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Bill 8

An Act to promote transparency and accountability in the funding of health care services in Ontario

Ms F. Gélinas

Private Member's Bill

1st Reading July 31, 2018

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill enacts the *Transparent and Accountable Health Care Act, 2018*.

Under the Act, major health sector organizations (which are persons or entities that receive at least \$1 million in public funds from the Ministry of Health and Long-Term Care in a year) are required to comply with Part II.1 (Compensation Arrangements) of the *Broader Public Sector Accountability Act, 2010* and with the *Public Sector Salary Disclosure Act, 1996*. These organizations are also deemed to be governmental organizations for the purposes of the *Ombudsman Act*. The Auditor General of Ontario is authorized to audit any aspect of their operations.

The same requirements apply with respect to publicly-funded suppliers. A publicly-funded supplier is a person or entity that receives directly or indirectly at least \$1 million in public funds in a year from major health sector organizations or from other publicly-funded suppliers.

**An Act to promote transparency and accountability
in the funding of health care services in Ontario**

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Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

Purpose

1 The purpose of this Act is to promote transparency and accountability in the funding of health care services in Ontario by ensuring that certain persons and entities that receive public funds directly or indirectly are covered by legislative requirements relating to accountability and transparency.

Interpretation

2 (1) Expressions used in this Act have the same meaning as in the *Broader Public Sector Accountability Act, 2010*, unless the context requires otherwise.

Definition

(2) In this Act,

“fiscal year” means the fiscal year of the Province of Ontario.

Major health sector organizations

3 (1) For the purposes of this Act, a person or entity is a major health sector organization if he, she or it receives at least \$1 million in public funds from the Ministry of Health and Long-Term Care in a fiscal year that begins on or after April 1, 2019.

Same

(2) For example, these may be major health sector organizations:

1. Boards of health.
2. Designated air ambulance service providers within the meaning of the *Ambulance Act*.
3. Hospitals.
4. Independent health facilities within the meaning of the *Independent Health Facilities Act*.
5. Local health integration networks.

- 6. Long-term care homes.
- 7. Out-of-hospital premises.

Public funds

(3) For the purposes of subsection (1), a person or entity receives public funds from the Ministry if the funds are received as a grant or transfer payment or through another funding arrangement.

Interpretation

(4) For greater certainty, subsection (1) includes a person or entity that carries on business for profit.

Publicly-funded suppliers

4 (1) For the purposes of this Act, a person or entity is a publicly-funded supplier if the person or entity receives, in the aggregate, at least \$1 million in public funds directly or indirectly from one or more major health sector organizations or other publicly-funded suppliers in a fiscal year that begins on or after April 1, 2019.

Public funds

(2) For the purposes of subsection (1), a person or entity receives public funds if the funds are received from a major health sector organization or publicly-funded supplier, directly or indirectly,

- (a) through a grant or transfer payment or other funding arrangement;
- (b) for the provision of goods or services;
- (c) under a fee for service arrangement; or
- (d) by way of a loan or loan guarantee.

Interpretation

(3) For greater certainty, subsection (1) includes a person or entity that carries on business for profit.

ACCOUNTABILITY MEASURES

Application of *Broader Public Sector Accountability Act, 2010*

5 (1) If a major health sector organization or a publicly-funded supplier is not an employer under Part II.1 (Compensation Arrangements) of the *Broader Public Sector Accountability Act, 2010*, it is deemed to be an employer for the purposes of the application of that Part of that Act.

Restriction

(2) Subsection (1) applies in respect of the first fiscal year that begins on or after April 1, 2019 in which the major health sector organization or publicly-funded supplier receives at least \$1 million in public funds, and in respect of every fiscal year thereafter.

Application of *Ombudsman Act*

6 (1) If a major health sector organization or a publicly-funded supplier is not a governmental organization under the *Ombudsman Act*, it is deemed to be a governmental organization for the purposes of that Act.

Restriction

(2) Subsection (1) applies in respect of the first fiscal year that begins on or after April 1, 2019 in which the major health sector organization or publicly-funded supplier receives at least \$1 million in public funds, and in respect of every fiscal year thereafter.

Application of *Public Sector Salary Disclosure Act, 1996*

7 (1) If a major health sector organization or a publicly-funded supplier is not an employer under the *Public Sector Salary Disclosure Act, 1996*, it is deemed to be an employer for the purposes of the definition of “employer” in subsection 2 (1) of that Act.

Restriction

(2) Subsection (1) only applies in respect of fiscal years in which the major health sector organization or publicly-funded supplier receives at least \$1 million in public funds.

Authority of the Auditor General

8 (1) The Auditor General may, at any time, audit any aspect of the operations of a major health sector organization or a publicly-funded supplier.

Restriction

(2) Subsection (1) only applies in respect of fiscal years in which the major health sector organization or publicly-funded supplier receives at least \$1 million in public funds.

REGULATIONS**Regulations**

9 The Lieutenant Governor in Council may make any regulations the Lieutenant Governor in Council considers necessary or advisable to carry out the intent and purpose of this Act.

AMENDMENT TO THIS ACT**Amendment to this Act**

10 Paragraph 4 of subsection 3 (2) is repealed and the following substituted:

4. Community health facilities within the meaning of the *Oversight of Health Facilities and Devices Act, 2017*.

COMMENCEMENT AND SHORT TITLE**Commencement**

11 (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

(2) Section 10 comes into force on the later of the day section 80 of Schedule 9 to the *Strengthening Quality and Accountability for Patients Act, 2017* comes into force and the day this Act receives Royal Assent.

Short title

12 The short title of this Act is the *Transparent and Accountable Health Care Act, 2018*.