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A-7

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(Hansard)**

A-7

**Standing Committee on
Government Agencies**

Intended appointments

1st Session
42nd Parliament

Tuesday 19 February 2019

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

1^{re} session
42^e législature

Mardi 19 février 2019

Chair: John Vanthof
Clerk: Jocelyn McCauley

Président : John Vanthof
Greffière : Jocelyn McCauley

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GOVERNMENT AGENCIES**

**COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX**

Tuesday 19 February 2019

Mardi 19 février 2019

The committee met at 0900 in committee room 1.

SUBCOMMITTEE REPORTS

The Chair (Mr. John Vanthof): I'd like to call this meeting to order. Welcome back, everybody. We'll get going.

The first issue this morning is to deal with the following subcommittee reports. I believe Mr. Natyshak—

Mr. Taras Natyshak: Yes, Chair, thank you. I move adoption of the subcommittee report on intended appointments dated Thursday, December 6, 2018.

The Chair (Mr. John Vanthof): We've all seen the reports in advance. Any discussion? I'll call for a vote, then. All in favour? Carried.

Next subcommittee report, please?

Mr. Taras Natyshak: Chair, I move adoption of the subcommittee report on intended appointments dated Thursday, December 20, 2018.

The Chair (Mr. John Vanthof): Once again, any discussion? I'll call for a vote. All in favour? Carried. Thank you.

Mr. Natyshak.

Mr. Taras Natyshak: I move adoption of the subcommittee report on intended appointments dated Thursday, January 17, 2019.

The Chair (Mr. John Vanthof): Any discussion?

Mr. Taras Natyshak: Yes, thank you, Chair, if I may. I believe this is the subcommittee report in which Ms. Jenni Byrne is on the intended appointments schedule. We'd like to put on the record that the government has denied our request to have Ms. Byrne appear at committee to answer some pretty basic questions that we've asked most appointees. The reluctance on the part of the government to do so is quite telling, given the track record that they've shown so far in nominating and appointing either partisans or failed candidates—anyone who has an association with the PC Party of Ontario. We're seeing a really disturbing track record and now, not only that, we're also seeing that they're not willing to bring their intended appointees in front of the committee. We'd like to put that on the record and hope that this government and the members of the committee change course.

A day like today is an auspicious day. We know that we need more transparency in government, not less, given the events at the federal level. If you're going to follow along that track record and that trajectory, we are certainly not doing our service to the public.

The Chair (Mr. John Vanthof): Thank you. Any further discussion? Mr. Baber.

Mr. Roman Baber: With respect, Chair, to my friend, to suggest that all the appointees have any connection to the PC Party is out of order and unparliamentary. I would ask the Chair to instruct the member to withdraw such a comment.

I also note that in none of the remarks proposed by the member this morning was merit mentioned even once.

The Chair (Mr. John Vanthof): Ms. Stiles?

Ms. Marit Stiles: I'd like to respond for a moment. Further to Mr. Baber's comment, I think it makes complete sense that we should have been able to question that appointee—who in fact was very senior in the Premier's office—who has received a very plum appointment. I think it's the job of this government agencies committee to be able to review whether or not her appointment does have merit. That's for us to decide, actually, with the greatest of respect. Thank you.

The Chair (Mr. John Vanthof): Ms. Khanjin.

Ms. Andrea Khanjin: I wanted to ask the Clerk a clarification question in terms of procedure. The person in question—didn't the subcommittee time out in terms of selecting that particular witness?

The Clerk of the Committee (Ms. Jocelyn McCauley): In that case, what happened was the certificate was going to expire before the committee had an opportunity to consider the intended appointee, so our practice is to ask for unanimous consent to extend the deadline.

Ms. Andrea Khanjin: Okay, but it did expire. Wasn't someone saying the certificate expired?

The Clerk of the Committee (Ms. Jocelyn McCauley): In this case we did not receive unanimous consent to extend the deadline and that's why we were not able to go forward.

Ms. Andrea Khanjin: Thank you.

The Chair (Mr. John Vanthof): Mr. Natyshak.

