

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

---

**Official Report  
of Debates  
(Hansard)**

G-40

**Journal  
des débats  
(Hansard)**

G-40

**Standing Committee on  
General Government**

Strengthening Quality  
and Accountability  
for Patients Act, 2017

2<sup>nd</sup> Session  
41<sup>st</sup> Parliament

Wednesday 29 November 2017

**Comité permanent des  
affaires gouvernementales**

Loi de 2017 renforçant  
la qualité et la responsabilité  
pour les patients

2<sup>e</sup> session  
41<sup>e</sup> législature

Mercredi 29 novembre 2017

---

Chair: Grant Crack  
Clerk: Sylwia Przewdziecki

Président : Grant Crack  
Greffière : Sylwia Przewdziecki

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7400.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7400.

---

Hansard Reporting and Interpretation Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



ISSN 1180-5218

Service du Journal des débats et d'interprétation  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
Publié par l'Assemblée législative de l'Ontario

# CONTENTS

Wednesday 29 November 2017

Strengthening Quality and Accountability for Patients Act, 2017, Bill 160, Mr. Hoskins / Loi de 2017 renforçant la qualité et la responsabilité pour les patients, projet de loi 160, M. Hoskins .....	G-661
--	-------



LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES**

Wednesday 29 November 2017

Mercredi 29 novembre 2017

*The committee met at 1600 in committee room 2.*

**STRENGTHENING QUALITY  
AND ACCOUNTABILITY  
FOR PATIENTS ACT, 2017  
LOI DE 2017 RENFORÇANT  
LA QUALITÉ ET LA RESPONSABILITÉ  
POUR LES PATIENTS**

Consideration of the following bill:

Bill 160, An Act to amend, repeal and enact various Acts in the interest of strengthening quality and accountability for patients / Projet de loi 160, Loi visant à modifier, à abroger et à édicter diverses lois dans le souci de renforcer la qualité et la responsabilité pour les patients.

**The Chair (Mr. Grant Crack):** Good afternoon, everyone. I'd like to call the Standing Committee on General Government to order. Today, we are here to continue clause-by-clause consideration of Bill 160, An Act to amend, repeal and enact various Acts in the interest of strengthening quality and accountability for patients.

When we adjourned on Monday at 6 p.m., we were on government motion number 7. It was read into the record, but I think it would be appropriate if I could ask for it to be read back in. It's government motion 7, which proposes to amend section 6 (subparagraphs 1 ii and iii of subsection 30.1(4) of the Long-Term Care Homes Act). Mr. Fraser.

**Mr. John Fraser:** I'm getting there, Chair. Just a second.

*Interjections.*

**Mr. John Fraser:** Here we go.

I move that subparagraphs 1 i and iii of subsection 30.1(4) of the Long-Term Care Homes Act, 2007, as set out in section 6 of schedule 5 to the bill, be struck out and the following substituted:

"ii. ensure that the resident is promptly provided with a verbal explanation of the written notice, the verbal explanation complies with the requirements, if any, provided for in the regulations and the resident is asked whether he or she wishes to meet with a rights adviser, and

"iii. ensure that, if the resident wishes to meet with a rights adviser or expresses disagreement with the confining, a rights adviser is promptly notified and the notification is provided in accordance with the requirements, if any, provided for in the regulations."

**The Chair (Mr. Grant Crack):** Thank you very much. Just for clarification, you had indicated, "I move that subparagraphs 1 i"?

**Mr. John Fraser:** Oh, it's "ii." Sorry. My eye-eyes aren't working very well.

**The Chair (Mr. Grant Crack):** Okay, "ii" it is. That's clear now.

Further discussion? Mr. Fraser.

**Mr. John Fraser:** There we go. I recommend voting for this motion because it clarifies the requirements on the licensee to promptly provide a verbal explanation and to promptly notify a rights adviser, even if there are no regulations dealing with these matters.

**The Chair (Mr. Grant Crack):** Thank you. Further discussion? There being none, I shall call for the vote on government motion number 7. Those in favour? Those opposed? I declare government motion number 7 carried.

We shall move to government motion number 8, which proposes an amendment to section 6 (subsection 30.1(5), Long-Term Care Homes Act). Mr. Fraser.

**Mr. John Fraser:** I move that subsection 30.1(5) of the Long-Term Care Homes Act, 2007, as set out in section 6 of schedule 5 to the bill, be amended by striking out "shall promptly notify the licensee" in the portion before clause (a) and substitute "shall promptly notify the licensee, and shall do so in accordance with the requirements, if any, provided for in the regulations".

**The Chair (Mr. Grant Crack):** Thank you very much. Discussion? Mr. Fraser.

**Mr. John Fraser:** Again, this clarifies that the rights adviser must comply with any regulations when promptly notifying the licensee that the meeting with the residents occurred, and the other matters listed in this provision.

**The Chair (Mr. Grant Crack):** Further discussion? Ms. Thompson.

**Ms. Lisa M. Thompson:** We just want to be on the record as saying that this bill has left so much to regulation. It creates a lot of uncertainty for affected stakeholders. To be specific, the original version of this bill doesn't specify any notification requirements, and it did not indicate that they would be determined by regulation. It leaves questions: How would the reporting requirements of the rights advisers look without this amendment? Why aren't the requirements specified in the legislation? Thank you.

**The Chair (Mr. Grant Crack):** Thank you. Further discussion? Mr. Fraser.

**Mr. John Fraser:** As I've said before, I think that these matters are best dealt with through consultation and the regulatory process.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the vote on government motion number 8.

Those in favour of government motion number 8? Any opposed? I declare government motion number 8 carried.

*Interjections.*

**The Chair (Mr. Grant Crack):** Oh, I said "opposed." Okay, sorry.

Those in favour? Any opposed? Okay. Opposed? Any opposed? Yes? Thank you. Okay. It is carried. Government motion number 8 is carried.

There being two amendments carried in schedule 5, section 6, is there any discussion on schedule 5, section 6, as amended? If not, then I shall call for the vote.

Shall schedule 5, section 6, as amended, carry? Any opposed? I declare schedule 5, section 6, as amended, carried.

We have a number of sections before us. At the previous meeting, we were asked to bundle. Do we continue along that line?

*Interjections:* Agreed.

**The Chair (Mr. Grant Crack):** Very good.

Is there any discussion on schedule 5, sections 7 through 12, inclusive? There being none, and since there are no amendments, I shall call for the vote.

Shall schedule 5, section 7, section 8, section 9, section 10, section 11 and section 12, inclusive, carry? Any opposed?

I declare schedule 5, section 7, carried.

I declare schedule 5, section 8, carried.

I declare schedule 5, section 9, carried.

I declare schedule 5, section 10, carried.

I declare schedule 5, section 11, carried.

And, finally, schedule 5, section 12, is carried.

We shall move to NDP motion number 8.1, which proposes to amend section 13 (section 44 of the Long-Term Care Homes Act, 2010). Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I move that subsections 44(2.1) and (2.2) of the Long-Term Care Homes Act, 2010, as set out in section 13 of schedule 5 to the bill, be amended by striking out "confinement" and "confined" wherever they occur, and substituting "placement in a protected area" and "placed in a protected area", as the case may be.

**The Chair (Mr. Grant Crack):** Discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** The language of "confinement" and "confined" is punitive language. We want to make sure that, not only in regulation yet to be seen, we make it clear that "placed in a protected area"—that you cannot confine someone to punish them. Unfortunately, it has been done in the past.

Because you live in a long-term-care home, because you usually have a high level of need once you have been admitted to a long-term-care home, you should not lose your rights. To use language that is more appropriate to care, such as "placement in a protected area," to me is an

important shift, that people in long-term-care homes have rights, and nobody has a right to confine you, but your plan of care could talk about a need for you to live in a protected area.

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Fraser.

**Mr. John Fraser:** The term "confinement" is used to ensure that the proposed confinement framework which is focused on the current needs of the residents will apply to residents whether they are confined to a physical area of a long-term-care home or to the home as a whole.

The term "confinement," I think, more accurately describes what's happening here. I understand what you're saying in terms of it perhaps having a punitive connotation, but in actual fact, you are restricting people's access to a certain area, so "confinement" is a better term. As a result, I won't be supporting this motion.

**The Chair (Mr. Grant Crack):** Further discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** This language is used in the patient's plan of care extensively. When new workers, new PSWs, come and see language like this, it gives the wrong idea. It should be changed to be—if you are placed in a long-term-care home that has secured entry and exits, that's fine. You are placed and you are free to go within the whole long-term-care home, but language does matter. I think we've come to a place now where we should not be using that type of language anymore. People in long-term-care homes deserve this. You can still limit a person to an entire long-term-care home or a unit if you want to by using language that is more respectful.

**1610**

This is old language. These is an old idea. We already know that language of that sort has led to people being punished when a plan of care will never include punishment.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the vote on NDP motion number 8.1. Those in favour—

**M<sup>me</sup> France Gélinas:** Recorded vote.

**The Chair (Mr. Grant Crack):** Oh, yes. That's fair. There will be a recorded vote on all NDP amendments, as was requested on Monday.

**Ayes**

Gélinas.

**Nays**

Anderson, Baker, Fraser, Rinaldi, Wong.

**The Chair (Mr. Grant Crack):** I declare NDP motion 8.1 defeated.

There are therefore no amendments to schedule 5, section 13. Any discussion? There being none, I shall call for the vote. Shall schedule 5, section 13, carry? Those in

favour? Any opposed? I declare schedule 5, section 13, carried.

We have three sections: schedule 5, sections 14, 15 and 16. There are no amendments. Any discussion? There being none, I shall call for the vote on the bundled sections. Those in favour of schedule 5, sections 14, 15 and 16? Any opposed? There being none, I declare schedule 5, section 14, carried; I declare schedule 5, section 15, carried; and I declare schedule 5, section 16, carried.

We shall move to schedule 5, section 17. We have NDP motion 8.2, proposing to amend section 17 (section 69). Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I move that section 17 of schedule 5 to the bill be struck out and the following substituted:

“17. Subsection 69(1) of the act is repealed and the following substituted:

“Not-for-profit corporations

“(1) Where a licensee is a not-for-profit corporation, every director and every officer shall,

“(a) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances; and

“(b) take such measures as the board of the corporation consider necessary to ensure that the corporation complies with all requirements under this act.”

