



## SENIORS FOR SOCIAL ACTION (ONTARIO)

### INFORMATION BULLETIN

# PROPOSED BILL 135 AMENDING THE CONVENIENT CARE AT HOME ACT

**October 30, 2023**

The Government of Ontario has introduced legislation amalgamating the 14 area Home and Community Care Support Services (HCCSS) organizations as a Crown agent under amendments to this Act. The amalgamated organization will be called The Service Organization and be known as Ontario Health at Home. (Explanatory Note: Bill 135)

This represents the latest iteration of the Community Care Access Centres (CCACs), the Local Health Integration Networks (LHINs), and Home and Community Care Support Services (HCCSS).

See Act: [https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2023/2023-10/b135\\_e.pdf](https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2023/2023-10/b135_e.pdf)

### **ANALYSIS**

Seniors for Social Action Ontario (SSAO) has some significant questions and concerns about these amendments.

### **SERVICE ORGANIZATION WILL OR WILL NOT BE A HEALTH SERVICE PROVIDER?**

After saying that The Service Organization's objects include service provision (Section 27:6, Pg. 4), the amendments also state that: "the regulations may provide that the Service Organization is deemed not to be a health service provider or to have been funded by the Agency under section 21 for the purposes of any provision of this Act or its regulations or any other Act or regulations" (Section 1:1(3), pg. 1). **So, which is it? This level of doublespeak stumped even us!**

### **THE CEO WILL NOT BE AN OFFICER OF THE SERVICE ORGANIZATION**

The CEO will not be an officer of the Service Organization (Section 27:11(3), Pg. 6). **So, to whom will they be accountable then?**

### **REMOVAL OF LIABILITY**

"The amendments provide for there to be no causes of action nor proceedings against the Crown, the Agency, the Service Organization or specified related persons for certain acts." (Explanatory Note: Bill 135; Sections 27:18 & 27:19, Pg. 8). **If one of the first acts of a**

**government is to essentially eliminate the liability of the Crown agency it is establishing, that should be of concern to all of us.**

## **MINISTER HAS ACCESS TO PERSONAL HEALTH INFORMATION OF SERVICE RECIPIENTS**

Personal health information of service users can now be shared with the Minister. “Health service providers or Ontario Health Teams are authorized to disclose records of personal health information to the Minister for the purpose of monitoring, assessing and evaluating home and community care services. The amendment authorizing this collection and disclosure is deemed to have come into force on May 1, 2022” (Explanatory Note: Bill 135). “A health service provider or an Ontario Health Team that is funded under section 21 to provide home and community care services and their provider of home and community care services may disclose a record of personal health information to the Minister if the disclosure is for the purpose of enabling the Minister to exercise a power under subsection (2)” (Section 45:1(1), Pg. 10). **What happened to individuals’ rights to consent to release of health information, and confidentiality when it comes to health records? If a complaint is made against the Service Organization that ends up on the Minister’s desk, will they be able to look at the person’s personal health information as supplied and documented by the Service Agency?**

## **DESIGNATION OF ONTARIO HEALTH TEAMS**

The Minister can now “determine or designate as an Ontario Health Team “a person or entity, or a group of persons or entities, that has the ability to deliver, in an integrated and co-ordinated manner, at least three of the following types of services or such higher number of types of services as may be prescribed: hospital services, primary care services, mental health or addictions services; home and community care services; long-term care home services; palliative care services; any other prescribed health care service or non-health service that supports the provision of health care services.” (Ontario Health Team 1, Pg. 9). **SSAO is deeply concerned that this opens the door to corporate provision of health care, and private individuals with too close relationships with the government being designated as Ontario Health Teams.**

## **BOARD OF DIRECTORS APPOINTED BY THE MINISTER**

The Board will be appointed by the Minister (Section 27:9, Pg. 5). **How likely is it that service users and their representatives and elder advocates will be appointed to this Board?**

