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Bill 175

An Act to amend and repeal various Acts respecting home care and community services

The Hon. C. Elliott
Minister of Health

Government Bill

1st Reading February 25, 2020
2nd Reading
3rd Reading
Royal Assent



EXPLANATORY NOTE

SCHEDULE 1 CONNECTING CARE ACT, 2019

The *Connecting Care Act, 2019* is amended to replace references to “integrated care delivery systems” with references to “Ontario Health Teams”.

Ontario Health (“the Agency”) is authorized to provide funding to a health service provider or Ontario Health Team for the purpose of the provider or Team providing funding to or on behalf of an individual to purchase home and community care services.

Ontario Health Teams, health service providers and contracted service providers are prohibited from charging for home and community care services, except as provided for in the regulations.

The Act is amended to include additional investigation powers that would only apply to prescribed home and community care services that include residential accommodation at the premises. These additional powers would allow an investigator to enter a dwelling in specified circumstances. A justice of the peace may issue a warrant to enter a dwelling if the justice of the peace is satisfied on information under oath or affirmation that the investigator was prevented from entering the dwelling.

Section 27 of the Act is amended to provide that the notice requirement before appointing a supervisor does not apply to a health service provider or Ontario Health Team that provides prescribed home and community care services that include residential accommodation, where in the Minister’s opinion, there is an immediate threat to the health, safety, or well-being of persons receiving home and community care services at the premises owned or operated by the provider or Team. This section would also specify that certain provisions of the *Employment Standards Act, 2000*, *Labour Relations Act, 1995* and the *Pay Equity Act* do not apply when a supervisor is appointed under this section.

A new Part V.1 is added to the Act which contains enforcement and penalty provisions. It is prohibited to obstruct or interfere with an investigator, to provide false information, to refuse to provide information as required under the Act and to fail to comply with an order made under this Part. It is also prohibited for a person or entity to represent themselves as an “Ontario Health Team”, unless they have been designated as an Ontario Health Team under section 29 of the Act or have received written authorization from the Minister to use the title “Ontario Health Team”. This Part would also confer authority on the Minister to issue binding compliance orders or to make an application to the Superior Court of Justice for an order directing the person or entity to comply with this Part. It would also set out procedural requirements, offence and penalty provisions and other requirements with respect to issuing compliance orders and prosecuting offences under the Act. This Part also provides that the Minister may publish on a website or make available to the public the name of the person or entity to whom an order is directed or who is convicted of an offence under this Act and a description of the non-compliance or the offence.

A new Part V.2 is added to the Act that sets out the complaints and appeals process for home and community care services. This Part would require a health service provider or Ontario Health Team that provides home and community care services under this Act to establish a process for reviewing complaints in accordance with prescribed requirements. This Part would allow a person to appeal to the Health Services Appeal and Review Board (the “Appeal Board”) a prescribed decision of the health service provider or Ontario Health Team concerning a complaint if the prescribed requirements are met. This Part would also specify the procedural rules that apply to proceedings and decisions of the Appeal Board under the Act, the powers of the Appeal Board, and that a decision of the Appeal Board under this Part is final and binding and not subject to further appeal.

Assorted other amendments are also made to the Act.

SCHEDULE 2 MINISTRY OF HEALTH AND LONG-TERM CARE ACT

The *Ministry of Health and Long-Term Care Act* is amended to maintain the Minister’s power, currently existing under the *Home Care and Community Services Act, 1994*, to enter into agreements with Indigenous organizations to provide for home and community care services for Indigenous communities.

The Act is also amended to continue the Minister’s right of subrogation and direct recovery with respect to costs incurred for home and community care services and long-term care services.

SCHEDULE 3 HOME CARE AND COMMUNITY SERVICES ACT, 1994, REPEAL AND CONSEQUENTIAL

The Schedule provides for the repeal of the *Home Care and Community Services Act, 1994*, and allows for the repeal of select provisions on different dates.

Consequential amendments are made to the *Excellent Care for All Act, 2010* that would continue the jurisdiction of the Patient Ombudsman over certain prescribed home and community care services funded under the *Connecting Care Act, 2019*.

A consequential amendment is made to the *Health Care Consent Act, 1996* that would remove references to the *Home Care and Community Services Act, 1994*.

Consequential amendments are made to the *Health Protection and Promotion Act* that would amend the definition of “health care provider or health care entity” to add a reference to a health service provider or Ontario Health Team that provides a home and community care service under the *Connecting Care Act, 2019*. A reference to a service provider within the meaning of the *Home Care and Community Services Act, 1994* is removed.

