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**Connecting Care Act, 2019**

S.O. 2019, CHAPTER 5

SCHEDULE 1

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**Preamble**

The people of Ontario and their government,

Believe that their health care system should be centred around people, patients, their families, and their caregivers;

Believe that public funding should be directed to frontline services to continuously improve patient experience, constantly promote better value, ensure best outcomes for every dollar spent, and improve the overall physical health, mental health and well-being of Ontarians;

Are committed to a sustainable, digitally-enabled, publicly funded health care system built to last;

Are establishing a new model of integrated public health care delivery which will put each patient at the centre of a connected care system anchored in the community, and where possible, at home, all across Ontario and respecting regional differences;

Will empower providers to work directly with one another to offer the highest quality, co-ordinated care, protecting patients from disruptive transitions through the system;

Are creating a single provincial agency that will remove duplication while replicating and amplifying best-in-class clinical guidance and approaches to care;

Believe that the public health care system should be guided by a commitment to equity and to the promotion of equitable health outcomes;

Acknowledge that the public health care system should recognize the diversity within all of Ontario's communities and respect the requirements of the *French Language Services Act* in the planning, design, delivery and evaluation of health care services for Ontario's French-speaking communities; and

Recognize the role of Indigenous peoples in the planning, design, delivery and evaluation of health services in their communities.

## PART I INTERPRETATION AND OTHER

### Interpretation

1 (1) In this Act,

“accountability agreement” means the accountability agreement that the Minister and the Agency are required to enter into under subsection 19 (1); (“entente de responsabilisation”)

“Agency” means the corporation continued by section 3; (“Agence”)

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 1 (1) of the Act is amended by adding the following definition: (See: 2020, c. 13, Sched. 1, s. 1 (1))**

“Appeal Board” means the Health Services Appeal and Review Board under the *Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998*; (“Commission d’appel”)

“compliance order” means an order made under section 43.5; (“arrêté de conformité”)

“de-identify” has the same meaning as in subsection 47 (1) of the *Personal Health Information Protection Act, 2004*; (“anonymiser”)

**Note: On the day section 1 of Schedule 30 to the *Plan to Build Ontario Together Act, 2019* comes into force, the definition of “de-identify” in subsection 1 (1) of the Act is amended by striking out “subsection 47 (1)” and substituting “section 2”. (See: 2020, c. 13, Sched. 1, s. 1 (2))**

“health service provider” has the meaning set out in subsection (2); (“fournisseur de services de santé”)

“integrate” includes,

- (a) to co-ordinate services and interactions between different persons and entities,
- (b) to partner with another person or entity in providing services or in operating,
- (c) to transfer, merge or amalgamate services, operations, persons or entities,
- (d) to start or cease providing services, and
- (e) to cease to operate or to dissolve or wind up the operations of a person or entity,

and “integration” has a similar meaning; (“intégrer”, “intégration”)

“local health integration network” means a local health integration network as defined in section 2 of the *Local Health System Integration Act, 2006*, and if that Act has been repealed, means such a network as it was defined immediately before the repeal; (“réseau local d’intégration des services de santé”)

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

“Ministry” means the Ministry of the Minister; (“ministère”)

“Ontario Health Team” or “Team” means a person or entity, or a group of persons or entities, designated under section 29; (“équipe Santé Ontario”, “équipe”)

“personal health information” has the same meaning as in section 4 of the *Personal Health Information Protection Act, 2004*; (“renseignements personnels sur la santé”)

“personal information” has the same meaning as in the *Freedom of Information and Protection of Privacy Act*; (“renseignements personnels”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means the regulations made under this Act; (“règlements”)

“service accountability agreement” means the service accountability agreement that the Agency is required to enter into under section 22. (“entente de responsabilisation en matière de services”) 2019, c. 5, Sched. 1, s. 1 (1); 2020, c. 13, Sched. 1, s. 1 (3, 4).

**Health service provider**

(2) In this Act,

“health service provider” means the following persons and entities:

1. A person or entity that operates a hospital within the meaning of the *Public Hospitals Act* or a private hospital within the meaning of the *Private Hospitals Act*.

**Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 1 of the definition of “health service provider” in subsection 1 (2) of the Act is amended by striking out “or a private hospital within the meaning of the *Private Hospitals Act*” at the end and substituting “or a community health facility within the meaning of the *Oversight of Health Facilities and Devices Act, 2017* that was formerly licensed under the *Private Hospitals Act*”. (See: 2019, c. 5, Sched. 1, s. 49 (1))**

2. A person or entity that operates a psychiatric facility within the meaning of the *Mental Health Act* except if the facility is,
  - i. a correctional institution operated or maintained by a member of the Executive Council, other than the Minister, or
  - ii. a prison or penitentiary operated or maintained by the Government of Canada.
3. The University of Ottawa Heart Institute/Institut de cardiologie de l'Université d'Ottawa.
4. A licensee within the meaning of the *Long-Term Care Homes Act, 2007*, other than a municipality or board of management described in paragraph 5.
5. A municipality or board of management that maintains a long-term care home under Part VIII of the *Long-Term Care Homes Act, 2007*.
6. A person or entity approved under the *Home Care and Community Services Act, 1994* to provide community services.

**Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 6 of subsection 1 (2) of the Act is repealed and the following substituted: (See: 2020, c. 13, Sched. 1, s. 1 (5))**

6. A not-for-profit entity that provides home and community care services.
7. A not-for-profit entity that operates a community health centre.
8. A not-for-profit entity that provides community mental health and addiction services.
9. A not-for-profit entity that operates a family health team.
10. A not-for-profit entity that operates a nurse practitioner-led clinic.
11. A not-for-profit entity that operates an Aboriginal health access centre.
12. A person or entity that provides primary care nursing services, maternal care or inter-professional primary care programs and services.
13. A not-for-profit entity that provides palliative care services, including a hospice.
14. A person or entity that provides physiotherapy services in a clinic setting that is not otherwise a health service provider.
15. An independent health facility within the meaning of the *Independent Health Facilities Act*.

**Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 15 of the definition of “health service provider” in subsection 1 (2) of the Act is repealed and the following substituted: (See: 2019, c. 5, Sched. 1, s. 49 (2))**

15. A community health facility within the meaning of the *Oversight of Health Facilities and Devices Act, 2017*.
16. Any other person or entity or class of persons or entities that is prescribed. 2019, c. 5, Sched. 1, s. 1 (2).

**Exclusion, community services**

(3) A person or entity that provides, as a service provider within the meaning of the *Home Care and Community Services Act, 1994*, a community service that has been purchased by a health service provider or an Ontario Health Team, is not a health service provider within the meaning of this Act in respect of the provision of the purchased service. 2019, c. 5, Sched. 1, s. 1 (3); 2020, c. 13, Sched. 1, s. 2 (1, 4).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 1 (3) of the Act is repealed. (See: 2020, c. 13, Sched. 1, s. 1 (6))**

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 1 of the Act is amended by adding the following subsection: (See: 2020, c. 13, Sched. 1, s. 1 (7))**

Local health integration networks, certain services

(4) Where provided for in the regulations, a local health integration network is deemed to be a health service provider, and to have been funded by the Agency under section 21, for the purposes of this Act and its regulations and any other Act or regulations, subject to any prescribed exceptions, and unless the context requires otherwise. 2020, c. 13, Sched. 1, s. 1 (7).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 1 (4) of the Act is repealed. (See: 2020, c. 13, Sched. 1, s. 1 (8))**

#### Section Amendments with date in force (d/m/y) [ + ]

##### Delegation

2 (1) The Minister may, in writing, delegate any of the Minister's powers or duties under this Act or any other Act for which the Minister is responsible, other than the power to make regulations, to the Agency, and may make such a delegation subject to any conditions that the Minister considers appropriate.

##### Deeming

(2) Where the Minister has made a delegation under subsection (1), a reference in an Act or the regulations to the Minister is deemed, with respect to the power or duty that has been delegated, to be a reference to the Agency.

## PART II THE AGENCY

### CONTINUATION AND APPLICATION

##### Agency

3 (1) The corporation that was incorporated under the *Corporations Act* under the name Health Program Initiatives in English and Initiatives pour les programmes de santé in French on January 18, 2019 is continued as a corporation without share capital under the name Ontario Health in English and Santé Ontario in French.

##### Extinguishment of letters patent

(2) The letters patent issued to constitute the corporation continued under subsection (1) are extinguished.

##### Crown Agency

4 The Agency is an agent of the Crown and may exercise its powers only as an agent of the Crown.

##### Application of other Acts

##### *Corporations Act* and *Corporations Information Act*

5 (1) The *Corporations Act* and the *Corporations Information Act* do not apply to the Agency except as may be prescribed.

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 5 (1) of the Act is repealed and the following substituted: (See: 2019, c. 5, Sched. 1, s. 49 (3))**

Other Acts

(1) The *Not-for-Profit Corporations Act, 2010* and the *Corporations Information Act* do not apply to the Agency, except as prescribed. 2019, c. 5, Sched. 1, s. 49 (3).

**Charities Accounting Act**

(2) The *Charities Accounting Act* does not apply to the Agency, except in respect of property held in trust for specified charitable purposes.

**No charitable property**

(3) The property of the Agency is not charitable property.

**Non-application of single employer rule**

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

**Section Amendments with date in force (d/m/y) [ + ]****OBJECTS AND GENERAL POWERS****Objects of the Agency.**

6 The objects of the Agency are,

- (a) to implement the health system strategies developed by the Ministry;
- (b) to manage health service needs across Ontario consistent with the Ministry's health system strategies to ensure the quality and sustainability of the Ontario health system through,
  - (i) health system operational management and co-ordination,
  - (ii) health system performance measurement and management, evaluation, monitoring and reporting,
  - (iii) health system quality improvement,
  - (iv) clinical and quality standards development for patient care and safety,
  - (v) knowledge dissemination,
  - (vi) patient engagement and patient relations,
  - (vii) digital health, information technology and data management services, and
  - (viii) support of health care practitioner recruitment and retention;
- (b.1) to support, through its Mental Health and Addictions Centre of Excellence, the mental health and addictions strategy provided for under the *Mental Health and Addictions Centre of Excellence Act, 2019*;
- (c) to plan, co-ordinate, undertake and support activities related to tissue donation and transplantation in accordance with the *Gift of Life Act*;
- (d) to support the patient ombudsman in carrying out their functions in accordance with the *Excellent Care for All Act, 2010*;
- (e) to support or provide supply chain management services to health service providers and related organizations;
- (f) to provide advice, recommendations and information to the Minister and other participants in the Ontario health care system in respect of issues related to health care that the Minister may specify;
- (g) to promote health service integration to enable appropriate, co-ordinated and effective health service delivery;
- (h) to respect the diversity of communities and the requirements of the *French Language Services Act* in carrying out its objects; and
- (i) any other prescribed objects. 2019, c. 5, Sched. 1, s. 6, 49 (4); 2019, c. 17, Sched. 1, s. 6 (1).

