

Jury Recommendations Concerning the Death of

Mr. John Wilson

The following recommendations are not presented in any particular order of priority.

1. We the jury recommend:
That the recommendations of the Office of the Fire Marshal entitled "**Preparation of a Smoking Policy in Long Term Care Facilities' (March 2003)**" should serve as the basis for a smoking policy for LTC facilities. This policy should set the standard for smoking safety in LTC facilities.

Rationale: We have heard evidence that smoking rooms are one of the most dangerous areas from a fire point of view. We found minimal standards or guidelines in the documentation for LTC facilities.

Smoking Rooms

2. We the jury recommend:
Smoking rooms should be located in a high traffic area and fitted with the maximum available window and door area wherever physically possible, to maximize accessibility and visibility by staff.
3. We the jury recommend:
Smoking rooms should be large enough to safely accommodate the needs of residents.
4. We the jury recommend:
All smoking rooms should have heat and/or smoke detectors, along with the increased ventilation to allow them to operate with the minimization of false alarms as recommended by the Ontario Fire Code.
5. We the jury recommend:
All smoking rooms must have automatic sprinkler systems.
6. We the jury recommend:
All smoking room doors must have automatic door openers to ensure that all wheelchair residents are able to enter/exit without difficulty.
7. We the jury recommend:
All smoking rooms shall contain a fire extinguisher and a fire blanket that is readily accessible, in addition to all other fire safety equipment that is required by the Ontario Fire Code. Smoking aprons shall be available for the use of residents.
8. We the jury recommend:
All smokers "assessed as unsafe" **must** wear a smoking apron and **be supervised in person** by staff trained in fire safety.

Ideally, smoking rooms should have controlled access with direct staff supervision. As an alternative, video cameras that cover all areas of the smoking rooms must be connected to a video monitoring station, which is staffed whenever a smoking room is unlocked.

a) For LTC facilities that require a video monitoring system, the Ministry of Health should consider a one time funding for its implementation.

Rationale: It is our primary concern to provide a safe smoking environment in all LTC facilities. Our focus has been on the equipment and structure of smoking rooms. We have heard evidence that the Ministry of Health and Long Term Care are planning to review the funding model for Long Term Care facilities and we encourage this to happen as quickly as possible.

Smoking Room Design Considerations

10. We the jury recommend:
The Ministry of Health and Long Term Care should revise the Long Term Care Facility Design Manual (1999) and the Long Term Care "D" Facility Retrofit Design Manual (2002) to include O.F.M. Guidelines and above jury recommendations for all indoor smoking rooms.

11. We the jury recommend:
Once the above standards have been included, the Ministry of Health should develop a program to retrofit all non-compliant smoking rooms.

12. We the jury recommend:
The Ministry of Health and Long Term Care should develop a plan to provide a one time capital grant for the retrofit of the non regulation-compliant smoking rooms.

Rationale: We feel that there is no opportunity for LTC facilities to make these changes without financial assistance from the Ministry of Health and Long Term Care.

Smoking Policy

13. We the jury recommend:
The Long-Term Care Program Manual be amended to include the following "Smoking Policy" recommendations:

a) We the jury recommend:
Smoking policies should be prepared by all LTC facilities, which permit smoking by residents and included in the facility Fire Safety Plan. The policy must be reviewed and approved by the local Fire Department.

b) We the jury recommend:
All residents should be assessed upon admission and reassessed quarterly. Facilities are required to maintain proper and up-to-date documentation with respect to residents smoking status. This assessment is to be included in the family review session.

c) We the jury recommend:

Each LTC facility should develop a method for staff to easily identify smokers in LTC facilities that require supervision. This should be done in such a way as to maintain the dignity of the resident e.g. coded wristbands.

d) We the jury recommend:

Care plans, being the roadmap to care, should be readily accessible to all staff and should specify, on the front cover, in lettering easily visible, that the unsafe smoker requires supervision while smoking.

14. We the jury recommend:

The facilities smoking policy must mandate that all smokers assessed as "unsafe" wear smoking aprons and require staff supervision while in smoking room.

15. We the jury recommend:

Enforcement of the smoking policy should include:

- a) training for staff, visitors and residents concerning implementation of the smoking policy;
- b) educating the staff, visitors and residents regarding the LTC policy concerning the unsupervised movement of unsafe smokers;
- c) a checklist should be developed for use in LTC facilities to orient temporary staff with respect to general safety issues but particularly issues related to residents who require supervision while smoking.

16. We the jury recommend:

Guidelines should be developed by LTC facilities with respect to stricter control of smoking materials for all residents.

17. We the jury recommend:

The Administrator is to ensure that regular in-services be provided to all staff not only, on fire safety but also, on effective implementation of the smoking policy and fire prevention.

Rationale: We feel that many precautions need to be in place so smoking residents are properly identified and classified. This will ensure that all permanent and part time staff are aware of the residents' needs.

Suggestions for Ministry of Health and Long Term Care

18. We the jury recommend:

The Ministry of Health and Long Term Care establish a working committee to examine and formulate recommendations to ensure that there are sufficient LTC facilities to properly place smokers.