Consequential amendments are made to the *Local Health System Integration Act, 2006* that would remove references to community services and service providers within the meaning of the *Home Care and Community Services Act, 1994*, and add references to home and community care services and health service providers or Ontario Health Teams that provide home and community care services within the meaning of the *Connecting Care Act, 2019*. Subsection 20.1 (2) of the Act is amended to maintain that the restriction set out in subsection 20.1 (1) of the Act would not apply to an agreement entered into between a local health integration network and a health service provider that provides home and community care services that requires a health service provider to deliver services in a specified geographic area in Ontario.

A consequential amendment is made to the *Mental Health and Addictions Centre of Excellence Act, 2019* that would add a definition of “Ontario Health Team” within the meaning of the *Connecting Care Act, 2019*. The Act would also be amended by replacing a reference to “integrated care delivery systems” with “Ontario Health Teams”.

Consequential amendments are made to the *Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998* that would remove a reference to the *Home Care and Community Services Act, 1994* and add a reference to the *Connecting Care Act, 2019*.

Consequential amendments are made to the *Personal Health Information Protection Act, 2004* that would add references to home and community care services and health service providers or Ontario Health Teams that provide home and community care services within the meaning of the *Connecting Care Act, 2019*. The definition of “health information custodian” is amended to maintain that health service providers, Ontario Health Teams and contracted service providers that provide home and community care services pursuant to funding under section 21 of the *Connecting Care Act, 2019* are health information custodians within the meaning of that Act.

Section 1 of the *Private Hospitals Act* is amended to exclude a premises owned or operated by a health service provider or Ontario Health Team that is funded under section 21 of the *Connecting Care Act, 2019* to provide prescribed home and community care services that include residential accommodation from the definition of “private hospital”.

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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:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *Connecting People to Home and Community Care Act, 2020*.

**SCHEDULE 1
CONNECTING CARE ACT, 2019**

1 (1) Subsection 1 (1) of the *Connecting Care Act, 2019* is amended by adding the following definition:

“Appeal Board” means the Health Services Appeal and Review Board under the *Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998*; (“Commission d’appel”)

(2) The definition of “de-identify” in subsection 1 (1) of the Act is amended by striking out “subsection 47 (1)” and substituting “section 2”.

(3) The definition of “integrated care delivery system” in subsection 1 (1) of the Act is repealed.

(4) Subsection 1 (1) of the Act is amended by adding the following definitions:

“compliance order” means an order made under section 43.5; (“arrêté de conformité”)

“Ontario Health Team” or “Team” means a person or entity, or a group of persons or entities, designated under section 29; (“équipe Santé Ontario”, “équipe”)

(5) Paragraph 6 of subsection 1 (2) of the Act is repealed and the following substituted:

6. A not-for-profit entity that provides home and community care services.

(6) Subsection 1 (3) of the Act is repealed.

(7) Section 1 of the Act is amended by adding the following subsection:

Local health integration networks, certain services

(4) Where provided for in the regulations, a local health integration network is deemed to be a health service provider, and to have been funded by the Agency under section 21, for the purposes of this Act and its regulations and any other Act or regulations, subject to any prescribed exceptions, and unless the context requires otherwise.

(8) Subsection 1 (4) of the Act, as enacted by subsection (7), is repealed.

2 (1) The English version of the Act is amended by striking out “integrated care delivery system” and “integrated care delivery systems” wherever they appear and substituting in each case “Ontario Health Team” and “Ontario Health Teams” as the case may be.

(2) The English version of the Act is amended by striking out “provider or system”, “a provider or a system” and “provider’s or system’s” wherever they appear and substituting in each case “provider or Team”, “a provider or a Team” or “provider’s or Team’s” as the case may be.

(3) The English version of the Act is amended by striking out “provider, system” wherever it appears and substituting in each case “provider, Team”.

(4) The French version of the Act is amended by striking out “un système intégré de prestation de soins” wherever it appears and substituting in each case “une équipe Santé Ontario”.

(5) The French version of the Act is amended by striking out “le système intégré de prestation de soins” wherever it appears and substituting in each case “l’équipe Santé Ontario”.

(6) The French version of the Act is amended by striking out “systèmes intégrés de prestation de soins” wherever it appears and substituting in each case “équipes Santé Ontario”.

(7) The French version of the Act is amended by striking out “au système intégré de prestation de soins” wherever it appears and substituting in each case “à l’équipe Santé Ontario”.

(8) The French version of the Act is amended by striking out “du système intégré de prestation de soins” wherever it appears and substituting in each case “de l’équipe Santé Ontario”.

(9) The French version of subsection 29 (1) of the Act is amended by striking out “de système intégré de prestation de soins” and substituting “d’équipe Santé Ontario”.

(10) The French version of section 30 of the Act is amended by striking out “chaque fournisseur de services de santé et système intégré de prestation de soins” and substituting “chaque fournisseur de services de santé et équipe Santé Ontario”.