**Section Amendments with date in force (d/m/y) [ + ]**

**General powers**

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

**Use of revenue**

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

**Cabinet approval**

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

1. Acquiring, disposing, leasing, mortgaging, charging, hypothecating or otherwise transferring or encumbering any interest in real property, except for leasing space that is reasonably necessary for the purposes of the Agency.
2. Borrowing or lending money.
3. Investing its money.
4. Pledging, charging or encumbering any of its personal property.
5. Creating a subsidiary.
6. Generating revenue.
7. Receiving money or assets from any person or entity except the Crown in right of Ontario, with the exception of money or assets that are received pursuant to a transfer order under this Act.
8. Doing anything else that is prescribed as being a power that the Agency may not exercise without such approval.

**Approval of Minister**

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

1. Making charitable donations except as authorized by this Act.
2. Applying for or obtaining registration as a registered charity under the *Income Tax Act* (Canada).
3. Acting in association with a person or entity that conducts any fundraising activities or programs, directly or indirectly, for the Agency.
4. Entering into an agreement with any person, entity or government for the provision of services outside Ontario.
5. Entering into an agreement with any government or government agency outside Ontario, including the Government of Canada or the government of a province or territory of Canada.

**No political donations**

(5) The Agency shall not make any political donations.

**BOARD OF DIRECTORS, CHIEF EXECUTIVE OFFICER AND EMPLOYEES****Board of Directors**

8 (1) The Agency shall consist of not more than 15 members appointed by the Lieutenant Governor in Council who shall form the board of directors of the Agency.

**Term**

(2) Subject to subsection (3), the following provisions apply respecting the term of members of the board of directors of the Agency:

1. Each member shall hold office for a term of up to three years at the pleasure of the Lieutenant Governor in Council and may be reappointed for any number of terms of up to three years.
2. Despite paragraph 1, no person may be a member for more than six years in total.
3. Despite paragraph 2, a member who is designated as chair under subsection (6) after serving at least three years as a member may be appointed for one further term of up to three years while designated as chair.



**Termination**

(3) A member ceases to be a member of the Agency if, before the term of the member expires,

- (a) the Lieutenant Governor in Council revokes the member's appointment; or
- (b) the member dies, resigns as a member of the board of directors or becomes a bankrupt.

**Successor's term**

(4) If a person ceases to be a member of the board of directors before the term of the member expires, the first term of the person's successor shall be for the remainder of the first person's term.

**Expenses**

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

**Chair and vice-chairs**

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

**Chair's role**

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

**Absence of chair**

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

**Absence of chair and vice-chairs**

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

**Where no designation**

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

**Board meetings**

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

**Quorum**

(2) A majority of the board of directors constitutes a quorum for the conduct of the business of the board.

**Chief executive officer**

**10** (1) The Agency shall appoint and employ a chief executive officer.

**Role**

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

**Restriction**

(3) The chief executive officer shall not be a member of the board of directors of the Agency.

**Transition**

(4) A chief executive officer who held office in the corporation that was incorporated under the *Corporations Act* under the name Health Program Initiatives in English and Initiatives pour les programmes de santé in French immediately before the coming into force of this section continues to hold that office in the Agency until their position otherwise ends.

#### **Remuneration**

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

#### **Other employees**

**11** (1) The chief executive officer may appoint such employees as are considered necessary for the proper conduct of the affairs of the Agency.

#### **Same**

(2) Any employees who were employed by the corporation that was incorporated under the *Corporations Act* under the name Health Program Initiatives in English and Initiatives pour les programmes de santé in French immediately before the coming into force of this section continue to be employees of the Agency until their employment otherwise ends.

## **AFFAIRS OF THE AGENCY**

#### **Affairs of Agency**

**12** (1) Subject to this Act, the board of directors of the Agency shall manage or supervise the management of the activities and affairs of the corporation.

#### **Delegation**

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

#### **Restrictions**

(3) The board shall not delegate,

- (a) the power to appoint investigators under section 26; or
- (b) any other power or duty that may be prescribed.

#### **By-laws and resolutions**

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

#### **Officers**

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

#### **Committees**

(3) The board of directors of the Agency shall,

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

#### **Minister's approval**

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

**Same, after making**

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

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

## LIABILITY, INDEMNIFICATION AND JUDGMENTS

**Duty of care and indemnification**

**14** (1) Subject to subsection (2), subsection 134 (1) and section 136 of the *Business Corporations Act* apply with necessary modifications to the Agency, its board of directors and its officers.

**Approval of indemnity**

(2) The Agency shall not give an indemnity under section 136 of the *Business Corporations Act* to any person unless the indemnity has been approved in accordance with section 28 of the *Financial Administration Act*.

**Unpaid judgments against the Agency**

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

## FISCAL YEAR AND AUDITS

**Fiscal year**

**16** The fiscal year of the Agency commences on April 1 in each year and ends on March 31 of the following year.

**Audit**

**17** (1) The accounts and financial transactions of the Agency shall be audited annually by the Auditor General.

**Other audits**

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

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

## PART III FUNDING AND ACCOUNTABILITY

**Funding of Agency**

**18** (1) The Minister may provide funding to the Agency on the terms and conditions that the Minister considers appropriate.

**Savings**

(2) When determining the funding to be provided to the Agency under subsection (1) for a fiscal year, the Minister shall consider whether to adjust the funding to take into account a portion of any savings from efficiencies that the Agency generated in the previous fiscal year and that the Agency proposes to spend on patient care in subsequent fiscal years in accordance with the accountability agreement.

**Accountability of Agency**

**19** (1) The Minister and the Agency shall enter into an accountability agreement.

**Accountability agreement**

(2) The accountability agreement shall be for more than one fiscal year and shall include,

- (a) performance goals and objectives for the Agency;
- (b) performance standards, targets and measures for the Agency;
- (c) requirements for the Agency to report on the performance of the Agency;
- (d) a plan for spending the funding that the Agency receives under section 18, which spending shall be in accordance with the appropriation from which the Minister has provided the funding to the Agency;
- (e) a progressive performance management process for the Agency; and
- (f) all other prescribed matters, if any.

**If no agreement**

(3) If the Minister and the Agency are unable to conclude an accountability agreement through negotiations, the Minister may set the terms of the agreement, which shall include the matters set out in clauses (2) (a) to (f).

**Reports to Minister**

(4) The Agency shall provide to the Minister, within the time and in the form that the Minister specifies, the plans, reports, financial statements, including audited financial statements, and information, other than personal health information, that the Minister requires for the purposes of administering this Act.

**Publication**

(5) The Agency shall publish a current copy of the accountability agreement on its website.

**Directives by Minister**

**20** (1) Where the Minister considers it to be in the public interest to do so, the Minister may issue directives to any or all of the following:

1. The Agency.
2. A person or entity that receives funding from the Agency under section 21.

**Restriction**

(2) The Minister shall not issue a directive under subsection (1) that unjustifiably as determined under section 1 of the *Canadian Charter of Rights and Freedoms* requires a religious organization to provide a service that is contrary to the religion related to the organization.

**Binding**

(3) The Agency or person or entity shall comply with every directive of the Minister.

**General or particular**

(4) A directive of the Minister may be general or particular in its application.

**Non-application of *Legislation Act, 2006***

(5) Part III (Regulations) of the *Legislation Act, 2006* does not apply to directives of the Minister.

**Public availability**

(6) The Minister shall publish every directive under this section on a website.

**Law prevails**

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

**Funding**

**21** (1) The Agency may provide funding to a health service provider or Ontario Health Team in respect of health services that the provider or Team provides. 2019, c. 5, Sched. 1, s. 21 (1); 2020, c. 13, Sched. 1, s. 2 (1, 2, 4, 14).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 21 of the Act is amended by adding the following subsection: (See: 2020, c. 13, Sched. 1, s. 3)**

Home and community care services

(1.1) The Agency may provide funding to a health service provider or Ontario Health Team for the purpose of the provider or Team providing funding to or on behalf of an individual to purchase home and community care services. 2020, c. 13, Sched. 1, s. 3.

**Non-health services**

(2) The Agency may provide funding to a health service provider, Ontario Health Team or other person or entity in respect of non-health services that support the provision of health care. 2019, c. 5, Sched. 1, s. 21 (2); 2020, c. 13, Sched. 1, s. 2 (1, 4).

**Terms and conditions**

(3) The funding that the Agency provides under this section shall be on the terms and conditions that the Agency considers appropriate and in accordance with the funding that the Agency receives under section 18, the Agency's accountability agreement and the prescribed requirements, if any. 2019, c. 5, Sched. 1, s. 21 (3).

**Assignment of agreements**

(4) The Minister may assign to the Agency or another person or entity the Minister's rights and obligations under all or part of an agreement between the Minister and any of the persons and entities described in paragraph 1, 2, or 3, including an agreement to which a person or entity that is not described in those paragraphs is a party:

1. A health service provider.
2. An Ontario Health Team.
3. A person or entity that supports the provision of health care. 2019, c. 5, Sched. 1, s. 21 (4); 2020, c. 13, Sched. 1, s. 2 (1, 4).

**Termination date**

(5) In an assignment under subsection (4), the Minister may provide that the agreement, or the part of it assigned, terminates on the earliest of,

- (a) the date set out in the agreement;
- (b) the date that the Agency and the health service provider, Ontario Health Team or person or entity that supports the provision of health care enter into a service accountability agreement; and
- (c) the date, as the Minister specifies, that the Agency and the health service provider, Ontario Health Team or person or entity that supports the provision of health care have to enter into a service accountability agreement. 2019, c. 5, Sched. 1, s. 21 (5); 2020, c. 13, Sched. 1, s. 2 (1, 5).

**Section Amendments with date in force (d/m/y) [ + ]****Service accountability agreement**

**22** (1) Where the Agency proposes under section 21 to provide funding to a delivery organization, the Agency and the delivery organization shall enter into a service accountability agreement. 2019, c. 5, Sched. 1, s. 22 (1).

**Notification required**

(2) The Agency shall notify a delivery organization that it intends to enter into a service accountability agreement with the delivery organization. 2019, c. 5, Sched. 1, s. 22 (2).

**Negotiation**

(3) After being notified under subsection (2), the parties shall seek to negotiate the terms and conditions of the service accountability agreement. 2019, c. 5, Sched. 1, s. 22 (3).

#### **Where agreement cannot be negotiated**

(4) If the parties have not negotiated a service accountability agreement within 90 days of the notice under subsection (2), then, if the Agency considers it in the public interest to do so, the Agency may deliver a notice of offer to the delivery organization setting out the terms of the proposed service accountability agreement, and the Agency shall notify the Minister of that offer. 2019, c. 5, Sched. 1, s. 22 (4).

#### **Continued negotiations**

(5) The delivery organization and the Agency shall continue their negotiations to reach an agreement as soon as practicable after the notice of offer under subsection (4) has been sent by the Agency. 2019, c. 5, Sched. 1, s. 22 (5).

