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Bill 135

**An Act to amend the Connecting Care Act, 2019
with respect to home and community care services and health governance
and to make related amendments to other Acts**

The Hon. S. Jones
Minister of Health

Government Bill

1st Reading October 4, 2023

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Connecting Care Act, 2019* to establish the Service Organization. The Service Organization is a corporation without share capital under the name of Ontario Health atHome in English and Santé à domicile Ontario in French.

The existing local health integration networks are amalgamated to become the Service Organization. The rules for this amalgamation are set out.

The Service Organization is a subsidiary of the Agency, a Crown agent and a health service provider. It may be subject to a transfer order under the Act and may also be a recipient of such an order.

The objects and corporate governance of the Service Organization are provided for. Its objects include the provision of home and community care services to patients, the provision of placement management services and the provision of operational supports, including care co-ordination services, to health service providers and Ontario Health Teams. The amendments provide for there to be no causes of action nor proceedings against the Crown, the Agency, the Service Organization or specified related persons for certain acts.

The Agency is given the power to issue directives to the Service Organization, and the Service Organization must comply with the directives. The Agency may also require the Service Organization to disclose certain information relating to service contracts.

Health service providers or Ontario Health Teams are authorized to disclose records of personal health information to the Minister for the purpose of monitoring, assessing and evaluating home and community care services. The amendment authorizing this collection and disclosure is deemed to have come into force on May 1, 2022.

New regulation-making powers are provided to govern certain aspects of the Service Organization and transitional matters related to the amalgamation. Related amendments are made to several other Acts.

**An Act to amend the Connecting Care Act, 2019
with respect to home and community care services and health governance
and to make related amendments to other Acts**

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

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

“client provider” means a health service provider or an Ontario Health Team that is funded by the Agency under section 21 to provide home and community care services to the provider’s or Team’s patients and to which the Service Organization provides operational supports; (“client-fournisseur”)

“Service Organization” means the corporation continued under section 27.2. (“Organisme de services”)

(2) The definition of “local health integration network” in subsection 1 (1) of the Act is repealed.

(3) The definition of “Minister” in subsection 1 (1) of the Act is repealed and the following substituted:

“Minister” means the Minister of Health or such other member of the Executive Council to whom the administration of this Act is assigned under the *Executive Council Act*; (“ministre”)

(4) The definition of “health service provider” in subsection 1 (2) of the Act is amended by adding the following paragraph:

0.1 The Service Organization.

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

Regulations re: Service Organization being health service provider

(3) The regulations may provide that the Service Organization is deemed not to be a health service provider or to have been funded by the Agency under section 21 for the purposes of any provision of this Act or its regulations or any other Act or regulations.

2 Subsection 5 (1) of the Act is amended by adding “Subject to section 14” at the beginning.

3 Section 6 of the Act is amended by adding the following clause:

(b.0.1) to provide oversight of the Service Organization in a manner consistent with the health system strategies set by the Ministry;

4 (1) Paragraphs 6 and 7 of subsection 7 (3) of the Act are repealed and the following substituted:

6. Generating revenue or otherwise receiving money or assets from any person or entity except the Crown in right of Ontario, with the exception of money or assets that are received pursuant to a transfer order under this Act.

(2) Paragraph 3 of subsection 7 (4) of the Act is repealed and the following substituted:

3. Conducting fundraising activities or acting in association with a person or entity that conducts any fundraising activities or programs, directly or indirectly, for the Agency or the Service Organization.

5 Section 8 of the Act is amended by adding the following subsection:

Eligibility

(1.1) A director, officer or employee of the Service Organization is not eligible to be appointed to, or to remain a member of, the Agency’s board of directors.

6 Subsection 10 (3) of the Act is repealed and the following substituted:

Restriction

(3) The chief executive officer shall not be a member of the board of directors of the Agency or the Service Organization and shall not be an officer of the Service Organization.

7 Section 14 of the Act is repealed and the following substituted:

Duty of care and indemnification

14 (1) Subject to subsection (2), subsection 43 (1) and section 46 of the *Not-for-Profit Corporations Act, 2010* apply, with necessary modifications, to the Agency, its board of directors and its officers.

Approval of indemnity

(2) The Agency shall not give an indemnity under section 46 of the *Not-for-Profit Corporations Act, 2010* to any person unless the indemnity has been approved in accordance with section 28 of the *Financial Administration Act*.

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

Powers re: Service Organization

(13.1) If the Minister appoints a person as a supervisor of the Service Organization under this section,

- (a) the Agency's power to require proposed by-laws to be submitted for approval does not apply to any by-laws that are made by the supervisor; and
- (b) the supervisor is not required to comply with any directive issued to the Service Organization by the Agency.

9 The Act is amended by adding the following Part:

PART III.1 THE SERVICE ORGANIZATION

DEFINITION

Definition

27.1 In this Part,

“predecessor corporations” means the following corporations:

1. Central East Local Health Integration Network.
2. Central Local Health Integration Network.
3. Central West Local Health Integration Network.
4. Champlain Local Health Integration Network.
5. Erie St. Clair Local Health Integration Network.
6. Hamilton Niagara Haldimand Brant Local Health Integration Network.
7. Mississauga Halton Local Health Integration Network.
8. North East Local Health Integration Network.
9. North Simcoe Muskoka Local Health Integration Network.
10. North West Local Health Integration Network.
11. South East Local Health Integration Network.
12. South West Local Health Integration Network.
13. Toronto Central Local Health Integration Network.
14. Waterloo Wellington Local Health Integration Network.