(11) The French version of the Act is amended by striking out “un tel fournisseur ou système” wherever it appears and substituting in each case “un tel fournisseur ou une telle équipe”.

(12) The French version of the Act is amended by striking out “le fournisseur ou le système” wherever it appears and substituting in each case “le fournisseur ou l’équipe”.

(13) The French version of the Act is amended by striking out “au fournisseur ou au système” wherever it appears and substituting in each case “au fournisseur ou à l’équipe”.

(14) The French version of subsection 21 (1) of the Act is amended by striking out “qu’il fournit” and substituting “qu’il ou elle fournit”.

(15) The French version of subsections 26 (3), 27 (3), 27 (5), 27 (9), 27 (12) and 29 (3) of the Act is amended by striking out “du système” wherever it appears and substituting in each case “de l’équipe”.

(16) The French version of subsections 26 (4) and 27 (4) of the Act is amended by striking out “ce système” and substituting “cette équipe”.

(17) The French version of subsection 27 (9) of the Act is amended by striking out “ou le fait fonctionner” and substituting “ou le ou la fait fonctionner”.

(18) The French version of clauses 33 (2) (g) and (h) of the Act is amended by striking out “pour qu’il” and substituting “pour qu’il ou elle”.

(19) The French version of clauses 35 (3) (b) and (c) of the Act is amended by striking out “s’il” and substituting “s’il ou elle”.

(20) The French version of clause 35 (3) (c) of the Act is amended by striking out “où il” and substituting “où il ou elle”.

(21) The French version of subsection 37 (1) of the Act is amended by striking out “qu’il détient” and substituting “qu’il ou elle détient”.

(22) The French version of subclause 48 (1) (f) (i) of the Act is amended by striking out “le fournisseur, le système” and substituting “le fournisseur, l’équipe”.

3 Section 21 of the Act is amended by adding the following subsection:

Home and community care services

(1.1) The Agency may provide funding to a health service provider or Ontario Health Team for the purpose of the provider or Team providing funding to or on behalf of an individual to purchase home and community care services.

4 Subsection 23 (2) of the Act is repealed and the following substituted:

Geographic restrictions for home and community care services

(2) For greater certainty, subsection (1) applies to a service accountability agreement in respect of funding provided by the Agency for the delivery of services by a health service provider, an Ontario Health Team or other person or entity under section 22, but it does not apply to any agreement entered into under section 21 with respect to home and community care services that requires a health service provider or Ontario Health Team to deliver services in a specified geographic area in Ontario.

5 The Act is amended by adding the following section:

Charges for home and community care services

23.1 (1) If a health service provider or Ontario Health Team provides a home and community care service to an individual, the provider or Team shall not require payment from the individual for the service and shall not accept a payment made by or on behalf of the individual for the service, except as provided for in the regulations.

Same

(2) If a health service provider or Ontario Health Team purchases a home and community care service from a person or entity, the person or entity shall not require or accept payment for the service from anyone other than the health service provider or Ontario Health Team.

Exception

(3) Despite subsection (2), the person or entity may collect payments on behalf of the health service provider or Ontario Health Team if it does so in accordance with the regulations made for the purposes of subsection (1).

6 (1) Clause 26 (6) (b) of the Act is amended by striking out “subsection (7)” and substituting “subsections (7) and (7.1)”.

(2) Section 26 of the Act is amended by adding the following subsection:

Exception

(7.1) Subsection (7) does not apply if,

- (a) the consent of the occupier cannot be obtained, after making reasonable efforts;
- (b) the dwelling is a premises owned or operated by health service provider or Ontario Health Team funded under section 21 to provide prescribed home and community care services that include residential accommodation at the premises; and
- (c) written notice has been given to each occupier of the dwelling at least 24 hours before the entry.

7 The Act is amended by adding the following section:

Warrant

26.1 (1) A justice of the peace may issue a warrant authorizing an investigator named in the warrant to enter premises specified in the warrant and to exercise any of the powers mentioned in clause 26 (6) (c) and subsection 26 (9), if the justice of the peace is satisfied on information under oath or affirmation that the investigator has been prevented from entering premises under section 26 (7.1).

Expiry of warrant

(2) A warrant issued under this section shall name a date on which it expires, which shall not be later than 30 days after the warrant is issued.

Extension of time

(3) A justice of the peace may extend the date on which a warrant issued under this section expires for an additional period of no more than 30 days, upon application without notice by the investigator named in the warrant.

Use of force

(4) An investigator named in a warrant issued under this section may use whatever force is necessary to execute the warrant and may call upon a police officer for assistance in executing the warrant.

Time of execution

(5) A warrant issued under this section may be executed only between 8 a.m. and 8 p.m., unless the warrant specifies otherwise.

Other matters

(6) Subsections 26 (10) and (11) apply, with necessary modifications, with respect to the exercise, under a warrant issued under this section, of the powers mentioned in subsection (1).

