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# Bill 212

## **An Act to amend the Connecting Care Act, 2019 with respect to a patient bill of rights**

**Mr. J. Fraser**

**Private Member's Bill**

1st Reading      October 6, 2020

2nd Reading

3rd Reading

Royal Assent



#### EXPLANATORY NOTE

This Bill amends the *Connecting Care Act, 2019* to add a bill of rights that applies to persons who receive health care services.

The bill of rights sets out a number of rights that persons receiving health services have, including the right to have access to an essential caregiver.

These rights prevail over the provisions of other Acts or regulations. Applications may be made to the Superior Court of Justice for a declaration that these rights have been contravened, and the court may make any order that the court considers appropriate to enforce the rights.

**An Act to amend the Connecting Care Act, 2019 with respect to a patient bill of rights**

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

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

“essential caregiver” means an individual described in section 1.1; (“fournisseur de soins essentiel”)

**2 The Act is amended by adding the following section:****Essential caregiver**

**1.1** For the purposes of this Act, an individual is an essential caregiver for another individual if the individual,

- (a) is designated by the other individual as their essential caregiver; and
- (b) continuously or occasionally provides personal, financial, social, psychological, emotional or physical support or assistance or any other personal care or health services to the other individual.

**3 The Act is amended by adding the following Part:**

**PART I.1  
PATIENT BILL OF RIGHTS**

**Patient Bill of Rights**

**2.1 (1)** A health service provider shall ensure that the following rights of persons receiving care from the health service provider are fully respected and promoted:

1. A person receiving a health service has the right to be dealt with by the health service provider in a courteous and respectful manner and to be free from mental, physical and financial abuse by the health service provider.
2. A person receiving a health service has the right to be dealt with by the health service provider in a manner that respects the person’s dignity and privacy, that promotes the person’s autonomy and that recognizes the person as a member of their own care team.
3. A person receiving a health service has the right to be dealt with by the health service provider in a manner that recognizes the person’s individuality and that is sensitive to and responds to the person’s needs and preferences, including preferences based on ethnic, spiritual, linguistic, familial and cultural factors.
4. A person receiving a health service has the right to information about the health services provided to the person and to be told who will be providing the health services.
5. A person applying for a health service has the right to participate in the health service provider’s assessment of their requirements and a person who is determined to be eligible for a health service has the right to participate in the health service provider’s development of the person’s plan of service, the health service provider’s review of the person’s requirements and the health service provider’s evaluation and revision of the person’s plan of service.
6. A person has the right to give or refuse consent to the provision of any health service.
7. A person who is incapable of making their own decisions with respect to the provision of any health service has the right to a substitute decision maker in any health care setting at any time.
8. A person receiving a health service has the right to raise concerns or recommend changes in connection with the health service provided to the person, and in connection with policies and decisions that affect their interests, to the health service provider, government officials or any other person, without fear of interference, coercion, discrimination or reprisal.
9. A person receiving a health service has the right to be informed of the laws, rules and policies affecting the operation of the health service provider and to be informed in writing of the procedures for initiating complaints about the health service provider.
10. A person receiving a health service has the right to be informed of the persons and organizations that are involved in providing them the health service.

11. A person receiving a health service has the right to have their records kept confidential in accordance with the law and to know to whom their personal health information has been disclosed.
12. A person receiving a health service has the right to a complete, accessible personal health record that is available without delays or unreasonable cost.
13. A person receiving a health service has the right to designate another person as their essential caregiver, to have access to that essential caregiver in any health care setting at any time, and to have that essential caregiver treated with respect as a valuable contributor to the care team.
14. A person receiving a health service has the right to receive information about any rights they have to appeal a decision of the health service provider or file a complaint about the conduct of a health service provider.
15. A person receiving a health service who launches an appeal or complaint described in paragraph 14 has the right to continue receiving health services from the health service provider without reprisal for the appeal or complaint.

#### **Guide to interpretation**

(2) This Act and the regulations shall be interpreted so as to advance the objective that the rights set out in subsection (1) be respected.

#### **Rights have primacy over other Acts or regulations**

(3) Where a provision in an Act or regulation purports to require or authorize conduct that is a contravention of the rights set out in subsection (1), the rights set out in subsection (1) apply and prevail unless the Act or regulation specifically provides that it is to apply despite the rights set out in subsection (1).

#### **Applications to court**

(4) A person may apply to the Superior Court of Justice for a declaration that a health service provider has contravened subsection (1) or that a provision of an Act or regulation purports to require or authorize conduct that is a contravention of the rights set out in subsection (1).

#### **Powers of court**

(5) If the court makes a declaration under subsection (4), the court may make any order that the court considers appropriate to enforce the rights set out in subsection (1).

#### **Section binds Crown**

(6) This section binds the Crown and every agency of the Crown.

#### **Commencement**

**4 This Act comes into force on the day it receives Royal Assent.**

#### **Short title**

**5 The short title of this Act is the *Connecting Care Amendment Act (Patient Bill of Rights), 2020*.**