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Bill 87

**An Act to implement health measures and measures relating to seniors
by enacting, amending or repealing various statutes**

The Hon. E. Hoskins
Minister of Health and Long-Term Care

Government Bill

1st Reading December 8, 2016

2nd Reading April 4, 2017

3rd Reading

Royal Assent

*(Reprinted as amended by the Standing Committee on the Legislative Assembly
and as reported to the Legislative Assembly May 18, 2017)*

(The provisions in this Bill will be renumbered after 3rd Reading)



This reprint of the Bill is marked to indicate the changes that were made in Committee.
The changes are indicated by underlines for new text and a ~~striketrough~~ for deleted text.

EXPLANATORY NOTE

SCHEDULE 0.1 DRUG AND PHARMACIES REGULATION ACT

Various amendments are made to the *Drug and Pharmacies Regulation Act*, including amendments to facilitate implementation of interim orders regarding suspensions and the imposition of terms, conditions and limitations.

SCHEDULE 1 **IMMUNIZATION OF SCHOOL PUPILS ACT**

The *Immunization of School Pupils Act* is amended:

1. To require parents to complete an immunization education session before filing a statement of conscience or religious belief.
2. To expand the categories of persons who may provide statements regarding the administration of immunizing agents.
3. To require those who administer immunizing agents to provide information to the local medical officer of health.

SCHEDULE 2 **LABORATORY AND SPECIMEN COLLECTION CENTRE LICENSING ACT**

A number of amendments are made to the *Laboratory and Specimen Collection Centre Licensing Act*. Among them:

1. The two categories of “laboratory” and “specimen collection centre” are both provided for under the new term “laboratory facility”, and the licensing provisions of the Act are amended accordingly.
2. Provision is made for the emergency suspension of licences.
3. The transfer of licences is provided for.
4. The powers of inspectors under the Act are revised.
5. The collection, use and disclosure of personal information by the ~~Minister~~ Ministry is provided for.
6. Revisions are made concerning the prosecution of offences under the Act.

The *Animals for Research Act* is amended to correct a cross-reference.

The *Health Insurance Act* is amended to permit the Minister to enter into arrangements for the payment of remuneration to health facilities rendering insured services to insured persons on a basis other than fee for service, in addition to physicians and practitioners.

The *Public Hospitals Act* is amended to permit the Minister to designate hospitals to provide community laboratory services.

SCHEDULE 3 **ONTARIO DRUG BENEFIT ACT**

The *Ontario Drug Benefit Act* is amended to add ~~a new definition for~~ new definitions for an “authorized prescriber” and a “registered nurse in the extended class”. Several amendments are made throughout the Act to accommodate prescriptions by ~~registered nurses in the extended class~~ authorized prescribers. A reference to a repealed Act is removed.

The Act is also amended to allow regulations to incorporate other documents by reference as they are amended from time to time after the regulation is made.

SCHEDULE 4 **REGULATED HEALTH PROFESSIONS ACT, 1991**

The *Regulated Health Professions Act, 1991* and its Health Professions Procedural Code are amended. Among the changes:

- 1. ~~The Minister may require the Council of a health professions College to include in its reports to the Minister personal information and personal health information about any member of the College to the extent necessary in order to allow the Minister to determine if the College is fulfilling its duties and carrying out its objects or if the Minister should exercise certain of the Minister’s powers. Personal information and personal health information shall not be included if other information will suit the purpose, and no more than is necessary shall be included.~~

2. The purposes for which the Minister may require a College to collect information from members under section 36.1 of the Act are expanded to include health human resources research.
3. The Minister is given the power to make regulations respecting College committees and panels.
4. The matters that a College is required to note in its register are expanded.
5. For the purposes of the sexual abuse provisions of the Code, the definition of “patient”, without restricting the ordinary meaning of the term, is expanded to include an individual who was a member’s patient within the last year or within such longer period of time as may be prescribed [from the date on which they ceased to be a patient](#), and an individual who is determined to be a patient in accordance with the criteria set out in regulations.
6. The Inquiries, Complaints and Reports Committee and its panels may make an order for the interim suspension of a member’s certificate of registration at any time following the receipt of a complaint or ~~report~~ [after the appointment of an investigator](#), instead of only when a matter is referred for discipline or incapacity proceedings.
7. The imposition of gender-based terms, conditions or limitations on a member’s certificate of registration is prohibited.
8. The grounds for mandatory revocation of the certificate of registration of a member who has sexually abused a patient are expanded, and suspension is made mandatory in sexual abuse cases that do not involve conduct requiring mandatory revocation.
9. Members are required to report to the Registrar if they belong to professional bodies outside Ontario, and if there has been a finding of professional misconduct or incompetence against them by such a body.
10. Members are required to report to the Registrar if they are charged with an offence, and are required to provide information about bail conditions.
11. The mandatory program for Colleges to provide funding for therapy and counselling for patients who were sexually abused by members is expanded to apply to persons who are alleged to have been sexually abused while a patient, and to provide funding for other purposes provided for in regulations.
12. The penalties for failing to report sexual abuse of patients are increased.

