

AdvantAge Ontario Submission on Bill 175

June 2020

AdvantAge Ontario supports the intent of Bill 175 to modernize the province's home and community care sector. This Bill proposes to move away from rigid legislation that directs levels and frequency of clinical services, towards a structure where services will be more flexible and reflective of client need.

However, we are very concerned that there has not been adequate time for meaningful government consultation with the sector, and for our Association to consult with our members.

The scope, scale and implications of the reforms contemplated in Bill 175 are far reaching and will shape the sector for many years to come. There is a very real risk of destabilizing the home and community care sector if there is not adequate and meaningful consultation with stakeholders.

This would be concerning under normal circumstances, but it is particularly so given that the province's entire health care continuum, including the home and community care sector, has been and continues to be fully consumed with the COVID-19 pandemic.

For these reasons, we strongly discourage the government from moving forward so quickly on Bill 175 without extensive consultation with the sector.

Currently, the Ministry has put forward a summary of the proposed regulations. Since much of the detail of this legislation will be determined in the regulations, we strongly recommend that the Ministry collaborates with the sector on the development of the proposed regulations. Our support for this legislation and associated regulations will be impacted by the level to which the Ministry adopts an open and transparent engagement process.

At this point, we would like to offer comments and recommendations on the proposed regulations with the expectation that the Ministry will initiate a more fulsome consultation process in the near future.

Recommendations on the Proposed Regulatory Framework for the Modernization of the Home and Community Care Sector

1. Scope of Services

The legislation proposes to maintain the list of services currently under the Home Care and Community Services Act, 1994. However, we see that the government has added a qualifier that the services would be kept “as they are deemed to be appropriate and in line with other jurisdictions”. We recommend that the Ministry completes a needs assessment in each geographic region to ensure that critical services are maintained. The Ministry should also consult with the seniors’ sector, including those living with disabilities, to identify additional services that may be needed in each region.

2. Service Delivery

The proposed regulatory framework retains the requirement that the delivery of community support services is by not-for-profit organizations. AdvantAge Ontario is very supportive of this proposal as it is something that we have long advocated for.

3. Service Maximums

We are supportive of the fact that the Ministry is proposing not to include service maximums.

This will help keep people at home and in their community with greater support and will allow service providers to ensure people aren’t prematurely institutionalized. This will also reduce overall cost burden to the health care system. To guarantee equitable access, the province must ensure that there is a consistent and client-focused assessment tool across every Ontario Health Team and that this must be used by every provider.

4. Personal Health Information Protection Act, 2004 (PHIPA) Amendment

Bill 175 would amend PHIPA to deem home and community care service providers or Ontario Health Teams (OHTs) that provide home and community care services under the CCA as health information custodians. These changes would allow appropriate information sharing within Ontario Health Teams and is a critical condition to the success of integrated care delivery models.

AdvantAge Ontario is supportive of this change and proposes that the province ensure that there are appropriate supports and resources available for organizations, especially small organizations, that would be impacted by the new designation.

5. Bill of Rights and Complaints

We are supportive of the recommendation to include a Bill of Rights for home and community care patients in regulation and that changes are proposed that would require home and community care Health Service Providers to establish a process for reviewing complaints made by patients with respect to services provided.

6. Residential Congregate Care

Bill 175 will allow the province to create a regulatory oversight mechanism for residential congregate care – currently there is no such framework. This would include programs that

offer lodging, meals, unscheduled care needs, housekeeping, linen/laundry, resident safety and security checks, as well as, social and recreation services within a residential congregate care setting. Based on our discussions with the Ministry of Health, we understand that the intent is to implement standards to help guide the delivery of these services.

AdvantAge Ontario is concerned about the lack of detail in the provision, especially around applicability and scope of these new regulatory powers. We strongly recommend that the government consult extensively with the seniors' sector before moving forward on the development of new regulations for residential congregate care settings.

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About AdvantAge Ontario

AdvantAge Ontario has been the trusted voice for senior care for 100 years. We are community-based, not-for-profit organizations dedicated to supporting the best possible aging experience. We are the only provincial association representing the full spectrum of the seniors' care

continuum. Our nearly 400 members are located across the province and include not-for-profit, charitable, and municipal long-term care (LTC) homes, seniors' housing, supportive housing and community service agencies.