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Ontario Bill 135, *Convenient Care at Home Act, 2023* Consultation Released

Date: October 16, 2023

The Ontario government has released a proposal for commentary on Bill 135, *Convenient Care at Home Act, 2023* (Bill 135). Bill 135 would amend the *Connecting Care Act, 2019* to establish Ontario Health atHome, an amalgamation of Ontario's 14 Local Health Integration Networks (LHINs) into a single organization.

Proposed Changes

Based on the proposed changes in Bill 135, LHINs would cease operations, with Ontario Health atHome assuming all staff, service contracts with service provider organizations (SPOs), and the assets, liabilities, rights and obligations of the LHINs. Initially, Ontario Health atHome would provide the same services as LHINs. Under the proposal, Ontario Health Teams (OHTs)—and health service providers (HSPs) working within OHTs—would begin to take over responsibilities related to home care, with Ontario Health atHome transitioning to providing designated OHTs and HSPs support such as assigning care coordinators to work under client providers such as HSPs.

Bill 135 would also amend section 29 of the *Connecting Care Act* to "enhance and clarify" the legislative framework for OHT designations. The Lieutenant Governor in Council would maintain their authority to make regulations setting out criteria that OHTs must meet to be considered by the Minister of Health (the Minister) for designation. This includes potential regulations that may be made pertaining to the types of services an OHT must provide. The amendments would specify that the Minister may impose additional terms and conditions on a designation and that designations may be amended or revoked.

Bill 135 also proposes to amend the *Connecting Care Act* to expand the Minister's power to issue orders to transfer staff, assets, liabilities, rights and obligations from Ontario Health into Ontario Health atHome, an HSP or an OHT or from Ontario Health atHome into Ontario Health, an HSP or an OHT.

Bill 135 also clarifies the Ministry of Health's authority to collect and use personal health information in order to monitor and evaluate home and community care services.

Finally, Bill 135 proposes to amend the *Public Sector Labour Relations Transition Act, 1997* to make the LHIN amalgamation an occurrence to which that act applies. Ontario Health atHome would be designated as a successor employer for the purposes of that act.

Questions for Stakeholders

The government notes that stakeholder input will be used to determine the impact of the proposed amendments. The government has released several questions on the proposed changes for interested stakeholders to consider:

1. What impacts do you anticipate from these proposed changes?

(a) Please quantify costs or impacts wherever possible.

(b) Impacts could be direct or indirect.

(c) Direct costs/impacts could include, but are not limited to, fees, upfront capital and operating costs, ongoing operating

costs and administrative costs.

(d) Indirect costs/impacts could include, but are not limited to, lost production or sales, or price impacts.

2. What concerns or challenges do you see arising for yourself or your organization as a result of these changes? What mitigation strategies could the ministry implement to avoid this?

3. What new opportunities could arise for yourself or your organization as a result of these changes?

Interested stakeholders can provide comments on the proposed changes until **November 11, 2023**.

Potential Impact

The government notes that current SPOs could incur one-time administrative costs when existing contracts transfer from LHINs to Ontario Health atHome. However, SPOs that currently manage contracts with multiple LHINs may see a reduction in administrative duties by consolidating multiple contracts with Ontario Health atHome, which may result in lowered administrative costs.

If you have any questions about these changes, please feel free to contact your regular Hicks Morley lawyer.

Editor's Note: Bill 135 received Royal Assent on December 4, 2023. See the Bill for coming into force information.