

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 43ND LEGISLATURE, ONTARIO
1 CHARLES III, 2022

Bill 24

**An Act to amend the Regulated Health Professions Act, 1991 and the
Independent Health Facilities Act to address unfair fees charged to patients
for health care services**

Ms F. Gélinas

Private Member's Bill

1st Reading October 26, 2022

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Regulated Health Professions Act, 1991* in the following ways:

1. Section 3 of the Act is amended to provide that individuals be treated with fairness in addition to sensitivity and respect in their dealings with health professionals.
2. Section 51 of Schedule 2 to the Act is amended to provide that a panel can find a member has committed an act of professional misconduct if the member or another person has charged a patient an unfair fee for a service provided by the member. If the panel makes such a finding, the panel may require the member to reimburse the patient for the amount paid by the patient for the unfair fee as well as direct the Registrar to suspend the member's certificate of registration for three months.
3. Section 84 of Schedule 2 to the Act is amended to provide that the patient relations program of a College must include measures for preventing and dealing with unfair fees charged to patients.
4. Section 95 is amended to add a new regulation-making authority that authorizes the Council to make a regulation defining "unfair fee". The regulation is subject to the approval of the Lieutenant Governor in Council with prior approval of the Minister.

The Bill also amends the *Independent Health Facilities Act* in the following ways:

1. Section 18 of the Act is amended to provide that the Director may revoke or suspend a licence in instances where the independent health facility is or will be charging unfair fees to patients.
2. Section 20.1 of the Act is amended to provide that the Director may eliminate services from the list and types of services in respect of which an independent health facility is licensed if the Director is of the opinion that fees in respect of the eliminated services are being charged, or will be charged, in a manner that is unfair to patients.

**An Act to amend the Regulated Health Professions Act, 1991 and the
Independent Health Facilities Act to address unfair fees charged to patients
for health care services**

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

REGULATED HEALTH PROFESSIONS ACT, 1991

1 Section 3 of the *Regulated Health Professions Act, 1991* is amended by striking out “sensitivity and respect” and substituting “sensitivity, fairness and respect”.

2 (1) Subsection 51 (1) of Schedule 2 to the Act is amended by striking out “or” at the end of clause (b.1) and adding the following clause:

(b.2) the member or another person has charged a patient an unfair fee as defined in the regulations for a service provided by the member; or

(2) Subsection 51 (2) of Schedule 2 to the Act is amended by adding the following paragraph:

5.1.1 If the act of professional misconduct was the charging of a patient an unfair fee,

- i. requiring the member to reimburse the patient for the amount paid by that patient for the unfair fee, and
- ii. directing the Registrar to suspend the member’s certificate of registration for a period of three months.

(3) Section 84 of Schedule 2 to the Act is amended by adding the following subsection:

Measures for charging unfair fees to patients

(1.1) The patient relations program must include measures for preventing and dealing with the charging of unfair fees to patients.

(4) Subsection 95 (1) of Schedule 2 to the Act is amended by adding the following clause:

- (i.1) defining unfair fee for the purposes of clause 51 (1) (b.2);

INDEPENDENT HEALTH FACILITIES ACT

3 Clause 18 (1) (e) of the *Independent Health Facilities Act* is repealed and the following substituted:

- (e) the Director is of the opinion that there is reasonable ground for belief that the independent health facility is not being or will not be operated in accordance with the law and with honesty and integrity, including that the facility is or will be charging unfair fees to patients;

4 Subsection 20.1 (2) of the Act is amended by adding the following clause:

- (b.1) the Director is of the opinion that there is reasonable ground for belief that fees in respect of the eliminated services are being charged, or will be charged, in a manner that is unfair to patients;

COMMENCEMENT AND SHORT TITLE

Commencement

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

Short title

6 The short title of this Act is the *Health Care is Not for Sale Act (Addressing Unfair Fees Charged to Patients)*, 2022.