Mr. Taras Natyshak: Just to respond to the comments made by MPP Baber, it's the height of arrogance to suggest that the Chair request removing my comments. The Chair decides that. You know the rules of this committee, and I would suggest that you dial it down, dial it back. It's probably not the best tone to start this committee on, going forward.

The Chair (Mr. John Vanthof): With that, can we just keep to the motion? It is the duty of the Chair to call remarks out of order, not the duty of members.

Any further discussion on that subcommittee report? Seeing none, I'd like to call for a vote. All those in favour? Opposed? The motion is carried.

The next subcommittee report, please?

Mr. Taras Natyshak: I move adoption of the subcommittee report on intended appointments dated Thursday, January 24, 2019.

The Chair (Mr. John Vanthof): Thank you. Any discussion? Seeing none, I'd like to call for a vote. All those in favour? Opposed? The motion is carried.

One more, Mr. Natyshak?

Mr. Taras Natyshak: One more, Chair, thank you. I move adoption of the subcommittee report on intended appointments dated Thursday, February 7, 2019.

The Chair (Mr. John Vanthof): Any discussion? Seeing none, I'd like to call for a vote. All those in favour? Opposed? It's carried.

INTENDED APPOINTMENTS

MS. GLORIA KOVACH

Review of intended appointment, selected by official opposition party: Gloria Kovach, intended appointee as member, Consent and Capacity Board.

The Chair (Mr. John Vanthof): We have Gloria Kovach, nominated as member for the Consent and Capacity Board. Could you please come forward? Welcome.

Ms. Gloria Kovach: Thank you.

The Chair (Mr. John Vanthof): As you may be aware, you have the opportunity, should you choose to do so, to make an initial statement. Following this there will be questions from members of the committee. With that questioning we will start with the government, followed by the official opposition, with 15 minutes allocated to each recognized party. Any time you take in your statement will be deducted from the time allotted to the government. The floor is yours.

Ms. Gloria Kovach: Thank you very much. Good morning. Bonjour. Chair and members of the committee, thank you so much for having me here today to discuss my qualifications for appointment to the Consent and Capacity Board.

By way of background, I am a registered nurse. I originally graduated from Conestoga College with a nursing diploma and have since returned to school to complete my degree in nursing and then a master's in health science of nursing. In addition, I have a bachelor of education from Brock University, my mediation certificate from the University of Waterloo and a master's certificate in health care management from York. As well, I have a certificate in mental health law from Osgoode and York University combined.

I have attained a level 2 certification in French from a CEGEP in Jonquière, Quebec, as well. And, as a side note, I'm also a pastry chef and a professional chocolatier.

I am currently a competency evaluation expert. What that means is that I examine and write items for Touchstone Institute. It's a bit dry, but I develop standardized

competency assessments and objective structured clinical examinations—for those of you in the medical field, they're also known as OSCEs—for internationally trained nurses. I also examine those internationally trained nurses with respect to nursing knowledge, their skills and their judgment, according to the standards of the College of Nurses of Ontario.

I'm a recognized subject matter expert in mental health and addictions in Ontario. Previously, I was a coordinator for an Assertive Community Treatment Team, also known as ACT, where I led a team in the treatment, recovery and support services for clients with severe and persistent mental illness in community settings.

As former director of operations at Homewood Health Centre, I developed and evaluated mental health and addictions programs, both in-patient and outpatient programming. I also assisted with creating a screening tool that is now used broadly across the province for assessing suicidality.

I have provided mental health training to police services in the programs and more specific training on community treatment orders, also known as CTOs, for both Guelph Police Service and the OPP.

I have completed research in mental health and addictions and have been honoured to present my findings locally, nationally and internationally as well.

As a program coordinator for emergency mental health services, I helped develop a really creative and integrated model of service delivery for mental health and addictions in emergency. We brought the expertise of psychiatric treatment from Homewood into the Guelph General Hospital. As you well know in your roles, there can be very creative challenges when you look at siloed funding models and bringing those together to support a service from two different models and, as well, policies from two different institutions. I was really excited about the results. It has shown that there have been decreased wait times and better patient outcomes as a result of that model. It's now being transitioned throughout the province as well. If you have questions on that, I'd be happy to answer those.

