Health Authorities Division, Ministry of Health  
6-2, 1515 Blanshard Street, Victoria BC V8W 3C8

**TEAMWORK CURIOSITY PASSION SERVICE COURAGE ACCOUNTABILITY**

Phone: (250) 952-1442

Fax: (250) 952-1282

[sue.bedford@gov.bc.ca](mailto:sue.bedford@gov.bc.ca)

*This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material from any computer.*

---

**From:** JCM [<mailto:joancrescentmanor@shaw.ca>]

**Sent:** Thursday, June 21, 2012 1:19 PM

**To:** Bedford, Sue HLTH:EX; [kim.bruce@viha.ca](mailto:kim.bruce@viha.ca)

**Subject:** Complaints

Dear Sue Bedford

Attached from Joan Crescent Manor is a list of complaints from the 2nd quarter of 2012. We will continue to provide a list of complaints quarterly as you have requested.

If there is any concerns about the format or the detail then please let me know and I will rectify it.

Thank you

Eric Blumenschein

Joan Crescent Manor

JCM Care/Concerns/Complaints Log June 2012

Subject: Resident Family Council Meeting

Date: June 13, 2012

Who: Family Members of Residents, Residents, Manager, Staff Member

Issue & Resolution:

No issues, cares, concerns raised. Minutes attached





923548

March 21, 2012

Ms. Annemarie Seel  
Joan Crescent Manor  
1045 Joan Crescent  
Victoria BC V8S 3L3

Dear Ms. Seel:

Re: Meeting on March 9, 2012

Thank you for taking the time to meet with Ms. Kim Bruce, Regional Manager of Community Care Licensing for Vancouver Island Health Authority (VIHA), and myself on March 9, 2012. At our meeting we discussed a number of issues that were outstanding from my Feb 7, 2012 letter to you. Based on our discussions, it is my understanding that Joan Crescent Manor will do the following:

1. Revise the facility visitors' policy to ensure that it complies with the requirements of the Residential Care Regulation. A copy of this revised policy is to be provided to Kim Bruce and myself.
2. Develop a method to document concerns and complaints that are expressed by residents and their family members, and also record Joan Crescent Manor's response to these concerns.
3. Work with residents and family members to establish a resident/family council.

Please provide a copy of all policies that are developed with respect to the above to myself and Ms. Bruce by April 13, 2012. Thank you in advance for providing this information.

As you are aware, VIHA and the Ministry are currently investigating additional concerns recently brought to our attention regarding the health and safety of residents of Joan Crescent Manor, and will be addressing these concerns with you in due course. Meanwhile, please feel free to contact me at the number below if you have any questions or concerns with respect to the issues identified in this letter.

...2

Yours truly,

Original Signed By

Sue Bedford  
Director, Community Care Licensing

pc: Ms. Kim Bruce, Regional Manager, Community Care Licensing, Vancouver Island  
Health Authority

Ms. Laurie Soloway, Barrister & Solicitor, Legal Services Branch, Ministry of Justice



939056

Mr Eric Blumenschein  
Joan Crescent Manor  
1045 Joan Crescent  
Victoria BC V8V 3L3

Dear Mr Blumenschein:

Thank you for your recent e-mails regarding records of complaints and compliance in response to the Director of Licensing Order issued by me on November 29, 2011.

I have reviewed the materials submitted, which cause me to have the following concerns:

1. There is no record of complaints for the first reporting period, which was January 1, 2012 to March 31, 2012.
2. Information contained in the complaints record that has been submitted for the second reporting period, which is April 1, 2012 – June 30, 2012 causes me to have concern about Joan Crescent Manor's complaints handling procedures. More detailed comments regarding my concerns are outlined below.

### **Dispute resolution**

The Residential Care Regulation has specific requirements regarding dispute resolution and complaints, which are as follows:

**60** A licensee must

- (a) establish a fair, prompt and effective process for persons in care and their parents or representatives, family members and contact persons to express a concern, make a complaint or resolve a dispute,
- (b) ensure that there is no retaliation against a person in care as a result of anyone expressing a concern or making a complaint, and
- (c) ensure that all complaints, concerns and disputes are responded to promptly.

...2

## **Record of complaints and compliance**

**89** (1) A licensee must keep a record respecting complaints made and concerns expressed to the licensee under section 60 [*dispute resolution*], and the responses to them.

With respect to the information about complaints from April to June that you have provided, I am concerned that there is a mix of information, some of which appears to be more focused on the justifying Joan Crescent Manor's actions or proposed actions than on addressing the specific complaints of persons in care.