AMALGAMATION AND APPLICATION

Amalgamation

27.2 (1) The predecessor corporations are amalgamated and continued as a corporation without share capital under the name of Ontario Health atHome in English and Santé à domicile Ontario in French.

Rules

(2) The following rules apply to the amalgamation:

1. All rights, obligations, assets and liabilities of the predecessor corporations that existed immediately before the amalgamation become the rights, obligations, assets and liabilities of the Service Organization, and the Service Organization shall stand in the place of the predecessor corporations for all purposes.
2. The predecessor corporations cease to exist upon being amalgamated into the Service Organization.

3. A conviction against, or ruling, order or judgment in favour of or against one of the predecessor corporations may be enforced by or against the Service Organization.
4. The Service Organization shall be deemed to be the party plaintiff or the party defendant, as the case may be, in any civil action commenced by or against one of the predecessor corporations before the amalgamation.
5. Persons who are employees of the predecessor corporations immediately before the amalgamation become employees of the Service Organization as of the date of the amalgamation and, for all purposes, the employment of the employees immediately before and after the amalgamation is continuous.
6. For all purposes, including the provisions of an employment contract, a collective agreement and the *Employment Standards Act, 2000*, the employment of the employees referred to in paragraph 5 is not terminated or severed and those employees are not constructively dismissed because of the amalgamation.
7. All rights, duties and liabilities relating to all employees and former employees of the predecessor corporations that are vested in or bind the predecessor corporations immediately before amalgamation are vested in or bind the Service Organization instead of the predecessor corporations immediately on and after the amalgamation.
8. An agreement to which one of the predecessor corporations was a party immediately before the amalgamation has effect after the amalgamation as if,
 - i. the Service Organization was substituted for the predecessor corporation as a party to the agreement, and
 - ii. any reference in the agreement to the predecessor corporation were a reference to the Service Organization.
9. The amalgamation shall not constitute a change of control of any of the predecessor corporations in respect of any asset, liability, right or obligation of the predecessor corporations.
10. Despite any other Act that requires notice or registration in respect of the amalgamation, the amalgamation is binding on the Service Organization and all other persons.
11. The amalgamation is deemed not to,
 - i. constitute a breach, termination, repudiation or frustration of any agreement, including a contract of employment or insurance or a collective agreement,
 - ii. create any cause of action in favour of a party to an agreement with one of the predecessor corporations that was entered into before the amalgamation,
 - iii. constitute a breach of any Act, regulation or municipal by-law,
 - iv. constitute an event of default or force majeure,
 - v. give rise to a breach, termination, repudiation or frustration of any licence, permit or other right,
 - vi. give rise to any right to terminate or repudiate an agreement, licence, permit or other right, or
 - vii. give rise to any estoppel.
12. The *Land Transfer Tax Act* and the *Retail Sales Tax Act* do not apply to the amalgamation.

Regulations

(3) The regulations may provide for any additional transitional provisions or rules that apply to the amalgamation.

Subsidiary of the Agency

27.3 The Service Organization is a subsidiary of the Agency.

Crown Agency

27.4 The Service Organization is an agent of the Crown for all purposes unless the regulations provide otherwise.

Application of other Acts

Not-for-Profit Corporations Act, 2010 and Corporations Information Act

27.5 (1) Subject to section 27.17, the *Not-for-Profit Corporations Act, 2010* and the *Corporations Information Act* do not apply to the Service Organization, except as prescribed.

Charities Accounting Act

(2) The *Charities Accounting Act* does not apply to the Service Organization, the members of its board of directors or to its officers, employees or agents.

No charitable property

(3) The property of the Service Organization is not charitable property.

Non-application of single employer rule

(4) Subsection 1 (4) of the *Labour Relations Act, 1995* does not apply to the Service Organization.

OBJECTS AND GENERAL POWERS**Objects**

27.6 The following are the objects of the Service Organization:

1. Providing home and community care services to patients of the Service Organization.
2. Providing the following operational supports to client providers to enable them to deliver home and community care services to their patients:
 - i. Care co-ordination services.
 - ii. The assignment of employees of the Service Organization to work under the direction of a client provider to deliver care co-ordination services.
 - iii. Any of the following shared services:
 - A. Administrative or business support services that facilitate the management of service contracts with providers of home and community care services.
 - B. Enablement and support of patient care technology platforms.
 - C. Any other shared services that may be prescribed.
 - iv. Any other operational supports that may be prescribed.
3. Providing information to the public about, and referrals to, health and social services.
4. Providing placement management services to patients of the Service Organization or to patients of other health service providers or Ontario Health Teams.
5. Any other objects that may be prescribed.