**The Chair (Mr. Grant Crack):** Discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** Basically, right now, we are putting a lot of responsibilities on the not-for-profit board. Those people are volunteers who volunteer of their free time to help the not-for-profit long-term-care home. For reasons unknown, we have put the duties on this board way higher than we put the duties of any other board members.

What this language does is it copies the responsibility equivalent that we've put on the boards of public hospitals. The boards of not-for-profit long-term-care homes would be held to the same standards as the boards of our public hospitals, if we move with this motion.

If we don't move with this motion, they are held to a higher standard, and the association made it clear that it will scare some of their board members away because of the fiduciary responsibilities that are put on them, whether a mistake is done in good faith or illegally. Illegally, they would be fully responsible, but if they make a mistake in good faith, then they should be afforded the same protection as every other voluntary board member on a not-for-profit board, including those overseeing our public hospitals.

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Fraser.

**Mr. John Fraser:** Bill 160 included amendments to subsection 69(1) to clarify and strengthen the standard on every director and officer of a corporation to ensure that the licensee complies with all LTCHA requirements. Additionally, subsection 69(1) was being added to clarify

that individuals be prosecuted even if the corporation has not been prosecuted or convicted.

This removes a possible barrier to enforcement, and, as you said, this motion would narrow the scope to non-profit corporations and continue to leave the legislation vague in terms of a director's obligations.

**The Chair (Mr. Grant Crack):** Further discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I still think people who volunteer on not-for-profit corporations do so of their own free will. They don't get paid. They don't get anything. They just do this so that not-for-profit corporations are allowed to function. We have held all of the members of the boards of our hospitals to the standards described in the motion. I don't see why the province would see the need to go after one specific member when this member has been reasonably prudent in doing their work. This just serves to scare people away.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the recorded vote on NDP motion 8.2.

**Ayes**

Gélinas.

**Nays**

Anderson, Baker, Fraser, Rinaldi, Wong.

**The Chair (Mr. Grant Crack):** I declare NDP motion 8.2 defeated.

There are no amendments to schedule 5, section 17. Any discussion? There being none, I shall call for the vote: Shall schedule 5, section 17, carry? Any opposed? There being none, I declare schedule 5, section 17, carried.

We shall move to schedule 5, section 18, and schedule 5, section 19. There are no proposed amendments. Any discussion on either of the two sections? There being none, I shall call for the vote: Shall schedule 5, section 18, and schedule 5, section 19, carry? Any opposed? There being none, I declare schedule 5, section 18, carried, and I declare schedule 5, section 19, carried.

We shall move to government motion number 9, which proposes to amend section 20 (clauses 78(2)(f) and (g) of the Long-Term Care Homes Act, 2007). Mr. Fraser?

**Mr. John Fraser:** I move that section 20 of schedule 5 to the bill be struck out and the following substituted:

“20(1) Clause 78(2)(f) of the act is repealed and the following substituted:

“(f) the written procedure, provided by the director, for making complaints to the director, together with the contact information of the director, or the contact information of a person designated by the director to receive complaints;”

“(2) Clause 78(2)(g) of the act is repealed and the following substituted:

“(g) notification of the long-term-care home’s policy to minimize the restraining and confining of residents and how a copy of the policy can be obtained;”

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Fraser.

**Mr. John Fraser:** Chair, it’s a technical change that provides flexibility to bring into force the consent-based confinement framework at a later date.

**The Chair (Mr. Grant Crack):** Discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I wish we wouldn’t use terms like “confinement.” We’re not putting people in prison.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the vote on government motion number 9. Those in favour of government motion number 9? Those opposed? I declare government motion number 9 carried.

We have one amendment to schedule 5, section 20. It just passed. Is there any discussion on schedule 5, section 20, as amended? There being none, I shall call for the vote: Shall schedule 5, section 20, as amended, carry? Those in favour? Any opposed? I declare schedule 5, section 20, as amended, carried.

We shall move to government motion number 10, which proposes to amend subsection 21(1) (clauses 79(3)(f) and (g) of the Long-Term Care Homes Act, 2007). Mr. Fraser?

**Mr. John Fraser:** I move that subsection 21(1) of schedule 5 to the bill be struck out and the following substituted:

“21(1) Clause 79(3)(f) of the act is repealed and the following substituted:

“(f) the written procedure, provided for by the director, for making complaints to the director, together with the contact information of the director, or the contact information of a person designated by the director to receive complaints;”

**1620**

“(1.1) Clause 79(3)(g) of the act is repealed and the following substituted:

“(g) notification of the long-term-care home’s policy to minimize the restraining and confining of residents, and how a copy of the policy can be obtained;”

*Interjection.*

**Mr. John Fraser:** Did I miss something?

**The Chair (Mr. Grant Crack):** Just a quick clarification, Mr. Fraser, on (f): “the written procedure, provided by the director,” I believe.

**Mr. John Fraser:** By the director, yes.

**The Chair (Mr. Grant Crack):** Right, okay. Further discussion? Mr. Fraser.

**Mr. John Fraser:** Again, Chair, this is a technical change that provides flexibility to bring into force a consent-based confinement framework at a later date.

**The Chair (Mr. Grant Crack):** Further discussion? Madame Gélinas? No? Okay. There being none, then I shall call for the vote on government motion number 10. Those in favour of government motion 10? Any

opposed? I declare government motion number 10 carried.

Schedule 5, section 21, has one amendment, which just carried. Is there any discussion on schedule 5, section 21, as amended? There being none, I shall call for the vote. Shall schedule 5, section 21, as amended, carry? Any opposed? I declare schedule 5, section 21, carried.

*Interjection.*

**The Chair (Mr. Grant Crack):** As amended. Thank you, Clerk.

We shall move to schedule 5, section 22; schedule 5, section 23; schedule 5, section 24; and schedule 5, section 25. There are no amendments. Is there any discussion on any of those four sections? There being none, I shall call for the vote. Shall schedule 5, section 22, section 23, section 24 and section 25 carry? Any opposed? I declare schedule 5, section 22, carried. I declare schedule 5, section 23, carried. I declare schedule 5, section 24, carried. And I declare schedule 5, section 25, carried.

We shall move to government motion number 11, which is proposing a new section 25.1 (subsections 126(3) to (7) of the Long-Term Care Homes Act, 2007). Mr. Fraser.

**Mr. John Fraser:** Okay, so, motion 11?

**The Chair (Mr. Grant Crack):** We’re at motion 11, and read that into the record.

**Mr. John Fraser:** I’m going to withdraw.

**The Chair (Mr. Grant Crack):** A withdrawal is acceptable. It will be withdrawn.

Next, due to the fact that government motion number 11 has been withdrawn, we are going to move to government motion 11R, which proposes new section 25.1 (subsections 126(3) to (7) of the Long-Term Care Homes Act, 2007). Mr. Fraser.

**Mr. John Fraser:** I move that schedule 5 to the bill be amended by adding the following section:

“25.1 Subsections 126(3) to (6) of the act are repealed and the following substituted:

“Operating reserve

“(3) In preparing the estimates, the board may provide for a reserve for working funds, but the amount of the reserve in a year shall not exceed the higher of,

“(a) 15 per cent of the total estimates of the board for the year; or

“(b) such other percentage or limit as may be prescribed by the regulations.

“Power of district homes to borrow for operating costs

“(4) Subject to subsections (5) and (6) and to any restrictions or requirements that may be prescribed by regulation, the board of management may borrow from time to time by way of a promissory note, or such other means as may be prescribed by regulation such sums as the board considers necessary to meet the operating costs of the board.

“Maximum borrowings

“(5) Subject to any restrictions or requirements that may be prescribed by regulation, the amount that may be borrowed at any one time for the purpose mentioned in

subsection (4) together with the total of any other borrowing for operating costs that have not been repaid shall not exceed the higher of,

“(a) 25 per cent of the estimated current revenue of the board for the year; or

“(b) such other percentage or limit as may be prescribed by the regulations.

“Same

“(6) Until the estimated current revenue of the board for the year has been determined, the limitation upon borrowing set out in subsection (5) shall be temporarily calculated based upon the higher of,

“(a) 25 per cent of the revenue of the board determined for the previous year; or

“(b) such other percentage or limit as may be prescribed by the regulations.

“Security for borrowing

“(7) In the circumstances prescribed by regulation and subject to any restrictions and requirements that may be prescribed by regulation, if the board is permitted to borrow under this section it may pledge security for the permitted borrowing from the real or personal property of the board.”

**The Chair (Mr. Grant Crack):** This motion seeks to amend a section, section 126 of the Long-Term Care Homes Act, that is not open in the bill before us. It is therefore beyond the scope of the bill and I am ruling it out of order.

Mr. Fraser.

**Mr. John Fraser:** I’m requesting unanimous consent.

**The Chair (Mr. Grant Crack):** Mr. Fraser is requesting unanimous consent for consideration of government motion 11R. Do we have it? Any noes? Okay, we have unanimous consent.

I shall move to Mr. Fraser.

**Mr. John Fraser:** As a number of the members on the committee know, the proposed approach responds to requests from boards of management to the standing committee, while also providing a higher level of flexibility in the legislation. The associated regulations will be developed based on appropriate policy development in consultation with all affected parties, including the contributing municipalities and the Ministry of Municipal Affairs.

**The Chair (Mr. Grant Crack):** Thank you very much. Mr. Fedeli.

**Mr. Victor Fedeli:** Thank you very much, Chair—much appreciated. When you were reading 11R, I was following along in 11. I don’t see any difference. Do you know what the differences were, just so I know? Is there a word or a comma or something? I did not see—

**Mr. John Fraser:** Do we have somebody who can highlight that difference?

**Mr. Victor Fedeli:** And then I have a much more detailed second question.

**The Chair (Mr. Grant Crack):** Fair enough.

Please state your name for the record.