Along with my diverse experience in mental health and addictions, I have a good working knowledge of the Health Care Consent Act, the Mental Health Act, the Substitute Decisions Act, PHIPA, the Ontario Long-Term Care Homes Act and also the Mandatory Blood Testing Act.

I have worked with the Public Guardian and Trustee, and I've also previously attended Consent and Capacity Board hearings.

My nursing experience also includes intensive care work, medical, dialysis and palliative care in hospital, as well as community and family health and occupational health outside of the hospital setting.

As a city councillor in Guelph for 24 years, it was a privilege to have the support of the community. My experiences were vast, and I learned so much. I served and chaired on numerous boards and commissions, including the police services board, the hospital boards, the joint social services committee and also as a director of Guelph

Junction Railway. I worked with diverse communities during that time. I really miss the constituent work.

I decided to retire from council in 2014. During my time on council, I certainly strengthened my decision-making skills and further developed my understanding of legislation.

I also was honoured to serve on the board and as president of the Federation of Canadian Municipalities. I worked well with all parties and with all orders of government, representing cities and communities across Canada.

I have participated in world trade talks as part of team Canada as well. I have hands-on experience in international development work and research in Uganda, the Czech Republic, El Salvador and in peace initiatives in the Middle East. I have been recognized by the United Nations and received an award for my work in building sustainable communities.

I volunteer in a number of areas, including on the board of the Guelph Humane Society. I'm currently chairing the capital fundraising initiative to build a much-needed new facility there.

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I volunteer with the Seed, which addresses food insecurity issues, and for Habitat for Humanity in doing builds. I'm the former secretary and board member of NSD, which is National Service Dogs.

I've tried briefly to summarize my leadership, my experience and my skill sets that would be of benefit in serving on the board. I thank you for your time, and I'm happy to answer any questions the committee may have.

The Chair (Mr. John Vanthof): Thank you very much. The first round of questions will go to the government. Ms. Fee.

Mrs. Amy Fee: First of all, good morning and thank you for being here with us this morning.

Ms. Gloria Kovach: Good morning.

Mrs. Amy Fee: You have a very extensive background, especially in health care, but I just want to focus on those 24 years that you mentioned being a city councillor. I'm just wondering: The experiences you had sitting as a city councillor on various committees and things, how will that help you in this role?

Ms. Gloria Kovach: Sure. Well, it's learning to take into account various people's opinions, working with diverse communities. On an aside, recently I've done some course work on refugee mental health, which I believe will also be helpful in this role. Again, it's focusing on what you're doing, working with the diverse opinions of people and being able to make decisions quickly and in accordance with the law.

Mrs. Amy Fee: Thank you.

The Chair (Mr. John Vanthof): Ms. Khanjin?

Ms. Andrea Khanjin: I just want to ask if you can comment on some of the findings that you had presented when it comes to mental health, how that will assist you in this current board role and how important it is to have that sort of wraparound knowledge going forward for this role.

Ms. Gloria Kovach: Well, I believe that my experience with the legislation and certainly my extensive knowledge of the Mental Health Act will be helpful. In my research, it is directed towards the betterment of care in mental health. I'm also very committed to the least restrictive way of treatment for persons and improving quality of life for everyone.

I'm also committed to expanding public knowledge and awareness of mental health and addictions as well. Certainly you hear we've come a long way, but we have so much further to go. I think people jump on the bandwagon. Not to belittle, but for something like Bell Let's Talk, it's easy to tweet out, but do people really have a fundamental understanding of what they're tweeting? Do they truly believe they would be accepting of someone with severe and persistent mental illness? I think my experience in creating greater awareness in the public will also be helpful in this role.

Ms. Andrea Khanjin: Thank you.

The Chair (Mr. John Vanthof): Mr. Nicholls?

Mr. Rick Nicholls: Good morning, Ms. Kovach. Nice to see you here this morning.

Ms. Gloria Kovach: Good morning.

Mr. Rick Nicholls: Thank you for taking the time to come in. Very quickly: You have an extensive nursing background, and of course your years of experience in various capacities. How would you, taking your experience based on what you have seen in nursing, what you have learned in nursing, be able to take that and move that forward in terms of recommendations as it pertains to the particular Consent and Capacity Board? In other words, taking that nursing experience, how can you bring that knowledge that you have forward? What would be your approach to that?