#### **Deemed acceptance**

(6) If the Agency and the delivery organization have not reached a negotiated agreement within 60 days after the notice of offer under subsection (4) was sent by the Agency, the notice of offer under subsection (4) shall be deemed to be the service accountability agreement between the Agency and the delivery organization, and the Agency and the delivery organization shall comply with that agreement. 2019, c. 5, Sched. 1, s. 22 (6).

#### **Changes on consent**

(7) The Agency and the delivery organization may agree in writing to modify any of the provisions set out in subsection (4), (5) or (6), including to override or waive any of these provisions or to set out a different process for reaching a service accountability agreement, and, if they do so, they shall notify the Minister of such an agreement and the Agency shall post such an agreement on its website. 2019, c. 5, Sched. 1, s. 22 (7).

#### **Saving**

(8) Nothing in subsection (4), (5) or (6) prevents the Agency and the delivery organization from negotiating a service accountability agreement during the time periods set out in those subsections. 2019, c. 5, Sched. 1, s. 22 (8).

#### **Amending agreements**

(9) This section applies to any proposal to amend any service accountability agreement with any necessary changes. 2019, c. 5, Sched. 1, s. 22 (9).

#### **Definition**

(10) In this section,

“delivery organization” means a health service provider, Ontario Health Team or other person or entity that may be funded by the Agency under section 21. 2019, c. 5, Sched. 1, s. 22 (10); 2020, c. 13, Sched. 1, s. 2 (1, 4).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **No restriction on patient mobility**

**23** (1) None of the following shall enter into any agreement or other arrangement that restricts or prevents an individual from receiving services based on the geographic area in Ontario in which the individual resides:

1. The Agency.
2. A health service provider.
3. An Ontario Health Team.
4. Any other person or entity that receives funding under section 21. 2019, c. 5, Sched. 1, s. 23 (1); 2020, c. 13, Sched. 1, s. 2 (1, 4).

##### **Geographic restrictions for home care services**

(2) For greater certainty, subsection (1) applies to a service accountability agreement in respect of funding provided by the Agency for the delivery of services by a health service provider, an Ontario Health Team or other person or entity under section 22, but it does not apply to any agreement entered into under the *Home Care and Community Services Act, 1994* that requires a health service provider or Ontario Health Team to deliver services in a specified geographic area in Ontario. 2019, c. 5, Sched. 1, s. 23 (2); 2020, c. 13, Sched. 1, s. 2 (1, 4).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 23 (2) of the Act is repealed and the following substituted: (See: 2020, c. 13, Sched. 1, s. 4)**

Geographic restrictions for home and community care services

(2) For greater certainty, subsection (1) applies to a service accountability agreement in respect of funding provided by the Agency for the delivery of services by a health service provider, an Ontario Health Team or other person or entity under section 22, but it does not apply to any agreement entered into under section 21 with respect to home and community care services that requires a health service provider or Ontario Health Team to deliver services in a specified geographic area in Ontario. 2020, c. 13, Sched. 1, s. 4.

#### **Section Amendments with date in force (d/m/y) [ + ]**

**Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2020, c. 13, Sched. 1, s. 5)**

Charges for home and community care services

**23.1** (1) If a health service provider or Ontario Health Team provides a home and community care service to an individual, the provider or Team shall not require payment from the individual for the service and shall not accept a payment made by or on behalf of the individual for the service, except as provided for in the regulations. 2020, c. 13, Sched. 1, s. 5.

Same

(2) If a health service provider or Ontario Health Team purchases a home and community care service from a person or entity, the person or entity shall not require or accept payment for the service from anyone other than the health service provider or Ontario Health Team. 2020, c. 13, Sched. 1, s. 5.

Exception

(3) Despite subsection (2), the person or entity may collect payments on behalf of the health service provider or Ontario Health Team if it does so in accordance with the regulations made for the purposes of subsection (1). 2020, c. 13, Sched. 1, s. 5.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Audits, reviews, etc.**

**24** The Agency may at any time direct that any person or entity that receives funding from the Agency under section 21,

- (a) engage or permit one or more auditors licensed under the *Public Accounting Act, 2004* to audit the accounts and financial transactions of the person or entity; or
- (b) engage in or permit an operational review or peer review of the activities of the person or entity.

##### **Information and reports**

**25** (1) The Agency may require that any person or entity to which the Agency provides funding or proposes to provide funding under section 21 provide to the Agency the plans, reports, financial statements, including audited financial statements, and other information, other than personal health information, that the Agency requires for the purposes of exercising its powers and duties under this Act or for the purposes that are prescribed.

##### **Form of reports**

(2) A person or entity that is required to provide plans, reports, financial statements or information under subsection (1) shall provide them within the time and in the form that the Agency specifies.

##### **Disclosure of information**

(3) The Agency may disclose information that it collects under this Act, other than personal health information, to the Minister, if the Minister requires the information for the purposes of exercising powers and duties under this Act.

#### Investigators

**26** (1) The Agency may, where the Agency considers it in the public interest to do so, appoint one or more investigators to investigate and report on,

- (a) the quality of the management of a health service provider or Ontario Health Team;
- (b) the quality of the care and treatment of persons by a health service provider or an Ontario Health Team; or
- (c) any other matter relating to a health service provider or Ontario Health Team. 2019, c. 5, Sched. 1, s. 26 (1); 2020, c. 13, Sched. 1, s. 2 (1, 4).

#### Application

(2) Subject to subsections (3) and (4), subsection (1) applies to health service providers and Ontario Health Teams that receive funding from the Agency under section 21. 2019, c. 5, Sched. 1, s. 26 (2); 2020, c. 13, Sched. 1, s. 2 (1, 6).

#### Exclusion, long-term care homes

(3) Subsection (1) does not apply to a licensee within the meaning of the *Long-Term Care Homes Act, 2007*, and where a licensee within the meaning of that Act is among the persons or entities comprising an Ontario Health Team, this section only applies to the services and operations of the Team that are not governed under that Act. 2019, c. 5, Sched. 1, s. 26 (3); 2020, c. 13, Sched. 1, s. 2 (1, 4, 15).

#### Hospitals

(4) Subsection (1) does not apply to a hospital within the meaning of the *Public Hospitals Act* or to an Ontario Health Team that includes such a hospital, but the Lieutenant Governor in Council, on the advice of the Minister, may appoint one or more investigators with respect to such a hospital or Team, and this section applies with necessary modification to an appointment by the Lieutenant Governor in Council. 2019, c. 5, Sched. 1, s. 26 (4); 2020, c. 13, Sched. 1, s. 2 (1, 4, 16).

#### Notice of appointment

(5) Before appointing an investigator, the Agency shall give notice of its intention to appoint an investigator to the Minister and to the health service provider or Ontario Health Team. 2019, c. 5, Sched. 1, s. 26 (5); 2020, c. 13, Sched. 1, s. 2 (1, 7).

#### Powers

(6) An investigator may, without a warrant and at reasonable times,

- (a) enter the premises of a health service provider or Ontario Health Team that may be investigated under this section;
- (b) subject to subsection (7), enter any premises where a health service provider or Ontario Health Team that may be investigated under this section provides services; and

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 26 (6) (b) of the Act is amended by striking out “subsection (7)” and substituting “subsections (7) and (7.1)”. (See: 2020, c. 13, Sched. 1, s. 6 (1))**

- (c) inspect the premises, the services provided on the premises and the records that the investigator determines are relevant to the investigation. 2019, c. 5, Sched. 1, s. 26 (6); 2020, c. 13, Sched. 1, s. 2 (1, 4).

#### Dwellings

(7) No investigator shall enter a place that is being used as a dwelling, except with the consent of the occupier. 2019, c. 5, Sched. 1, s. 26 (7).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 26 of the Act is amended by adding the following subsection: (See: 2020, c. 13, Sched. 1, s. 6 (2))**

Exception



(7.1) Subsection (7) does not apply if,

- (a) the consent of the occupier cannot be obtained, after making reasonable efforts;
- (b) the dwelling is a premises owned or operated by health service provider or Ontario Health Team funded under section 21 to provide prescribed home and community care services that include residential accommodation at the premises; and
- (c) written notice has been given to each occupier of the dwelling at least 24 hours before the entry. 2020, c. 13, Sched. 1, s. 6 (2).

#### **Identification**

(8) An investigator conducting an investigation shall produce, on request, evidence of their appointment. 2019, c. 5, Sched. 1, s. 26 (8).

#### **Powers of investigator conducting investigation**

(9) An investigator conducting an investigation may,

- (a) require the production of records or anything else that the investigator determines is relevant to the investigation, including books of account, documents, bank accounts, vouchers, correspondence and payroll records, records of staff hours worked and records of personal health information;
- (b) examine and copy any record or thing required under clause (a);
- (c) upon giving a receipt and showing the evidence of appointment, remove a record or anything else that the investigator determines is relevant to the investigation for review or copying, as long as the review or copying is carried out with reasonable dispatch and the record or thing is promptly returned;
- (d) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place; and
- (e) question a person on matters the investigator determines are relevant to the investigation. 2019, c. 5, Sched. 1, s. 26 (9).

#### **Obligation to produce and assist**

(10) If an investigator requires the production of a record or anything else that the investigator determines is relevant to the investigation under this section, any of the following who has custody of the record or thing shall produce it and, in the case of a record, shall on request provide any assistance that is reasonably necessary to interpret the record or to produce it in a readable form:

1. The health service provider or Ontario Health Team that may be investigated under this section.
2. Any person employed by the provider or Team.
3. Any person performing services for the provider or Team. 2019, c. 5, Sched. 1, s. 26 (10); 2020, c. 13, Sched. 1, s. 2 (1, 2, 5, 12).

#### **Obligation to comply with questioning**

(11) A person who is questioned by an investigator under clause (9) (e) shall co-operate fully with the investigator. 2019, c. 5, Sched. 1, s. 26 (11).

#### **Same**

(12) If an investigator accesses personal health information under subsection (9), the investigator,

- (a) shall not collect, use or disclose the personal health information if other information will serve the purpose of the investigation;
- (b) shall not collect, use or disclose more personal health information than is reasonably necessary for the purpose of the investigation; and
- (c) shall comply with any conditions or requirements that may be prescribed. 2019, c. 5, Sched. 1, s. 26 (12).

#### **Confidentiality**

(13) An investigator and the investigator's agents shall keep confidential all information that comes to the investigator's knowledge in the course of an investigation 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 Agency or a person employed in or performing services for the Agency. 2019, c. 5, Sched. 1, s. 26 (13).

#### **Report of investigator**

(14) The investigator shall, upon completion of an investigation, make a report in writing to the Agency. 2019, c. 5, Sched. 1, s. 26 (14).

#### **De-identification of personal health information**

(15) Before providing a report to the Agency under subsection (14), the investigator shall ensure that all personal health information is de-identified. 2019, c. 5, Sched. 1, s. 26 (15).

