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COFFEE TALK: A HEALTH INDUSTRY SEMINAR SERIES

Legislative Update: Recent Changes in the Law You Need to Know

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Agenda

1. Overview
2. Recent Amendments to Existing Legislation
3. New Legislation
4. Changes on the Horizon

Overview

- A number of Bills were passed in 2019 which amended existing or introduced new health care laws:
 - **Bill 66:** *Restoring Ontario's Competitiveness Act, 2019*
 - **Bill 74:** *The People's Health Care Act, 2019*
 - **Bill 100:** *Protecting What Matters Most Act (Budget Measures), 2019*
 - **Bill 116:** *Foundations for Promoting and Protecting Mental Health and Addictions Services Act, 2019*
 - **Bill 138:** *Plan to Build Ontario Together Act, 2019*
- Previous Bills have recently come into force
- Numerous Regulations also amended or introduced

Overview

Bill	Relevant Legislation Amended / Enacted
Bill 66: <i>Restoring Ontario's Competitiveness Act, 2019</i>	<i>Long-Term Care Homes Act, 2007</i> (amended)
Bill 74: <i>The People's Health Care Act, 2019</i>	<i>Connecting Care Act, 2019</i> (enacted) <i>Ministry of Health and Long-Term Care Act</i> (amended) Repeals, revocations and consequential related amendments to over 30 other pieces of legislation
Bill 100: <i>Protecting What Matters Most Act (Budget Measures), 2019</i>	<i>Ambulance Act</i> (amended) <i>Broader Public Sector Accountability Act, 2010</i> (amended) <i>Child, Youth and Family Services Act, 2017</i> (amended) <i>Connecting Care Act, 2019</i> (amended) <i>Freedom of Information and Protection of Privacy Act</i> (amended) <i>Excellent Care for All Act, 2010</i> (amended) <i>Healing Arts Radiation Protection Act</i> (amended) <i>Local Health System Integration Act, 2006</i> (amended) <i>Personal Health Information Protection Act, 2004</i> (amended)

Overview

Bill	Relevant Legislation Amended / Enacted
<p>Bill 116: <i>Foundations for Promoting and Protecting Mental Health and Addictions Services Act, 2019</i></p>	<p><i>Mental Health and Addictions Centre of Excellence Act, 2019</i> (enacted) <i>Opioid Damages and Health Care Costs Recovery Act, 2019</i> (enacted) <i>Connecting Care Act, 2019</i> (amended) <i>Limitations Act, 2002</i> (amended)</p>
<p>Bill 138: <i>Plan to Build Ontario Together Act, 2019</i></p>	<p><i>Child, Youth and Family Services Act, 2017</i> (amended) <i>Connecting Care Act, 2019</i> (amended) <i>Health Insurance Act</i> (amended) <i>Independent Health Facilities Act</i> (amended) <i>Ministry of Health and Long-Term Care Act</i> (amended) <i>Ontario Drug Benefit Act</i> (amended) <i>Personal Health Information Protection Act, 2004</i> (amended)</p>



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Recent Amendments to Existing Legislation

Recent Amendments

- *Long-Term Care Homes Act, 2007*
- *Ambulance Act*
- *Freedom of Information and Protection of Privacy Act*
- *Personal Health Information Protection Act, 2004*
- *Health Insurance Act*
- *Independent Health Facilities Act*
- *Child, Youth and Family Services Act, 2017*

Recent Amendments

- *Long-Term Care Homes Act, 2007*
 - Amendments in force July 1, 2019
 - Allow for longer temporary emergency licences of up to one year to accommodate persons affected by a temporary emergency
 - Provisions regarding short-term authorizations repealed

Recent Amendments

- Regulation 79/10 (General) under the *Long-Term Care Homes Act, 2007*
 - Amendments in force on August 29, 2019
 - New provisions re: high acuity priority access beds for individuals who:
 - Are at a significant risk of avoidable admission to a hospital or a psychiatric facility, occupy a bed in a hospital or psychiatric facility and require an alternate level of care; or are a long-stay resident in a long-term care home; and
 - Can benefit from provision of ongoing nursing or other personal care and technology-based care