Ms. Gloria Kovach: Again, I think my experience working with the legislation, and as you may be aware—I don't know what information is before this committee—during my interview process in discussing with the chair of the board and the board member who interviewed me, at the end of that discussion they stopped and said, "We really look forward to your appointment because we need someone with your expertise to bring that to the board."

I think it is my understanding and my passion for mental health and addictions, and also the awareness of balancing that with community safety I think is really important. I'll give you an example, and maybe that is better than talking around this.

Oftentimes people struggle with someone who perhaps has some psychosis. Some people believe that that person needs treatment and they should have that treatment. I think it's important to understand the issue of capacity. If the person has the capacity—if they understand what the treatment is and they understand, if they accept the treatment or if they refuse the treatment, what the consequences of each of those decisions are—then they are deemed capable, and they can, indeed, make that determination not to take treatment and remain in their psychotic state. I think you have to have a full appreciation for that. It's hard for some people to understand that, but

as long as they're deemed capable, they have the right to make that decision. I do believe we have a right to honour that decision.

Mr. Rick Nicholls: Good example. Thank you.

The Chair (Mr. John Vanthof): Further questions? Ms. Fee.

Mrs. Amy Fee: I want to go back to your experience with National Service Dogs. I'm just wondering if you could talk to me about the role of service dogs and what you've seen, especially in the mental health sector, with PTSD, autism and that sort of thing.

Ms. Gloria Kovach: As you may be aware, National Service Dogs is across Canada—it's national—and they, in particular, focus on providing support to allow people to achieve their full potential in the areas of autism and also with post-traumatic stress disorder, or PTSD.

They also provide dogs to help in courtrooms. It's interesting—again, as an aside, I think it's interesting—they do special breeding of the dogs to have a dog that would actually be able to sit in court all day and take on that emotional stress of the courtroom. As you can imagine, that dog is sitting there to be a comfort to a child who is testifying or anyone who is testifying, and the animals have to be able to take on the high energy of people. So the dog has to be able to endure the stress and be able to be a comfort and allow people to be able to testify in court.

Certainly, there has been controversy around service dogs and where they're allowed and not allowed, and there has been lots of discussion in media about that. In my role at National Service Dogs, we're working at a national level to ensure there are standards, because certainly there are people who go out and purchase illegal vests for dogs or make their own and present them as service dogs. I do believe it is really important, for public safety, to have certified training for those dogs. I don't believe that it has to be exactly National Service Dogs or an organization that trains them—there are certainly individuals who are highly sophisticated in the training of service dogs—but I do believe there needs to be a standard and that that animal needs to pass that standard to be certified to be used in public.

Mrs. Amy Fee: Thank you.

The Chair (Mr. John Vanthof): Mr. Baber?

Mr. Roman Baber: Perhaps, in the short time we have left—I commend you on your experience and for your willingness to serve. This is a very tricky and demanding board. Specifically, you will often be asked to balance a fundamental charter right—the right to liberty—versus our collective needs or the patient's needs. Maybe in the one or two minutes that we have left, would you talk a little bit about that? How would you approach such a fundamental paradox?

Ms. Gloria Kovach: It is very hard, and I think, in part, my example may speak to a bit of that. It is really important. Civil liberties are something not to be taken for granted. We are very fortunate, in this country, to have the Charter of Rights and Freedoms, and people do have the right to make their own decisions, if they are capable.

I gave the example of someone who perhaps is psychotic, but I can also give another example—and we're seeing more and more of it, is my understanding: a person that perhaps needs to be placed in a long-term-care or retirement facility and that needs to be in a secured facility because of their mental state. Balancing that, whether that person goes into that facility, first off, and then whether that person is then put into a secure unit, I think the public tends to think of the safety of that person, but they also need to take into account that person's civil liberties. Are we restraining them on a secure unit and restricting their movement against their will when they do have the capacity? So you have to balance that with the need for public safety and the safety and security of that person as well.