#### **Same**

(16) The Agency shall cause a copy of the report of an investigation, with all personal health information de-identified, to be delivered to the health service provider or Ontario Health Team that is the subject of the investigation. 2019, c. 5, Sched. 1, s. 26 (16); 2020, c. 13, Sched. 1, s. 2 (1, 7).

#### **Public availability**

(17) The Agency shall make every report of an investigation available to the public. 2019, c. 5, Sched. 1, s. 26 (17).

#### **Appointment by Minister**

(18) Subject to the restrictions described in subsections (3) and (4), the Minister may appoint investigators under this section, and this section applies with necessary modification to such an appointment and investigation. 2019, c. 5, Sched. 1, s. 26 (18).

#### **Section Amendments with date in force (d/m/y) [ + ]**

**Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2020, c. 13, Sched. 1, s. 7)**

##### Warrant

**26.1** (1) A justice of the peace may issue a warrant authorizing an investigator named in the warrant to enter premises specified in the warrant and to exercise any of the powers mentioned in clause 26 (6) (c) and subsection 26 (9), if the justice of the peace is satisfied on information under oath or affirmation that the investigator has been prevented from entering premises under section 26 (7.1). 2020, c. 13, Sched. 1, s. 7.

##### Expiry of warrant

(2) A warrant issued under this section shall name a date on which it expires, which shall not be later than 30 days after the warrant is issued. 2020, c. 13, Sched. 1, s. 7.

##### Extension of time

(3) A justice of the peace may extend the date on which a warrant issued under this section expires for an additional period of no more than 30 days, upon application without notice by the investigator named in the warrant. 2020, c. 13, Sched. 1, s. 7.

##### Use of force

(4) An investigator named in a warrant issued under this section may use whatever force is necessary to execute the warrant and may call upon a police officer for assistance in executing the warrant. 2020, c. 13, Sched. 1, s. 7.

##### Time of execution

(5) A warrant issued under this section may be executed only between 8 a.m. and 8 p.m., unless the warrant specifies otherwise. 2020, c. 13, Sched. 1, s. 7.

##### Other matters

(6) Subsections 26 (10) and (11) apply, with necessary modifications, with respect to the exercise, under a warrant issued under this section, of the powers mentioned in subsection (1). 2020, c. 13, Sched. 1, s. 7.

### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Supervisor**

27 (1) The Minister may appoint a person as a supervisor of a health service provider or an Ontario Health Team where the Minister considers it in the public interest to do so. 2019, c. 5, Sched. 1, s. 27 (1); 2020, c. 13, Sched. 1, s. 2 (1, 4).

#### **Application**

(2) Subject to subsections (3) and (4), subsection (1) applies to health service providers and Ontario Health Teams that receive funding from the Agency under section 21. 2019, c. 5, Sched. 1, s. 27 (2); 2020, c. 13, Sched. 1, s. 2 (1, 6).

#### **Exclusion, long-term care homes**

(3) Subsection (1) does not apply to a licensee within the meaning of the *Long-Term Care Homes Act, 2007*, and where a licensee within the meaning of that Act is among the persons or entities comprising an Ontario Health Team, this section only applies to the services and operations of the Team that are not governed under that Act. 2019, c. 5, Sched. 1, s. 27 (3); 2020, c. 13, Sched. 1, s. 2 (1, 4, 15).

#### **Hospitals**

(4) Subsection (1) does not apply to a hospital within the meaning of the *Public Hospitals Act* or to an Ontario Health Team that includes such a hospital, but the Lieutenant Governor in Council, on the advice of the Minister, may appoint a supervisor with respect to such a hospital or Team, and this section applies to such a supervisor. 2019, c. 5, Sched. 1, s. 27 (4); 2020, c. 13, Sched. 1, s. 2 (1, 4, 16).

#### **Ontario Health Teams, constituents**

(5) Subject to subsections (3) and (4), and for greater certainty, the powers of a supervisor appointed under this section for an Ontario Health Team apply to, and are binding on, each constituent person or entity of the Ontario Health Team, and the board or other responsible body of each constituent person or entity. 2019, c. 5, Sched. 1, s. 27 (5); 2020, c. 13, Sched. 1, s. 2 (1, 4, 6, 15).

#### **Notice of appointment**

(6) The Minister shall give the board or other responsible body of the health service provider or Ontario Health Team at least 14 days notice before appointing a supervisor or recommending to the Lieutenant Governor in Council that a supervisor be appointed, as the case may be. 2019, c. 5, Sched. 1, s. 27 (6); 2020, c. 13, Sched. 1, s. 2 (1, 8).

#### **Immediate appointment**

(7) Subsection (6) does not apply in respect of a health service provider or Ontario Health Team that is governed by a board if there are not enough members on the board to form a quorum. 2019, c. 5, Sched. 1, s. 27 (7); 2020, c. 13, Sched. 1, s. 2 (1, 4).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 27 of the Act is amended by adding the following subsections: (See: 2020, c. 13, Sched. 1, s. 8)**

Immediate appointment, emergency

(7.1) Subsection (6) does not apply in respect of a health service provider or Ontario Health Team funded under section 21 to provide prescribed home and community care services that include residential accommodation, where in the Minister's opinion, there is an immediate threat to the health, safety or well-being of persons receiving home and community care services at the premises owned or operated by the provider or Team. 2020, c. 13, Sched. 1, s. 8.

Not successor employer

(7.2) The appointment of a supervisor under this section in respect of a health service provider or Ontario Health Team funded under section 21 to provide prescribed home and community care services that include residential accommodation is not a sale of a business for the purposes of section 9 of the *Employment Standards Act, 2000*, section 69 of the *Labour Relations Act, 1995* or section 13.1 of the *Pay Equity Act*. 2020, c. 13, Sched. 1, s. 8.

Related employers

(7.3) If a supervisor is appointed under this section,

- (a) no person is entitled to make an application under subsection 1 (4) of the *Labour Relations Act, 1995*; and
- (b) the supervisor and the health service provider or Ontario Health Team funded under section 21 to provide prescribed home and community care services that include residential accommodation shall not be treated as one employer under section 4 of the *Employment Standards Act, 2000*. 2020, c. 13, Sched. 1, s. 8.

**Term of office**

(8) The appointment of a supervisor is valid until terminated by the appointer. 2019, c. 5, Sched. 1, s. 27 (8).

**Powers of supervisor**

(9) Unless the appointment provides otherwise, a supervisor has the exclusive right to exercise all of the powers of a health service provider or Ontario Health Team and, where the health service provider or Ontario Health Team is owned or operated by a corporation, of the corporation, its board, its officers, members and shareholders. 2019, c. 5, Sched. 1, s. 27 (9); 2020, c. 13, Sched. 1, s. 2 (1, 8, 15, 17).

**Same**

(10) An appointment may specify the powers and duties of a supervisor appointed under this section and the terms and conditions governing those powers and duties. 2019, c. 5, Sched. 1, s. 27 (10).

**Additional powers of supervisor**

(11) If, under the appointment, the board or other responsible body of a health service provider or Ontario Health Team continues to have the right to act with regard to any matters, any such act of the board or other responsible body is valid only if approved in writing by the supervisor. 2019, c. 5, Sched. 1, s. 27 (11); 2020, c. 13, Sched. 1, s. 2 (1, 8).

**Right of access**

(12) A supervisor appointed for a health service provider or an Ontario Health Team has the same rights as the board or other responsible body of the provider or Team and of its officers in respect of the documents, records and information of the provider or Team. 2019, c. 5, Sched. 1, s. 27 (12); 2020, c. 13, Sched. 1, s. 2 (1, 2, 4, 15).

**Restriction**

(13) A supervisor,

- (a) shall not collect, use or disclose personal health information if other information will serve the purposes of the supervisor;
- (b) shall not collect, use or disclose more personal health information than is reasonably necessary for the purposes of the supervisor; and
- (c) shall comply with any conditions or requirements relating to the collection, use or disclosure of personal health information that may be prescribed. 2019, c. 5, Sched. 1, s. 27 (13).

**Minister's directions**

(14) The Minister may issue directions to a supervisor with regard to any matter within the jurisdiction of the supervisor, and the supervisor shall carry out the directions. 2019, c. 5, Sched. 1, s. 27 (14).

**Report to Minister**

(15) A supervisor shall report to the Minister as required by the Minister. 2019, c. 5, Sched. 1, s. 27 (15).

**Disclosure**

(16) The Minister shall make any report provided under subsection (15) public. 2019, c. 5, Sched. 1, s. 27 (16).

**Personal health information to be removed**

(17) Before making the report public, the Minister shall ensure that all personal health information in the report is de-identified. 2019, c. 5, Sched. 1, s. 27 (17).

**Section Amendments with date in force (d/m/y) [ + ]****PART IV  
INTEGRATION****DEFINITIONS****Definitions**

**28** In this Part,

“facilitation decision” means a decision of the Agency under section 32; (“décision de facilitation”)

“integration decision” means,

- (a) a facilitation decision,
- (b) an integration order by the Minister under section 33, or
- (c) a decision by the Minister under subsection 35 (8) that orders a health service provider or Ontario Health Team not to proceed with the integration described in the decision. (“décision d’intégration”) 2019, c. 5, Sched. 1, s. 28; 2020, c. 13, Sched. 1, s. 2 (1, 4).

**Section Amendments with date in force (d/m/y) [ + ]****ONTARIO HEALTH TEAMS****Ontario Health Team**

**29** (1) The Minister may designate a person or entity, or a group of persons or entities, as an Ontario Health Team. 2019, c. 5, Sched. 1, s. 29 (1); 2020, c. 13, Sched. 1, s. 2 (1, 9).

**Restriction**

(2) The Minister shall not make a designation under subsection (1) unless,

- (a) the person, entity or group of persons or entities has the ability to deliver, in an integrated and co-ordinated manner, at least three of the following types of services:
  - (i) hospital services,
  - (ii) primary care services,
  - (iii) mental health or addictions services,
  - (iv) home care or community services,

**Note: On a day to be named by proclamation of the Lieutenant Governor, subclause 29 (2) (a) (iv) of the Act is repealed and the following substituted: (See: 2020, c. 13, Sched. 1, s. 9)**

- (iv) home and community care services,
- (v) long-term care home services,
- (vi) palliative care services,
- (vii) any other prescribed health care service or non-health service that supports the provision of health care services; and

(b) any prescribed conditions or requirements have been met. 2019, c. 5, Sched. 1, s. 29 (2).

**Ontario Health Teams, constituents**

(3) Any obligation, power or decision that, under this Act, applies to an Ontario Health Team applies to, and is binding on, each constituent person or entity of the Ontario Health Team to the extent necessary to make the obligation, power or decision practicable and effective. 2019, c. 5, Sched. 1, s. 29 (3); 2020, c. 13, Sched. 1, s. 2 (1, 4, 6, 15).