SCHEDULE 5
SENIORS ACTIVE LIVING CENTRES ACT, 2017

The *Elderly Persons Centres Act* is repealed and replaced with a new Act. Under the new Act, an operator that is not an individual can obtain funding from the Minister Responsible for Seniors Affairs to establish, maintain or operate a program if a director appointed by the Minister approves both the operator and the program. The director approves a program on being satisfied that its purpose is to promote active and healthy living, social engagement and learning for persons who are primarily seniors by providing them with activities and services.

If the operator operates the program in a municipality, any one municipality is required to make a contribution to the operator. If the operator operates the program in a location that is not in a municipality, the regulations made under the Act can prescribe what entities are required to make a contribution to the operator.

There is broad regulation-making power under the Act, including the power to make regulations governing contributions.

**An Act to implement health measures and measures relating to seniors
by enacting, amending or repealing various statutes**

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Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *Protecting Patients Act, 2017*.

SCHEDULE 0.1
DRUG AND PHARMACIES REGULATION ACT

1 The definition of “registered pharmacy student” in subsection 1 (1) of the *Drug and Pharmacies Regulation Act* is repealed and the following substituted:

“intern technician” means a person registered as an intern technician under the *Pharmacy Act, 1991*;

2 Subsections 139 (5) of the Act is amended by adding the following paragraph:

3. Subsections 17 (2) and (3).

3 (1) Subsection 140 (2) of the Act is amended by striking out “interim orders where such allegations are referred to the Committee”.

(2) Section 140 of the Act is amended by adding the following subsection:

Interim order

(2.0.1) The Accreditation Committee may at any time make an interim order directing the Registrar to suspend, or to impose terms, conditions or limitations on, a certificate of accreditation, if it is of the opinion that the conduct or operation of a pharmacy is likely to expose a patient, or a member of the public, to harm or injury.

Procedure

(2.0.2) The provisions of the Health Professions Procedural Code dealing with interim suspension orders made by the Inquiries, Complaints and Reports Committee or a panel of the Committee apply, with necessary modifications, to interim suspension orders made by the Accreditation Committee under subsection (2.0.1).

(3) Subsection 140 (2.1) of the Act is amended by striking out “section 37” and substituting “section 25.4”.

4 (1) Clause 149 (1) (c) of the Act is amended by striking out “a registered pharmacy student” at the beginning and substituting “a student who is in the course of fulfilling the educational requirements to become a member of the College”.

(2) Clause 149 (1) (d) of the Act is amended by adding “or an intern technician” after “a pharmacy technician”.

(3) Subsection 149 (3) of the Act is repealed and the following substituted:

Remote dispensing locations

(3) Despite clause (1) (d), a pharmacy technician may compound, dispense or sell a drug in a remote dispensing location without a pharmacist being physically present to supervise, as long as a pharmacist is actively supervising the pharmacy technician and,

(a) a certificate of accreditation has been issued permitting the operation of the remote dispensing location; and

(b) the remote dispensing location is operated in accordance with the regulations.

5 Subsection 156 (2) of the Act is amended by striking out “two years” at the end and substituting “ten years”.

6 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 1
IMMUNIZATION OF SCHOOL PUPILS ACT**

1 (1) Section 1 of the *Immunization of School Pupils Act* is amended by adding the following definition:

“nurse” means a member of the College of Nurses of Ontario; (“infirmière ou infirmier”)

(2) The definition of “physician” in section 1 of the Act is repealed and the following substituted:

“physician” means a member of the College of Physicians and Surgeons of Ontario; (“médecin”)

2 Subsections 3 (3) and (4) of the Act are repealed and the following substituted:

Same, statement of conscience or religious belief

(3) Subsection (1) does not apply to a parent who has completed an immunization education session with a medical officer of health or with a medical officer of health’s delegate that complies with the prescribed requirements, if any, and who has filed a statement of conscience or religious belief with the proper medical officer of health.

Transitional

(4) Subsection (1) does not apply to a parent who, before the coming into force of section 2 of Schedule 1 to the *Protecting Patients Act, 2017*, filed a statement of conscience or religious belief with the proper medical officer of health.

3 Clause 6 (2) (a) of the Act is repealed and the following substituted:

- (a) that the medical officer of health has not received,
 - (i) a statement from a physician, nurse or prescribed person showing that the pupil has completed the prescribed program of immunization in relation to the designated diseases,
 - (ii) an unexpired statement of medical exemption in respect of the pupil, or
 - (iii) a statement of conscience or religious belief in respect of the pupil and confirmation that the parent has completed the education session described in subsection 3 (3); and

4 Section 10 of the Act is repealed and the following substituted:

Statements by providers of immunizing agents

10 (1) Every physician, nurse or prescribed person who administers an immunizing agent to a child in relation to a designated disease shall provide to a parent of the child a statement that shows that the immunizing agent has been administered.

Information for M.O.H.

(2) Every physician, nurse or prescribed person who administers an immunizing agent to a child in relation to a designated disease shall provide the prescribed information to the medical officer of health for the public health unit in which the immunizing agent was administered.