**Mr. Ryan Collier:** I’m Ryan Collier, legal counsel, Ministry of Health and Long-Term Care.

**The Chair (Mr. Grant Crack):** Thank you.

**Mr. Ryan Collier:** If I can direct the member, in subsection (7) of the motion—

**Mr. Victor Fedeli:** Okay.

**Mr. Ryan Collier:** —there’s only a very small change. In the second line, it said, “requirements that are prescribed by regulation.” This has been redrafted to say “requirements that may be prescribed by regulation.” That is the only change between 11 and 11R.

**Mr. Victor Fedeli:** The word “may.” Okay. Thank you.

**The Chair (Mr. Grant Crack):** Thank you. Mr. Fedeli.

**Mr. Victor Fedeli:** I may need you yet.

The issue for all of this is the district homes, of which Cassellholme in my riding of North Bay is one. The issue at the core—and then I’m going to ask you, does this satisfy the issue? I’m not entirely sure it does. I just need to hear this from somebody.

The issue is that right now, Cassellholme and others who are scheduled for a new build to replace the B and the C units that they have—at the moment, the municipality must borrow the funds on behalf of, in our case, Cassellholme. The purpose of this was to allow Cassellholme to have their own mortgage for their building. This says by the headline—and it’s what concerns me—“Power of district homes to borrow for operating costs.” That’s my concern.

I need clarification. If we pass number 11, will this empower and entitle Cassellholme in North Bay and other district homes to borrow their own money, get their own mortgage, not guaranteed and not attached to the city of North Bay or their own municipality, so that it doesn’t enter into any of the municipalities’ borrowing capacity? That’s basically the question.

You understand what I’m asking, so I’m looking for your answer then.

1630

**The Chair (Mr. Grant Crack):** Your name, for the record, please?

**Mr. Michael Orr:** My name is Michael Orr. I’m counsel with the legal services branch of the Ministry of Health and Long-Term Care.

The issue that you’re asking about is borrowing for capital purposes. This section is about borrowing for operating purposes. Section 126 of the Long-Term Care Homes Act deals with operating costs. These are additions to that section.

There is another motion which has been filed with respect to amending section 127 to add a power to make regulations with respect to borrowing for capital costs.

**Mr. Victor Fedeli:** And where is that?

**Mr. Michael Orr:** That is motion 12 in the package.

**Mr. Victor Fedeli:** So I have the same question, then: We are satisfied that, if indeed we support motion 12, that Cassellholme or other district homes will be able to borrow independent of their municipality and without a guarantee from their municipality, if a financial lending facility allows that? That’s what I’m asking.

**Mr. Michael Orr:** We're actually ahead of ourselves, because we're talking about a motion which hasn't actually been proposed yet. But just to answer your question, what the expected motion 12 does is to add a power to make regulations that would permit borrowing. So it would be necessary for a regulation to be made to permit the borrowing. Under section 127 as it is, the board would apportion the capital costs to the municipalities, and the municipalities would pay the capital costs.

**Mr. Victor Fedeli:** So, perhaps, Chair, when we do number 12, I will ask for further clarification, because that doesn't satisfy us at all.

**Mr. John Fraser:** What it sounds like is that—

**The Chair (Mr. Grant Crack):** Mr. Fraser.

**Mr. John Fraser:** Thank you. This creates the permission to borrow for operation costs—

**Mr. Victor Fedeli:** Yes.

**Mr. John Fraser:** And this piece here, 12, will create a permissive ability to create regulations that will allow that to happen—

**Mr. Victor Fedeli:** We'll get to there on number 12. I'm going to ask the same question after.

**The Chair (Mr. Grant Crack):** Thank you very much for coming before our committee.

Further discussion on government motion 11R? There being no further discussion on government motion 11R, I shall call for the vote. Shall government motion 11R carry?

**M<sup>me</sup> France Gélinas:** I had a question.

**The Chair (Mr. Grant Crack):** Well, I think I'm in the middle of the vote and I saw too many hands go up, so I'm sorry. I apologize.

Those in favour? Any opposed? I declare government motion number 11R carried.

Madame Gélinas, did you want to take the opportunity now before I move to the next one?

**M<sup>me</sup> France Gélinas:** Sure, if you want. I don't remember the district homes asking us to borrow for operating costs. I'm just curious why we're doing this, because when they came they were very clear, like Mr. Fedeli just said, that they had one goal in mind, which was to be able to borrow for the capital part of rebuilding off the books of the North Bay municipality. I was just curious to see where this need for operating borrowing came from.

**The Chair (Mr. Grant Crack):** Thank you. Mr. Orr, one more time—or maybe more?

**Mr. Michael Orr:** Sure. The board of management, when it spoke before standing committee, did focus on borrowing for capital purposes, but the amendments that the board of management proposed for consideration by standing committee covered all kinds of borrowing. It wasn't specifically limited to borrowing for capital purposes. My understanding is that the thought was, since in the legislation as it exists there's one section that deals with operating costs and one section that deals with capital costs—to put the borrowing power into both provisions, so there would be a provision to allow regulations to allow increased borrowing for operating

costs. There's already a certain amount of power to borrow for operating costs, and then in section 127 there's a motion to add a power to make regulations to allow borrowing with respect to capital costs.

**The Chair (Mr. Grant Crack):** Thank you very much. We shall move to PC motion 11.1, which is a proposal to create a new section 25.1 (section 126, Long-Term Care Homes Act, 2007). Ms. Thompson.

**Ms. Lisa M. Thompson:** We're going to withdraw.

**The Chair (Mr. Grant Crack):** PC motion number 11.1 is withdrawn.

We shall move to NDP motion 11.1.1, which is proposing a new section 25.1 (section 126 of the Long-Term Care Homes Act). Madame Gélinas.

**M<sup>me</sup> France Gélinas:** A part of me wants to debate this, and a part of me wants to do the leap of faith and say that once we get to 12, I will be satisfied.

**Mr. Victor Fedeli:** We took it too.

**Mr. John Fraser:** Yes, we have very clear—

**The Chair (Mr. Grant Crack):** Madame Gélinas, the floor is yours.

**M<sup>me</sup> France Gélinas:** The floor is mine. I will do the leap of faith and hope that it all works out. Can we come back if doesn't work out? No, eh?

**The Chair (Mr. Grant Crack):** No.

**M<sup>me</sup> France Gélinas:** Okay. We'll do the leap of faith also.

**The Chair (Mr. Grant Crack):** What does that mean?

**M<sup>me</sup> France Gélinas:** It means that I withdraw.

**The Chair (Mr. Grant Crack):** Okay. We can also not move. Those are two—

**M<sup>me</sup> France Gélinas:** I will not move it.

**The Chair (Mr. Grant Crack):** That's fine. NDP motion 11.1.1 is not moved.

We shall move to NDP motion 11.1.2, which is proposing a new section 25.2 (section 127 of the Long-Term Care Homes Act, 2007). Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I will read this into the record.

I move that the bill be amended by adding the following section:

“25.2 Subsection 127(1) of the act is repealed and the following substituted:

“Capital costs - apportionment by board of management

“(1) If a municipal home is to be established under a board of management, or an existing municipal home under a board of management is to be renovated, altered or added to, the board of management may determine the amount that it estimates will be required and apportion that amount, in accordance with the regulations under section 128, among the municipalities in the district and shall notify the clerk of each municipality of the amount to be provided by that municipality.”

**The Chair (Mr. Grant Crack):** This motion seeks to amend a section, section 127, of the Long-Term Care Homes Act that is not open in the bill before us. It is therefore beyond the scope, and I will declare it out of order.

**M<sup>me</sup> France Gélinas:** Can I ask for unanimous consent so we can talk about this motion?

**The Chair (Mr. Grant Crack):** That is in order. Madame Gélinas is requesting unanimous consent from the committee to deal with 11.1.2. Do we have unanimous consent?

**Mr. John Fraser:** No.

**The Chair (Mr. Grant Crack):** I heard a “no.” It is out of order.

We shall continue to PC motion 11.2, which is an amendment proposing a new section 25.2 (subsection 127(1) of the Long Term-Care Homes Act, 2007). Ms. Thompson.

**Ms. Lisa M. Thompson:** Motion 11.2 was addressing that “may” that was corrected in 11R. So on that, and taking that leap of faith that our colleague France has referred to, we’re not going to move this motion.

**The Chair (Mr. Grant Crack):** That is in order. PC motion 11.2 is not moved.

We shall move to government motion 12, which is proposing a new section of schedule 5, section 25.2 (subsections 127(3) and (4) of the Long-Term Care Homes Act, 2007). Mr. Fraser.

1640

**Mr. John Fraser:** I move that schedule 5 to the bill be amended by adding the following section:

“25.2 Section 127 of the act is amended by adding the following subsections:

“Power of district homes to borrow for capital costs

“(3) In the circumstances prescribed by regulation and subject to any restrictions or requirements that may be prescribed by regulation, a board that meets the prescribed requirements may borrow such sums as the board considers necessary to meet the capital costs it estimates under subsection (1).

“Security for borrowing

“(4) In the circumstances prescribed by regulation and subject to the restrictions and requirements that may be prescribed by regulation, if the board is permitted to borrow under this section it may pledge security for the permitted borrowing from the real or personal property of the board.”

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Fedeli.

**Mr. Victor Fedeli:** If we can ask again for clarification. I’ll explain one more time my issue and why we allowed ours to—

*Interjection.*

**The Chair (Mr. Grant Crack):** Sorry, just a second. Government motion number 12 is out of order; I apologize. It seeks to amend section 127 of the Long-Term Care Homes Act. It’s not open before the bill, therefore, it’s beyond the scope of the bill. So it’s out of order.

**Mr. John Fraser:** I’d like to request unanimous consent.

**The Chair (Mr. Grant Crack):** Mr. Fraser has requested unanimous consent. Do we have unanimous consent to consider? Any noes? We have unanimous consent.

Mr. Fedeli.

**Mr. Victor Fedeli:** Thank you again, Chair. I’ll just clarify what our situation is at home and look for clarification from our legal team that this indeed is going to be allowed to happen and what must transpire, then, to make this happen.

Again, our Cassellholme is ready to put a shovel in the ground. Our municipality does not have the capacity to borrow for this \$60-million build. Therefore, we have been asking that Cassellholme be allowed to go to their own financial institution on their own, use their borrowing power from their own property and/or other resources, get their own mortgage for the new Cassellholme build and not encumber the city of North Bay in any way, shape or form.