Rules re: assignment of employees to provide care co-ordination services

27.7 If the Service Organization enters into a service contract with a client provider which provides for the assignment of one or more Service Organization employees to work under the direction of the client provider to deliver care co-ordination services to the provider's patients, the assigned employee remains an employee of the Service Organization and there is no termination of employment or change in the employment relationship between the employee and the Service Organization.

General powers

27.8 (1) Except as limited by this Act, the Service Organization has the capacity, rights and powers of a natural person for carrying out its objects.

Use of revenue

(2) The Service Organization shall carry out its operations without the purpose of gain and shall not use its revenue, including all money or assets it receives by grant, contribution or otherwise, for any purpose other than to further its objects.

Cabinet approval

(3) The Service Organization shall not exercise the following powers without the approval of the Lieutenant Governor in Council:

1. Acquiring, disposing, leasing, mortgaging, charging, hypothecating or otherwise transferring or encumbering any interest in real property, except for leasing space that is reasonably necessary for the purposes of the Service Organization.
2. Borrowing or lending money.
3. Investing its money.
4. Pledging, charging or encumbering any of its personal property.
5. Creating a subsidiary.
6. Doing anything else that is prescribed as being a power that the Service Organization may not exercise without such approval.

Approval of Minister

(4) The Service Organization shall not exercise the following powers without the approval of the Minister:

1. Making charitable donations.
2. Applying for or obtaining registration as a registered charity under the *Income Tax Act* (Canada).
3. Conducting fundraising activities or acting in association with a person or entity that conducts any fundraising activities or programs, directly or indirectly, for the Agency or the Service Organization.
4. Entering into an agreement with any person, entity or government for the provision of services outside Ontario.
5. Entering into an agreement with any government or government agency outside Ontario, including the Government of Canada or the government of a province or territory of Canada.
6. Generating revenue or otherwise receiving money or assets from any person or entity except the Crown in right of Ontario or the Agency, with the exception of the following:
 - i. Money or assets that are received pursuant to a transfer order under this Act.
 - ii. Money or assets paid to the Service Organization by a client provider in consideration of operational supports that are provided by the Service Organization to that client provider under a service contract.

No political donations

- (5) The Service Organization shall not make any political donations.

BOARD OF DIRECTORS, CHIEF EXECUTIVE OFFICER AND EMPLOYEES

Board of directors

27.9 (1) The Service Organization shall have a board of directors consisting of the members appointed in accordance with this section.

Appointment

- (2) The board shall consist of,
- (a) no more than six members appointed by the Minister; and
 - (b) no more than three members appointed by the Minister on the recommendation of the Agency.

Eligibility

(3) A director, officer or employee of the Agency is not eligible to be appointed to, or to remain a member of, the Service Organization's board of directors.

Term

(4) The term of the members of the board of directors shall be provided for in the regulations.

Expenses

(5) The members of the board of directors shall receive the remuneration and reimbursement for reasonable expenses that the Lieutenant Governor in Council determines.

Chair and vice-chairs

(6) Subject to subsection (10), the Minister shall designate a chair and at least one vice-chair from among the members of the board of directors.

Chair's role

(7) The chair shall preside over the meetings of the board of directors.

Absence of chair

(8) If the chair is absent or otherwise unable to act or if the office is vacant, a vice-chair has all the powers and shall perform the duties of the chair.

Absence of chair and vice-chairs

(9) In the absence of the chair and the vice-chairs, a director that the board of directors designates shall act as the chair.

Where no designation

(10) If the Minister has not designated a chair or a vice-chair, the members of the board of directors may select a chair or vice-chair from among their members to hold office as provided for by by-law, until such time as the Minister makes a designation.

Board meetings

27.10 (1) The board of directors of the Service Organization shall meet regularly throughout the year and in any event shall hold at least four meetings in each calendar year.

Quorum

(2) A majority of the board of directors constitutes a quorum for the conduct of the business of the board, but only if the number of members at the meeting who were appointed by the Minister on the recommendation of the Agency is equal to or less than the number of members at the meeting who were appointed by the Minister without the Agency's recommendation.

Chief executive officer

27.11 (1) The Service Organization shall appoint and employ a chief executive officer.

Role

(2) The chief executive officer is responsible for the management and administration of the affairs of the Service Organization, subject to the supervision and direction of its board of directors.

Restriction

(3) The chief executive officer shall not be a member of the board of directors of the Agency or the Service Organization and shall not be an officer of the Agency.

Remuneration

(4) The Minister may fix ranges for the salary or other remuneration and benefits of a chief executive officer and the Service Organization shall provide a salary or other remuneration and benefits to its chief executive officer within the ranges, if any, that the Minister fixes.

Other employees

27.12 The chief executive officer may appoint such employees as are considered necessary for the proper conduct of the affairs of the Service Organization.

AFFAIRS OF THE SERVICE ORGANIZATION

Affairs of the Service Organization

27.13 (1) Subject to this Act, the board of directors of the Service Organization shall manage or supervise the management of the activities and affairs of the Service Organization.

Delegation

(2) Subject to subsection (3), the board of directors may delegate any of its powers or duties under this Act or any other Act to such employees of the Service Organization as the board considers appropriate and may impose conditions and restrictions with respect to the delegation.

Restrictions

(3) The board shall not delegate any power or duty that may be prescribed.