5 Subclause 12 (2) (b) (i) of the Act is repealed and the following substituted:

- (i) either a statement from a physician, nurse or prescribed person showing that the pupil has completed the prescribed program of immunization in relation to the designated disease or other information satisfying the medical officer of health that the pupil has completed the prescribed program, or

6 Subsection 17 (1) of the Act is amended by adding the following clause:

- (f.1) respecting and governing the information described in subsection 10 (2), including, without being limited to, specifying one or more methods by which the information is to be provided, and requiring the information to be provided by such a method;

Commencement

7 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 2
LABORATORY AND SPECIMEN COLLECTION CENTRE LICENSING ACT

1 (1) Clause (a) of the definition of “laboratory” in section 5 of the *Laboratory and Specimen Collection Centre Licensing Act* is amended by striking out “prophylaxis” and substituting “prevention”.

(2) Section 5 of the Act is amended by adding the following definition:

“laboratory facility” means a laboratory or a specimen collection centre; (“centre de laboratoire”)

(3) The definition of “operator” in section 5 of the Act is repealed and the following substituted:

“operator” means a person having charge or control of a laboratory facility; (“exploitant”)

(4) Section 5 of the Act is amended by adding the following definition:

“personal information” includes personal information as defined in the *Freedom of Information and Protection of Privacy Act* and personal health information as defined in the *Personal Health Information Protection Act, 2004*; (“renseignements personnels”)

(5) The definition of “specimen collection centre” in section 5 of the Act is amended by striking out “prophylaxis” in the portion before clause (a) and substituting “prevention”.

(6) Clauses (a) to (d) of the definition of “specimen collection centre” in section 5 of the Act are repealed.

2 Section 9 of the Act is repealed and the following substituted:

Licence required

9 (1) No person shall establish, operate or maintain a laboratory facility except under the authority of a licence issued by the Director under this Act.

Issuing licences

(2) The Director may issue a licence for a laboratory facility to,

- (a) perform one or more classes of tests specified in the licence;
- (b) perform tests specified in the licence within one or more classes of tests;
- (c) take or collect specimens or one or more classes of specimens specified in the licence; or
- (d) take or collect specimens specified in the licence within one or more classes of specimens.

Conditions

(3) A licence is subject to the conditions, if any, specified by the Director in the licence.

Issuance of licence

(4) Subject to subsection (10), any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a laboratory facility and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence.

Where proposal not in public interest, issuance of licence

(5) Despite subsection (4), the following applies where an application is made for a licence and the Minister states in writing to the Director that it is not in the public interest to issue a licence to establish, operate or maintain the laboratory facility in the area where the applicant proposes to establish, operate or maintain the laboratory facility:

1. Section 11 does not apply.
2. The Director shall not issue the licence to the applicant.
3. The Director shall give written notice to the applicant of the refusal and of the Minister’s statement.

Where proposal not in public interest, tests, specimens, etc.

(6) Despite subsection (4), where an application is made for a licence and the Minister states in writing to the Director that it is not in the public interest to issue a licence, either,

- (a) in the case of a laboratory, for any classes of tests or any of the tests within a class or classes of tests in respect of which the application is made; or
- (b) in the case of a specimen collection centre, to take or collect any specimens or class or classes of specimens in respect of which the application is made:

then,

- (c) sections 10 and 11 do not apply;
- (d) where the Director issues a licence to the applicant upon the application, the Director shall give written notice to the applicant of the Minister's statement; and
- (e) the licence shall not be for the classes of tests or the tests within a class or classes of tests or for taking or collecting the specimens or class or classes of specimens that are set out in the Minister's statement.

Matters to be considered by Minister

(7) In making a decision as to what is in the public interest for the purposes of subsection (5) or (6), the Minister may consider any matter the Minister regards as relevant, including, without being limited to,

- (a) the number and type of laboratory facilities that operate under the authority of licences issued under this Act,
 - (i) in the area, or
 - (ii) in the area and any other area;
- (b) the tests and classes of tests performed or the specimens or class or classes of specimens taken or collected in the laboratory facilities,
 - (i) in the area, or
 - (ii) in the area and any other area;
- (c) the utilization of existing laboratory facilities and their capacity to handle increased volume;
- (d) the availability of facilities for the transportation of persons and specimens to laboratory facilities,
 - (i) in the area, or
 - (ii) in the area and any other area; or
- (e) the funds available to provide payment for laboratory tests that are insured services under the *Health Insurance Act*.

Blood collection facilities

(8) Despite subsection (4), where an application is made for a licence to establish, operate or maintain a laboratory facility which will operate as a blood collection facility within the meaning of the *Voluntary Blood Donations Act, 2014* and the Minister states in writing to the Director that it is not in the public interest to issue such a licence, section 11 shall not apply and the Director shall not issue the licence to the applicant and shall give written notice to the applicant of the refusal and of the Minister's statement.

Same

(9) In making a decision in the public interest in subsection (8), the Minister may consider any matter the Minister regards as relevant, including, without being limited to, the principles set out in the *Voluntary Blood Donations Act, 2014*.

Grounds for refusal

- (10) Subject to section 11, the Director may refuse to issue a licence where in the Director's opinion,
- (a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors affords reasonable grounds for belief that the laboratory facility will not be operated in accordance with the law and with honesty and integrity;
 - (b) the proposed laboratory facility or its operation would contravene this Act or the regulations or any other Act or regulation or any municipal by-law respecting its establishment or location;
 - (c) the applicant is not competent to operate a laboratory facility in accordance with this Act and the regulations;
 - (d) the equipment and premises are not suitable for the performance of the tests or the taking or collecting of the specimens for which the licence is sought; or
 - (e) any other ground for refusal that is prescribed in the regulations exists.