Recent Amendments

- *Ambulance Act*

- Amendments to Reg. 257/00 (General) in force November 1, 2019
- Ability of Ministry and ambulance services to implement new models of care
- Will provide certain patients with alternative care options where appropriate
- Proposed Patient Care Model Standards posted January 7, 2020; comment period closed January 21, 2020

Recent Amendments

- *Ambulance Act*

- Proposed Patient Care Model Standards

- 3 Patient Care Model Standards:
 - Alternate Destination
 - Treat and Refer
 - Treat and Release
- Sets out Patient Care Model submission and approval process
- Phase 1 Patient Cohorts:
 - Mental Health and Addictions (excluding cognitive conditions)
 - Palliative Care

Recent Amendments

- *Freedom of Information and Protection of Privacy Act*
 - New Part III.1 (Data Integration) in force November 4, 2019
 - Creation of inter-ministerial and ministry data integration units
 - Allows for indirect collection of personal information from other ministries and agencies to enable analysis for:
 - Managing/allocating resources
 - Planning for delivery and evaluation of government programs and services

Recent Amendments

- FIPPA Cont'd
 - Indirect collection of personal information subject to certain restrictions
 - Privacy controls: data minimization, mandatory breach reporting, IPC review and order making powers
 - Only ministry data integration units located in Ministry of Health may collect personal health information (PHI) from health information custodians (HICs)
 - Inter-ministerial data integration units may not collect PHI from HICs unless authorized by regulation

Recent Amendments

- *Personal Health Information Protection Act, 2004*
 - Amendments not yet in force
 - New offence for non-prescribed persons/entities to use or attempt to use de-identified information to identify an individual
 - Ability to make regulations prescribing:
 - Collection, use and disclosure of personal health information by Ontario Health and Ontario Health Teams
 - Disclosures that may be made to Ontario Health and Ontario Health Teams

Recent Amendments

- PHIPA Cont'd
 - Amendments to Regulation 329/04 (General) in force December 2, 2019:
 - Reflect assumption by Ontario Health of eHealth Ontario in respect of administrative, technical and physical safeguards, practices and procedures to protect privacy
 - Ontario Health named as a “prescribed person” and a “prescribed entity”

Recent Amendments

- *Health Insurance Act*
 - Majority of amendments in force on December 10, 2019
 - Intended to provide greater oversight and increased transparency
 - Amendments include:
 - Allowing for publication of information relating to any payments under the *Health Insurance Act* to physicians, practitioners or health facilities

Recent Amendments

- *Health Insurance Act Cont'd*

- Amendments (cont'd)

- Repeal of various committees
- Codification of health card requirements
- Expansion of provisions regarding billing numbers
- Expansion of rules requiring provision of information to the General Manager required for prescribed purposes
- Amendment of refusal to pay provisions

Recent Amendments

- *Independent Health Facilities Act*
 - Amendments in force December 10, 2019
 - New rules for applications to establish and operate Independent Health Facilities (IHF)
 - Request for Proposal → Call for Applications
 - New record-keeping requirements
 - New refusal to pay provisions
 - Ability of Director to issue compliance orders to IHFs

Recent Amendments

- *Child, Youth and Family Services Act, 2017*
 - Part X (Personal Information) in force January 1, 2020
 - Establishes rules for collection, use, disclosure of and access to personal information held by service providers
 - Health information custodians under PHIPA and institutions under FIPPA exempt from much of Part X
 - Important to understand if/when Part X applies to your organization
 - Ability of Minister to collect personal information for prescribed purposes



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New Legislation

New Legislation

- *Connecting Care Act, 2019*
- *Opioid Damages and Health Care Costs Recovery Act, 2019*
- *Mental Health and Addictions Centre of Excellence Act, 2019*
- *Supply Chain Management Act (Government, Broader Public Sector and Health Sector Entities), 2019*

New Legislation

- *Opioid Damages and Health Care Costs Recovery Act, 2019*
 - Introduced by Bill 116; in force December 12, 2019
 - Gives Ontario a direct and distinct action against manufacturers and wholesalers of opioid products to recover the cost of health care benefits caused or contributed to by an “opioid-related wrong”