## **NO ACCEPTANCE OF FEDERAL FUNDING WITHOUT PROVINCIAL MINISTERIAL APPROVAL**

No acceptance of Federal funding without Ministerial approval (Section 27:8(4), Pgs. 4 and 5). **So, if the Federal government should launch a national Home Care Program, the Minister could refuse the funding?**

## **REVENUE GENERATION WITH THE APPROVAL OF THE MINISTER**

Revenue generation and fundraising other than money provided by The Crown could now be allowed by the Minister. “Conducting fundraising activities or acting in association with a person or entity that conducts any fundraising activities or programs, directly or indirectly, for the Agency or the Service Organization” (Section 27:8(4)(3), Pgs 4 and 5). “Generating revenue or otherwise receiving money or assets from any person or entity except the Crown in right of Ontario or the Agency....”(Section 27:8(4)(6), Pg. 5).

**Does this open the door to big developers and other corporate friends of the government to make multi-million dollar donations to the Service Agency as they do to hospitals and universities, thereby unduly influencing those bodies?** In one example major donations by the Cortellucci family to Mackenzie Health seems to have led to the subsequent naming of the Vaughan hospital after them (Mackenzie Health, 2019; Mackenzie Health, 2020). It should be noted that these amendments appear also to allow the transfer of funds donated to the Service Agency to be transferred to the Ministry of Health with possible return to general revenues. **Does this create the possibility of wealthy private donors funding programs and services of the Ontario government?**

## **PAYMENT TO SERVICE ORGANIZATION FOR USE OF THEIR STAFF**

“If the Service Organization enters into a service contract with a client provider which provides for the assignment of one or more Service Organization employees to work under the direction of the client provider to deliver care co-ordination services to the provider’s patients, the assigned employee remains an employee of the Service Organization and there is no termination of employment or change in the employment relationship between the employee and the Service Organization” (Section 27:7, Pg 4). **Does this mean that for-profit “client providers” can pay The Service Organization for the use of their staff, or will these staff be provided free, courtesy of the taxpayers of Ontario, because the for-profits are unable to recruit enough of their own staff to meet their contractual obligations?**

A recent SSAO Advocacy Bulletin showed that 7 area HCCSS offices returned almost \$78 million to the Ministry of Health, possibly ending up in the government’s general revenues, partially because there were not enough staff to meet the needs of their clients. Please see SSAO Advocacy Bulletin on this.

[https://www.seniorsactionontario.com/files/ugd/c73539\\_4b63f554b1cc4f439935b18959964f7c.pdf?index=true](https://www.seniorsactionontario.com/files/ugd/c73539_4b63f554b1cc4f439935b18959964f7c.pdf?index=true)

### **MINISTER-APPOINTED SUPERVISOR TO BE A LAW UNTO THEMSELVES?**

“If the Minister appoints a person as a supervisor for the Service Organization under this section, a) the Agency’s power to require proposed by-laws to be submitted for approval does not apply to any by-laws that are made by the supervisor; and b) the supervisor is not required to comply with any directive issued to the Service Organization by the Agency.” (Section 13:1, Pg. 2). **So, Minister-appointed Supervisors are to be a law unto themselves?**

### **CIVIL ACTIONS AGAINST EXISTING HCCSS AREA OFFICES?**

“A conviction against or ruling, order or judgement in favour of or against one of the predecessor corporations may be enforced by or against the Service Organization.” (Section 27:2 (2)(3), Pg. 3). **Are there currently civil actions against area offices of HCCSS?**

***This Bill is currently at the Standing Committee stage before it comes back to the Ontario Legislature for 3<sup>rd</sup> Reading.***

If you have questions or concerns about this Bill now is the time to contact your MPP. A list of MPP’s and their contact information is found here:

<https://www.ola.org/en/members/current> Click on their names to locate their contact information

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### **REFERENCES**

Mackenzie Health. (June 13, 2019). Cortellucci family donates \$40 million to new Mackenzie Vaughan Hospital. <https://www.mackenziehealth.ca/about-us/news/~136-Cortellucci-family-donates-40-million-to-new-Mackenzie-Vaughan-Hospital>