Provisional licence

(11) Where the applicant for a licence does not meet all the requirements for issuance of the licence and requires time to meet such requirements, the Director may issue a provisional licence for the laboratory facility.

Expiration and renewal of provisional licence

(12) A provisional licence expires on the date specified on the licence, which shall not be later than 12 months after the date of its issue, but the provisional licence may be renewed for one further period of no more than 12 months where, in the opinion of the Director, sufficient progress in complying with the requirements for issuance of a licence has been made.

Expiration and renewal of licence

(13) A licence that is not a provisional licence expires on the date specified on the licence, which shall not be later than five years from the date of its issue or renewal. A renewal shall be issued where the applicant is not disqualified under subsection (20).

Transitional

(14) Despite subsections (12) and (13), a licence or provisional licence that is in existence immediately before section 2 of Schedule 2 to the *Protecting Patients Act, 2017* comes into force expires when it would have otherwise expired.

Stay of refusal to renew

(15) Where the Director refuses to renew a licence, the laboratory facility shall be deemed to continue to be licensed until an order is made by the Review Board or until the time for requiring a hearing by the Review Board expires, whichever occurs first.

Operator to be named in licence

(16) It is a condition of a licence that the operation of the laboratory facility be under the charge and control of the operator named in the licence as operator and that the ownership of the laboratory facility be only in the person or persons named in the licence as owners.

Conditions re quality management

(17) It is a condition of a licence for a laboratory facility that,

- (a) the operation of the laboratory facility meet the requirements of a quality management program;
- (b) the owner and the operator of the laboratory facility permit an agency designated in the regulations to carry out a quality management program; and
- (c) the owner of the laboratory facility pay the fees for an assessment under a quality management program, if any, that are prescribed by the regulations or established by an agency designated in the regulations.

Failure to meet program requirements

(18) Where an agency designated in the regulations to carry out a quality management program reports to the Director that the operation of a laboratory facility does not meet the requirements of the program, the Director may impose any conditions upon the laboratory facility's licence that the Director considers necessary or advisable in order that the health of the public be protected.

Notice of changes

(19) Where the operator or the owner named in the licence is a corporation, the corporation shall notify the Director in writing within 15 days of any change in the officers or directors of the corporation.

Revocation, suspension, renewal refusal

(20) The Director may revoke, suspend or refuse to renew a licence where,

- (a) any person has made a false statement in the application for the licence or its renewal or in any report, document or other information required to be furnished by this Act or the regulations or any other Act or regulation that applies to the laboratory facility;
- (b) any test authorized by the licence is incompetently performed;
- (c) any specimen taking or collecting authorized by the licence is incompetently carried out;
- (d) there is a breach of a condition of the licence;
- (e) the owner or the operator does not comply with this Act or the regulations or any other Act or law relevant to the operation or maintenance of a laboratory facility;
- (f) the services that can be provided by the laboratory facility are misrepresented;
- (g) a change in the officers or directors of any corporation which is an operator or owner of a laboratory facility named in the licence would afford grounds for refusing to issue a licence under clause (10) (a); or
- (h) any other ground for revoking, suspending or refusing renewal that is prescribed in the regulations exists.

Emergency suspension

9.1 (1) If the Director is of the opinion upon reasonable grounds that a laboratory facility is being operated or will be operated in a manner that poses an immediate threat to the health or safety of any person, the Director by a written order may suspend the licence of the laboratory facility.

Order effective immediately

(2) An order under subsection (1) takes effect immediately upon notice of the order being served on the licensee.

Notice requiring hearing by Review Board

(3) The Director shall deliver with the order under subsection (1) notice that the licensee is entitled to a hearing by the Review Board if the licensee mails or delivers, within 15 days after the notice is served on the licensee, notice in writing requiring a hearing to the Director and the Review Board, and the licensee may so require such a hearing.

Power of Review Board where hearing

(4) Section 11 applies, with necessary modifications, to a suspension under subsection (1).

Service of notice

(5) The Director may serve notice of an order under subsection (1) by sending the notice by any means that produces a paper record or by any other method of delivery that is prescribed in the regulations.

Deemed receipt

(6) If the Director serves notice in a manner described in subsection (5), the licensee shall be deemed to have received the notice on the day it is sent.

No stay

(7) Despite section 25 of the *Statutory Powers Procedure Act*, a request for a hearing by the Board made in accordance with subsection (3) of this section or an appeal to Divisional Court of the Review Board's decision under section 13 does not operate as a stay of a suspension of a licence ordered under subsection (1) of this section.

No interim order to stay

(8) Despite section 16.1 of the *Statutory Powers Procedure Act*, the Review Board shall not make an interim order to stay the suspension of a licence ordered under subsection (1) of this section.

Powers are additional

(9) For greater certainty, the powers of the Director under this section are in addition to, and not in place of, the powers of the Minister under the *Health Facilities Special Orders Act*.

Transfer of licence

9.2 (1) A licence issued under this Act is not transferrable without the consent of the Director.

How dealt with

(2) In deciding whether to consent to the transfer of a licence, the Director shall treat the proposed transferee of the licence as if the proposed transferee were an applicant for a licence and, for the purpose, section 9 applies with necessary modifications.