8 Section 27 of the Act is amended by adding the following subsections:

Immediate appointment, emergency

(7.1) Subsection (6) does not apply in respect of a health service provider or Ontario Health Team funded under section 21 to provide prescribed home and community care services that include residential accommodation, where in the Minister's opinion, there is an immediate threat to the health, safety or well-being of persons receiving home and community care services at the premises owned or operated by the provider or Team.

Not successor employer

(7.2) The appointment of a supervisor under this section in respect of a health service provider or Ontario Health Team funded under section 21 to provide prescribed home and community care services that include residential accommodation is not a sale of a business for the purposes of section 9 of the *Employment Standards Act, 2000*, section 69 of the *Labour Relations Act, 1995* or section 13.1 of the *Pay Equity Act*.

Related employers

(7.3) If a supervisor is appointed under this section,

- (a) no person is entitled to make an application under subsection 1 (4) of the *Labour Relations Act, 1995*; and
- (b) the supervisor and the health service provider or Ontario Health Team funded under section 21 to provide prescribed home and community care services that include residential accommodation shall not be treated as one employer under section 4 of the *Employment Standards Act, 2000*.

9 Subclause 29 (2) (a) (iv) of the Act is repealed and the following substituted:

- (iv) home and community care services,

10 The Act is amended by adding the following Part.

**PART V.1
ENFORCEMENT AND PENALTIES**

Obstruction prohibited

43.1 No person or entity shall, or shall attempt to, hinder, obstruct or interfere with an investigator in the exercise of the investigator's powers or the performance of their duties under this Act.

False information

43.2 (1) No person or entity shall orally, in writing or electronically, give or furnish by any means false or misleading information to an investigator who is conducting an investigation under this Act.

Same

(2) No person or entity shall include false or misleading information in any plans, reports, financial statements, including audited financial statements, and other information that is required to be provided to the Agency under section 25.

Refusal to provide information

43.3 No person or entity shall refuse to provide,

- (a) information to an investigator who is conducting an investigation under this Act; or
- (b) anything that the Agency has required to be provided under section 25.

Misuse of terms

43.4 No person or entity shall use or represent themselves as being entitled to use the title “Ontario Health Team” or an abbreviation of that title, an equivalent in another language or a title that could reasonably be confused with that title unless,

- (a) they have been designated as an Ontario Health Team under section 29; or
- (b) they have received a written authorization from the Minister authorizing the use of the title “Ontario Health Team”.

Compliance orders

43.5 (1) If the Minister has grounds to believe that a person or entity has failed to comply with section 43.1, 43.2, 43.3 or 43.4, the Minister may make an order requiring the person or entity to do anything, or refrain from doing anything, to correct the non-compliance.

Submissions

(2) The person or entity to whom the order is directed may, within 14 days after the order is served, provide submissions to the Minister as to how they are, in fact, in compliance with the prohibition or as to the actions they have taken to come within compliance.

Reconsideration by Minister

(3) After considering the submissions, the Minister shall confirm or rescind the compliance order and serve on the person or entity a notice of the decision.

Compliance

(4) A person or entity to whom a compliance order is directed shall comply with it unless the Minister rescinds it.

Service

(5) Any notice, order or other document under this section is sufficiently served on a person or entity if it is,

- (a) served personally on the person or entity or on a person who appears to be engaged in the administration, operation or control of the place of business of the person or entity;
- (b) sent by registered mail to the last known address for the place of business of the person or entity; or
- (c) delivered in another manner that may be prescribed.

When service deemed made

(6) A notice, order or other document shall be deemed to be served,

- (a) on the day of delivery where service is made personally;
- (b) on the third day after the day of mailing where service is made by registered mail; and
- (c) as provided for in the regulations if it is delivered in another manner that may be prescribed.

Non-application of SPPA

(7) The *Statutory Powers Procedure Act* does not apply to the making, confirmation or rescission of a compliance order under this section.

Court order to comply

43.6 (1) If it appears to the Minister that a person or entity is not complying with section 43.1, 43.2, 43.3 or 43.4 or a compliance order issued under section 43.5, the Minister may apply to the Superior Court of Justice, on notice to the person or entity, for an order directing the person or entity to comply and, on the application, the court may make the order that the court thinks fit.

Same

(2) Subsection (1) applies in addition to the power to issue compliance orders, and the Minister may apply for an order under that subsection directing compliance with section 43.1, 43.2, 43.3 or 43.4 even if a compliance order has not been issued.

Offences

43.7 (1) Every person or entity is guilty of an offence who contravenes section 43.1, 43.2, 43.3 or 43.4 or subsection 43.5 (4).

Officers, directors

(2) Every officer, director, employee and agent of a corporation who commits an offence under this Act, for which the corporation would be liable for prosecution, is guilty of an offence and on conviction is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted or convicted.