By-laws and resolutions

27.14 (1) Subject to subsections (4) and (5), the board of directors may make by-laws and pass resolutions regulating its proceedings and generally for the conduct and management of the affairs of the Service Organization, including establishing committees.

Officers

(2) Without limiting the generality of subsection (1), the board of directors may make by-laws or pass resolutions to appoint officers and assign to them such powers and duties as the board considers appropriate.

Committees

(3) The board of directors of the Service Organization shall,

- (a) establish, by by-law, the committees of the board that the Agency specifies;
- (b) appoint as members of those committees the persons who meet the qualifications, if any, that the Agency specifies; and
- (c) ensure that those committees operate in accordance with the other requirements, if any, that the Agency specifies.

Agency's approval

(4) The Agency may require the board of directors of the Service Organization to submit a proposed by-law to the Agency for approval before making the by-law concerned and if so, the board shall not make the by-law concerned until the Agency approves it.

Same, after making

(5) The Agency may require the board of directors of the Service Organization to submit a by-law to the Agency for approval and if so,

- (a) the by-law concerned ceases to be effective from the time that the Agency imposes the requirement until the Agency approves the by-law;
- (b) anything that the board has done in compliance with the by-law concerned before the Agency imposes the requirement is valid; and
- (c) the board may do anything that, before the Agency imposes the requirement, it has agreed to do.

Directives by Agency

27.15 (1) The Agency may issue directives to the Service Organization.

Binding

(2) The Service Organization shall comply with every directive issued by the Agency.

General or particular

(3) A directive of the Agency may be general or particular in its application.

Non-application of *Legislation Act, 2006*

(4) Part III (Regulations) of the *Legislation Act, 2006* does not apply to directives issued under this section.

Public availability

(5) The Agency shall publish every directive under this section on a website.

Law prevails

(6) For greater certainty, in the event of a conflict between a directive issued under this section and a provision of any applicable Act or rule of any applicable law, the Act or rule prevails.

Minister's directives prevail

(7) In the event of a conflict between a directive issued by the Agency under this section and a directive issued by the Minister under section 20, the directive issued by the Minister prevails.

Service contract information

27.16 (1) The Agency may require the Service Organization to disclose to the Agency information relating to service contracts between the Service Organization and its providers of home and community care services, including confidential pricing and volume information.

Restriction

(2) The Agency shall not require the Service Organization to disclose information under subsection (1) unless the Agency requires the information to carry out its objects.

Compliance

(3) The Service Organization shall comply with a requirement issued by the Agency under subsection (1) within the time and in the form that the Agency specifies.

Minister's direction

(4) The Minister may direct the Agency to disclose information that it collects under this section to the Minister if the Minister requires the information for the purposes of exercising powers and duties under this Act, and the Agency shall comply with such a direction.

Deemed not to be a breach

(5) A disclosure under this section is deemed not to constitute a breach of any service contract.

Minister's directives prevail

(6) In the event of a conflict between a requirement issued by the Agency under subsection (1) and a directive issued by the Minister under section 20, the directive issued by the Minister prevails.

LIABILITY, INDEMNIFICATION AND JUDGMENTS

Duty of care and indemnification

27.17 (1) Subject to subsection (2), subsection 43 (1) and section 46 of the *Not-for-Profit Corporations Act, 2010* apply, with necessary modifications, to the Service Organization, its board of directors and its officers.

Approval of indemnity

(2) The Service Organization shall not give an indemnity under section 46 of the *Not-for-Profit Corporations Act, 2010* to any person unless the indemnity has been approved in accordance with section 28 of the *Financial Administration Act*.

No personal liability

27.18 (1) No cause of action arises against any current or former director, officer, employee, volunteer or adviser of the Service Organization for any act done in good faith in the exercise or performance, or intended exercise or performance, of the person's powers, duties or functions under this Act or for any alleged neglect, default or other omission in the exercise or performance in good faith of those powers, duties or functions.

Crown, Agency liability for acts or omissions of Service Organization

(2) No cause of action arises against any person referred to in subsection 46 (1), including the Crown or the Agency, for an act or omission of the Service Organization or any current or former director, officer, employee, volunteer or adviser of the Service Organization.

Employment, etc. with Service Organization

(3) If an individual referred to in subsection 46 (1) is employed in or assigned to or otherwise performs duties directly for the Service Organization, the individual is deemed to be an employee of the Service Organization in relation to the individual's acts or omissions arising from the employment, assignment or performance for the purposes of this section and section 27.19 as well as any claim for vicarious liability.

Service Organization vicariously liable

(4) Subsections (1) to (3) do not relieve the Service Organization of liability to which it would otherwise be subject as a result of the acts or omissions of a person referred to in subsection (1).

No liability for amalgamation of predecessor corporations

(5) No cause of action arises against the Service Organization, any person referred to in subsection (1), or any person referred to in subsection 46 (1), including the Crown or the Agency, as a direct or indirect result of the enactment, amendment, repeal or application of any provision of section 27.2, or the making, amendment, revocation or application of any provision of a regulation made under subsection 27.2 (3).

Proceedings by Crown and Agency not prevented

(6) This section does not apply with respect to proceedings brought by the Crown or the Agency.

