

## Summary of Legislative Changes

### **Bill 108, *Apology Act, 2009* – Royal Assent Received April 23, 2009**

The *Apology Act* expressly provides that an apology made by or on behalf of a person in connection with any matter does not, in law, constitute an express or implied admission of fault or liability by the person. In addition, the legislation provides that evidence of an apology made by or on behalf of a person in connection with any matter is not admissible in any civil proceeding, administrative proceeding or arbitration as evidence of the fault or liability of any person in connection with that matter.

### **Bill 141, *Regulated Health Professions Amendment Act, 2009* – Royal Assent Received April 23, 2009**

Bill 141 amends the Health Professions Procedural Code (Code) of the *Regulated Health Professions Act*. The amendments permit investigators acting under section 76 of the Code to make reasonable inquiries of any person, including a member who is the subject of an investigation, and require a member of a health College to cooperate fully with an investigator, and permit health Colleges to make regulations providing for the direct observation of members in their practices.

### **Bill 150, *Green Energy and Green Economy Act, 2009* – Royal Assent Received May 14, 2009**

The Green Energy Act, in addition to creating the Feed-In Tariff and domestic content rules, indicates that public agencies can be required by regulation to prepare Energy Conservation and Demand Management Plans (“energy plans”) that includes: a summary of annual energy consumption for each of the public agency’s operations; a description and a forecast of the expected results of current and proposed activities and measures to conserve energy consumed by the public agency’s operations; a summary of the progress and achievements in energy conservation and other reductions since the previous plan; and such additional information as may be prescribed. The timing, frequency, and details of the report requirements have not been finalized.

### **Amendments to the Regulated Health Professions Act, 1991 – Reporting Requirements for Facilities June 4, 2009**

Amendments to the *Regulated Health Professions Act* (RHPA) introduced by Bill 171 (*the Health System Improvements Act*) expand the reporting requirements for facilities as set out in section 85.2 of the Health Professions Procedural Code (Schedule B of the RHPA).

A person who operates a facility where one or more members practices shall file a report in accordance with section 85.3 of the RHPA if the person has reasonable grounds to believe that a member who practices at the facility is incompetent, incapacitated or has sexually abused a patient. *Prior to June 4, facility operators were only required to file a report under section 85.2 if they had reasonable grounds to believe that a member who practices at the facility has sexually abused a patient.*

**Bill 175, Ontario Labour Mobility Act, 2009 – Royal Assent Received December 15, 2009**

The *Ontario Labour Mobility Act* establishes a Labour Mobility Code to govern how Ontario regulators will support full mobility for out-of-province workers who are already certified. The legislation provides that a worker certified to practice in one province or territory is entitled to be certified in that occupation in Ontario without having to complete additional material training, experience, examinations or assessments, with the ability for Ontario regulators to set standards that are considered necessary to protect the public.

**Bill 179, Regulated Health Professions Statute Law Amendment Act, 2009 – Royal Assent Received December 15, 2009**

Bill 179 makes amendments to 25 pieces of legislation administered by the Ministry of Health and Long-Term Care (MOHLTC) and one Act administered by the Ministry of Community and Social Services.

The bill makes amendments to health profession Acts (e.g., *Nursing Act*) under the *Regulated Health Professions Act* (RHPA) allowing certain providers to: perform specific health care actions (controlled acts); order diagnostic tests; administer, prescribe, dispense, compound (mix), sell and use drugs; and increase providers' ability to order x-rays. In addition, the bill amends the *Drug and Pharmacies Regulation Act* and the *Ontario Drug Benefit Act* to provide a legislative framework for the remote dispensing of drugs in Ontario.

**Bill 16, Creating the Foundation for Jobs and Growth Act, 2010 – Royal Assent May 18, 2010**

The *Creating the Foundation for Jobs and Growth Act, 2010* implements measures contained in the 2010 Ontario Budget, and is made up of more than 30 Schedules and proposes amendments to more than 30 pieces of legislation.