I believe this role is significant, and I would take it very seriously.

Mr. Roman Baber: Thank you.

The Chair (Mr. John Vanthof): Thank you. The government's time is concluded.

The official opposition: Ms. Stiles.

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Ms. Marit Stiles: First of all, good morning and thank you very much for agreeing to spend this kind of time and commitment to sit on this board—a very important board—but also to be here this morning with us.

Ms. Gloria Kovach: Thank you.

Ms. Marit Stiles: I know you absolutely have a very extensive history. Your experience in nursing and mental health in particular sounds like it will be a great contribution to this board.

I do need to ask, because we are here to make sure that we are doing due diligence, whether or not you are a member of any political party currently.

Ms. Gloria Kovach: Currently, I am not.

Ms. Marit Stiles: Have you been a member of any political party in the past?

Ms. Gloria Kovach: Yes, I have.

Ms. Marit Stiles: Would you mind sharing with us what political party you've been a member of?

Ms. Gloria Kovach: Yes. I've been a member of both the Conservative Party of Canada and the Progressive Conservative Party.

Ms. Marit Stiles: Okay, thank you.

I noted as I was going through some of the background around the board that the demand for the work of the board actually seems to have increased quite a lot. The board in their annual report from, I think, last year or the year before noted that the caseload is outpacing the funding available for the board.

I'm wondering if you have any comments on that, because there is certainly a sense that everybody has to find efficiencies. "Efficiencies" is the word that the members opposite like to use. I'm wondering if you wouldn't mind commenting on—they've done things like move to videoconferencing and such, but is there a case to be made for maybe ensuring that this is a priority, and that to get through these cases on a timely basis, we need to

ensure that there is adequate funding, clearly, for these services, for the board?

Ms. Gloria Kovach: It always is a struggle when you're talking about doing more with less, and you continually do that. Of course, we all recognize that you can't do everything with nothing. Not having the privilege of actually being a board member yet—I'm certain that will help with my thought process—just my thoughts: Again, I'm sure they do a great job in scheduling, but I'm wondering if there can be a look at how hearings are scheduled. I know there can be a challenge, because you don't know the time frame or how much of the lawyers' time it's going to take, or the person presenting themselves before the board, or how much medical information is going to be shared as part of the process. Of course, you wouldn't want to limit that, but I wondered if there was a way of embracing that so that members could hold hearings in a specific place and a time frame that can be bundled together for efficiencies as well.

It's just a thought I had that I would be looking to perhaps share with the board.

Ms. Marit Stiles: So you're not aware at this point yet—looking at the background materials and stuff that I'm sure you've already reviewed—of whether or not the government has directed the board to look for any efficiencies.

Ms. Gloria Kovach: I have no knowledge in that background. I have not been privy to that information.

Ms. Marit Stiles: I just mention it because we have seen some cuts, particularly in mental health services, under the government already. We remain quite concerned

about what impact that will have on the demand for services and the issues that will be coming to your board.

In any case, you do seem like a very well-qualified person for this role, and I want to thank you again for your contribution and for agreeing to sit on it.

Ms. Gloria Kovach: Thank you.

The Chair (Mr. John Vanthof): No further questions? Thank you. That concludes the time allocated. Thank you very much. You may step down from the table.

Ms. Gloria Kovach: Thank you.

The Chair (Mr. John Vanthof): We will now consider the intended appointment of Ms. Gloria Kovach for member of the Consent and Capacity Board. Ms. Fee.

Mrs. Amy Fee: I'd like to move concurrence in the intended appointment of Gloria Kovach, nominated as member of the Consent and Capacity Board.

The Chair (Mr. John Vanthof): Concurrence in the appointment has been moved by Ms. Fee. Any discussion? Seeing none, I'd like to call for a vote. All those in favour? Opposed? The motion is carried.

On a further piece of business, the deadline to review the intended appointment of Michael Diamond, selected from the February 1, 2019, certificate, is March 3, 2019. He's unable to be here within the time.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Michael Diamond to March 21, 2019? I believe we have agreement. That's also passed.

Our business for the morning is finished. The meeting is adjourned. Thank you very much.

The committee adjourned at 0928.

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