Act of officer, etc.

(3) For the purposes of this Act and the regulations, an act or thing done or omitted to be done by an officer, director, employee or agent of a corporation in the course of their employment or in the exercise of their powers or in the performance of their duties is deemed to also be an act or thing done or omitted to be done by the corporation.

General penalty, individual

43.8 (1) An individual convicted of an offence under this Act is liable to,

- (a) for a first offence, to a fine of not more than \$50,000 or to imprisonment for a term of not more than 12 months, or to both; and
- (b) for a subsequent offence, to a fine of not more than \$100,000 or to imprisonment for a term of not more than 12 months, or to both.

Same, corporation

(2) A corporation convicted of an offence under this Act is liable to a fine of not more than \$100,000 for a first offence and to a fine of not more than \$500,000 for a subsequent offence.

Other conditions in probation order

(3) Despite clause 72 (3) (c) of the *Provincial Offences Act*, the court that convicts a person of an offence under this Act may prescribe conditions described in that clause even though the offence is not punishable by imprisonment.

No limitation

(4) Section 76 of the *Provincial Offences Act* does not apply to a prosecution under this Act.

Compliance order not necessary

(5) A person or entity may be prosecuted for failing to comply with section 43.1, 43.2, 43.3 or 43.4 whether or not a compliance order has been made in respect of the alleged contravention.

Copy of order

(6) In a prosecution for failing to comply with a compliance order, a copy of the order that appears to have been signed by the Minister is evidence of the order and the facts contained in it without proof of the signature.

Presiding judge

(7) The Attorney General or an agent of the Attorney General may, by notice to the clerk of the Ontario Court of Justice, require that a provincial judge preside over a proceeding in respect of a prosecution under this Act.

Publication of enforcement information

43.9 (1) The Minister may publish on a website, or otherwise make available to the public,

- (a) with respect to a compliance order issued under section 43.5 or a court order issued under section 43.6,
 - (i) the name of the person or entity to whom the order is directed,
 - (ii) the date of the order, and
 - (iii) a description of the non-compliance that gave rise to the order; and
- (b) with respect to a person who is convicted of an offence under this Act,
 - (i) the name of the person,
 - (ii) a description of the offence,
 - (iii) the date of the conviction, and
 - (iv) the person's sentence.

Limitation

(2) The Minister shall not act under subsection (1) with respect to a compliance order unless,

- (a) at least 14 days have elapsed since the Minister served the order and the person to whom the order is directed has not provided submissions under subsection 43.5 (2), or
- (b) the Minister has confirmed the order under subsection 43.5 (3).

Compliance with FIPPA

(3) Any action taken by the Minister in compliance with this section shall be deemed to be in compliance with clause 42 (1) (e) of the *Freedom of Information and Protection of Privacy Act*.

11 The Act is amended by adding the following Part:

PART V.2 HOME AND COMMUNITY CARE COMPLAINTS AND APPEALS

Complaints

43.10 A health service provider or Ontario Health Team that is funded under section 21 to provide home and community care services shall establish a process for reviewing complaints respecting such services that are made to it in accordance with the prescribed requirements.

Appeal of decision

43.11 A person may appeal to the Appeal Board a prescribed decision of the health service provider or Ontario Health Team concerning a complaint if the prescribed requirements are met.

Hearing

43.12 If a person appeals a decision of the health service provider or Ontario Health Team to the Appeal Board in accordance with the prescribed requirements, the Appeal Board shall promptly appoint a time and place for a hearing in accordance with prescribed requirements.

***Health Insurance Act* applies**

43.13 Subsections 23 (1), (2), (4) and (6) of the *Health Insurance Act* apply to the proceedings and decisions of the Appeal Board under this Act.

Decision of Appeal Board

43.14 After a hearing by the Appeal Board under this Part the Appeal Board may,

- (a) affirm the decision of the health service provider or Ontario Health Team;
- (b) rescind the decision of the health service provider or Ontario Health Team and refer the matter back to the provider or Team for a new decision in accordance with such directions as the Appeal Board considers appropriate; or
- (c) rescind the decision of the health service provider or Ontario Health Team, substitute its opinion for that of the provider or Team and direct the provider or Team to implement the decision of the Appeal Board in accordance with such directions as the Appeal Board considers appropriate.