Proceedings barred

27.19 (1) No proceeding shall be commenced,

- (a) against any person specified in subsection 27.18 (1) in respect of a matter referred to in that subsection;
- (b) against any person specified in subsection 27.18 (2) in respect of a matter referred to in that subsection; or
- (c) against any person specified in subsection 27.18 (5) in respect of a matter referred to in that subsection.

Same

(2) Subsection (1) does not apply with respect to an application for judicial review or any proceeding that is specifically provided for under this Act, but does apply with respect to any other court, administrative or arbitral proceeding claiming any remedy or relief, including specific performance, an injunction, declaratory relief, a remedy in contract, restitution, unjust enrichment or tort, a remedy for breach of trust or fiduciary obligation or any equitable remedy, enforcement of a judgment, order or award made outside Ontario or any form of compensation or damages including loss of revenue or profit.

Proceedings by Crown or Agency not prevented

(3) This section does not apply with respect to proceedings brought by the Crown or the Agency.

No compensation

27.20 Except as may be provided under this Act, no person is entitled to any compensation for any loss or damages, including loss of revenues or loss of profit, arising from the enactment, amendment, repeal or application of any provision of sections 27.2, 27.18 or 27.19 or the making, amendment, revocation or application any provision of a regulation made under subsection 27.2 (3).

Unpaid judgments against the Service Organization

27.21 The Minister of Finance shall pay from the Consolidated Revenue Fund the amount of any judgment against the Service Organization that remains unpaid after the Service Organization has made all reasonable efforts, including liquidating its assets, to pay the amount of the judgment.

FISCAL YEAR AND AUDITS**Fiscal year**

27.22 The fiscal year of the Service Organization commences on April 1 in each year and ends on March 31 of the following year.

Audit

27.23 (1) The accounts and financial transactions of the Service Organization shall be audited annually by the Auditor General.

Other audits

(2) In addition to the requirement for an annual audit,

- (a) the Minister may, at any time, review or audit any aspect of the operations of the Service Organization; and
- (b) the Auditor General may, at any time, audit any aspect of the operations of the Service Organization.

10 Subsections 29 (1) and (2) of the Act are repealed and the following substituted:**Ontario Health Team**

(1) The Minister may, subject to any terms and conditions that the Minister determines, designate as an Ontario Health Team a person or entity, or a group of persons or entities, that has the ability to deliver, in an integrated and co-ordinated manner, at least three of the following types of services, or such higher number of types of services as may be prescribed:

- 1. Hospital services.
- 2. Primary care services.
- 3. Mental health or addictions services.
- 4. Home and community care services.
- 5. Long-term care home services.
- 6. Palliative care services.
- 7. Any other prescribed health care service or non-health service that supports the provision of health care services.

Restriction

(2) The Minister shall not make a designation under subsection (1) unless any additional requirements that may be prescribed have been met.

Terms or conditions

(2.1) An Ontario Health Team shall comply with any terms or conditions that apply to its designation.

Revocation or amendment of designation

(2.2) The Minister may revoke or amend a designation made under subsection (1) at any time.

11 The definition of “transfer recipient” in section 39 of the Act is amended by striking out “the Agency, health service provider” and substituting “the Agency, the Service Organization, health service provider”.

12 (1) Subsection 40 (1) of the Act is repealed and the following substituted:**Transfer order**

(1) Despite anything in any other Act, but subject to subsection (3), the processes and requirements set out in this Part and any regulations made under this Part, the Minister may make an order,

- (a) transferring all or part of the assets, liabilities, rights and obligations, including, for greater certainty, any rights or obligations under a funding agreement or accountability agreement of an organization listed in subsection (2), to the Agency, the Service Organization, a health service provider or an Ontario Health Team; and
- (b) transferring all or some of the employees of an organization listed in subsection (2) to the Agency, the Service Organization, a health service provider or an Ontario Health Team.

(2) Subsection 40 (2) of the Act is amended by adding the following paragraphs:

- 0.1 The Agency.
- 0.2 The Service Organization.

(3) Paragraph 7 of subsection 40 (2) of the Act is repealed.**(4) Section 40 of the Act is amended by adding the following subsection:****Regulations may limit transfers**

(3.1) The regulations may prescribe a program or division within an organization described in subsection (2), and in such a case a transfer order under subsection (1) may only be made in respect of,

- (a) assets, liabilities, rights or obligations that are associated with the program or division; or

(b) employees that work within the program or division.

13 (1) Subsection 43 (5) of the Act is amended by striking out “Agency” and substituting “transfer recipient”.

(2) Section 43 of the Act is amended by adding the following subsection:

No application to Service Organization

(7) An order may not be made under this section to dissolve the Service Organization.

14 The Act is amended by adding the following section:

Permitted disclosure and collection of personal health information

45.1 (1) A health service provider or an Ontario Health Team that is funded under section 21 to provide home and community care services and their provider of home and community care services may disclose a record of personal health information to the Minister if the disclosure is for the purpose of enabling the Minister to exercise a power under subsection (2).