We had a motion for that. I know the NDP had a motion. I know the government has their motion. We’ve let ours go on the leap of faith that this is indeed what is going to happen. I would like to hear from legal counsel that that is indeed what will happen.

**The Chair (Mr. Grant Crack):** Mr. Orr.

**Mr. Michael Orr:** I should start by just addressing what section 127, as it is, before this amendment, does. What it does is essentially say that if a municipal home is going to be established or if it’s going to be renovated, altered or added to—we’re talking about a municipal home that’s run by a board of management. In that case, the board of management assesses how much will be required and it apportions the amounts to the municipalities. Under this section, each municipality that is a supporting municipality of that board of management is legally required to pay the amount apportioned to it. That does not necessarily require that a municipality borrow; it’s up to the municipality to raise the money in the way that it sees fit.

What this motion would do is add a power to make regulations to allow a board of management to borrow for capital purposes in its own name; that’s one thing. The other thing, which is really separate but it’s related, is, if they are going to borrow for capital purposes, to pledge security for the permitted borrowing from the real or personal property of the board. This section enables that to be done by regulation.

Obviously, a regulation would have to be made, and I understand from the comments that were made when the motion was just moved that that would be in consultation with the supporting municipalities, which, after all, will ultimately have to pay all the costs of repaying the borrowing, and also the Ministry of Municipal Affairs.

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Fedeli.

**Mr. Victor Fedeli:** This doesn’t quite sound cut and dried. This allows the power to make a regulation, and it needs the blessing of yet a different ministry, municipal affairs and housing.

Is this a week, a month, a year? What kind of time does this happen in? Does anybody have any idea?

**The Chair (Mr. Grant Crack):** Mr. Fraser.

**Mr. John Fraser:** The motion was put forward and inserted in the bill because there is a very clear intent to get it done.

With regulations, there's some consultation that will probably take a bit of time—weeks, maybe months—and then it's posted. Postings are generally—can anybody answer that?

**Mr. Michael Orr:** It's 45 days.

**Mr. John Fraser:** It's 45 days, so that's kind of the timing where you're at.

It was an issue that I know you raised directly with me when I was in North Bay, and I know it's an issue that was raised here, so I understand your concern. We're not solving the problem today, but we're creating the circumstances under which the problem can get solved. I can assure you that the intent is to get that done as expeditiously as possible, because we do want places like Cassellholme to redevelop, and it does create, especially on some smaller municipalities, a burden that is unfair to put on them, quite frankly.

I appreciate your comments, but this is the best way to go forward with this, I think, to get it done in the most expeditious way.

**The Chair (Mr. Grant Crack):** Mr. Fedeli.

**Mr. Victor Fedeli:** Like I said, we withdrew our motion on a leap of faith that your motion would indeed create the circumstance where the problem can be solved, to use your own words. We will take you at your word and look forward to a speedy regulation process and a proper, legal posting process, and get on with it.

Notwithstanding that, Chair, while our party may not support Bill 160 in its entirety, this is certainly something that we will endorse wholeheartedly.

**The Chair (Mr. Grant Crack):** Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I'm not a lawyer. Why can it not be done in legislation such that we get to the goal that we all agree we want to get to? We want Cassellholme to be able to borrow on their own merit, so that they can redevelop. Why can we not have a bill that says that?

**Mr. Michael Orr:** My understanding, from the comments that were made when the motion was made, is that the intention is to consult with the contributing municipalities in particular, and the Ministry of Municipal Affairs.

Municipal finance law is quite complicated. There are limits on the borrowing of municipalities. My understanding is that municipalities themselves are not allowed to mortgage their properties, so, in fact, if we're talking about a mortgage here, we're talking about a power which even a municipality does not have.

Certainly, the contributing municipalities may have something to say about it. They are the ones who ultimately pay the bills. So my understanding, from the comments that were made, is that the intention is to allow a process whereby any input from those municipalities would be considered, and any input from the Ministry of Municipal Affairs would be considered.

That kind of development was not necessarily able to happen within the time frame in which this was put forward. It was just raised recently by the boards of management. To consult properly, and to put together proper provisions which reflect and are consistent with

all of the existing legislation, both with respect to the Long-Term Care Homes Act and with respect to municipal finance law, wasn't, as I understand it, possible at this time.

**The Chair (Mr. Grant Crack):** Madame Gélinas.

**M<sup>me</sup> France Gélinas:** With all due respect, Cassellholme has had this issue for years, in that they have made the Ministry of Health, anyway, very much aware that they have had this issue. They have also made them aware of the solutions for years.

So to say that it came at the last minute—yes, it came during deputations, but it has come many, many times before that they couldn't redevelop. But that's an aside.

**1650**

Mr. Fedeli and I are both from the north. Those restrictions only apply to long-term-care homes in the north. None of this applies to long-term-care homes in the south. How could it be that we are stuck with a bill that only opens the door a little bit—and hope that there will be regulations that will be done in time, before I die, for Cassellholme to be ready to look after me?

It seems like so little, but it opens the door, and I guess through that little crack we may be able to get to our end goal, but it seems like we could have done better. Just bring the north in line with what 700 long-term-care homes in the south already have had for years.

**The Chair (Mr. Grant Crack):** Mr. Fraser.

**Mr. John Fraser:** This doesn't just apply to the north; it applies in Hawkesbury, it applies in eastern Ontario and it probably applies to some places in every member's riding from here to Huron–Bruce.

So it is something that was raised with the ministry. It does have to deal with the Ministry of Municipal Affairs and Housing. That's where the solution was to be addressed and dealt with. We have a circumstance where we can create this opportunity in this bill. We've done that; we're going there.

I appreciate what the member says. It would have been nice to have done it a few years ago, but the reality is that there is a whole bunch of stuff that it would have been nice to have done a few years ago. We've got it here in front of us. I appreciate your concern, but I think it's a remedy for the situation that exists right now.

I think that it can be done expeditiously. Actually, we've done it expeditiously in this bill to put this together and get it in here, to do it by unanimous consent and then, you know, we're on the hook for the solution. I think that's an important thing to underscore.

**The Chair (Mr. Grant Crack):** Further discussion? Thank you, Mr. Orr.

There being none—where are we at? Number 12?

**Ms. Lisa M. Thompson:** Yes.

**The Chair (Mr. Grant Crack):** Yes, okay. We are at government motion number 12, and no discussion. Madame Gélinas?

**M<sup>me</sup> France Gélinas:** Recorded vote.

**The Chair (Mr. Grant Crack):** That is in order. I will call for the vote.

### Ayes

Anderson, Baker, Barrett, Fraser, Gélinas, Rinaldi, Thompson, Wong.

**The Chair (Mr. Grant Crack):** There are none opposed. I declare government motion number 12 carried.

There are no amendments to schedule 5, section 26. Any discussion? There being none, I shall call for the vote on schedule 5, section 26. Shall schedule 5, section 26, carry? Any opposed? I declare schedule 5, section 26, carried.

We shall move to government motion number 13, which has proposed—

**Mr. John Fraser:** Withdraw.

**The Chair (Mr. Grant Crack):** Withdrawal is in order.

We shall move to government motion number 13R, which proposes an amendment to section 26.1 (clauses 140(2)(d) to (d.3), Long-Term Care Homes Act, 2007). Mr. Fraser.

**Mr. John Fraser:** I move that schedule 5 to the bill be amended by adding the following section:

“26.1 Clause 140(2)(d) of the act is repealed and the following substituted:

“(d) prescribing the percentage or limit for the purpose of subsections 126(3), (5) and (6);

“(d.1) respecting the specification of times by which payments required under sections 126 and 127 must be made;

“(d.2) prescribing any circumstances, restrictions or requirements related to borrowing under sections 126 and 127;

“(d.3) providing for and governing any transitional matters the Lieutenant Governor in Council considers necessary or advisable in connection with borrowing under sections 126 and 127;”

**The Chair (Mr. Grant Crack):** This motion is out of order, as it seeks to amend a section, section 140 of the Long-Term Care Homes Act, that is not open in the bill before us and is beyond the scope. Again, it is out of order.

Mr. Fraser.

**Mr. John Fraser:** I'd like to request unanimous consent.

**The Chair (Mr. Grant Crack):** Mr. Fraser has requested unanimous consent. Do we have unanimous consent? Unanimous consent is granted.

Mr. Fraser.

**Mr. John Fraser:** The proposed approach responds to requests of the boards of management to the standing committee while also providing a higher level of flexibility in the legislation, and also addresses a concern raised by the Standing Committee on Regulations and Private Bills. The associated regulations will be developed based on appropriate policy development, in consultation with all the affected parties, including contributing municipalities and the Ministry of Municipal Affairs.

**The Chair (Mr. Grant Crack):** Further discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I take it this is also to facilitate Cassellholme's redevelopment? Am I wrong?

**Mr. John Fraser:** It provides for the regulation—one more time, Mr. Orr?

**The Chair (Mr. Grant Crack):** Welcome back, Mr. Orr.

**Mr. Michael Orr:** Thank you. Yes, this is to complete the motions that were already put forward. This is to provide the power to make the regulations.

**The Chair (Mr. Grant Crack):** Thank you. Further discussion on government motion 13R? There being none, I shall call for the vote on government motion 13R. Those in favour? Any opposed? I declare government motion 13R carried.

We shall move to schedule 5, section 27. We have PC amendment 13.1, proposing to amend subsection 27(4) (subsection 147(4) of the Long-Term Care Homes Act, 2007). Ms. Thompson.

**Ms. Lisa M. Thompson:** I move that subsection 27(4) of schedule 5 to the bill be struck out.

**The Chair (Mr. Grant Crack):** Further discussion? Ms. Thompson.

**Ms. Lisa M. Thompson:** This amendment strikes out the clause that allows an inspector to exclude anyone from a questioning. Someone being questioned should have at least the right to legal counsel, should they want it.

**The Chair (Mr. Grant Crack):** Further discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I will be supporting this motion.

**The Chair (Mr. Grant Crack):** Mr. Fraser.

**Mr. John Fraser:** We won't be supporting this motion. An inspection is neither a hearing nor a prosecution. It's not necessary for an individual to have legal representation present. In the past, there have been delays in the completion of inspections due to staff insisting that legal counsel be present, requiring additional time to request legal counsel.