### **April**

The April report does not appear to be a complaint from a person in care, as there is no copy of any written complaint, and no information has been provided about a verbal complaint made by the person in care or their family member. While this situation may have provided a learning opportunity for the Director of Care, it does not appear to meet the definition of a complaint as defined by the Residential Care Regulation.

### **May**

The May report appears to be a summary of the verbal interactions between Joan Crescent Manor staff, a visitor, and resident s.22 regarding a visit to the facility. I am concerned that the facility appears to have set specific visiting hours for this particular visitor, and does not appear to be willing to accommodate unscheduled visits to the facility.

The Residential Care Regulation, as well as the Residents' Bill of Rights requires community care facilities to permit person in care to receive visitors of their choice at any time, and to communicate with visitors in private. Setting prescribed visiting times for visitor "D" to come to the facility at 3 pm on Wednesdays does not appear to meet this requirement. In your response to this letter, please indicate how Joan Crescent Manor will meet these requirements in the future.

### **June**

The first complaint reported for June is about s.22

s.22 however, there is no indication of resident centered problem solving or care planning regarding this issue. There appears to be greater consideration given to s.22

s.22 the building for the protection of a staff member than on the needs and wishes of resident

s.22 It also appears that the resident is not satisfied with the solutions that the facility has devised, such as s.22 The proposed solution s.22

s.22 does not appear to address the needs of resident s.22 and appears to be exclusively focused on the convenience of facility staff.

...3

The second complaint reported for June is about a resident who was unhappy with her dinner. While there is a description of the interaction between staff and the resident for this specific complaint, it is not clear whether her complaint was a one-off issue. It is also unclear whether longer range problem solving or interventions have been developed to address the resident's concerns that she is tired of the facility and does not wish to live any longer.

The final complaint that is reported for the month of June is a labour relations or communications issue between staff and management of the facility, rather than an issue concerning a resident, and as such, should not be included in these reports.

### **Complaint regarding complex visitation issue**

As an addendum to the complaint summary compiled for April to June, there is a description of Joan Crescent Manor's attempts to resolve an issue related to resident s.2 and his friends who visit at the facility and who also periodically meet with s.2 off premises. It is my understanding that there is some conflict between Joan Crescent Manor and these visitors, and that visiting is either limited, or, if s.2 is meeting with these visitors off site, that the facility tries to have staff present for the visit. This issue was also the subject of my letter to Joan Crescent Manor dated February 7, 2012, which is enclosed for your reference.

From the notes that you have provided, I am concerned that information is presented in a way that optimizes the facility's view that resident s.2 should not be allowed to have unsupervised visits with s. and his family. I am also concerned that the Manager had a confidential conversation with the social worker of another facility, and wonder how and why this particular social worker was selected to provide advice, and also wonder if the social worker was made aware of the way in which her advice was to be used. I am concerned that Joan Crescent Manor may be selectively soliciting advice in a way that supports the conclusions the facility wishes to reach.

Resident s.2 has a right to be consulted on matters that concern him, and from a review of the notes provided, it appears that he may not have been provided with this opportunity. For example, it appears that the Seniors' Outreach Team has been contacted by Joan Crescent Manor to discuss the issue of visitors to the facility, however, there is no indication that resident s.2 was engaged in any of these discussions. This is of concern, as there is no evidence or information provided to indicate that resident s.22 is incapable of making decisions, or that he has appointed a representative to make decisions on his behalf. It appears that Joan Crescent Manor has drawn conclusions about the suitability of certain visitors, however, may not have provided an opportunity for resident s.2 to share his views on these matters, with support of a neutral party if needed. In your response to this letter, please provide information about any opportunities that have been provided to resident s.2 to express his views on this issue.

### **Resident and Family Council Meeting**

Thank you for including notes from the June 14, 2012, Resident and Family Council meeting. I trust that these meetings will provide an opportunity for residents and their family members to engage in productive dialogue with the management of Joan Crescent Manor, so that all parties can work together to promote the interests of persons in care.

Sincerely,

Sue Bedford  
Director, Community Care Facility Licensing

Enclosed: Letter dated February 7, 2012

pc: Ms. Kim Bruce, Regional Manager, Community Care Facility Licensing,  
Vancouver Island Health Authority  
Ms. Laurie J. Soloway, Barrister and Solicitor, Legal Services Branch, Ministry of Justice

Z:\HAD General\Programs\Licensing\Joan Crescent Manor\2012\939056 July 30 letter to JCM.docx