Limitations and conditions

(3) In consenting to the transfer of a licence, the Director may attach to the licence such conditions as the Director considers necessary in the circumstances.

3 Subsection 11 (1) of the Act is repealed and the following substituted:**Proposal to refuse to issue, suspend, revoke or impose condition**

(1) Where the Director proposes to suspend, revoke or to refuse to issue or renew a licence or to impose a condition on an existing licence under this Act, the Director shall serve notice of the proposal, together with written reasons, on the applicant in the case of a proposal to refuse to issue or renew the licence and on the owner and operator in the case of a proposal to suspend, revoke or to impose a condition on the licence.

4 Section 15 of the Act is repealed.**5 Section 16 of the Act is repealed and the following substituted:****Appointment of inspectors**

16 (1) The Minister may appoint, in writing, one or more persons as inspectors for the purposes of this Act and the regulations.

Certificate of appointment

(2) The Minister shall issue every inspector appointed under subsection (1) a certificate of appointment and every inspector, in the execution of his or her duties under this section and the regulations, shall produce the certificate of appointment upon request.

Director is an inspector

(2.1) The Director is an inspector by virtue of office, and when acting as an inspector shall, on request, produce evidence of being appointed as Director instead of the certificate of appointment required under subsection (2).

Inspections

(3) For the purpose of determining whether this Act and the regulations are being complied with, an inspector may, without a warrant, enter and inspect,

- (a) a licensed laboratory facility;
- (b) any business premises of a company that owns or operates one or more licensed laboratory facilities; and

~~—(c) any place that the Director reasonably believes is being used as a laboratory facility.~~

(c) any place that the Director reasonably believes is being operated as a laboratory facility without a licence.

Time of entry

(4) The power under this section to enter and inspect without a warrant may be exercised only during the regular business hours of the laboratory facility, business premises or place.

Dwellings

(5) The power to enter and inspect under this section shall not be exercised to enter and inspect a place or a part of a place that is used as a dwelling.

Use of force

(6) An inspector is not entitled to use force to enter and inspect a laboratory facility, business premises or place.

Powers of inspector

(7) An inspector conducting an inspection may,

- (a) examine records or anything else that is relevant to the inspection;
- (b) demand the production of a record or any other thing that is relevant to the inspection;
- (c) remove a record or any other thing that is relevant to the inspection for review, examination or testing;
- (d) remove a record or any other thing that is relevant to the inspection for copying;
- (e) 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;
- (f) take photographs or make any other kind of recording; and
- (g) question a person on matters relevant to the inspection.

Written demand

(8) A demand under this section that a record or any other thing be produced must be in writing and must include a statement of the nature of the record or thing required.

Obligation to produce and assist

(9) If an inspector demands that a record or any other thing be produced under this section, the person 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.

Records and things removed from place

(10) A record or other thing that has been removed for review, examination, testing or copying,

- (a) shall be made available to the person from whom it was removed on request and at a time and place that are convenient for the person and for the inspector; and
- (b) shall be returned to the person within a reasonable time, unless, in the case of a thing that has been subject to testing, the thing has been made unsuitable for return as a result of the testing.

Copy admissible in evidence

(11) A copy of a record or other thing that purports to be certified by an inspector as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value.

Obstruction

(12) No person shall hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with an inspector conducting an inspection, refuse to answer questions on matters relevant to the inspection or provide the inspector with false information on matters relevant to the inspection.

Personal information in records

(13) For greater certainty, a reference to a record in this section includes a record that contains personal information.

6 The Act is amended by adding the following section:

Personal information

17.1 (1) The Ministry may directly or indirectly collect personal information for purposes related to the administration or enforcement of this Act, subject to any requirements or conditions provided for in the regulations.

Use of personal information

(2) The Ministry may use personal information for purposes related to the administration or enforcement of this Act, subject to any requirements or conditions provided for in the regulations.

Disclosure of personal information

(3) The Ministry may disclose personal information for purposes related to the administration or enforcement of this Act, subject to any requirements or conditions provided for in the regulations.

Personal health information not to be used for administration

(4) Despite the definition of “personal information” in section 5, “personal information” for purposes related to the administration of this Act does not include personal health information as defined in the *Personal Health Information Protection Act, 2004*.

7 Section 18 of the Act is repealed and the following substituted:

Regulations

18 (1) The Lieutenant Governor in Council may make regulations for carrying out the purposes and provisions of this Act.