New Legislation

- *Mental Health and Addictions Centre of Excellence Act, 2019*
 - Introduced by Bill 116; not yet in force
 - Minister to develop and maintain a mental health and addictions strategy recognizing mental health and addictions care as core component of integrated health system
 - Ontario Health to establish and maintain within Ontario Health a Mental Health and Addictions Centre of Excellence

New Legislation

- *Supply Chain Management Act (Government, Broader Public Sector and Health Sector Entities), 2019*
 - Introduced by Bill 138; not yet in force
 - Requires prescribed entities to comply with regulations governing supply chain management and requiring implementation of specified vendor performance standards and practices
 - Obligations under the Act deemed to be obligations under the terms of existing funding agreements

New Legislation

- *Supply Chain Management Act (Government, Broader Public Sector and Health Sector Entities), 2019 Cont'd*
 - Prescribed entities must ensure any contracts with third party supply chain managers require compliance with Act
 - Regulations under the Act will prevail over Broader Public Sector Procurement Directive



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Changes on the Horizon

Changes on the Horizon

- Currently 12 bills at various stages in Ontario Legislature which could amend existing or introduce new laws which would affect health care organizations
- May be amended prior to enactment
- Not guaranteed to become law

Stay tuned...

Changes on the Horizon

Bill	Proposed Legislation to be Amended/Enacted	Status as of January 28, 2020
Bill 3: <i>Compassionate Care Act, 2018</i>	<i>Compassionate Care Act, 2018</i>	Passed second reading July 26, 2018; referred to Standing Committee on General Government
Bill 8: <i>Transparent and Accountable Health Care Act, 2018</i>	<i>Transparent and Accountable Health Care Act, 2018</i>	Passed first reading July 31, 2018
Bill 13: <i>Time to Care Act (Long-Term Care Homes Amendment, Minimum Standard of Daily Care), 2018</i>	<i>Long-Term Care Homes Act, 2007</i>	Passed first reading July 31, 2018
Bill 5: <i>Long-Term Care Homes Amendment Act (Preference for Veterans), 2018</i>	<i>Long-Term Care Homes Act, 2007</i>	Passed second reading November 15, 2018; referred to Standing Committee on Social Policy
Bill 63: <i>Right to Timely Mental Health and Addiction Care for Children and Youth Act, 2019</i>	<i>Right to Timely Mental Health and Addiction Care for Children and Youth Act, 2019</i>	Passed second reading February 21, 2019; referred to Standing Committee on General Government

Changes on the Horizon

Bill	Proposed Legislation to be Amended/Enacted	Status as of January 28, 2020
Bill 73: Home Care and Community Services Amendment Act (Dan's Law), 2019	<i>Home Care and community Services Act, 1994</i>	Passed first reading February 25, 2019
Bill 91: Peter Kormos Memorial Act (Trillium Gift of Life Network Amendment), 2019	<i>Trillium Gift of Life Network Act</i>	Passed first reading March 28, 2019
Bill 102: Closing Oversight Loopholes for Home Care Clinics Act, 2019	<i>Health Protection and Promotion Act Home Care and Community Services Act, 1994 Ministry of Health and Long-Term Care Act</i>	Passed second reading May 2, 2019; referred to Standing Committee on Justice Policy
Bill 114: Nancy Rose Act (Paediatric Hospice Palliative Care Strategy), 2019	<i>Nancy Rose Act (Paediatric Hospice Palliative Care Strategy), 2019</i>	Passed second reading May 30, 2019; referred to Standing committee on Finance and Economic Affairs

Changes on the Horizon

Bill	Proposed Legislation to be Amended/Enacted	Status as of January 28, 2020
Bill 140: <i>Defibrillator Registry Act, 2019</i>	<i>Defibrillator Registry Act, 2019</i>	Passed first reading November 18, 2019
Bill 141: <i>Defibrillator Registration and Public Access Act, 2020</i>	<i>Defibrillator Registration and Public Access Act, 2020</i>	Passed second reading November 21, 2019; referred to Standing Committee on Social Policy
Bill 153: <i>Long-Term Care Homes Amendment (Till Death Do Us Part) Act, 2019</i>	<i>Long-Term Care Homes Act, 2007</i>	Passed second reading on December 12, 2019; referred to Standing Committee on Justice Policy



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