**The Chair (Mr. Grant Crack):** Ms. Wong.

**Ms. Soo Wong:** As someone on this committee who has worked in long-term care, I've dealt with inspections. What the member is proposing is a further delay tactic when there is a complaint. That's why many of the issues driven by a complaint from family, from communities and what have you—the minute you bring lawyers in, to the member opposite, you're creating a very adversarial position, and that's not what we want.

Through inspection, you either refute the complaint or you further educate the homes. What you're suggesting here is problematic. As someone who did long-term care—this is absolutely problematic. I will encourage the member to be very, very careful. In supporting this kind of motion, you're creating a legal precedent in every home across this province.

I will definitely, on record, oppose this kind of litigious management. It's not acceptable.

**The Chair (Mr. Grant Crack):** Madame Gélinas.

**M<sup>me</sup> France G elinas:** There are power inequalities with the workers in the long-term-care homes. Some carry more power than others. When an investigation is done, I would say past precedents have shown that the one with the least power is more often responsible for whatever went wrong than the one who carries more power. The idea behind this is that if somebody at the bottom of the power totem pole is being finger-pointed for something that she—because most of the time, it’s a she—has not done, it helps that from the start she’s allowed to have someone—and it’s not always legal counsel; sometimes it’s a union rep and sometimes it’s another worker—just to give them somebody else with them to help with the power differences that exist within a long-term-care home. In a long-term-care home, what we expect of a registered nurse, a registered practical nurse and a PSW is very different, but when something goes wrong, it’s usually the PSW who loses her job.

1700

I fully understand that it brings with it slowness, but it brings fairness. I would rather we err on the side of caution for people who carry very little power; they’re the ones who usually lose their jobs. This is meant to protect them the way it has been there before.

**The Chair (Mr. Grant Crack):** Ms. Thompson.

**Ms. Lisa M. Thompson:** I appreciate the comments made by the third party, and I call the question.

**The Chair (Mr. Grant Crack):** Okay. Further discussion? There being none, I shall call for the vote on PC motion 13.1.

**Ms. Lisa M. Thompson:** Recorded vote, please.

**The Chair (Mr. Grant Crack):** There shall be a recorded vote.

#### Ayes

Barrett, G elinas, Thompson.

#### Nays

Anderson, Baker, Fraser, Rinaldi, Wong.

**The Chair (Mr. Grant Crack):** I declare PC motion 13.1 defeated.

We shall move to NDP motion 13.1.1, proposing an amendment to subsection 27(4) (subsection 147(4) of the Long-Term Care Homes Act, 2007). Madame G elinas.

**M<sup>me</sup> France G elinas:** What is the thing when it’s exactly the same thing as we just voted on? I’m supposed to say—we just voted on that. It’s identical to the one we just defeated.

**The Chair (Mr. Grant Crack):** You don’t have to move it.

**M<sup>me</sup> France G elinas:** I won’t move.

**The Chair (Mr. Grant Crack):** Okay. Thank you, Madame G elinas. So NDP motion 13.1.1 is not moved.

We shall move to PC motion number 13.2, which is a proposed amendment to subsection 27(5) (subsection

147(7.1) of the Long-Term Care Homes Act, 2007). Ms. Thompson.

**Ms. Lisa M. Thompson:** I move that section 27 of schedule 5 to the bill be amended by adding the following subsection:

“(5) Section 147 of the act is amended by adding the following subsection:

“Confidentiality

“(7.1) An inspector shall keep confidential all information that comes to the inspector’s knowledge in the course of an inspection under this act and shall not communicate any information to any other person except as required by law or except where the communication is to the director or the minister or a person employed in or performing services for the ministry.”

**The Chair (Mr. Grant Crack):** Further discussion? Ms. Thompson.

**Ms. Lisa M. Thompson:** This section sets out inspection powers for long-term-care homes, and it adds a confidentiality clause to ensure information obtained in an inspection is not disclosed, except as required by law or to the director or minister.

**The Chair (Mr. Grant Crack):** Thank you. Further discussion? Ms. Wong.

**Ms. Soo Wong:** We currently have provincial legislation dealing with health information, Mr. Chair, under the Personal Health Information Protection Act, 2004, and also the institution under the Freedom of Information and Protection of Privacy Act. I see it as redundant, Mr. Chair.

The other thing is, the compliance and enforcement inspection in long-term-care homes is done by long-term-care inspectors. They have to protect privacy. This is what I’m hearing right now: The motion before us—as someone who has worked in that sector for a number of years, I have never experienced what the member is asking us to pass.

Let’s be very clear. We have legislation to protect every employee in long-term care or in hospital institutions, and I don’t believe that we need to have this piece of legislation. I will certainly ask the government side to vote against this motion.

**The Chair (Mr. Grant Crack):** Further discussion on PC motion 13.2?

There being none, I shall then call for the vote. Those in favour of PC motion 13.2? Those opposed? I declare PC motion 13.2 defeated.

There are, therefore, no amendments carried in schedule 5, section 27. Any discussion on schedule 5, section 27?

There being none, I shall call for the vote. Shall schedule 5, section 27, carry? Any opposed? I declare schedule 5, section 27, carried.

We shall move to NDP motion 13.2.1, which is an amendment proposing new section 27.1 (section 149, Long-Term Care Homes Act, 2007). Madame G elinas.

**M<sup>me</sup> France G elinas:** I move that schedule 5 to the bill be amended by adding the following section:

“27.1 Subsection 149(3) of the act is repealed and the following substituted:

“All compliance and non-compliance to be documented

“(3) If the inspector finds that the licensee has not complied with a requirement under this act, the inspector shall document the non-compliance in the inspection report, and shall, in the report, cover areas of compliance and non-compliance.”

**The Chair (Mr. Grant Crack):** Discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** Basically, it's to ensure that inspector reports are more detailed than what we see now. It's basically asking them to document the non-compliance as well as the compliance in the report so that this information that is made public and available is more detailed than what we see right now.

**The Chair (Mr. Grant Crack):** Upon further review, section 149 is not open in the bill; therefore, I'm going to call it out of order as it is beyond the scope of the bill.

**M<sup>me</sup> France Gélinas:** Can I ask for unanimous consent so we can debate the motion?

**The Chair (Mr. Grant Crack):** Yes, you can.

Madame Gélinas has requested unanimous consent to debate NDP motion 13.2.1. Do we have unanimous consent? I heard a no.

To the members of this committee, there are no amendments to schedule 5, sections 28 through 43, inclusive. Can we bundle? Okay.

Is there any discussion on schedule 5, sections 28 through 43? There being none, then I shall call for the vote. Shall schedule 5, section 28, through schedule 5, section 45, inclusive, be carried? Any opposed? I declare schedule 5, sections 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and 43 carried.

We shall move to NDP motion 13.2.2, which is an amendment to section 44 (section 173.1, Long-Term Care Homes Act, 2007). Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I move that section 173.1 of the Long-Term Care Homes Act, 2007, as set out in section 44 of schedule 5 to the bill, be amended by adding the following subsections:

“Avoiding disclosure

“(6) Where documents or materials are filed with a court in relation to an investigation into an offence under this act or the Health Care Consent Act, 1996 or in a prosecution for an offence under this act or the Health Care Consent Act, 1996, including under sections 158 to 160 of the Provincial Offences Act, the court may, at any time, take precautions to avoid the disclosure by the court or any person of any personal health information about an individual, including, where appropriate,

“(a) removing the identifying information of any person whose personal health information is referred to in any documents or materials;

“(b) receiving representations without notice;

“(c) conducting hearings or parts of hearings in private; or

“(d) sealing all or part of the court files.

“Definition

“(7) In this section,

“‘personal health information’ means personal health information as defined in the Personal Health Information Protection Act, 2004.”

**1710**

**The Chair (Mr. Grant Crack):** Discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** Basically, these are the recommendations from pages 10 and 11 from the Information and Privacy Commissioner, where he has given us the legal advice that the courts need the authority to protect personal health information.

**The Chair (Mr. Grant Crack):** Ms. Wong.

**Ms. Soo Wong:** We will be voting against this motion because government motions 15 and 16 mirror these two motions. So we will be voting against this particular motion.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the recorded vote on NDP motion 13.2.2.

**Ayes**

Barrett, Gélinas, Thompson.

**Nays**

Anderson, Baker, Fraser, Rinaldi, Wong.

**The Chair (Mr. Grant Crack):** I declare NDP motion 13.2.2 defeated.

We shall then deal with schedule 5, section 44. Any discussion? There being none, I shall call the vote. Shall schedule 5, section 44, carry? Carried.

Any discussion on schedule 5, sections 45 and 46? There being none, I shall call for the vote. Shall schedule 5, section 45 and section 46, carry? Any opposed? I declare schedule 5, section 45, and schedule 5, section 46, carried.

We shall move to PC motion 13.3, which is proposing a new section 46.1 (section 177.1 of the Long-Term Care Homes Act, 2007). Mr. Barrett.

**Mr. Toby Barrett:** This is on page 13.3.

I move that schedule 5 to the bill be amended by adding the following section:

“46.1 The act is amended by adding the following section:

“‘Restrictions re collection, use and disclosure

“177.1(1) In performing any duty or exercising any power under this act, no person shall,

“(a) collect, use or disclose personal information or personal health information if other information will serve the purpose of the collection, use or disclosure; or

“(b) collect, use or disclose more personal information or personal health information than is reasonably necessary to meet the purpose of the collection, use or disclosure.

“‘Definitions

“(2) In this section,

““personal health information” means personal health information as defined in the Personal Health Information Protection Act, 2004; (“renseignements personnels sur la santé”)

““personal information” means personal information as defined in the Freedom of Information and Protection of Privacy Act. (“renseignements personnels”)”

And I will add: Excuse my French, Chair.

**The Chair (Mr. Grant Crack):** That’s fine. Thank you very much.

Further discussion? Ms. Thompson.

**Ms. Lisa M. Thompson:** Over the course of the last half hour or so, the PC Party has tried, on several attempts, to enhance the protection of privacy of personal health information. This particular amendment just adds a section that allows for the court—pardon me. I’ll back up. This particular amendment limits the collection, use or disclosure of personal information or personal health information if other information will suffice.