Same

- (2) Without restricting the generality of subsection (1), the Lieutenant Governor in Council may make regulations,
- (a) providing for the issuance and renewal of licences and provisional licences and prescribing their terms and conditions;
 - (b) excluding institutions, buildings or places from the definitions of “laboratory” and “specimen collection centre” in section 5, and providing for additional institutions, buildings or places that are laboratories and specimen collection centres for the purposes of those definitions;
 - (c) prescribing examinations for the purpose of the definition of “laboratory” in section 5;
 - (d) prescribing grounds for the purposes of subsections 9 (10) and 9 (20);
 - (e) prescribing classes of tests for the purposes of this Act and the regulations;
 - (f) respecting the officers and employees of laboratory facilities and prescribing their duties, responsibilities and qualifications;
 - (g) prescribing the classes of persons who may perform tests in a laboratory;
 - (h) prescribing the classes of persons who may take or collect specimens in a specimen collection centre;
 - (i) prescribing classes of persons who shall not be owners of laboratory facilities or of any interest in a laboratory facility;
 - (j) respecting the management and operation of laboratory facilities;
 - (k) requiring laboratory facilities to keep any records and make any reports that are prescribed;
 - (l) respecting and governing the promotion and advertising of laboratory facilities;
 - (m) prescribing fees for licences, provisional licences and renewals and for laboratory services performed by the Ministry;
 - (n) exempting laboratory facilities or any class of laboratory facilities or any class of persons from the application of any provision of this Act or the regulations;
 - (o) prescribing tests to which this Act does not apply;
 - (p) prescribing other duties and powers of the Director and the Review Board, including the approval of educational qualifications of officers and employees of laboratory facilities;

- (q) instituting a system for the payment by the Province of all or any part of the annual expenditures of laboratories in lieu of amounts payable under the *Health Insurance Act*;
- (r) prescribing fees for assessments under a quality management program;
- (s) designating an agency or agencies to carry out a quality management program, and permitting the agency or agencies to establish and charge fees for assessments under the quality management program;

(s.1) requiring an agency designated under clause (s) to submit reports to the Director, and governing the contents of those reports;

- (t) prescribing, providing for and governing any other matter that this Act refers to as being prescribed or provided for in the regulations.

8 Section 21 of the Act is repealed.

9 (1) Subsection 22 (3) of the Act is repealed and the following substituted:

~~**Officers, directors, etc.**~~

~~(3) If a corporation commits an offence under this Act, an officer, director, employee or agent of the corporation who knowingly authorized, permitted, acquiesced in or participated in the commission of the offence or failed to take reasonable care to prevent the corporation from committing the offence is guilty of an offence, whether or not the corporation has been prosecuted or convicted.~~

Directors, officers, etc.

(3) Whether or not a corporation has been convicted of an offence under subsection (1), each director, officer, employee or agent of the corporation who authorized, permitted, acquiesced in or participated in the commission of an offence by the corporation under subsection (1) or failed to take reasonable care to prevent the corporation from committing an offence under subsection (1) is a party to and guilty of the offence, and on conviction is liable to the punishment provided for under subsection (1).

(2) Section 22 of the Act is amended by adding the following subsections:

Provincial Judge required

(5) 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 an offence under this Act.

Publication re convictions

(6) If a person is convicted of an offence under this Act, the Minister may publish or otherwise make available to the general public the name of the person, a description of the offence, the date of the conviction and the person's sentence.

Restraining order not necessary

(7) A person may be prosecuted under this section whether or not a restraining order has been previously made with respect to the subject matter of the prosecution.

Certificates

(8) In any prosecution or other proceeding under this Act, a certificate of an analyst stating that the analyst has made an analysis of a sample and stating the result of that analysis is evidence of the facts alleged in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate.

ANIMALS FOR RESEARCH ACT

10 Subsection 20 (13) of the *Animals for Research Act* is amended by striking out “the *Laboratory and Specimen Collection Centre Licensing Act*” and substituting “the *Health Protection and Promotion Act*”.

HEALTH INSURANCE ACT

11 Clause 2 (2) (a) of the *Health Insurance Act* is amended by striking out “physicians and practitioners” and substituting “physicians, practitioners and health facilities”.

PUBLIC HOSPITALS ACT

12 Section 1 of the *Public Hospitals Act* is amended by adding the following definition:

“community laboratory services” means the services of a laboratory or specimen collection centre under the *Laboratory and Specimen Collection Centre Licensing Act* that are provided by a hospital designated under subsection 22 (1) of this Act to persons who are neither in-patients nor out-patients; (“services de laboratoire communautaire”)

13 The Act is amended by adding the following section:

Community laboratory services

22 (1) The Minister may designate one or more hospitals to provide community laboratory services.

Same

(2) A hospital that is designated under subsection (1) may provide community laboratory services, subject to any conditions, restrictions or requirements that may be prescribed in the regulations.

14 Subsection 32 (1) of the Act is amended by adding the following clauses:

- (c.1) prescribing conditions, restrictions and requirements for the purposes of subsection 22 (2);
- (c.2) providing for provisions of this Act or the regulations that do not apply with respect to community laboratory services provided by a hospital designated under subsection 22 (1);

Commencement

15 (1) Subject to subsection (2), this Schedule comes into force on the day the *Protecting Patients Act, 2017* receives Royal Assent.

(2) Sections 1 to 9 and 12 to 14 come into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 3
ONTARIO DRUG BENEFIT ACT**

1 Subsection 1 (1) of the *Ontario Drug Benefit Act* is amended by adding the following definition:

~~“registered nurse in the extended class” means a registered nurse who holds an extended certificate of registration under the *Nursing Act, 1991*; (“infirmière autorisée ou infirmier autorisé de la catégorie supérieure”)~~

1 Subsection 1 (1) of the *Ontario Drug Benefit Act* is amended by adding the following definitions:

“authorized prescriber” means a physician, registered nurse in the extended class, a prescribed person or a member of a prescribed class; (prescripteur autorisé)

“registered nurse in the extended class” means a registered nurse who holds an extended certificate of registration under the *Nursing Act, 1991*; (“infirmière autorisée ou infirmier autorisé de la catégorie supérieure”)

2 Subsection 2 (2) of the Act is amended by striking out “the *Family Benefits Act*”.

~~**3 Subsections 9 (1) and (2) of the Act are amended by striking out “physician” wherever it appears and substituting in each case “physician or registered nurse in the extended class”.**~~

3 Subsections 9 (1) and (2) of the Act are amended by striking out “a physician” wherever it appears and substituting in each case “an authorized prescriber”.