Minister

(2) The Minister may collect, directly or indirectly, personal information for the following purposes:

1. Monitoring and evaluating home and community care services provided by a health service provider or an Ontario Health Team that is funded under section 21 to provide those services and their provider of home and community care services.
2. Monitoring and assessing the health, safety and well-being of persons applying for or receiving home and community care services.

Head authorized to disclose

(3) For the purpose of enabling the Minister to collect personal information under subsection (1), a head under the *Municipal Freedom of Information and Protection of Privacy Act* and a head under the *Freedom of Information and Protection of Privacy Act* are authorized to disclose the information to the Minister.

15 Section 47 of the Act is repealed and the following substituted:

Agency or Service Organization dissolution

47 If the Minister considers it to be in the public interest to wind up the affairs of the Agency or the Service Organization, the Minister may do all things necessary to accomplish that, including dealing with the assets and liabilities of the Agency or Service Organization by,

- (a) liquidating or selling the assets and paying the proceeds into the Consolidated Revenue Fund;
- (b) transferring the assets and liabilities to the Crown, including another agency of the Crown; or
- (c) transferring the Agency’s or Service Organization’s employees to the Crown or to another agency of the Crown.

16 (1) Clause 48 (1) (b) of the Act is amended by striking out “the Agency, a health service provider” and substituting “the Agency, the Service Organization, a health service provider”.

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

- (c) prescribing provisions of the *Not-for-Profit Corporations Act, 2010* and the *Corporations Information Act*, or any successor to those Acts, that apply to the Agency or the Service Organization and the modifications with which those provisions are to so apply;

(3) Clause 48 (1) (d) of the Act is amended by striking out “the Agency” at the end and substituting “the Agency or the Service Organization”.

(4) Clause 48 (1) (e.1) of the Act is repealed and the following substituted:

- (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”, “care co-ordination services” or related expressions for the purposes of this Act or the regulations or any provision of this Act or the regulations;
- (e.2) governing the board of directors of the Service Organization, including establishing eligibility requirements, term limits and the filling of vacancies on the board;
- (e.3) governing the provision of operational supports and placement management services by the Service Organization, including,
 - (i) governing the content or terms and conditions of a service contract between the Service Organization and a client provider or another health service provider or an Ontario Health Team, and
 - (ii) governing the assignment of employees of the Service Organization to provide operational supports or placement management services;

(5) Clause 48 (1) (h) of the Act is amended by striking out “conditions and”.

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

- (n) governing transitional or similar 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*, the *Connecting People to Home and Community Care Act, 2020* or the *Convenient Care at Home Act, 2023* including, without in any way limiting the generality of the foregoing,
 - (i) clarifying the application of any provisions and governing situations where a provision has been repealed or revoked and a related provision has not, and
 - (ii) governing any transitional or similar matters that may arise as a result of the creation of the Service Organization, including governing the transition of the chief executive officers and the members of the boards of directors from the predecessor corporations;

AMENDMENTS TO OTHER ACTS

Broader Public Sector Accountability Act, 2010

17 (1) Subsection 1 (1) of the *Broader Public Sector Accountability Act, 2010* is amended by adding the following definition:

“Service Organization” has the same meaning as in the *Connecting Care Act, 2019*. (“Organisme de services”)

(2) Section 5 of the Act is repealed and the following substituted:

Reporting by Ontario Health and Service Organization

5 (1) Ontario Health and the Service Organization shall prepare reports approved by the board of Ontario Health or the Service Organization, as the case may be, concerning the use of consultants by Ontario Health or the Service Organization.

Directives

(2) The Minister of Health may issue directives to Ontario Health and to the Service Organization respecting the reports, including directives with respect to,

- (a) the information that shall be included in reports made under subsection (1);
- (b) to whom the reports shall be submitted; and
- (c) the form, manner and timing of the reports.

Compliance

(3) Ontario Health and the Service Organization shall comply with the directives.

(3) Subsection 6 (2) of the Act is amended by striking out “The Minister of Health and Long-Term Care” at the beginning of the portion before clause (a) and substituting “The Minister of Health”.

(4) Subsections 8 (1) and (2) of the Act are repealed and the following substituted:

Public posting of expenses

(1) Ontario Health, the Service Organization and every hospital shall, in compliance with directives made under subsection (2), post on its public website information about expense claims that is required to be posted under the directives.

Directives

(2) The Minister of Health may issue directives respecting the information about expense claims that is to be posted on a public website for the purposes of subsection (1).

(5) Section 14 of the Act is repealed and the following substituted:

Ontario Health, Service Organization

14 (1) Ontario Health and the Service Organization shall prepare attestations, made by its chief executive officer and approved by its board, attesting to,

- (a) the completion and accuracy of reports required on the use of consultants;
- (b) compliance with the prohibition on engaging lobbyist services using public funds;
- (c) compliance with the expense claim directives issued by the Management Board of Cabinet;
- (d) compliance with the perquisites directives issued by the Management Board of Cabinet;
- (e) compliance with procurement directives issued by the Management Board of Cabinet; and
- (f) compliance with directives issued by the Management Board of Cabinet on the preparation and publication of business plans and other business or financial documents.