#### **Section Amendments with date in force (d/m/y) [ + ]**

### **INTEGRATION**

#### **Identifying integration opportunities**

**30** The Agency and each health service provider and Ontario Health Team shall separately and in conjunction with each other identify opportunities to integrate the services of the health system to provide appropriate, co-ordinated, effective and efficient services. 2019, c. 5, Sched. 1, s. 30; 2020, c. 13, Sched. 1, s. 2 (1, 10).

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Integration by Agency**

**31** The Agency may integrate the health system by,

- (a) providing or changing funding to a health service provider or Ontario Health Team under section 21; or
- (b) facilitating and negotiating,
  - (i) the integration of persons or entities where at least one of the persons or entities is a health service provider or Ontario Health Team, or
  - (ii) the integration of services between health service providers or Ontario Health Teams or between a provider or a Team and a person or entity that is not a provider or a Team, but which supports the provision of health care. 2019, c. 5, Sched. 1, s. 31; 2020, c. 13, Sched. 1, s. 2 (1, 2, 4, 6, 11).

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Facilitation decision**

**32** The Agency shall issue a facilitation decision when,

- (a) the Agency facilitates or negotiates,
  - (i) the integration of persons or entities where at least one of the persons or entities is a health service provider or an Ontario Health Team, or
  - (ii) the integration of services between health service providers or Ontario Health Teams or between a health service provider or Ontario Health Team and a person or entity that is neither a health service provider nor an Ontario Health Team but which supports the provision of health care; and
- (b) the parties reach an agreement with respect to the integration. 2019, c. 5, Sched. 1, s. 32; 2020, c. 13, Sched. 1, s. 2 (1, 4, 6, 11).

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Required integration**

**33** (1) The Minister may, if the Minister considers it in the public interest to do so and subject to the other provisions of this section, order one or more health service providers or Ontario Health Teams that receive funding from the Agency to do anything to integrate the health system on or after the date set out in the order, including any or all of the following:

1. To provide all or part of a service or to cease to provide all or part of a service.
2. To provide a service to a certain level, quantity or extent.

3. To transfer all or part of a service from one location to another.
4. To transfer all or part of a service to or to receive all or part of a service from another person or entity.
5. To cease operating, to dissolve or to wind up its operations.
6. To amalgamate with one or more persons or entities that receive funding from the Agency under section 21.
7. To co-ordinate services with or partner with another person or entity that receives funding from the Agency under section 21.
8. To transfer all or substantially all of its operations to one or more persons or entities.
9. To carry out another type of integration of services that is prescribed.
10. To do anything or refrain from doing anything necessary for them to achieve anything under any of paragraphs 1 to 9, including to transfer property to or to receive property from another person or entity in respect of the services or operations affected by the decision. 2019, c. 5, Sched. 1, s. 33 (1); 2020, c. 13, Sched. 1, s. 2 (1, 6).

#### Restrictions

(2) Despite subsection (1), the Minister shall not,

- (a) issue an order under subsection (1) that unjustifiably, as determined under section 1 of the *Canadian Charter of Rights and Freedoms*, requires a religious organization to provide a service that is contrary to the religion related to the organization;
- (b) issue an order under subsection (1) that requires the transfer of property held for a charitable purpose to a person or entity that is not a charity;
- (c) issue an order under subsection (1) that requires a person or entity that is not a charity to receive property from a person or entity that is a charity and to hold the property for a charitable purpose;
- (d) issue an order under paragraph 5, 6 or 8 of subsection (1) to a board of management described in paragraph 5 of the definition of "health service provider" in subsection 1 (2) or a municipality;
- (e) issue an order under paragraph 5, 6 or 8 of subsection (1) to a health service provider described in paragraph 4 of the definition of "health service provider" in subsection 1 (2), if the service provider is not also described in another paragraph of that definition;
- (f) issue an order under paragraph 5 of subsection (1), in respect of the operation of a long-term care home, to a health service provider described in paragraph 4 of the definition of "health service provider" in subsection 1 (2), if the service provider is also described in another paragraph of that definition;
- (g) issue an order under paragraph 6 of subsection (1) to a health service provider or Ontario Health Team that carries on operations on a not-for-profit basis to amalgamate with one or more health service providers or Ontario Health Teams that carry on operations on a for-profit basis;
- (h) issue an order under paragraph 8 of subsection (1) to a health service provider or Ontario Health Team that carries on operations on a not-for-profit basis to transfer all or substantially all of its operations to one or more persons or entities that carries on operations on a for-profit basis; or
- (i) issue an order under subsection (1) that requires a health service provider or Ontario Health Team to do anything else that is prescribed. 2019, c. 5, Sched. 1, s. 33 (2); 2020, c. 13, Sched. 1, s. 2 (1, 4, 6, 18).

#### Notice of proposed order

(3) At least 30 days before issuing an order under subsection (1), the Minister shall,

- (a) notify a health service provider or Ontario Health Team that the Minister intends to issue the order;
- (b) provide a copy of the proposed order to the provider or Team; and
- (c) publish the proposed order on a website. 2019, c. 5, Sched. 1, s. 33 (3); 2020, c. 13, Sched. 1, s. 2 (1, 2, 5, 13).

#### Submissions

(4) Any person may make written submissions about the proposed order to the Minister no later than 30 days after the Minister publishes the proposed order on a website. 2019, c. 5, Sched. 1, s. 33 (4).

**Issuing a decision**

(5) If at least 30 days have passed since the Minister gave the notice required under subsection (3) and after the Minister has considered any written submissions made under subsection (4), the Minister may issue an integration order under subsection (1), and subsections (3) and (4) do not apply to the issuance of the order. 2019, c. 5, Sched. 1, s. 33 (5).

**Variance**

(6) An integration order mentioned in subsection (5) may be different from the proposed order that was the subject of the notice mentioned in subsection (3). 2019, c. 5, Sched. 1, s. 33 (6).

**Section Amendments with date in force (d/m/y) [ + ]****Rules re integration decisions****Prohibition**

**34** (1) No integration decision shall permit a transfer of services that results in a requirement for an individual to pay for those services, except as otherwise permitted by law.

**Form of decision**

(2) An integration decision shall set out,

- (a) the purpose and nature of the integration or proposed integration;
- (b) the parties to the decision;
- (c) the actions that the parties to the decision are required to take or not to take, including any time period for doing so;
- (d) a requirement that the parties to the decision develop a human resources adjustment plan in respect of the integration;
- (e) the effective date of all transfers of services involved in the integration, if any; and
- (f) any other matter that the Agency or the Minister, as the case may be, considers relevant.

**Notice of decision**

(3) On issuing an integration decision, the Agency or the Minister, as the case may be, shall give the decision to the parties to the decision and publish it on a website.

**Non-application of other Act**

(4) The *Statutory Powers Procedure Act* does not apply to an integration decision.

**Not a regulation**

(5) An integration decision is not a regulation as defined in Part III (Regulations) of the *Legislation Act, 2006*.

**Amendment and revocation, Agency**

(6) The Agency may amend or revoke a facilitation decision and,

- (a) subsections (1) to (5) apply to an amendment, with necessary modifications; and
- (b) subsections (2) to (5) apply to a revocation, with necessary modifications.

**Amendment and revocation, Minister**

(7) The Minister may amend or revoke an integration order under section 33 and,

- (a) section 33 and subsections (1) to (5) of this section apply to an amendment, with necessary modifications; and
- (b) subsections (2) to (5) of this section apply to a revocation, with necessary modifications.

**Integration by providers and systems**

**35** (1) A health service provider or Ontario Health Team may integrate its services with those of another person or entity. 2019, c. 5, Sched. 1, s. 35 (1); 2020, c. 13, Sched. 1, s. 2 (1, 4).



**Application of other Act**

(2) Nothing in this Act shall be interpreted as preventing the application of the *Public Sector Labour Relations Transition Act, 1997*, in accordance with the terms of that Act, to an integration mentioned in subsection (1). 2019, c. 5, Sched. 1, s. 35 (2).

**Notice**

(3) If the integration mentioned in subsection (1) relates to services that are funded, in whole or in part, by the Agency, the health service provider or Ontario Health Team,

- (a) shall give notice of the proposed integration to the Minister, unless the regulations provide otherwise;
- (b) may proceed with the proposed integration if the provider or Team is not required to give the notice mentioned in clause (a);
- (c) shall not proceed with the proposed integration until 90 days have passed since giving the notice mentioned in clause (a), if the provider or Team is required to give the notice and the Minister does not give notice under subsection (6);
- (d) shall not proceed with the proposed integration until 90 days have passed since the Minister gives notice under subsection (6), if,
  - (i) the provider or Team is required to give notice under clause (a),
  - (ii) the Minister gives notice under subsection (6), and
  - (iii) the Minister does not issue a decision under subsection (8);
- (e) despite clauses (c) and (d), may proceed with the proposed integration at any time if the Minister notifies the provider or Team that the Minister does not intend to give notice of a proposed decision under subsection (6) or issue a decision under subsection (8); and
- (f) shall not proceed with the proposed integration that is the subject of a decision under subsection (8), if the Minister issues such a decision. 2019, c. 5, Sched. 1, s. 35 (3); 2020, c. 13, Sched. 1, s. 2 (1, 2, 5, 12, 19, 20).

**Exceptions**

(4) Subsection (3) does not apply to an integration that requires a decision of the Minister or a Director under the *Independent Health Facilities Act* or the *Long-Term Care Homes Act, 2007*. 2019, c. 5, Sched. 1, s. 35 (4).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 35 (4) of the Act is repealed and the following substituted: (See: 2019, c. 5, Sched. 1, s. 49 (5))**

**Exceptions**

(4) Subsection (3) does not apply to an integration that requires a decision of the Minister, a director or the executive officer under the *Oversight of Health Facilities and Devices Act, 2017* or the *Long-Term Care Homes Act, 2007*. 2019, c. 5, Sched. 1, s. 49 (5).

**Required contents**

(5) A notice under clause (3) (a) must include,

- (a) a description of the proposed integration, including the identity of the parties involved with the integration;
- (b) the health service provider's or Ontario Health Team's analysis of any financial implications, service delivery implications, health system implications or human resource implications of the proposed integration, where applicable;
- (c) where applicable, a description of any community engagement processes that the provider or Team used to consider the proposed integration, and a description of any issues that were raised in those consultation processes and the provider's or Team's analysis, if any, of those issues;
- (d) a description of the proposed timing or staging of the implementation of the proposed integration; and
- (e) a description of the level of approval received by the provider or Team within its organization. 2019, c. 5, Sched. 1, s. 35 (5); 2020, c. 13, Sched. 1, s. 2 (1, 2, 5, 12).

**Notice of proposed decision**

(6) No later than 90 days after the health service provider or Ontario Health Team gives the notice required under subsection (3), the Minister may,

- (a) request more information about the proposed integration from the provider or Team and where such a request has been made,
  - (i) the provider or Team shall provide the information within 30 days of the request by the Minister, and
  - (ii) the time limit for the Minister to take the steps set out in this clause and clauses (b) and (c) shall be extended, once only, by an additional 60 days;
- (b) notify the provider or Team that the Minister proposes to issue a decision under subsection (8);
- (c) provide a copy of the proposed decision to the provider or Team; and
- (d) publish the proposed decision on a website. 2019, c. 5, Sched. 1, s. 35 (6); 2020, c. 13, Sched. 1, s. 2 (1, 2, 5, 12, 13).