Decision final

43.15 A decision of the Appeal Board under this Part is final and binding and is not subject to further appeal.

12 (1) Subsection 48 (1) of the Act is amended by adding the following clause:

(e.1) respecting and governing the provision and funding of home and community care services for the purposes of this Act, including governing standards and requirements with respect to home and community care services, and defining or clarifying the meaning of “home and community care service” and related expressions for the purposes of this Act or the regulations or any provision of this Act or the regulations;

(2) Clause 48 (1) (n) of the Act is repealed and the following substituted:

- (n) governing transitional matters that may arise due to the enactment of this Act or any amendments, repeals or revocations made by *The People’s Health Care Act, 2019* or the *Connecting People to Home and Community Care Act, 2020* including, without in any way limiting the generality of the foregoing, clarifying the application of any provisions and governing situations where a provision has been repealed or revoked and a related provision has not;

Commencement

13 (1) Subject to subsections (2) and (3), this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

(2) Subsection 1 (2) comes into force on the later of the day section 1 of Schedule 30 to the *Plan to Build Ontario Together Act, 2019* comes into force and the day the *Connecting People to Home and Community Care Act, 2020* receives Royal Assent.

(3) Subsections 1 (3) and (4) and sections 2 and 10 come into force on the day the *Connecting People to Home and Community Care Act, 2020* receives Royal Assent.

SCHEDULE 2
MINISTRY OF HEALTH AND LONG-TERM CARE ACT

1 Subsection 6 (1) of the *Ministry of Health and Long-Term Care Act* is amended by adding the following paragraph:

- 4.1 To enter into agreements with Indigenous organizations to provide for home and community care services for Indigenous communities.

2 (1) The Act is amended by adding the following section:

Subrogation

11.2 (1) If a person suffers personal injuries as the result of the negligence or other wrongful act or omission of another, the Minister is subrogated to the right of the injured person to recover the costs incurred and that will probably be incurred for the following:

1. Home and community care services for which funding is provided under section 21 of the *Connecting Care Act, 2019*.
2. Long-term care services provided to the person by a licensee under the *Long-Term Care Homes Act, 2007*.
3. Community services for which funding is provided under section 19 of the *Local Health System Integration Act, 2006*.

Direct cause of action

(2) If the Minister has paid for services referred to in subsection (1) as a result of the negligence or other wrongful act or omission of a person, the Minister has a right, independent of the Minister's subrogated right under subsection (1), to recover, directly against that person, the costs for the services that have been incurred in the past and that will probably be incurred in the future as a result of the negligence or the wrongful act or omission.

Application of *Health Insurance Act*

(3) Subject to any regulations that may be made under subsection (6) of this section, sections 30 to 35 and section 36.0.1 of the *Health Insurance Act* and the regulations made under that Act with respect to subrogation apply, subject to necessary modifications, to the subrogated right and right of direct recovery created under this section.

Personal information

(4) The Minister may collect, directly or indirectly, personal information for the purpose of enforcing the right to which the Minister is subrogated under subsection (1) or has under subsection (2).

Authorized to disclose

(5) For the purposes of enabling the Minister to collect personal information under subsection (4), a person or entity that provides a service referred to in subsection (1) or an institution subject to the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act* is authorized to disclose the personal information to the Minister, and such disclosure is deemed authorized under the *Personal Health Information Protection Act, 2004*, *Freedom of Information and Protection of Privacy Act* or *Municipal Freedom of Information and Protection of Privacy Act*, as the case may be.

Regulations

(6) The Lieutenant Governor in Council may make any regulations that the Lieutenant Governor in Council considers necessary or advisable governing or clarifying the application of this section.

Definition

(7) In this section,

“personal information” means personal information as defined in the *Freedom of Information and Protection of Privacy Act* and includes personal health information as defined in the *Personal Health Information Protection Act, 2004*.

(2) Paragraph 3 of subsection 11.2 (1) of the Act, as enacted by subsection (1), is repealed.

Commencement

3 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 3
HOME CARE AND COMMUNITY SERVICES ACT, 1994, REPEAL AND CONSEQUENTIAL

Home Care and Community Services Act, 1994

1 (1) The *Home Care and Community Services Act, 1994* is repealed on a day to be named by proclamation of the Lieutenant Governor.

(2) A proclamation under subsection (1) may provide for the repeal of one or more provisions of the Act at different times, and proclamations may be issued at different times with respect to any of those provisions.

Excellent Care for All Act, 2010

2 (1) The definition of “health sector organization” in section 1 of the *Excellent Care for All Act, 2010* is amended by adding the following clause:

- (b) a health service provider or Ontario Health Team that is provided for in the regulations and that provides a prescribed home and community care service pursuant to funding under section 21 of the *Connecting Care Act, 2019*,

(2) Subclause (c.1) (i) of the definition of “health sector organization” in section 1 of the Act is repealed and the following substituted:

- (i) a prescribed home and community care service that is provided by a local health integration network,

(3) Subclause (c.1) (i) of the definition of “health sector organization” in section 1 of the Act, as re-enacted by subsection (2), is repealed.

(4) Sub-subclause (c.1) (ii) (B) of the definition of “health sector organization” in section 1 of the Act is repealed.

