

Legislative
Assembly
of Ontario



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de l'Ontario

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1 CHARLES III, 2023

Bill 92

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

MPP F. Gélinas

Private Member's Bill

1st Reading April 3, 2023

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill enacts the *Transparent and Accountable Health Care Act, 2023*.

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 in a year) are required to comply with the *Broader Public Sector Executive Compensation Act, 2014* 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**

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

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.

Definitions

2 In this Act,

“fiscal year” means the fiscal year of the Province of Ontario; (“exercice”)

“public funds” means public funds as defined in the *Broader Public Sector Accountability Act, 2010*. (“fonds publics”)

Major health sector organizations

3 (1) For the purposes of this Act, a person or entity is a major health sector organization if that person or entity receives at least \$1 million in public funds from the Ministry of Health in a fiscal year that begins on or after April 1, 2024.

Same

(2) For example, the following 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. Ontario Health and any organizations that are part of Ontario Health.
6. Long-term care homes.
7. Out-of-hospital premises.
8. Group purchasing organizations.

Public funds

(3) For the purposes of subsection (1), a person or entity receives public funds from the Ministry of Health 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, 2024.

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.

Application of *Broader Public Sector Executive Compensation Act, 2014*

5 (1) If a major health sector organization or a publicly-funded supplier is not a designated employer under the *Broader Public Sector Executive Compensation Act, 2014*, it is deemed to be a designated employer for the purposes of the application of that Act.

Restriction

(2) Subsection (1) applies in respect of the first fiscal year that begins on or after April 1, 2024 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 the application of that Act.

Restriction

(2) Subsection (1) applies in respect of the first fiscal year that begins on or after April 1, 2024 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 application 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

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.

Commencement

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

Short title

11 The short title of this Act is the *Transparent and Accountable Health Care Act, 2023*.