Bill 16 also created a new piece of legislation *the Public Sector Compensation Restraint to Protect Public Services Act, 2010* (the "Act") in effect from March 25, 2010 to March 31, 2012, which would restrict public sector employers from providing any compensation increases to non-union employees, resulting in a freeze of current compensation plans. Employees, who are

represented by a number of prescribed organizations, including trade unions under the *Labour Relations Act*, are specifically excluded.

In addition, the legislation includes amendments to the *Mental Health Act* would permit an involuntary patient, a person on his or her behalf, or the officer in charge of the psychiatric facility where the patient is currently detained to apply to the Consent and Capacity Board (Board) for an order transferring the patient to another psychiatric facility.

### **Bill 46 , *Excellent Care for All Act, 2010* – Third Reading – June 3, 2010**

Bill 46, the *Excellent Care for All Act, 2010*, is intended to make health care providers and executives accountable for improving patient care and enhance the patient experience. In addition to proposing to expand the mandate of the Ontario Health Quality Council to recommend evidence-based guidelines that health care providers should adopt, Bill 46 would require health care organizations, starting with hospitals to:

- Develop and post annual quality improvement plans;
- Create quality committees to report to each hospital board on quality-related issues, including the public annual quality improvement plans;
- Link executive compensation to achievement of quality plan performance improvement targets;
- Implement patient and employee satisfaction surveys;
- Implement a patient complaints process; and
- Prepare a patient declaration of values.

### **Bill 65, *Not for Profit Corporations Act, 2010* – Second Reading Debate**

The *Not-for-profit Corporations Act* will replace the *Corporations Act*, which currently regulates Ontario's not-for-profit corporations. The Ministry of Consumer Services indicates that Bill 65 will provide Ontario's 46,000 not-for-profit corporations with a "modern legal framework to enhance corporate governance and accountability, simplify the incorporation process, give more rights to members, and better protect directors and officers from personal liability."

### ***Accessibility for Ontarians with Disabilities Act – Customer Service Regulation – January 1, 2010***

Beginning January 1, 2010, hospitals were required to ensure that staff, physicians and volunteers receive training as set out in section 6 of the Customer Service Standard, or Regulation 429/07, under the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA). By March 31, 2010, designated public sector organizations, including hospitals, are required to file an Accessibility Report as set out in section 14 of the AODA.

**Bill 168, Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009 – In Force June 15, 2010**

Bill 168 creates a new Part of the *Occupational Health and Safety Act* ("OHS") scheme aimed at preventing workplace violence and harassment will come into force on June 15, 2010. Employers will be required to, amongst other things: carry out a risk assessment to identify potential sources of workplace violence and harassment; develop policies to address workplace violence and harassment; and ensure an appropriate response to an incident or threat of workplace violence or to an incident of harassment.

**Long-Term Care Homes Act, 2007 and corresponding Regulations – In Force July 1, 2010**

The *Long-Term Care Homes Act* will be proclaimed in force beginning July 1, 2010. At this time, General Regulation 79/10 under the legislation will also be in force. The current legislation governing long-term care homes (*The Nursing Homes Act, Charitable Institutions Act and Homes for the Aged and Rest Homes Act*) would be repealed and the accompanying regulations would be revoked. The current Long-Term Care Homes Program Manual containing inspection standards, criteria and policies would no longer apply.

**Critical Incident Reporting (Amendments to Regulation 965 under the Public Hospitals Act) – In Force July 1, 2010**

Subsection 2(4) of Regulation 965 under the *Public Hospitals Act* is amended to provide that the disclosure of a critical incident is to be made, as soon as is practicable to the Medical Advisory Committee and the administrator (in addition to the patient which is the current requirement). A new subsection is also added which provides that the board shall ensure that the administrator establishes a system for ensuring, following a disclosure of a critical incident, that the incident is analyzed and a plan developed with systemic steps to avoid or reduce the risk of further similar critical incidents.