#### **Submissions**

(7) Any person may make written submissions about the proposed decision to the Minister no later than 30 days after the Minister publishes the proposed decision on a website. 2019, c. 5, Sched. 1, s. 35 (7).

#### **Issuing a decision**

(8) If more than 30 days, but no more than 90 days, have passed after the Minister gives notice under subsection (6) and after the Minister has considered any written submissions made under subsection (7), the Minister may, if the Minister considers it in the public interest to do so, issue a decision ordering the health service provider or Ontario Health Team not to proceed with the integration mentioned in the notice under clause (3) (a) or with a part of the integration. 2019, c. 5, Sched. 1, s. 35 (8); 2020, c. 13, Sched. 1, s. 2 (1, 7).

#### **Matters to consider**

(9) In issuing a decision under subsection (8), the Minister may consider any matter that the Minister considers relevant. 2019, c. 5, Sched. 1, s. 35 (9).

#### **Variance**

(10) An integration decision mentioned in subsection (8) may be different from the proposed decision that was the subject of the notice given under subsection (6). 2019, c. 5, Sched. 1, s. 35 (10).

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Compliance**

**36** (1) A person or entity that is a party to an integration decision shall comply with it.

#### **Corporate powers**

(2) Despite any Act, regulation or other instrument related to the corporate governance of a corporation that is subject to an integration decision, including the *Business Corporations Act*, the *Corporations Act*, any articles of incorporation, any letters patent, any supplementary letters patent or any by-laws, the corporation shall be deemed to have the necessary powers to comply with the decision, and for greater certainty, a corporation shall comply with an integration decision despite any requirement for any meeting or approval of any member, shareholder or director of a corporation under any Act, regulation, or other instrument related to the corporate governance of the corporation.

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 36 (2) of the Act is amended by striking out “the *Corporations Act*” and substituting “the *Not-for-Profit Corporations Act, 2010*”. (See: 2019, c. 5, Sched. 1, s. 49 (6))**

#### **Court order**

(3) The Minister may apply to the Superior Court of Justice for an order directing a person or entity that is a party to an integration decision to comply with it.

**Section Amendments with date in force (d/m/y) [ + ]****Transfer of property held for charitable purpose**

**37** (1) If an integration decision directs a health service provider or Ontario Health Team to transfer to a transferee property that it holds for a charitable purpose, all gifts, trusts, bequests, devises and grants of property that form part of the property being transferred shall be deemed to be gifts, trusts, bequests, devises and grants of property to the transferee. 2019, c. 5, Sched. 1, s. 37 (1); 2020, c. 13, Sched. 1, s. 2 (1, 4, 21).

**Specified purpose**

(2) If a will, deed or other document by which a gift, trust, bequest, devise or grant mentioned in subsection (1) is made indicates that the property being transferred is to be used for a specified purpose, the transferee shall use it for the specified purpose. 2019, c. 5, Sched. 1, s. 37 (2).

**Application**

(3) Subsections (1) and (2) apply whether the will, deed or document by which the gift, trust, bequest, devise or grant is made, is made before or after this section comes into force. 2019, c. 5, Sched. 1, s. 37 (3).

**Section Amendments with date in force (d/m/y) [ + ]**

**38** REPEALED: 2019, c. 7, Sched. 53, s. 9 (3).

**Section Amendments with date in force (d/m/y) [ + ]**

**PART V  
TRANSFERS**

**Definitions**

**39** In this Part,

“transfer” means a transfer pursuant to an order under subsection 40 (1); (“transfert”)

“transfer recipient” means the Agency, health service provider or Ontario Health Team to which assets, liabilities, rights, obligations or employees are being transferred pursuant to an order under subsection 40 (1); (“destinataire du transfert”)

“transferor” means an organization from which assets, liabilities, rights, obligations or employees are being transferred pursuant to an order under subsection 40 (1). (“auteur du transfert”) 2019, c. 5, Sched. 1, s. 39; 2020, c. 13, Sched. 1, s. 2 (1, 8).

**Section Amendments with date in force (d/m/y) [ + ]****Transfer order**

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

- (a) transferring all or part of the assets, liabilities, rights and obligations, including, for greater certainty, any rights or obligations under a funding agreement or accountability agreement of an organization listed in subsection (2) to the Agency, a health service provider or an Ontario Health Team; and
- (b) transferring all or some of the employees of an organization listed in subsection (2) to the Agency, a health service provider or an Ontario Health Team. 2019, c. 5, Sched. 1, s. 40 (1); 2020, c. 13, Sched. 1, s. 2 (1, 4).

**Organizations**

(2) The following are the organizations for the purposes of subsection (1):

1. Cancer Care Ontario.
2. eHealth Ontario.

3. HealthForceOntario Marketing and Recruitment Agency.
4. Health Shared Services Ontario.
5. Ontario Health Quality Council.
6. Trillium Gift of Life Network.
7. Any local health integration network.
8. Any other prescribed organization that receives funding from the Ministry or the Agency and that provides programs or services that are consistent with the objects of the Agency. 2019, c. 5, Sched. 1, s. 40 (2).

**Notification requirement**

(3) Before the Minister makes an order under subsection (1), the Minister shall notify the Agency and each affected transferor and transfer recipient. 2019, c. 5, Sched. 1, s. 40 (3).

**Information for preparation, etc.**

- (4) For the purpose of preparing for and determining the content of an order or potential order under subsection (1),
- (a) the Minister may require an organization to provide to the Minister information, including personal information, relating to its operations, employees, assets, liabilities, rights and obligations; and
  - (b) the Minister may collect personal information from the organization. 2019, c. 5, Sched. 1, s. 40 (4).

**Format**

(5) The Minister may require that the information be provided in the format specified by the Minister. 2019, c. 5, Sched. 1, s. 40 (5).

**Compliance**

(6) An organization shall comply with a requirement under this section. 2019, c. 5, Sched. 1, s. 40 (6).

**Exclusion, personal health information**

(7) For greater certainty, the authority of the Minister to require an organization to provide and of the Minister to collect personal information under this section does not include the authority to require the provision or authorize the collection of personal health information. 2019, c. 5, Sched. 1, s. 40 (7).

**No notice to individual**

(8) Any collection by the Minister of personal information under this section is exempt from the application of subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act*. 2019, c. 5, Sched. 1, s. 40 (8).

**Consistent purpose**

(9) For the purposes of the *Freedom of Information and Protection of Privacy Act*, personal information collected under subsection (4) of this section may be used by the Ministry for the purpose described in that subsection, and that use shall be deemed to be for a purpose that is consistent with the purpose for which the personal information was obtained or compiled. 2019, c. 5, Sched. 1, s. 40 (9).

**Contents of order**

- (10) An order made under subsection (1),
- (a) shall provide for the assets, liabilities, rights, obligations or employees that are to be transferred;
  - (b) shall specify a date on which the transfer of assets, liabilities, rights, obligations or employees, as the case may be, takes effect; and
  - (c) may specify that issues arising out of the interpretation of the order be resolved by the method specified in the order. 2019, c. 5, Sched. 1, s. 40 (10).

**Non-application of *Legislation Act, 2006***

(11) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (1). 2019, c. 5, Sched. 1, s. 40 (11).

**Notice of order**

(12) The Minister shall provide the transferor and transfer recipient with a copy of the order, and shall publish the order on a website. 2019, c. 5, Sched. 1, s. 40 (12).

**Same**

(13) The transferor and transfer recipient that receives a copy of an order provided under subsection (12) shall,

(a) provide notice of the order and make copies available to affected employees and their bargaining agents and to other persons or entities whose contracts are affected by the order; and

(b) publish the order on a website. 2019, c. 5, Sched. 1, s. 40 (13).

**Section Amendments with date in force (d/m/y) [ + ]****Assumption of rights, obligations, etc.**

41 (1) If the Minister makes an order under section 40,

(a) the transfer recipient assumes the operations, activities and affairs of the transferor, as of the date of the transfer; and

(b) the assets, liabilities, rights and obligations of the transferor that are provided for in the order, including contractual rights, interests, approvals, registrations and entitlements, that exist immediately before the transfer date continue as the assets, liabilities, rights and obligations of the transfer recipient and are transferred to the transfer recipient.

**Convictions, rulings etc.**

(2) Where a transfer involves transferring the assets, liabilities, rights and obligations of a transferor to a transfer recipient, a conviction against, or ruling, order or judgment in favour of or against a transferor may be enforced by or against the transfer recipient.

**Civil actions, etc.**

(3) Where a transfer involves transferring the assets, liabilities, rights and obligations of a transferor to a transfer recipient, the transfer recipient shall be deemed to be the party plaintiff or the party defendant, as the case may be, in any civil action commenced by or against a transferor before the date of the transfer.

**No change of control**

(4) A transfer shall not constitute a change of control of the transferor in respect of any asset, liability, right or obligation of the transferor affected by the transfer.

**No breach, etc.**

(5) A transfer is deemed not to,

(a) constitute a breach, termination, repudiation or frustration of any agreement, including a contract of employment or insurance or a collective agreement;

(b) constitute a breach of any Act, regulation or municipal by-law;

(c) constitute an event of default or force majeure;

(d) give rise to a breach, termination, repudiation or frustration of any licence, permit or other right;

(e) give rise to any right to terminate or repudiate an agreement, licence, permit or other right; or

(f) give rise to any estoppel.

**No new cause of action**

(6) A transfer does not create any new cause of action in favour of,

- (a) a holder of a debt instrument that was issued by a transferor before the transfer; or
- (b) a party to an agreement with a transferor that was entered into before the transfer.

**Transfer binding**

(7) Despite any other Act that requires notice or registration of a transfer, a transfer is binding on the transfer recipient and all other persons.

**Non-application of other Acts**

(8) The *Land Transfer Tax Act* and the *Retail Sales Tax Act* do not apply to the transfer.

**Transfer of property held for specified charitable purpose**

(9) If a Minister's order transfers to a transfer recipient property that a transferor holds for a specified charitable purpose, the transfer recipient shall use it for the specified charitable purpose.

**Application**

(10) Subsection (9) applies whether the will, deed or other document by which the gift, trust, bequest, devise or grant is made is executed before or after this section comes into force.

**Regulations**

(11) The Lieutenant Governor in Council may make regulations,

- (a) prescribing agreements to which subsections (5) and (6) do not apply;
- (b) prescribing Acts, in addition to those listed in subsection (8), that do not apply to the transfer.

**Employees continued**

**42** (1) Persons who are employees of a transferor immediately before the transfer become employees of the transfer recipient as of the date of the transfer.

