

Bill 160 Proposes Numerous Amendments to Health Care Legislation in Ontario

Wednesday, November 29, 2017

On September 27, 2017, the Ontario Legislature introduced Bill 160, titled *Strengthening Quality and Accountability for Patients Act, 2017*. The Bill has passed its second reading, and is currently being considered at the Standing Committee on General Government.

The government has explained that Bill 160 is meant to enhance "transparency, accountability and quality of care" within Ontario's health system ([see the news release here](#)). If passed, Bill 160 would amend or repeal over 15 statutes. While there are many changes proposed, the most significant are as follows:

- The creation of the *Health Sector Payment Transparency Act*, which would require that certain transactions of value would have to be reported to the Minister and would be published online. This is intended to be like a "sunshine" list for certain financial transactions. This proposed Act has been widely covered in the news with respect to the disclosure of financial relationships between physicians and drug manufacturers. While this has been the focus in the media, it is important to recognize that the Minister of Health has indicated that these provisions will apply equally to hospitals and health-care organizations once the regulations are drafted. It was noted that data collection is anticipated to commence in 2019.
- The *Long-Term Care Homes Act* and the *Retirement Homes Act* have both been amended, in particular to address provisions regarding the confinement of patients/residents. This often arises in the context of a patient/resident with decreased capacity needing to be confined for his or her own safety. For a long-term care facility, consent to confinement would be addressed under the *Health Care Consent Act*, with any reviews going to the Consent and Capacity Board. Bill 160 also proposes enhanced enforcement tools and administrative penalties with respect to long-term care homes (up to four times the current penalties). For a retirement home, while there are changes to the confinement regime, most of it has been left to the government to address by way of regulations. Notably, this regime specifically does not mirror the one proposed for long-term care homes. In particular, a resident of a retirement home is not entitled to an automatic review of a decision to confine, but merely has the right to apply for a review.
- Diagnostic Medical Sonographers will now formally be regulated under the College of Medical Radiation and Imaging Technologists of Ontario.
- The *Ontario Drug Benefit Act* will now allow reimbursement for certain drugs prescribed by more than just physicians (*i.e.* nurse practitioners).
- The creation of the *Oversight of Health Facilities and Devices Act* further regulates the use of medical radiation devices (*e.g.* x-rays, CTs, ultrasounds, MRIs, etc.) and will require all organizations to have a license to operate any such devices. As currently drafted, this will require hospitals to also obtain licenses. This Act would also create regulations for community health facilities (the definition of which is currently vague and has been left for further particularization in the regulations). If

passed, this Act would require all community health facilities to have a license to operate.

Changes are also being made to the *Ambulance Act*, *Excellent Care for All Act*, *Health Protection and Promotion Act*, *Personal Health Information and Protection Act* and *Substitute Decisions Act*. The Bill will repeal the *Ontario Mental Health Foundation Act*, *Independent Health Facilities Act*, *Healing Arts Radiation Protection Act* and *Private Hospitals Act*. It is worth noting that even if Bill 160 is passed, many of its provisions only come into force by proclamation of the Lieutenant Governor, and the timelines for such proclamation have not yet been announced.

To read more about these proposed changes, [see the full Bill 160 here](#). If you have any questions or require advice in relation to the above noted changes, please do not hesitate to contact us.

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