4 Subsections 16 (1), (3) and (4) of the Act are repealed and the following substituted:

Unlisted drugs, special case

~~(1) If a physician or registered nurse in the extended class informs the executive officer that the proper treatment of a patient who is an eligible person requires the administration of a drug for which there is not a listed drug product, the executive officer may make this Act apply in respect of the supplying of that drug as if it were a listed drug product by so notifying the physician or registered nurse in the extended class.~~

Listed drugs, special case

~~(3) If a physician or registered nurse in the extended class informs the executive officer that the proper treatment of a patient who is an eligible person requires the administration of a drug for which there are one or more listed drug products but for which the conditions for payment under section 23 are not satisfied, the executive officer may make this Act apply in respect of the supplying of those listed drug products as if the conditions were satisfied.~~

Notice to operator

~~(4) An operator of a pharmacy is not liable for contravening this Act or the regulations in respect of supplying a drug referred to in subsection (1) or a listed drug product referred to in subsection (3) unless the operator has received notice from the physician or registered nurse in the extended class or from the executive officer that this Act applies to that supplying.~~

4 Subsections 16 (1), (3) and (4) of the Act are repealed and the following substituted:

Unlisted drugs, special case

(1) If an authorized prescriber informs the executive officer that the proper treatment of a patient who is an eligible person requires the administration of a drug for which there is not a listed drug product, the executive officer may make this Act apply in respect of the supplying of that drug as if it were a listed drug product by so notifying the prescriber.

Listed drugs, special case

(3) If an authorized prescriber informs the executive officer that the proper treatment of a patient who is an eligible person requires the administration of a drug for which there are one or more listed drug products but for which the conditions for payment under section 23 are not satisfied, the executive officer may make this Act apply in respect of the supplying of those listed drug products as if the conditions were satisfied.

Notice to operator

(4) An operator of a pharmacy is not liable for contravening this Act or the regulations in respect of supplying a drug referred to in subsection (1) or a listed drug product referred to in subsection (3) unless the operator has received notice from the authorized prescriber or from the executive officer that this Act applies to that supplying.

5 Section 18 of the Act is amended by adding the following subsection:

Rolling incorporation

~~(16) A regulation made under subsection (1) that incorporates another document by reference may provide that the reference to the document includes amendments made to the document from time to time after the regulation is made.~~

5 (1) Section 18 of the Act is amended by adding the following subsection:**Authorized prescribers**

(1.1) The Minister may make regulations prescribing persons or classes of persons for the purpose of the definition of “authorized prescriber” in subsection 1 (1).

(2) Subsection 18 (8) of the Act is amended by adding “and the Minister shall not make any regulation under subsection (1.1)” before “unless” in the portion before clause (a).

(3) Subsection 18 (8) of the Act is amended by striking out “and” after clause (c) and by repealing clause (d) and substituting the following:

(d) the Minister has considered whatever comments and submissions that members of the public have made on the proposed regulation in accordance with clause (9) (b) or (c); and

(e) in the case of regulations made by the Lieutenant Governor in Council, the Minister has reported to the Lieutenant Governor in Council on what, if any, changes to the proposed regulation the Minister considers appropriate.

(4) Section 18 of the Act is amended by adding the following subsection:

Discretion to make regulations, Minister

(11.1) After considering the comments and submissions mentioned in clause (8) (d), the Minister, without further notice under subsection (8), may make the proposed regulation under subsection (1.1) with the changes that the Minister considers appropriate, whether or not those changes are mentioned in the comments and submissions.

(5) Subsection 18 (12) of the Act is amended by striking out “clause 8 (d)” and substituting “clause 8 (e)”.

(6) Section 18 of the Act is amended by adding the following subsection:

Rolling incorporation

(16) A regulation made under subsection (1) that incorporates another document by reference may provide that the reference to the document includes amendments made to the document from time to time after the regulation is made.

Commencement

6 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 4
REGULATED HEALTH PROFESSIONS ACT, 1991**

1 Subsection 1 (1) of the *Regulated Health Professions Act, 1991* is amended by adding the following definition:

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

2 Section 5 of the Act is amended by adding the following subsections:

Reports and information

~~(2.1) If the Minister requires a Council to provide reports and information to the Minister, the Minister may require that the reports and information contain personal information and personal health information about any member of the College to the extent necessary in order to allow the Minister to determine,~~

- ~~— (a) whether the College is fulfilling its duties and carrying out its objects under this Act, a health profession Act, the *Drug and Pharmacies Regulation Act* or the *Drug Interchangeability and Dispensing Fee Act*; or~~
- ~~— (b) whether the Minister should exercise any power of the Minister under this Act, or any Act mentioned in clause (a).~~

Limitations

~~(2.2) If the Minister requires a Council to provide reports and information to the Minister, the reports and information,~~