**Same**

(2) For all purposes, the employment of the employees described in subsection (1) immediately before and after the transfer is continuous.

**Same**

(3) For all purposes, including the purposes of an employment contract, a collective agreement and the *Employment Standards Act, 2000*, the employment of the employees described in subsection (1) of this section is not terminated or severed and those employees are not constructively dismissed because of the transfer.

**Terms of employment**

(4) All rights, duties and liabilities relating to all employees and former employees of a transferor that are vested in or bind the transferor immediately before the effective date of the transfer are vested in or bind the transfer recipient instead of the transferor immediately after the transfer.

**Dissolution order**

**43** (1) The Minister may make an order to dissolve an organization that is listed in subsection 40 (2).

**Dissolution of organization**

(2) If the Minister makes an order under subsection (1), the organization affected by the order is dissolved as of the date specified in the order, despite any requirement that would otherwise apply under any other Act.

**Members terminated**

(3) The persons who are the members of the organization affected by the order immediately before the dissolution cease to be members on the day of the dissolution.

**Directors terminated**

(4) The terms of office of the directors and officers of the organization affected by the order who are in office immediately before its dissolution are terminated on the day of the dissolution.

**Filings**

(5) The chair and chief executive officer of the Agency shall make any filings or reports that the organization may have made or that it would have been required to make before its dissolution, and the chair and chief executive officer are deemed to have all the rights of a member, director or officer of the organization to make the filings or reports.

**No change of control**

(6) The dissolution of an organization affected by the order shall not constitute a change of control of the organization in respect of its assets, liabilities, rights or obligations.

**PART V.1  
ENFORCEMENT AND PENALTIES**

**Obstruction prohibited**

**43.1** No person or entity shall, or shall attempt to, hinder, obstruct or interfere with an investigator in the exercise of the investigator's powers or the performance of their duties under this Act. 2020, c. 13, Sched. 1, s. 10.

**Section Amendments with date in force (d/m/y) [ + ]****False information**

**43.2** (1) No person or entity shall orally, in writing or electronically, give or furnish by any means false or misleading information to an investigator who is conducting an investigation under this Act. 2020, c. 13, Sched. 1, s. 10.

**Same**

(2) No person or entity shall include false or misleading information in any plans, reports, financial statements, including audited financial statements, and other information that is required to be provided to the Agency under section 25. 2020, c. 13, Sched. 1, s. 10.

**Section Amendments with date in force (d/m/y) [ + ]****Refusal to provide information**

**43.3** No person or entity shall refuse to provide,

- (a) information to an investigator who is conducting an investigation under this Act; or
- (b) anything that the Agency has required to be provided under section 25. 2020, c. 13, Sched. 1, s. 10.

**Section Amendments with date in force (d/m/y) [ + ]****Misuse of terms**

**43.4** No person or entity shall use or represent themselves as being entitled to use the title "Ontario Health Team" or an abbreviation of that title, an equivalent in another language or a title that could reasonably be confused with that title unless,

- (a) they have been designated as an Ontario Health Team under section 29; or
- (b) they have received a written authorization from the Minister authorizing the use of the title "Ontario Health Team". 2020, c. 13, Sched. 1, s. 10.

**Section Amendments with date in force (d/m/y) [ + ]****Compliance orders**

**43.5** (1) If the Minister has grounds to believe that a person or entity has failed to comply with section 43.1, 43.2, 43.3 or 43.4, the Minister may make an order requiring the person or entity to do anything, or refrain from doing anything, to correct the non-compliance. 2020, c. 13, Sched. 1, s. 10.

**Submissions**

(2) The person or entity to whom the order is directed may, within 14 days after the order is served, provide submissions to the Minister as to how they are, in fact, in compliance with the prohibition or as to the actions they have taken to come within compliance. 2020, c. 13, Sched. 1, s. 10.

**Reconsideration by Minister**

(3) After considering the submissions, the Minister shall confirm or rescind the compliance order and serve on the person or entity a notice of the decision. 2020, c. 13, Sched. 1, s. 10.

**Compliance**

(4) A person or entity to whom a compliance order is directed shall comply with it unless the Minister rescinds it. 2020, c. 13, Sched. 1, s. 10.

**Service**

(5) Any notice, order or other document under this section is sufficiently served on a person or entity if it is,

- (a) served personally on the person or entity or on a person who appears to be engaged in the administration, operation or control of the place of business of the person or entity;
- (b) sent by registered mail to the last known address for the place of business of the person or entity; or
- (c) delivered in another manner that may be prescribed. 2020, c. 13, Sched. 1, s. 10.

**When service deemed made**

(6) A notice, order or other document shall be deemed to be served,

- (a) on the day of delivery where service is made personally;
- (b) on the third day after the day of mailing where service is made by registered mail; and
- (c) as provided for in the regulations if it is delivered in another manner that may be prescribed. 2020, c. 13, Sched. 1, s. 10.

**Non-application of SPPA**

(7) The *Statutory Powers Procedure Act* does not apply to the making, confirmation or rescission of a compliance order under this section. 2020, c. 13, Sched. 1, s. 10.

**Section Amendments with date in force (d/m/y) [ + ]****Court order to comply**

**43.6** (1) If it appears to the Minister that a person or entity is not complying with section 43.1, 43.2, 43.3 or 43.4 or a compliance order issued under section 43.5, the Minister may apply to the Superior Court of Justice, on notice to the person or entity, for an order directing the person or entity to comply and, on the application, the court may make the order that the court thinks fit. 2020, c. 13, Sched. 1, s. 10.

**Same**

(2) Subsection (1) applies in addition to the power to issue compliance orders, and the Minister may apply for an order under that subsection directing compliance with section 43.1, 43.2, 43.3 or 43.4 even if a compliance order has not been issued. 2020, c. 13, Sched. 1, s. 10.

**Section Amendments with date in force (d/m/y) [ + ]****Offences**

**43.7** (1) Every person or entity is guilty of an offence who contravenes section 43.1, 43.2, 43.3 or 43.4 or subsection 43.5 (4). 2020, c. 13, Sched. 1, s. 10.

**Officers, directors**



(2) Every officer, director, employee and agent of a corporation who commits an offence under this Act, for which the corporation would be liable for prosecution, is guilty of an offence and on conviction is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted or convicted. 2020, c. 13, Sched. 1, s. 10.

**Act of officer, etc.**

(3) For the purposes of this Act and the regulations, an act or thing done or omitted to be done by an officer, director, employee or agent of a corporation in the course of their employment or in the exercise of their powers or in the performance of their duties is deemed to also be an act or thing done or omitted to be done by the corporation. 2020, c. 13, Sched. 1, s. 10.

**Section Amendments with date in force (d/m/y) [ + ]**

**General penalty, individual**

**43.8** (1) An individual convicted of an offence under this Act is liable to,

- (a) for a first offence, to a fine of not more than \$50,000 or to imprisonment for a term of not more than 12 months, or to both; and
- (b) for a subsequent offence, to a fine of not more than \$100,000 or to imprisonment for a term of not more than 12 months, or to both. 2020, c. 13, Sched. 1, s. 10.

**Same, corporation**

(2) A corporation convicted of an offence under this Act is liable to a fine of not more than \$100,000 for a first offence and to a fine of not more than \$500,000 for a subsequent offence. 2020, c. 13, Sched. 1, s. 10.

**Other conditions in probation order**

(3) Despite clause 72 (3) (c) of the *Provincial Offences Act*, the court that convicts a person of an offence under this Act may prescribe conditions described in that clause even though the offence is not punishable by imprisonment. 2020, c. 13, Sched. 1, s. 10.

**No limitation**

(4) Section 76 of the *Provincial Offences Act* does not apply to a prosecution under this Act. 2020, c. 13, Sched. 1, s. 10.

**Compliance order not necessary**

(5) A person or entity may be prosecuted for failing to comply with section 43.1, 43.2, 43.3 or 43.4 whether or not a compliance order has been made in respect of the alleged contravention. 2020, c. 13, Sched. 1, s. 10.

**Copy of order**

(6) In a prosecution for failing to comply with a compliance order, a copy of the order that appears to have been signed by the Minister is evidence of the order and the facts contained in it without proof of the signature. 2020, c. 13, Sched. 1, s. 10.

**Presiding judge**

(7) The Attorney General or an agent of the Attorney General may, by notice to the clerk of the Ontario Court of Justice, require that a provincial judge preside over a proceeding in respect of a prosecution under this Act. 2020, c. 13, Sched. 1, s. 10.

**Section Amendments with date in force (d/m/y) [ + ]**

**Publication of enforcement information**

**43.9** (1) The Minister may publish on a website, or otherwise make available to the public,

- (a) with respect to a compliance order issued under section 43.5 or a court order issued under section 43.6,
  - (i) the name of the person or entity to whom the order is directed,
  - (ii) the date of the order, and
  - (iii) a description of the non-compliance that gave rise to the order; and

(b) with respect to a person who is convicted of an offence under this Act,

(i) the name of the person,

(ii) a description of the offence,

(iii) the date of the conviction, and

(iv) the person's sentence. 2020, c. 13, Sched. 1, s. 10.

#### **Limitation**

(2) The Minister shall not act under subsection (1) with respect to a compliance order unless,

(a) at least 14 days have elapsed since the Minister served the order and the person to whom the order is directed has not provided submissions under subsection 43.5 (2), or

(b) the Minister has confirmed the order under subsection 43.5 (3). 2020, c. 13, Sched. 1, s. 10.

#### **Compliance with FIPPA**

(3) Any action taken by the Minister in compliance with this section shall be deemed to be in compliance with clause 42 (1) (e) of the *Freedom of Information and Protection of Privacy Act*. 2020, c. 13, Sched. 1, s. 10.

#### **Section Amendments with date in force (d/m/y) [ + ]**

**Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following Part: (See: 2020, c. 13, Sched. 1, s. 11)**

### PART V.2 HOME AND COMMUNITY CARE COMPLAINTS AND APPEALS

#### Complaints

**43.10** A health service provider or Ontario Health Team that is funded under section 21 to provide home and community care services shall establish a process for reviewing complaints respecting such services that are made to it in accordance with the prescribed requirements. 2020, c. 13, Sched. 1, s. 11.

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### Appeal of decision

**43.11** A person may appeal to the Appeal Board a prescribed decision of the health service provider or Ontario Health Team concerning a complaint if the prescribed requirements are met. 2020, c. 13, Sched. 1, s. 11.

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### Hearing

**43.12** If a person appeals a decision of the health service provider or Ontario Health Team to the Appeal Board in accordance with the prescribed requirements, the Appeal Board shall promptly appoint a time and place for a hearing in accordance with prescribed requirements. 2020, c. 13, Sched. 1, s. 11.

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### *Health Insurance Act* applies

**43.13** Subsections 23 (1), (2), (4) and (6) of the *Health Insurance Act* apply to the proceedings and decisions of the Appeal Board under this Act. 2020, c. 13, Sched. 1, s. 11.