Directives

- (2) The Minister of Health may issue directives respecting the attestations, including directives with respect to,
- (a) the information that shall be included in the attestations and any other information in relation to the attestations;
 - (b) to whom the attestations shall be submitted; and
 - (c) the form, manner and timing of the attestations.

Compliance

- (3) Ontario Health and the Service Organization shall comply with the directives.

Posting

- (4) Ontario Health and the Service Organization shall publicly post the attestations on their website.

(6) Subsection 15 (3) of the Act is amended by striking out “The Minister of Health and Long-Term Care” at the beginning of the portion before clause (a) and substituting “The Minister of Health”.

(7) Section 17 of the Act is repealed and the following substituted:

Ontario Health

17 (1) Every obligation of Ontario Health under this Act is deemed to be an obligation they are required to comply with under the terms of an accountability agreement required under the *Connecting Care Act, 2019*.

Service Organization

(2) Every obligation of the Service Organization under this Act is deemed to be an obligation they are required to comply with under the terms of a service accountability agreement required under the *Connecting Care Act, 2019*.

(8) Subsections 20 (1) and (2) of the Act are repealed and the following substituted:

Employment agreements

(1) Every employment or other agreement between Ontario Health, the Service Organization or a hospital and a person employed by Ontario Health, the Service Organization or the hospital in a senior management position is deemed to contain a term providing that the obligations of Ontario Health, the Service Organization or the hospital under this Act are also the obligations of the person employed by Ontario Health, the Service Organization or the hospital.

Reduction in compensation

(2) Despite any employment or other agreement, the board of Ontario Health, the Service Organization or a hospital may, in addition to any other remedy under the agreement or at common law, reduce the compensation of a person employed in a senior management position where the board determines that the person has failed to meet a requirement under this Act.

Community Safety and Policing Act, 2019

18 Subparagraph 1 i of subsection 250 (3) of the *Community Safety and Policing Act, 2019* is repealed and the following substituted:

- i. Ontario Health, or

Excellent Care for All Act, 2010

19 (1) Clause (c.1) of the definition of “health sector organization” in section 1 of the *Excellent Care for All Act, 2010* is amended by striking out the portion before subclause (i) and substituting the following:

- (c.1) the Service Organization, but only with respect to,

(2) Sub-subclause (c.1) (ii) (D) of the definition of “health sector organization” in section 1 of the Act is amended by striking out “a local health integration network” and substituting “the Service Organization”.

(3) The definition of “local health integration network” in section 1 of the Act is repealed.

(4) Section 1 of the Act is amended by adding the following definition:

“Service Organization” has the same meaning as in the *Connecting Care Act, 2019*; (“Organisme de services”)

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

- (c.1) a person who receives or has received services from the Service Organization, but only with respect to matters described in clause (c.1) of the definition of “health sector organization” in section 1,

(c.2) a person who received services from a local health integration network before the network was amalgamated into the Service Organization, but only with respect to matters described in clause (c.1) of the definition of “health sector organization” as it read at the time the services were provided,

(6) Subsection 13.2 (2) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Facilitated resolution

(2) The patient ombudsman shall work with the patient, former patient, caregiver or other prescribed person and the health sector organization to attempt to facilitate a resolution of a complaint made under subsection (1) unless, in the opinion of the patient ombudsman,

(7) Subsection 13.5 (2) of the Act is repealed.

Health Protection and Promotion Act

20 The definition of “health care provider or health care entity” in subsection 77.7 (6) of the *Health Protection and Promotion Act* is amended by adding the following paragraph:

10.1 The Service Organization.

Ombudsman Act

21 Subsection 13 (9) of the *Ombudsman Act* is repealed and the following substituted:

Application to Service Organization

(9) This Act does not apply to the Service Organization, within the meaning of the *Connecting Care Act, 2019*, with respect to matters described in clause (c.1) of the definition of “health sector organization” in section 1 of the *Excellent Care for All Act, 2010*.

Pay Equity Act

22 (1) Clause 1 (d) of the Schedule to the *Pay Equity Act* is amended by striking out “Minister of Health and Long-Term Care” and substituting “Minister of Health”.

(2) The heading “MINISTRY OF HEALTH AND LONG-TERM CARE” in the Appendix to the Schedule to the Act is repealed and the following substituted:

MINISTRY OF HEALTH AND MINISTRY OF LONG-TERM CARE

(3) Clause 1 (b) under the heading “MINISTRY OF HEALTH AND LONG-TERM CARE” in the Appendix to the Schedule to the Act is repealed and the following substituted:

(b) a long-term care home under the authority of a licence issued or replaced, or an approval granted or continued, under the *Fixing Long-Term Care Act, 2021* but, for greater certainty, only in respect of its long-term care home beds with respect to which funding is received from the Province of Ontario or the corporation continued by section 3 of the *Connecting Care Act, 2019*;

(4) Clause 1 (d) under the heading “MINISTRY OF HEALTH AND LONG-TERM CARE” in the Appendix to the Schedule to the Act is repealed and the following substituted:

(d) a psychiatric facility within the meaning of the *Mental Health Act*, the operation of which is funded in whole or in part by the Ministry of Health, the Ministry of Long-Term Care or the corporation continued by section 3 of the *Connecting Care Act, 2019*;