**The Chair (Mr. Grant Crack):** Further discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** This is language that is recommended by the Information and Privacy Commissioner. It has served us well in other pieces of legislation. I think it is wise to add this.

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Fraser.

**Mr. John Fraser:** This is already included in the Personal Health Information Protection Act. These limiting principles are already there. I think there is a question of the operational feasibility of limiting the ability to collect personal information when you’re doing an inspection, so we won’t be supporting it.

**The Chair (Mr. Grant Crack):** Further discussion? Ms. Thompson.

**Ms. Lisa M. Thompson:** I’m fine. Call the vote.

**Mr. Toby Barrett:** Recorded.

**Ms. Lisa M. Thompson:** A recorded vote, please.

**The Chair (Mr. Grant Crack):** Okay. I shall call for the vote, then, on PC motion 13.3. A recorded vote has been requested and is in order.

### Ayes

Barrett, Gélinas, Thompson.

### Nays

Anderson, Baker, Fraser, Rinaldi, Wong.

**The Chair (Mr. Grant Crack):** I declare PC motion 13.3 defeated.

We shall move to government motion number 14, which proposes an amendment to section 47 (subsection 181(2) of the Long-Term Care Homes Act, 2007). Mr. Fraser.

**Mr. John Fraser:** I move that subsection 181(2) of the Long-Term Care Homes Act, 2007, as set out in

section 47 of schedule 5 to the bill, be amended by striking out “except as provided for in section 158” at the end and substituting “except as provided for under this act”.

**The Chair (Mr. Grant Crack):** Discussion? Mr. Fraser.

**Mr. John Fraser:** This clarification is required to ensure that no other person is entitled to any remedy from the crown except as provided for in the act.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall then call for the vote on government motion number 14. Those in favour of government motion number 14? Any opposed? I declare government motion 14 carried.

We do have that one amendment that’s carried, so schedule 5, section 47, is amended. Any discussion? There being none, I shall call for the vote. Shall schedule 5, section 47, as amended, carry? Any opposed? I declare schedule 5, section 47, carried.

We shall move to NDP motion 14.1, proposing a new section, section 47.1 (section 181.1 of the Long-Term Care Homes Act, 2007). Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I move that schedule 5 to the bill be amended by adding the following section:

“47.1 The act is amended by adding the following section:

“Information

“181.1(1) In performing a duty or exercising a power under this act, the minister, the director, an inspector, and their employees or agents shall not,

“(a) collect, use or disclose personal information or personal health information if other information will serve the purpose of the collection, use or disclosure; and

“(b) collect, use, or disclose more personal information or personal health information than is reasonably necessary to meet the purpose of the collection, use or disclosure.

“Confidentiality

“(2) An inspector appointed under section 141 of this act shall keep confidential all information that comes to the inspector’s knowledge in the course of an inspection or making inquiries under this act and shall not communicate any information to any other person except as required by law or except where the communication is to the director or the minister or a person employed in or performing services for the ministry.

“Definitions

“(3) In this section,

““personal health information” means personal health information as defined in the Personal Health Information Protection Act, 2004;

““personal information” means personal information as defined in the Freedom of Information and Protection of Privacy Act.”

**The Chair (Mr. Grant Crack):** Discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** Those motions and recommendations come directly from the documents we received from the Information and Privacy Commissioner. You

can find them on pages 8 and 9. He makes it clear that we should clarify this piece of legislation, to make sure that information, and personal health information, should only be collected when necessary.

**The Chair (Mr. Grant Crack):** Further discussion? Ms. Thompson.

**Ms. Lisa M. Thompson:** I would just like it to be noted that our party, the PC Party of Ontario, has already put forward many amendments along the same lines, and we fully support what is coming from our third-party colleague.

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Fraser.

**Mr. John Fraser:** The confidentiality provision is not required. The Ministry of Health and Long-Term Care is a health information custodian under FHIPA and also an institution under the Freedom of Information and Protection of Privacy Act, FIPPA, and is subject to privacy protections as set out in the statutes. Compliance and enforcement inspection in long-term-care homes is done by MOHLTC inspectors who have taken the public service oath of secrecy.

So we won't be supporting it.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the recorded vote on NDP motion 14.1.

#### Ayes

Barrett, Gélinas, Thompson.

#### Nays

Anderson, Baker, Fraser, Rinaldi, Wong.

**The Chair (Mr. Grant Crack):** I declare NDP motion 14.1 defeated.

We shall move to government motion 15, proposing to amend subsection 48(3) (subsections 182(5.3) and (5.4) of the Long-Term Care Homes Act, 2007). Mr. Fraser.  
1720

**Mr. John Fraser:** I move that section 48 of schedule 5 to the bill be amended by adding the following subsection:

“(3) Section 182 of the act is amended by adding the following subsections:

“Protection of information

“(5.3) In a prosecution for an offence under this act or where documents or materials are filed with a court under section 148 of this act or sections 158 to 160 of the Provincial Offences Act in relation to an investigation into an offence under this act, the court may, at any time, take precautions to avoid the disclosure by the court or any person of any personal health information about an individual, including, where appropriate,

“(a) removing the identifying information of any person whose personal health information is referred to in any documents or materials;

“(b) receiving representations without notice;

“(c) conducting hearings or parts of hearings in private; or

“(d) sealing all or part of the court files.

“Definition of personal health information

“(5.4) In this section,

““personal health information” means personal health information as defined in the Personal Health Information Protection Act, 2004.”

**The Chair (Mr. Grant Crack):** Discussion? Mr. Fraser.

**Mr. John Fraser:** This would strengthen protections for personal health information when documents or materials are filed with the court in a prosecution under the Long-Term Care Homes Act, 2007.

**The Chair (Mr. Grant Crack):** Ms. Thompson.

**Ms. Lisa M. Thompson:** We're actually going to support this particular amendment, because it appears to accomplish the same intention that the NDP were trying to bring through in amendment 13.2.2.

**The Chair (Mr. Grant Crack):** Madame Gélinas.

**M<sup>me</sup> France Gélinas:** My question is just that: Can I have a legal counsel explain to me if there are differences between the motion called 13.2.2 that I filed, and the motion that the Liberals filed, called motion 15? And if there are, what are they?

**The Chair (Mr. Grant Crack):** Again, for the record, please state your name.

**Mr. Ryan Collier:** Again, it's Ryan Collier.

With respect to motion 15, there are some differences that make it more appropriate to be drafted into the Long-Term Care Homes Act. But if you'd like me to go back to your motion—

**M<sup>me</sup> France Gélinas:** It's 13.2.2.

**Mr. Ryan Collier:** The first difference is that there is not a reference to section 148 of the Long-Term Care Homes Act. This is a provision where a warrant may be obtained from court if entry is denied into a long-term-care home. This would also be something—a court record that we would want sealed that contained personal health information. That was not included in motion 13.2.2.

Also, as a procedural matter, the motion that was proposed in 13.2.2 proposed to make the same amendment to the Long-Term Care Homes Act as well as the Health Care Consent Act. It would be appropriate to have this provision in the Health Care Consent Act directly. There is a government motion—number 16, I believe—that will be doing that. They should have been drafted separately in each of the acts in which those provisions would rest.

**M<sup>me</sup> France Gélinas:** Okay. The first part, about subsection 48—I didn't get the first part—

**Mr. Ryan Collier:** Section 148.

**M<sup>me</sup> France Gélinas:** Yes. What's that?

**Mr. Ryan Collier:** It's missing in 13.2.2.

**M<sup>me</sup> France Gélinas:** What does it do when you add it?

**Mr. Ryan Collier:** It also provides the sealing protection to an order that is sought under section 148 of the Long-Term Care Homes Act.

**M<sup>me</sup> France G elinas:** And doing that makes it broader, not narrower?

**Mr. Ryan Collier:** It makes it more inclusive. It captures all of the types of court records that would be captured regarding a prosecution under the Long-Term Care Homes Act.

**M<sup>me</sup> France G elinas:** Okay. Thank you.

**The Chair (Mr. Grant Crack):** Thanks again for coming before committee.

Further discussion on government motion 15? There being none, then I shall call for the vote. Those in favour of government motion 15? Those opposed? I declare government motion 15 carried.

Having that one amendment carried in schedule 5, section 48—any discussion? There being none, I shall call for the vote. Shall schedule 5, section 48, as amended, carry? Any opposed? I declare schedule 5, section 48, as amended, carried.

We have schedule 5, sections 49 and 50, with no amendments. Any discussion? There being none, I shall call for the vote.

Shall schedule 5, section 49, and schedule 5, section 50, carry? Any opposed? I declare schedule 5, section 49, and schedule 5, section 50, carried.

We have NDP motion 15.1, proposing an amendment to section 51 (section 1 of the Health Care Consent Act, 1996). Madame G elinas.

**M<sup>me</sup> France G elinas:** I move that section 51 of schedule 5 to the bill be struck out and the following substituted:

“51(1) Clause 1(b) of the Health Care Consent Act, 1996 is amended by striking out ‘admission to care facilities’ and substituting ‘admission to or confining in care facilities’.

“(2) Clauses 1(c), (e) and (f) of the act are repealed and the following substituted:

“(c) to enhance the autonomy of persons for whom treatment is proposed, persons for whom admission to or placing in a protected area in a care facility is proposed and persons who are to receive personal assistance services by,

“(i) allowing those who have been found to be incapable to apply to a tribunal for a review of the finding,

“(ii) allowing incapable persons to request that a representative of their choice be appointed by the tribunal for the purpose of making decisions on their behalf concerning treatment, admission to or placing in a protected area in a care facility or personal assistance services, and

“(iii) requiring that wishes with respect to treatment, admission to or confining in a care facility or personal assistance services, expressed by persons while capable and after attaining 16 years of age, be adhered to;

“(e) to ensure a significant role for supportive family members when a person lacks the capacity to make a decision about a treatment, an admission to or a placing in a protected area in a care facility or a personal assistance service; and

“(f) to permit intervention by the Public Guardian and Trustee only as a last resort in decisions on behalf of

incapable persons concerning treatment, admission to or placing in a protected area in a care facility or personal assistance services.”