19. We the jury recommend:
The Ministry of Health and Long Term Care establish a working committee to examine and formulate recommendations for managing difficult residents who are non-compliant with the LTC policies.
20. We the jury recommend:
LTC facilities should be required to maintain Unusual Occun-erKe Rep011S for the previous and current year in a separate binder in order to provide for better inspection by Compliance Advisers, who should have complete access to all such reports produced by the facility for the specified period.
21. We the jury recommend:
Ministry of Health and Long Term Ca_ should develop a standard assessment tool for identifying unsafe smokers who require supervision during smoking.

Rationale:

We feel that the Ministry of Health and Long Term Care should take the lead in developing these standards for all LTC facilities.

22. We the jury recommend:
The Ministry of Health and Long Term Cafe establish a working committee to examine and formulate recommendations regarding the issue(s) of an "Ethics Policy", in particular, Conflict of Interest Guidelines, involving private LTC facilities and private Management Service company relationships and interactions.

Rationale:

Given the significant amount of public funds issued to LTC facilities to ensure maximum health and safety of residents, all perceptions of conflict of interest must be minimized to maintain tile public trust.

Suggestions for Spencer House

23. We the jury recommend:
Given the very high percentage of smoking residents at Spencer House, we suggest that the Board of Directors instruct the Administrator to provide quarterly reports outlining all smoking related incidents within the facility and the action plans that have been implemented to reduce future occurrences.

Rationale:

All efforts must be taken to ensure a "high visibility" of smoking safety.

Recommendations {to be numbered sequentially (e.g. 1, 2, 3, 4...)}:

We the Jury make the following recommendations:

A. SMOKING ROOMS IN LONG-TERM CARE FACILITIES (LTCF)

1. That the Office of the Fire Marshall at the Ministry of the Solicitor General strike a task force to investigate, review and report back to the Chief Coroner within 12 months on the following aspects of smoking rooms in long-term care facilities (LTCF).
 - (i) Mandatory placing of smoke detectors and carbon monoxide detectors in smoking rooms;
 - (ii) The mandatory placing of fire extinguishers in smoking rooms.
 - (iii) The location of smoking rooms within LTCF to ensure a high degree of visibility to staff;
 - (iv) The maximization of the visibility of the interior of smoking rooms in LTCF to persons looking in from outside the room;
 - (v) The use of video cameras and video monitoring of activities in such smoking rooms; staff to be assigned to physically monitor smoking room at regular intervals;
 - (vi) The actual physical design or configuration of smoking rooms with interior sliding doors. The mandatory addition of an alternate escape route clearly marked with an exit sign;
 - (vii) The furnishings and contents of smoking rooms including placement of furnishings to maximize visibility and safety of users;
 - (viii) The utilization of ignition system(s) other than matches, butane or other fuel lighters used to light smoking materials in smoking rooms;
 - (ix) Hours of operation of smoking rooms.
 - (x) Consideration of additional ventilation of fresh air to smoking rooms;
 - (xi) It is recommended that house cleaning duties be increased within the smoking room to 4 (four) times a day ;
2. That all LTCF ensure that safety equipment such as fire extinguishers; and fire safety blanket(s) be located in a readily accessible area to smoking rooms and be clearly marked.
3. The administrators of all LTCF will supply at their expense an adequate supply of smoking aprons for residents who may be required to use them.

B. SMOKING POLICIES AND PROCEDURES RELATING TO LTCF

4. That the MOH adopt a policy/directive to all LTCF that all present and prospective residents who smoke be assessed according to a smoking assessment similar to that developed by Pinewood Court in Thunder Bay.
5. That the MOH adopt a policy/directive to all CCAC's interviewing prospective residents of LTCF to assess them according to a comprehensive smoking assessment to be developed for this purpose.
6. That MOM adopt a policy/directive to all LTCF requiring them to establish smoking laws or policies that promote safe smoking practices.
7. Attire worn by the smoking residents of LTCF to be adequate for that purpose.

C. FIRE SAFETY AND TRAINING IN LTCF

8. That the Administrator of all LTCF ensure that their staff, volunteers, or students are made aware of the contents of the Fire Safety Plan for their facility.
9. That each LTCF review their staff and volunteers education/training relating to fire safety in conjunction with the local Fire Prevention Office or with the Fire Marshall's Office.
10. Each LTCF will review with their staff & volunteers the policies & procedures in compliance with the Occupational Health & Safety Code. Workers Compensation and the Workplace Hazardous Material Information System (W.H.M.I.S.).
11. That the Administrators of all L TCF ensure that all their staff have attended Fire Safety Training/Fire Drills at least once in a 6-month period or with such frequency as may be suggested by the local Fire Prevention Office or the Fire Marshall's Office.
12. That the Administrators of all LTCF as part of their staff training/education with respect to fire safety, ensure that their staff are aware of the existence and location of fire safety equipment and how to use such equipment.
13. That the Administrators of all LTCF take measures to ensure that residents of their facility are aware of the location of fire safety equipment.
14. That the Administrators of all LTCF update their brochures and other written materials distributed to volunteers, residents and to their families to heighten their awareness of fire safety, fire emergency procedures and the facility's smoking laws and policies.

D. RECOMMENDATIONS FOR PINEWOOD COURT

In consideration of this tragic event at Pinewood Court, that they will consider the following recommendations;

15. Consider providing professional counseling for those involved in the fire incident;

16. Consider physically monitoring the smoking room until such time that monitoring equipment is installed for the assurance of all residents.
17. Consider currently reviewing the Occupational & Safety Act with all the employees.
18. Consider increasing their present housekeeping duties within the smoking room.