(5) Clause 1 (h) under the heading “MINISTRY OF HEALTH AND LONG-TERM CARE” in the Appendix to the Schedule to the Act is repealed and the following substituted:

(h) a detoxification centre that receives funding from the Ministry of Health, the Ministry of Long-Term Care or the corporation continued by section 3 of the *Connecting Care Act, 2019*;

(6) Clause 1 (h.1) under the heading “MINISTRY OF HEALTH AND LONG-TERM CARE” in the Appendix to the Schedule to the Act is repealed and the following substituted:

(h.1) services relating to addiction if the provider of the services receives funding from the Ministry of Health, the Ministry of Long-Term Care or the corporation continued by section 3 of the *Connecting Care Act, 2019*;

(7) Clause 1 (i) under the heading “MINISTRY OF HEALTH AND LONG-TERM CARE” in the Appendix to the Schedule to the Act is repealed and the following substituted:

(i) an adult community mental health service the operation of which is, pursuant to an agreement in writing, funded in whole or in part by the Ministry of Health, the Ministry of Long-Term Care or the corporation continued by section 3 of the *Connecting Care Act, 2019*;

(8) Clause 1 (j) under the heading “MINISTRY OF HEALTH AND LONG-TERM CARE” in the Appendix to the Schedule to the Act is repealed and the following substituted:

- (j) a placement service the operation of which is, pursuant to a “Placement Co-ordination Service Agreement” or other agreement in writing, funded in whole or in part by the Ministry of Health, the Ministry of Long-Term Care or the corporation continued by section 3 of the *Connecting Care Act, 2019*.

(9) Clause 14 (b) under the heading “MINISTRY OF HEALTH AND LONG-TERM CARE” in the Appendix to the Schedule to the Act is repealed and the following substituted:

- (b) who receives funding from the Ministry of Health, the Ministry of Long-Term Care or the corporation continued by section 3 of the *Connecting Care Act, 2019* in accordance with the number or type of services provided.

(10) Clause 15 (b) under the heading “MINISTRY OF HEALTH AND LONG-TERM CARE” in the Appendix to the Schedule to the Act is repealed and the following substituted:

- (b) receives funding from the Ministry of Health, the Ministry of Long-Term Care or the corporation continued by section 3 of the *Connecting Care Act, 2019* in accordance with the number of individuals on the roster.

Police Services Act

23 Subparagraph 1 i of subsection 145 (3) of the *Police Services Act* is repealed and the following substituted:

- i. Ontario Health, or

Public Hospitals Act

24 (1) Section 6 of the *Public Hospitals Act* is repealed.

(2) Subsection 9.1 (2) of the Act is amended by striking out “5, 6 or 9” and substituting “5 or 9”.

Public Sector Labour Relations Transition Act, 1997

25 (1) The *Public Sector Labour Relations Transition Act, 1997* is amended by adding the following section:

Amalgamation into Service Organization

8.0.1 (1) In this section,

“predecessor corporations” has the same meaning as in Part III.1 of the *Connecting Care Act, 2019*; (“personnes morales remplacées”)

“Service Organization” has the same meaning as in the *Connecting Care Act, 2019*. (“Organisme de services”)

Application

(2) This Act applies upon the amalgamation of the predecessor corporations into the Service Organization under Part III.1 of the *Connecting Care Act, 2019*.

Predecessor and successor employers

(3) For the purposes of this Act, the predecessor corporations are the predecessor employers and the Service Organization is the successor employer.

Changeover date

(4) For the purposes of this Act, the changeover date is the day that section 9 of the *Convenient Care at Home Act, 2023* comes into force.

(2) Subsection 11 (2) of the Act is repealed and the following substituted:

Crown not successor employer

(2) Subject to subsection (3) and despite anything else in this Act, the Crown shall not be considered a successor employer.

Exception

(3) Subsection (2) does not apply to the amalgamation described in section 8.0.1.

Simpler, Faster, Better Services Act, 2019

26 Item 6 of the Schedule to the *Simpler, Faster, Better Services Act, 2019* is repealed.

Smoke-Free Ontario Act, 2017

27 Clause (b) of the definition of “home health-care worker” in subsection 16 (4) of the *Smoke-Free Ontario Act, 2017* is repealed and the following substituted:

- (b) an entity that receives funding from the Ministry of Health, the Ministry of Long-Term Care or the Agency within the meaning of the *Connecting Care Act, 2019*, or

Connecting People to Home and Community Care Act, 2020

28 Subsection 2 (9) of Schedule 3 to the *Connecting People to Home and Community Care Act, 2020* is repealed.

The People's Health Care Act, 2019

29 Subsections 2 (4), (6), (8), (11), (13), (15), (17), (21) and (23) and 7 (3) of Schedule 3 to *The People's Health Care Act, 2019* are repealed.

COMMENCEMENT AND SHORT TITLE

Commencement

30 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) Section 14 is deemed to have come into force on May 1, 2022.

(3) Sections 1 to 9 and 11, subsections 12 (1) to (3) and 13 (2), section 15, subsections 16 (1) to (4) and (6) and sections 17 to 27 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

31 The short title of this Act is the *Convenient Care at Home Act, 2023*.