**The Chair (Mr. Grant Crack):** Discussion? Madame G elinas.

**M<sup>me</sup> France G elinas:** Basically, here again it is language that comes from the Information and Privacy Commissioner. He felt the language that was in the bill should be amended so that both the Long-Term Care Homes Act and the Health Care Consent Act be better aligned.

**The Chair (Mr. Grant Crack):** Discussion? Mr. Fraser.

**Mr. John Fraser:** I won't be supporting this motion for reasons I have stated before in terms of what I think is the appropriate language to define what it is we're doing.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the recorded vote on NDP motion 15.1.

#### Ayes

G elinas.

#### Nays

Anderson, Baker, Fraser, Rinaldi, Wong.

**The Chair (Mr. Grant Crack):** I declare NDP motion 15.1 defeated.

Hence, there are no amendments to schedule 5, section 51. Any discussion? There being none, I shall call for the vote.

Shall schedule 5, section 51, carry? I declare schedule 5, section 51, carried.

We shall move to NDP motion 15.2, proposing an amendment to section 52 (section 2 of the Health Care Consent Act, 1996). Madame G elinas.

**M<sup>me</sup> France G elinas:** I move that section 52 of schedule 5 to the bill be struck out and the following substituted:

“52(1) Subsection 2(1) of the act is amended by adding the following definition:

““placing in a protecting area” and related expressions when used in part III.1 have the meaning or meanings provided for in the regulations; (“confinement dans un  tablissement de soins”)

“(2) The definition of ‘treatment’ in subsection 2(1) of the act is amended,

“(a) by striking out ‘admission to a care facility’ in clause (a), and substituting ‘admission to or placing in a protected area in a care facility’; and

“(b) by adding the following clause:

“(e.1) a person’s placing in a protected area in a care facility,”

1730

**The Chair (Mr. Grant Crack):** I just have one correction—where it's quoted, “‘placing in a protecting

area' and related expressions when used in this part and part III.1" I think you omitted the first part.

**M<sup>me</sup> France Gélinas:** Okay.

**The Chair (Mr. Grant Crack):** That is clarified. Madame Gélinas.

**M<sup>me</sup> France Gélinas:** Basically, when RNAO was here they made a good point that the term "confine" be replaced by "place in a protected area." This is a change in language that I support because it will make a difference in the lives of the tens of thousands of people who live in our long-term-care facilities.

Language has evolved since we used to talk about confinement, restriction and restraint, and care has evolved, so I think our bill should reflect that.

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Fraser.

**Mr. John Fraser:** Again, Chair, I won't be supporting it because the language "confining" better reflects the active role and responsibilities of a licensee.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the recorded vote on NDP motion 15.2.

#### Ayes

Gélinas.

#### Nays

Anderson, Baker, Fraser, Rinaldi, Wong.

**The Chair (Mr. Grant Crack):** I declare NDP motion 15.2 defeated.

There are no amendments to schedule 5, section 52. Any discussion? There being none, I call for the vote. Shall schedule 5, section 52, carry? Any opposed? I declare schedule 5, section 52, carried.

We shall move to NDP motion 15.3, which proposes an amendment to section 53 (section 4 of the Health Care Consent Act, 1996). Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I move that section 4 of the Health Care Consent Act, 1996, as set out in section 53 of schedule 5 to the bill, be amended by striking out "confining" wherever it occurs and substituting "placing in a protected area" in each case.

**The Chair (Mr. Grant Crack):** Discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I think by now you know that a lot of people find it offensive to use a word like "confining" when you're talking about somebody in need of care. When you read a chart, when you look at a health record that uses a word like this it conveys a way of thinking and a way of providing care that is hopefully long past.

When we keep using words like this it perpetuates ideas that hopefully are not being acted upon anymore. Placing in a protected area is what you're really doing; we should call it what it is.

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Fraser.

**Mr. John Fraser:** I'll be opposing this motion for the reasons I've stated for the last three motions.

**The Chair (Mr. Grant Crack):** Discussion? I shall call for the vote on NDP motion 15.3. It will be recorded.

#### Ayes

Gélinas.

#### Nays

Anderson, Baker, Fraser, Rinaldi, Wong.

**The Chair (Mr. Grant Crack):** I declare NDP motion 15.3 defeated.

Therefore, there are no amendments to schedule 5, section 53. Any discussion? There being none, I shall call the vote. Shall schedule 5, section 53, carry? Any opposed? I declare schedule 5, section 53, carried.

We shall move to NDP motion 15.4, proposing to amend section 54 (subsection 5(1) of the Health Care Consent Act, 1996). Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I move that section 54 of schedule 5 to the bill be struck out and the following substituted:

"54. Subsection 5(1) of the act is amended by striking out 'admission to a care facility' and substituting 'admission to or placing in a protected area in a care facility'."

**The Chair (Mr. Grant Crack):** Discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I don't give up easy. I hope that they will see the light and realize that putting in "protected area" will help change things for the better.

**The Chair (Mr. Grant Crack):** Any discussion? Mr. Fraser.

**Mr. John Fraser:** I'll be opposing this amendment for the reasons I stated for the last several amendments.

**The Chair (Mr. Grant Crack):** There being no more discussion, I shall call for the recorded vote on NDP motion 15.4.

#### Ayes

Gélinas.

#### Nays

Anderson, Baker, Fraser, Rinaldi, Wong.

**The Chair (Mr. Grant Crack):** I declare NDP motion 15.4 defeated.

Therefore, no amendments carried in schedule 5, section 54. Any discussion? There being none, I shall call for the vote. Shall schedule 5, section 54, carry? Any opposed? I declare schedule 5, section 54, carried.

There are no amendments to schedule 5, section 55, or schedule 5, section 56. Any discussion on those two sections? There being none, I shall call for the vote. Shall schedule 5, section 55, and schedule 5, section 56, carry? I declare schedule 5, section 55, carried, and I declare schedule 5, section 56, carried.

We shall move to NDP motion 15.5, proposing an amendment to section 57 (part III.1, Health Care Consent Act, 1996). Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I move that part III.1 of the Health Care Consent Act, 1996, as set out in section 57 of schedule 5 to the bill, be amended by striking out “confinement”, “confined” and “confining” wherever they occur, and substituting “placement in a protected area”, “placed in a protected area”, “placing in a protected area” as the case may be.

**The Chair (Mr. Grant Crack):** Discussion, Madame Gélinas?

**M<sup>me</sup> France Gélinas:** It’s not too late to do the right thing. The changing of the word “confinement” to “placement in a protected area” carries the spirit of what we try to do when people in long-term care are in need of protection.

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Fraser? None? Okay. I shall call for the recorded vote on NDP motion 15.5.

#### Ayes

Gélinas.

#### Nays

Anderson, Baker, Fraser, Rinaldi, Wong.

**The Chair (Mr. Grant Crack):** I declare NDP motion 15.5 defeated.

No amendments to schedule 5, section 57—any discussion? There being none, I shall call for the vote. Shall schedule 5, section 57, carry? Any opposed? I declare schedule 5, section 57, carried.

There are no amendments to schedule 5, section 58, section 59, and sections 60, 61 and 62. Any discussion on those sections, inclusive? There being none, I shall call for the vote. Shall schedule 5, section 58, section 59, section 60, section 61 and 62 carry? I declare schedule 5, section 58, carried; section 59 carried; section 60 carried; section 61, carried; and section 62 carried.

We shall move to government motion number 16, which is an amendment creating a new section 62.1 (section 84.1, Health Care Consent Act, 1996). Mr. Fraser.

**Mr. John Fraser:** I move that schedule 5 to the bill be amended by adding the following section:

“62.1 The act is amended by adding the following section:

“Protection of information

“84.1(1) In a prosecution for an offence under this act or where documents or materials are filed with a court

under sections 158 to 160 of the Provincial Offences Act in relation to an investigation into an offence under this act, the court may, at any time, take precautions to avoid the disclosure by the court or any person of any personal health information about an individual, including, where appropriate,

“(a) removing the identifying information of any person whose personal health information is referred to in any documents or materials;

“(b) receiving representations without notice;

1740

“(c) conducting hearings or parts of hearings in private; or

“(d) sealing all or part of the court files.

“Definition of personal health information

“(2) In this section,

““personal health information” means personal health information as defined in the Personal Health Information Protection Act, 2004.”

**The Chair (Mr. Grant Crack):** Thank you. Discussion? Mr. Fraser.

**Mr. John Fraser:** Again, Chair, this would strengthen protections for personal health information when documents or materials are filed with the court in a prosecution under the Health Care Consent Act, 1996.

**The Chair (Mr. Grant Crack):** Madame Gélinas.

**M<sup>me</sup> France Gélinas:** Is this the second part that legal counsel had told us was coming?

**Mr. John Fraser:** The companion motion for the Health Care Consent Act, yes.

**M<sup>me</sup> France Gélinas:** Okay.

**The Chair (Mr. Grant Crack):** Thank you. Ms. Thompson.

**Ms. Lisa M. Thompson:** We just want to have on record that this amendment strengthens protections for personal health information, and we’ve been looking for this in earlier amendments, so we’ll be supporting it.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the vote on government motion number 16. Those in favour? Any opposed? I declare government motion 16 carried.

There are no amendments to schedule 5, sections 63, 64, 65, 66, 67, 68 or 69. We will bundle those. Any discussion on those sections?

There being none, I shall call for the vote on schedule 5, sections 63 through 69, inclusively. Those in favour? Any opposed? I declare schedule 5, section 63, carried; schedule 5, section 64, carried; schedule 5, section 65, carried; schedule 5, section 56, carried; schedule 5, section 57—wait a second.

Okay, wait; let me go back. I declare schedule 5, 63, carried. I declare schedule 5, 64, carried—sorry, section 64, carried. I declare schedule 5, section 65, carried. I declare schedule 5, section 56, carried. I declare schedule 5—

*Interjections.*

**The Chair (Mr. Grant Crack):** So it’s 63 to 69, inclusively; they’re all carried. How’s that? Thank you very much.

**Ms. Lisa M. Thompson:** Good job, Chair.

**Mr. John Fraser:** Thank you, Chair. We're good.

**The Chair (Mr. Grant Crack):** We're good. So just for clarification, schedule 5, sections 63 to 69, inclusively, is carried.