(5) Subclause (c.1) (ii) of the definition of “health sector organization” in section 1 of the Act is amended by adding the following sub-subclause:

- (B.1) a supportive housing program funded by the Ministry of Health or a supportive housing program that includes a home and community care service funded by the Agency under section 21 of the *Connecting Care Act, 2019*,

(6) Sub-subclause (c.1) (ii) (D) of the definition of “health sector organization” in section 1 of the Act is repealed and the following substituted:

- (D) an adult day program that is provided under the *Home Care and Community Services Act, 1994*, an adult day program that is provided or arranged by a local health integration network, or a home and community care service that is an adult day program funded by the Agency under section 21 of the *Connecting Care Act, 2019*, or

(7) Sub-subclause (c.1) (ii) (D) of the definition of “health sector organization” in section 1 of the Act, as re-enacted by subsection (6), is repealed and the following substituted:

- (D) an adult day program that is provided by a local health integration network or a home and community care service that is an adult day program funded by the Agency under section 21 of the *Connecting Care Act, 2019*, or

(8) The definition of “patient or former patient” in subsection 13.1 (9) of the Act is amended by adding the following clause:

- (c) a person who receives or has received services from a health service provider or an Ontario Health Team described in clause (b) of the definition of “health sector organization” in section 1,

(9) Clause (c.1) of the definition of “patient or former patient” in subsection 13.1 (9) of the Act is repealed.

Health Care Consent Act, 1996

3 Subsection 76 (2) of the *Health Care Consent Act, 1996* is amended by striking out “subsections 33 (2), (3) and (4) of the *Home Care and Community Services Act, 1994* (withholding record of personal health information)”.

Health Protection and Promotion Act

4 (1) Paragraph 2 of the definition of “health care provider or health care entity” in subsection 77.7 (6) of the *Health Protection and Promotion Act* is repealed.

(2) The definition of “health care provider or health care entity” in subsection 77.7 (6) of the Act is amended by adding the following paragraph:

3. A health service provider or Ontario Health Team that provides a home and community care service pursuant to funding under section 21 of the *Connecting Care Act, 2019*, including a person or entity from whom the provider or Team has purchased the home or community care service.

Local Health System Integration Act, 2006

5 (1) The definition of “health service provider” in subsection 2 (2) of the *Local Health System Integration Act, 2006* is amended by adding the following paragraph:

8.1. A not-for-profit entity that provides home and community care services.

(2) Section 2 of the Act is amended by adding the following subsection:

Exclusion, home and community care services

(5) A person or entity that provides a home and community care service that has been purchased by a local health integration network is not a health service provider within the meaning of this Act in respect of the provision of the purchased service.

(3) Section 5 of the Act is amended by striking out “to plan, fund and integrate the local health system to achieve the purpose of this Act, including” at the end of the portion before clause (a).

(4) Clause 5 (m.2) of the Act is repealed and the following substituted:

(m.2) to manage the placement of persons into long-term care homes, supportive housing programs, chronic care and rehabilitation beds in hospitals, other programs and places where community services are provided under the *Home Care and Community Services Act, 1994*, and other programs and places where home and community care services are provided pursuant to funding under section 21 of the *Connecting Care Act, 2019*;

(5) Clause 5 (m.2) of the Act, as re-enacted by subsection (4), is repealed and the following substituted:

(m.2) to manage the placement of persons into long-term care homes, supportive housing programs, chronic care and rehabilitation beds in hospitals, and other programs and places where home and community care services are provided pursuant to funding under section 21 of the *Connecting Care Act, 2019*;

(6) Subsection 20.1 (2) of the Act is repealed and the following substituted:

Geographic restrictions for homecare services

(2) For greater certainty, subsection (1) applies to a service accountability agreement in respect of funding provided by a local health integration network for the delivery of services by a health service provider under section 20, but it does not apply to,

- (a) any agreement between a local health integration network and a service provider under the *Home Care and Community Services Act, 1994* that requires the health service provider to deliver services in the geographic area or a sub-region of the network; or
- (b) any agreement between a local health integration network and a health service provider that provides home and community care services that requires the health service provider to deliver services in the geographic area or a sub-region of the network.

(7) Subsection 20.1 (2) of the Act, as re-enacted by subsection (6), is repealed and the following substituted:

Geographic restrictions for homecare services

(2) For greater certainty, subsection (1) applies to a service accountability agreement in respect of funding provided by a local health integration network for the delivery of services by a health service provider under section 20, but it does not apply to any agreement between a local health integration network and a health service provider that provides home and community care services that requires the health service provider to deliver services in the geographic area or a sub-region of the network.

Mental Health and Addictions Centre of Excellence Act, 2019

6 (1) The definition of “integrated care delivery system” in section 2 of the *Mental Health and Addictions Centre of Excellence Act, 2019* is repealed.