**Ex-officio Board Members (Amendments to Regulation 965 under the Public Hospitals Act) – In Force January 1, 2011**

Subsection 2(2) of Regulation 965 under the *Public Hospitals Act*, which sets out the composition of the hospital board of directors, is repealed and replaced with new language that prohibits certain individuals from being voting members of the board. The new provisions state that where any member of the medical, dental, extended class nursing or midwifery staff or any employee of the hospital, are members of the board, they may not be voting members.

**Coroner's Act, General Regulation – In Force June 14, 2010**

To support the amendments to the *Coroners Act* last year (Bill 115), a new General Regulation has been developed that will be in force on June 14. This regulation contains provisions that deal with organ and tissue retention, specifically to address storage, retention period, disposition, religious accommodation, notification to personal representatives and authority to retain.

## **Summary of Policy Changes**

### **Implementation of Health-Based Allocation Method (HBAM) for Funding – Announced March 8, 2010**

During the 2010 Speech from the Throne, the Honourable David Onley stated that the government would build on the success of the wait time reduction strategy by ensuring that – for more and more services – money would follow the patient. The LHINs have since adopted HBAM, using it as a management tool to help inform local decisions.

### **Public reporting of hand hygiene compliance – Began April 30, 2009**

The annual reporting of hand hygiene compliance began April 30, 2009. Hospitals use the audit tool and processes from the provincial Just Clean Your Hands Program as the basis for reporting and publicly post the following percent compliance rates for:

1. Hand hygiene before initial patient/patient environment contact by combined health care provider type
2. Hand hygiene after patient/patient environment contact by combined health care provider type

### **Public Reporting of Surgical Safety Checklists – Announced October 1, 2009 (data collection started April 1, 2010)**

Pursuant to section 22.2 of Regulation 965 made under the *Public Hospitals Act* which deals with hospitals' disclosure of information concerning certain patient safety indicators through hospital websites, each Ontario hospital is mandated to report on its hospitals website, by July 30, 2010 and by the end of every reporting thereafter its bi-annual proportion of surgical procedures in which the surgical safety checklist was performed.

### **Standing Committee on Public Accounts requested that Ontario's Auditor General conduct spot audits on the use of consultants – October 21, 2009**

On October 21, 2009, the Standing Committee on Public Accounts of the Legislative Assembly of Ontario passed a motion requesting "that the Auditor General, at his discretion, conduct spot audits on the use of consultants by the Ministry of Health and Long-Term Care, the 14 LHINs, and Ontario's hospitals." The AGO has not set a date yet for the release of their report, but know that it will be released separate from their annual report and tabled in the Legislature in late summer 2010.

### **New standardized, provincial definition of ALC introduced – Effective July 1, 2010**

A new standardized provincial ALC definition has been in effect as of July 1, 2009 to help collect reliable and accurate data on all adult and paediatric ALC patients waiting in acute, complex continuing care, mental health and rehabilitation hospitals.

### **The Broader Public Sector Supply Chain Secretariat announced new requirements under the Supply Chain Guideline – announced March 24, 2010; effective April 2010.**

Effective April, 2010, all BPS organizations, including hospitals, receiving \$10 million or more each year from the Ministry of Health and Long-Term Care will be required to have a **Code of Ethics** and **Procurement Policies and Procedures** in place within their organization consistent with the principles outlined within the BPS Supply Chain Guideline.

### **Other policy-related changes include:**

- Revisions to the OHIP Schedule of Benefits approved by government, clarifying how and when new codes may be billed by physicians – November 2009
- Internal reporting of ER patient satisfaction data to EDRS (Wait Times )hospitals, LHINs and the MOHLTC – began November 2, 2009
- Process changes for the public reporting of the Central Line Infection (CLI) and Ventilator Associated Pneumonia (VAP) patient safety indicators began July 1, 2009
- Ministry of Labour released two new Guidance notes for the health care sector – one with guidance for effective occupation health and safety communications and one on pandemic H1N1 influenza recovery – January 2010