Let's move to NDP motion number 16.1, proposing an amendment to section 70. Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I move that section 70 of schedule 5 to the bill be amended by adding "which shall not be less than 12 months after the Strengthening Quality and Accountability for Patients Act, 2017 receives royal assent" at the end.

**The Chair (Mr. Grant Crack):** Thank you. Further discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** There was quite a bit of anxiety in the long-term-care sector as to when some of those changes are going to take place. I realize that "comes into force on a day to be named by proclamation of the Lieutenant Governor" is in there. That means nothing to a long-term-care operator. To make it clear that they will have 12 months from after it receives royal assent would make it clear for everybody.

**The Chair (Mr. Grant Crack):** Discussion? Mr. Fraser.

**Mr. John Fraser:** Chair, a specific minimum deferred proclamation date on the bill for schedule 5 would delay the introduction of new enforcement tools for long-term care. We already have the flexibility to have a later proclamation date for some provisions in schedule 5; for example, those relating to confinement.

**The Chair (Mr. Grant Crack):** Discussion? Ms. Thompson.

**Ms. Lisa M. Thompson:** We're going to be supporting this amendment, because the way we read it, it looks to be ensuring that the licensees have adequate time for implementation. That's what it comes down to.

**The Chair (Mr. Grant Crack):** Discussion? There being none, I shall call for the vote on NDP motion 16.1. It shall be recorded.

#### Ayes

Barrett, Gélinas, Thompson.

#### Nays

Anderson, Baker, Fraser, Rinaldi, Wong.

**The Chair (Mr. Grant Crack):** I declare NDP motion 16.1 defeated.

There are no amendments to schedule 5, section 70. Any discussion? There being none, I shall call for the vote. Shall schedule 5, section 70, carry? Carried.

That's schedule 5. Okay. I'm just checking. There are amendments. That's it for schedule 5.

Any discussion on schedule 5, as amended? There being none, I shall call for the vote. Shall schedule 5, as amended, carry? Any opposed? I declare schedule 5, as amended, carried.

Let's go to NDP motion 16.2, proposing an amendment to section 1 of the Medical Radiation and Imaging Technology Act, 2017. This is in schedule 6, the Medical Radiation and Imaging Technology Act, 2017. Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I move that section 1 of schedule 6 to the bill be amended by adding the following definition:

"specialty" includes, without being limited to, radiography, radiation therapy, nuclear medicine, magnetic resonance, diagnostic medical sonography and any other specialty described in regulation made by the council of the college;"

**The Chair (Mr. Grant Crack):** Thank you. Further discussion? Madame Gélinas?

**M<sup>me</sup> France Gélinas:** The College of Medical Radiation Technologists of Ontario, as they are called right now, had requested that definitions be included in the bill. I think it's a good idea.

**The Chair (Mr. Grant Crack):** Thank you. Discussion? Mr. Fraser.

**Mr. John Fraser:** Chair, the current drafting in Bill 160 is consistent with other health profession-specific acts in not defining the specialties of the profession. Including the proposed amendment may lead to unintended interpretation questions for other health professions acts that do not include this definition. Including the proposed amendment will reduce the college's flexibility should they wish at some point in the future to remove or rename an existing specialty certificate of registration.

Sorry to disappoint you.

**The Chair (Mr. Grant Crack):** Thank you. Further discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** It does say "in any other specialty described in a regulation made by the council of the college," so if they wanted to do that, they would be able to.

**The Chair (Mr. Grant Crack):** Thank you. Any discussion? There being none, I shall call for the recorded vote on NDP motion 16.2.

#### Ayes

Gélinas.

#### Nays

Anderson, Baker, Fraser, Rinaldi, Wong.

**The Chair (Mr. Grant Crack):** I declare NDP motion 16.2 defeated.

Since there are no amendments to schedule 6, section 1—any discussion? There being none, I call the vote. Shall schedule 6, section 1, carry? I declare schedule 6, section 1, carried.

Any discussion on schedule 6, section 2? There being none, I call the vote. Shall schedule 6, section 2, carry? I declare schedule 6, section 2, carried.

We shall move to NDP motion 16.3, proposing to amend subsection 3(2), Medical Radiation and Imaging Technology Act, 2017. Madame Gélinas.

**M<sup>me</sup> France Gélinas:** I move that section 3 of schedule 6 to the bill be amended by adding the following subsection:

“Nurses

“(2) Nothing in this act requires a member of the College of Nurses of Ontario who is entitled to perform diagnostic ultrasound in the course of carrying out the responsibilities of a nurse to be a member of the College of Medical Radiation and Imaging Technologists of Ontario.”

**The Chair (Mr. Grant Crack):** Discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** There will continue to be a number of health care places where nurses perform ultrasound. Right now, in the way that the bill is drafted, it looks like it will be a restricted act to members of the College of Medical Radiation and Imaging Technologists of Ontario, which would provide serious restrictions to care for a number of areas that I represent in northern Ontario.

**The Chair (Mr. Grant Crack):** Thank you. Discussion? Mr. Fraser?

**Mr. John Fraser:** Again, the proposal is inconsistent with other health profession acts and the abilities of the CNO to apply diagnostic ultrasound, as addressed in O. Reg. 107/96 made under the RHPA, and including the proposed amendment may lead to unintended interpretation questions for other health professions who apply sound waves for diagnostic ultrasound but are not included in this motion.

**The Chair (Mr. Grant Crack):** Discussion? Madame Gélinas.

**M<sup>me</sup> France Gélinas:** Could you name me one?

**The Chair (Mr. Grant Crack):** Further discussion?

*Interjection.*

**The Chair (Mr. Grant Crack):** Okay, we'll have someone from the ministry come forward. If we could clarify the question one more time, that would be appreciated.

**M<sup>me</sup> France Gélinas:** The member seems to say that they don't want to limit it to nurses. To simply say “nurses”—I'm willing to say “nurses and others” if there are others.

**The Chair (Mr. Grant Crack):** Your name for the record, please.

**Mr. Gerry Slavin:** Gerry Slavin, counsel for the Ministry of Health and Long-Term Care.

Under the RHPA, the controlled acts are set out in section 27(1) of the act, and the individual health profession acts contain provisions that authorize those controlled acts to their members. Nothing that is included in this act limits the authority of nurses or other professions, if they are authorized under their own health profession-specific act, to perform those controlled acts.

**M<sup>me</sup> France Gélinas:** I never thought that ultrasound was a restricted act.

**Mr. Gerry Slavin:** It is, but in a strange way. It is prescribed as a form of energy under the RHPA, but then there's an exemption currently given in the regulations under the RHPA that permits anyone to perform ultrasound provided that certain conditions are met.

**M<sup>me</sup> France Gélinas:** Oh, wow. So that's why it doesn't show, because of this exception? That's why it doesn't show like every other act?

**Mr. Gerry Slavin:** Ultrasound is just one of the forms of energy that are restricted. The controlled act is very broad. It's just applying or ordering the application of a prescribed form of energy, and a number of colleges have that. A large number of colleges have that authorized act, and then there's a regulation under the RHPA that actually sets out what those forms of energy are.

*Interjection.*

**The Chair (Mr. Grant Crack):** Thank you very much. We do have a vote in the House. Since we will not be able to complete—

*Interjection.*

**The Chair (Mr. Grant Crack):** Pardon?

**Mr. John Fraser:** Can we vote on this?

**The Chair (Mr. Grant Crack):** No, we're going to head out.

**M<sup>me</sup> France Gélinas:** There are still eight minutes. Is that possible?

**Mr. John Fraser:** Let's just vote.

**The Chair (Mr. Grant Crack):** If the committee wants to vote on it—

**Mr. John Fraser:** Let's just vote on it and get it done so it is done.

**The Chair (Mr. Grant Crack):** Is there any further discussion on NDP motion 16.3? There being none, I shall call for the recorded vote.

**Ayes**

Gélinas.

**Nays**

Anderson, Baker, Fraser, Rinaldi, Wong.

**The Chair (Mr. Grant Crack):** I declare NDP motion 16.3 defeated.

If we could do the section—I know we've lost a member. Okay, so schedule 6, section 3, is not amended. Is there any discussion? There being none, then I shall call for the vote on schedule 6, section 3. Those in favour? Any opposed? I declare schedule 6, section 3, carried.

We shall start at schedule 6, section 4 on Monday afternoon at 2 p.m.

Thank you, everyone, for all your hard work and patience this afternoon. This meeting is adjourned.

*The committee adjourned at 1754.*



## **STANDING COMMITTEE ON GENERAL GOVERNMENT**

### **Chair / Président**

Mr. Grant Crack (Glengarry–Prescott–Russell L)

### **Vice-Chair / Vice-Président**

Mr. Granville Anderson (Durham L)

Mr. Granville Anderson (Durham L)

Mr. Yvan Baker (Etobicoke Centre / Etobicoke-Centre L)

Mr. Grant Crack (Glengarry–Prescott–Russell L)

Mr. John Fraser (Ottawa South L)

Mrs. Lisa Gretzky (Windsor West / Windsor-Ouest ND)

Mr. Sam Oosterhoff (Niagara West–Glanbrook / Niagara-Ouest–Glanbrook PC)

Mr. Lou Rinaldi (Northumberland–Quinte West L)

Ms. Lisa M. Thompson (Huron–Bruce PC)

Ms. Soo Wong (Scarborough–Agincourt L)

### **Substitutions / Membres remplaçants**

Mr. Toby Barrett (Haldimand–Norfolk PC)

M<sup>me</sup> France Gélinas (Nickel Belt ND)

### **Also taking part / Autres participants et participantes**

Mr. Victor Fedeli (Nipissing PC)

Mr. Ryan Collier, counsel, legal services branch, Ministry of Health and Long-Term Care

Mr. Michael Orr, senior counsel, legal services branch, Ministry of Health and Long-Term Care

Mr. Gerry Slavin, counsel, legal services branch, Ministry of Health and Long-Term Care

### **Clerk / Greffière**

Ms. Sylwia Przewdziecki

### **Staff / Personnel**

Mr. Michael Wood, legislative counsel