(2) Section 2 of the Act is amended by adding the following definition:

“Ontario Health Team” means an Ontario Health Team within the meaning of the *Connecting Care Act, 2019*; (“équipe Santé Ontario)

(3) Paragraph 4 of subsection 4 (2) of the Act is amended by striking out “integrated care delivery systems” and substituting “Ontario Health Teams”.

Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998

7 (1) Paragraph 8 of subsection 6 (1) of the *Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998* is repealed.

(2) Subsection 6 (1) of the Act is amended by adding the following paragraph:

- 2. The *Connecting Care Act, 2019*.

Personal Health Information Protection Act, 2004

8 (1) Clause (e) of the definition of “health care” in section 2 of the *Personal Health Information Protection Act, 2004* is repealed.

(2) The definition of “health care” in section 2 of the Act is amended by adding the following clause:

(f) a home and community care service that is funded under section 21 of the *Connecting Care Act, 2019*,

(3) Paragraph 2 of the definition of “health information custodian” in subsection 3 (1) of the Act is repealed.

(4) The definition of “health information custodian” in subsection 3 (1) of the Act is amended by adding the following paragraph:

3. A health service provider or person or entity that is part of an Ontario Health Team and that provides a home and community care service pursuant to funding under section 21 of the *Connecting Care Act, 2019*, including a person or entity from whom the provider or Team has purchased the home or community care service.

(5) Paragraph 1 of subsection 3 (3) of the Act is amended by striking out “paragraph 1, 2 or 5” and substituting “paragraph “1, 2, 3 or 5”.

(6) Paragraph 1 of subsection 3 (3) of the Act, as amended by subsection (5), is amended by striking out “paragraph “1, 2, 3 or 5”. and substituting “paragraph 1, 3 or 5”.

(7) Clause (c) of the definition of “personal health information” in subsection 4 (1) of the Act is repealed.

(8) The definition of “personal health information” in subsection 4 (1) of the Act is amended by adding the following clause:

(c.1) is a plan that sets out the home and community care services for the individual to be provided by a health service provider or Ontario Health Team pursuant to funding under section 21 of the *Connecting Care Act, 2019*,

(9) Subsection 20 (2) of the Act is amended by striking out “paragraph 1, 2 or 4” and substituting “paragraph 1, 2, 3 or 4”.

(10) Subsection 20 (2) of the Act, as amended by subsection (9), is amended by striking out “paragraph 1, 2, 3 or 4” and substituting “paragraph 1, 3 or 4”.

(11) Subsection 20 (3) of the Act is amended by striking out “paragraph 1, 2 or 4” and substituting “paragraph 1, 2, 3 or 4”.

(12) Subsection 20 (3) of the Act, as amended by subsection (11), is amended by striking out “paragraph 1, 2, 3 or 4” and substituting “paragraph 1, 3 or 4”.

(13) Clause 38 (1) (a) of the Act is amended by striking out “paragraph 1, 2 or 4” and substituting “paragraph 1, 2, 3 or 4”.

(14) Clause 38 (1) (a) of the Act, as amended by subsection (13), is amended by striking out “paragraph 1, 2, 3 or 4” and substituting “paragraph 1, 3 or 4”.

(15) Subclause 39 (1) (d) (i) of the Act is amended by striking out “paragraph 1, 2 or 4” and substituting “paragraph 1, 2, 3 or 4”.

(16) Subclause 39 (1) (d) (i) of the Act, as amended by subsection (15), is amended by striking out “paragraph 1, 2, 3 or 4” and substituting “paragraph 1, 3 or 4”.

(17) Subsection 52 (4) of the Act is repealed and the following substituted:

Home and community care service information

(4) Despite subsection (1), a health information custodian shall not refuse to grant the individual access to his or her plan of service within the meaning of the *Home Care and Community Services Act, 1994* or to the individual’s personal health information that is described in clause (c.1) of the definition of “personal health information” in subsection 4 (1) of this Act.

(18) Subsection 52 (4) of the Act, as re-enacted by subsection (17), is repealed and the following substituted:

Home and community care service information

(4) Despite subsection (1), a health information custodian shall not refuse to grant the individual access to the individual’s personal health information that is described in clause (c.1) of the definition of “personal health information” in subsection 4 (1).

Private Hospitals Act

9 The definition of “private hospital” in section 1 of the *Private Hospitals Act* is amended by adding the following clause:

- (b) a premises owned or operated by a health service provider or Ontario Health Team funded under section 21 of the *Connecting Care Act, 2019* to provide home and community care services prescribed under that Act that include residential accommodation at the premises,

Commencement

10 (1) Subject to subsection (2), this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

(2) Sections 1 and 6 come into force on the day the *Connecting People to Home and Community Care Act, 2020* receives Royal Assent.