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### Decision of Appeal Board

**43.14** After a hearing by the Appeal Board under this Part the Appeal Board may,

- (a) affirm the decision of the health service provider or Ontario Health Team;
- (b) rescind the decision of the health service provider or Ontario Health Team and refer the matter back to the provider or Team for a new decision in accordance with such directions as the Appeal Board considers appropriate; or
- (c) rescind the decision of the health service provider or Ontario Health Team, substitute its opinion for that of the provider or Team and direct the provider or Team to implement the decision of the Appeal Board in accordance with such directions as the Appeal Board considers appropriate. 2020, c. 13, Sched. 1, s. 11.

#### Section Amendments with date in force (d/m/y) [ + ]

##### Decision final

**43.15** A decision of the Appeal Board under this Part is final and binding and is not subject to further appeal. 2020, c. 13, Sched. 1, s. 11.

#### Section Amendments with date in force (d/m/y) [ + ]

## PART VI GENERAL

#### Community engagement

**44** (1) The Agency, Ontario Health Teams and health service providers shall establish mechanisms for engaging with patients, families, caregivers, health sector employees and others as part of their operational planning processes in accordance with the regulations, if any, made by the Minister. 2019, c. 5, Sched. 1, s. 44 (1); 2020, c. 13, Sched. 1, s. 2 (1, 6).

#### Duties

(2) In fulfilling its duties under subsection (1), the Agency shall,

- (a) engage the Indigenous health planning entities that the Minister, by regulation, specifies, in a manner that recognizes the role of Indigenous peoples in the planning and delivery of health services in their communities;
- (b) engage the French language health planning entities that the Minister, by regulation, specifies;
- (c) engage the Minister's Patient and Family Advisory Council established under the *Ministry of Health and Long-Term Care Act*; and
- (d) meet any additional engagement requirements that the Minister, by regulation, specifies. 2019, c. 5, Sched. 1, s. 44 (2).

#### Engagement

(3) The Minister shall engage with Indigenous communities before specifying Indigenous health planning entities for the purposes of this section. 2019, c. 5, Sched. 1, s. 44 (3).

#### Section Amendments with date in force (d/m/y) [ + ]

#### Public interest

**45** In making a decision in the public interest under this Act, the Lieutenant Governor in Council, the Minister or the Agency, as the case may be, may consider any matter they regard as relevant, including, without limiting the generality of the foregoing,

- (a) the quality of the management and administration of the Agency, the health service provider, the Ontario Health Team or the other person or entity that receives funding from the Agency under section 21, as the case may be;
- (b) the proper management of the health care system in general;
- (c) the availability of financial resources for the management of the health care system and for the delivery of health care services;
- (d) accessibility to health services;
- (e) the quality of the care and treatment of patients; and

(f) the accessibility of health services in French. 2019, c. 5, Sched. 1, s. 45; 2020, c. 13, Sched. 1, s. 2 (1, 8).

### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Extinguishment of causes of action**

**46** (1) Subject to subsections (5) and (8), no cause of action arises against any of the following with respect to any act done or omitted to be done or any decision, directive, standard, regulation or order made or issued under this Act, the *Mental Health and Addictions Centre of Excellence Act, 2019*, the *Gift of Life Act*, or the *Excellent Care for All Act, 2010* or under any provisions of the *Personal Health Information Protection Act, 2004* or the regulations made under that Act that are prescribed for the purposes of this section that is done in good faith in the execution or intended execution of a power or duty under any of those Acts:

1. The Crown.
2. Any current or former member of the Executive Council, including the Minister.
3. The Agency.
4. Any current or former member, director or officer of the Agency or a volunteer of the Agency.
5. Any current or former employee, agent or adviser of the Crown or the Agency.
6. Any current or former investigator or supervisor appointed under this Act, or any current or former member of their staffs. 2019, c. 5, Sched. 1, s. 46 (1), 49 (7); 2019, c. 15, Sched. 30, s. 9; 2019, c. 17, Sched. 1, s. 6 (2).

#### **Same, transfer orders**

(2) No cause of action arises against a current or former director, officer or employee of a transferor or transfer recipient in respect of a claim arising in connection with a transfer order made under this Act. 2019, c. 5, Sched. 1, s. 46 (2).

#### **Proceedings barred**

(3) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, trust or fiduciary obligation, or any remedy under any statute, that is directly or indirectly based on or related to anything referred to in subsection (1) or (2) may be brought or maintained against a person referred to in those subsections. 2019, c. 5, Sched. 1, s. 46 (3).

#### **Application**

(4) Subsection (3) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages, or any other remedy or relief, and includes a proceeding to enforce a judgment or order made by a court or tribunal outside of Canada. 2019, c. 5, Sched. 1, s. 46 (4).

#### **Health services**

(5) Nothing in subsection (1), (3) or (4) prevents a claim for compensation or damages against the Agency with respect to the delivery of health services by the Agency to an individual, and, for greater certainty, the Agency does not deliver services when the Agency funds services under section 21 to be delivered by a health service provider, an Ontario Health Team or other person or entity. 2019, c. 5, Sched. 1, s. 46 (5); 2020, c. 13, Sched. 1, s. 2 (1, 4).

#### **No compensation**

(6) Despite any other Act, but subject to subsection (8), no person or entity, including a health service provider or Ontario Health Team, is entitled to any compensation for any loss or damages, including loss of revenue or loss of profit, arising from any direct or indirect action that the Lieutenant Governor in Council, the Minister or the Agency takes under this Act, including an integration decision or a transfer order. 2019, c. 5, Sched. 1, s. 46 (6); 2020, c. 13, Sched. 1, s. 2 (1, 4).

#### **Same, transfer of property**

(7) Despite any other Act, but subject to subsection (8), no person or entity, including a health service provider or Ontario Health Team, is entitled to compensation for any loss or damages, including loss of use, loss of revenue and loss of profit, arising from the transfer of property under a decision or order made under this Act, including an integration decision or a transfer order. 2019, c. 5, Sched. 1, s. 46 (7); 2020, c. 13, Sched. 1, s. 2 (1, 4).

**Exception**

(8) If an integration decision directs a health service provider or Ontario Health Team to transfer property to or to receive property from a person or entity, a person or entity, including a health service provider or Ontario Health Team, who suffers a loss resulting from the transfer is entitled to compensation as prescribed in respect of the portion of the loss that relates to the portion of the value of the property that was not acquired with money received from the Government of Ontario, the Agency or any other agency of the Government, whether or not it is a Crown agent. 2019, c. 5, Sched. 1, s. 46 (8); 2020, c. 13, Sched. 1, s. 2 (1, 4, 12).

**No expropriation**

(9) Nothing in this Act and nothing done or not done in accordance with this Act constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law. 2019, c. 5, Sched. 1, s. 46 (9).

**Section Amendments with date in force (d/m/y) [ + ]****Agency dissolution**

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

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

**PART VII  
REGULATIONS**

**Regulations**

**48** (1) The Lieutenant Governor in Council may make regulations,

- (a) specifying persons or entities that are included in or excluded from the definition of "health service provider" in subsection 1 (2);
- (b) exempting the Agency, a health service provider, an Ontario Health Team or any other person or entity from any provision of this Act or the regulations, and specifying circumstances in which the exemption applies;
- (c) prescribing provisions of the *Corporations Act* and the *Corporations Information Act* or any successor to those Acts that apply to the Agency and the modifications with which those provisions are to so apply;
- (d) specifying persons who may not be appointed as members of the Agency;
- (e) governing funding that the Agency provides to a health service provider, to an Ontario Health Team or to any other person or entity to which the Agency may provide funding under section 21;

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 48 (1) of the Act is amended by adding the following clause: (See: 2020, c. 13, Sched. 1, s. 12 (1))**

- (e.1) respecting and governing the provision and funding of home and community care services for the purposes of this Act, including governing standards and requirements with respect to home and community care services, and defining or clarifying the meaning of "home and community care service" and related expressions for the purposes of this Act or the regulations or any provision of this Act or the regulations;
- (f) requiring a health service provider, Ontario Health Team, or other person or entity that receives funding from the Agency under section 21 to institute a system for reconciling the funding that it receives from the Agency on the basis set out in the regulation, including,
  - (i) requiring the provider, Team, person or entity to pay the Agency for any excess payment of funding, and
  - (ii) allowing the Agency to recover any excess payment of funding by deducting the excess from subsequent payments to the provider, Team, person or entity;

- (g) governing the content or terms and conditions of a service accountability agreement and respecting the process for making a service accountability agreement;
- (h) governing designations of Ontario Health Teams under section 29, and prescribing conditions and requirements that must be met before a designation may be made under that section;
- (i) governing and respecting matters that relate to or arise as a result of a transfer of property under an integration decision under Part IV, including matters related to present and future rights, privileges and liabilities;
- (j) governing and respecting matters that relate to or arise as a result of transfer orders issued under Part V;
- (k) governing compensation payable under subsection 46 (8), including who pays the compensation, the amount payable, how the loss for which compensation is payable is to be determined and how the portion of the value of the property that was not acquired with money from the Government of Ontario, the Agency or any other agency of the Government is to be determined;
- (l) defining, for the purposes of this Act, any word or expression used in this Act that has not already been expressly defined in this Act;
- (m) respecting any matter that this Act describes as being prescribed or provided for in the regulations;
- (n) governing transitional matters that may arise due to the enactment of this Act or any amendments, repeals or revocations made by the *The People's Health Care Act, 2019*, including, without in any way limiting the generality of the foregoing, clarifying the application of any provisions and governing situations where a provision has been repealed or revoked and a related provision has not;

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 48 (1) (n) of the Act is repealed and the following substituted: (See: 2020, c. 13, Sched. 1, s. 12 (2))**

- (n) governing transitional or similar matters that may arise due to the enactment of this Act or any amendments, repeals or revocations made by *The People's Health Care Act, 2019* or the *Connecting People to Home and Community Care Act, 2020* including, without in any way limiting the generality of the foregoing, clarifying the application of any provisions and governing situations where a provision has been repealed or revoked and a related provision has not;
- (o) respecting any other matter that the Lieutenant Governor in Council consider necessary or desirable for carrying out the purposes and provisions of this Act. 2019, c. 5, Sched. 1, s. 48 (1); 2020, c. 13, Sched. 1, s. 2 (1, 3, 4, 6, 22).

#### **Minister's regulations**

(2) The Minister may make regulations governing any matter that may be dealt with by regulation under sections 13 and 44. 2019, c. 5, Sched. 1, s. 48 (2).

#### **Conflict**

(3) If there is a conflict between a regulation made under clause (1) (n) and any Act or any other regulation, the regulation made under that clause prevails. 2019, c. 5, Sched. 1, s. 48 (3).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **PART VIII (OMITTED)**

**49** OMITTED (PROVIDES FOR AMENDMENTS TO THIS ACT).

##### **PART IX (OMITTED)**

**50** OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT).

**51** OMITTED (ENACTS SHORT TITLE OF THIS ACT).

Français