- ~~— (a) shall not contain personal information or personal health information if other information is sufficient for the purposes set out in subsection (2.1); and~~
- ~~— (b) shall not contain more personal information or personal health information than is necessary for the purposes set out in subsection (2.1).~~

3 ~~(1) Subsection 36 (1) of the Act is amended by adding the following clause:~~

~~(b.1) in order to permit the Council to comply with a requirement issued by the Minister under section 5 of this Act;~~

(2) Clause 36 (1) (d) of the Act is repealed and the following substituted:

- (d) as may be required for the administration of the *Drug Interchangeability and Dispensing Fee Act*, the *Healing Arts Radiation Protection Act*, the *Health Insurance Act*, the *Health Protection and Promotion Act*, the *Independent Health Facilities Act*, the *Laboratory and Specimen Collection Centre Licensing Act*, the *Long-Term Care Homes Act, 2007*, [the *Retirement Homes Act, 2010*](#), the *Ontario Drug Benefit Act*, the *Coroners Act*, the *Controlled Drugs and Substances Act (Canada)* and the *Food and Drugs Act (Canada)*;

(3) Subsection 36 (1) of the Act is amended by striking out “or” at the end of clause (i), by adding “or” at the end of clause (j) and by adding the following clause:

- (k) to the Minister in order to allow the Minister to determine,
- (i) whether the College is fulfilling its duties and carrying out its objects under this Act, a health profession Act, the *Drug and Pharmacies Regulation Act* or the *Drug Interchangeability and Dispensing Fee Act*, or
- (ii) whether the Minister should exercise any power of the Minister under this Act, or any Act mentioned in subclause (i).

(4) Section 36 of the Act is amended by adding the following subsection:

Restriction

(1.6) Information disclosed to the Minister under clause (1) (k) shall only be used or disclosed for the purpose for which it was provided to the Minister or for a consistent purpose.

4 (1) Subsection 36.1 (1) of the Act is repealed and the following substituted:

Collection of personal information by College

(1) At the request of the Minister, a College shall collect information directly from members of the College as is reasonably necessary for the purpose of health human resources planning or research.

(2) Subsections 36.1 (5) and (6) of the Act are repealed and the following substituted:

Use, collection, disclosure and publication

(5) The following applies to information collected under subsection (1):

1. The information may only be used for the purposes set out under subsection (1).

2. The Minister shall not collect personal information if other information will serve the purposes set out under subsection (1).
3. The Minister shall not collect more personal information than is necessary for the purposes set out under subsection (1).
4. The Minister may disclose the information only for the purposes set out in subsection (1).
5. Reports and other documents using information collected under this section may be published for the purposes set out under subsection (1), and for those purposes only, but personal information about a member of a College shall not be included in those reports or documents.

(3) The definition of “information” in subsection 36.1 (9) of the Act is repealed and the following substituted:

“information” includes personal information about members, but does not include personal health information; (“renseignements”)

(4) Subsection 36.1 (9) of the Act is amended by adding the following definition:

“research” means the study of data and information in respect of health human resources planning. (“recherche”)

5 The definition of “personal health information” in subsection 36.2 (6) of the Act is repealed.

6 (1) Subsection 43 (1) of the Act is amended by adding the following clause:

- (o) establishing criteria for the definition of “patient” in relation to professional misconduct involving the sexual abuse of a patient for the purposes of subsection 1 (3) of the Code.

(2) Subsection 43 (1) of the Act is amended by adding the following clauses:

- (p) respecting the composition of committees that a College is required to have pursuant to subsection 10 (1) of the Code and governing the relationship between such regulations and the by-laws of the College;
- (q) respecting the qualification, selection, appointment and terms of office of members of committees that a College is required to have pursuant to subsection 10 (1) of the Code and governing the relationship between such regulations and the by-laws of the College;
- (r) prescribing conditions that disqualify committee members from sitting on committees that a College is required to have pursuant to subsection 10 (1) of the Code and governing the removal of disqualified committee members and governing the relationship between such regulations and the by-laws of the College;
- (s) specifying the composition of panels selected from amongst the members of the Registration Committee, Inquiries, Complaints and Reports Committee, Discipline Committee and Fitness to Practise Committee for the purposes of subsections 17 (2), 25 (2), 38 (2) and 64 (2) of the Code, and providing for quorum for such panels.

(3) Subsection 43 (1) of the Act is amended by adding the following clause:

~~—(t) prescribing additional information to be contained in a College’s register for the purposes of paragraph 19 of subsection 23 (2) of the Code.~~

(t) prescribing additional information to be contained in a College’s register for the purposes of paragraph 19 of subsection 23 (2) of the Code and designating such information as information subject to subsection 23 (13.1) of the Code.

(4) Subsection 43 (1) of the Act is amended by adding the following clauses:

- (u) prescribing conduct for the purposes of subparagraph 3 vii of subsection 51 (5) of the Code;
- (v) prescribing offences for the purposes of clause 51 (5.1) (a) of the Code.

(5) Subsection 43 (1) of the Act is amended by adding the following clause:

- (w) clarifying how a College is required to perform its functions under sections 25 to 69 and 72 to 74 of the Code with respect to matters involving allegations of a member’s misconduct of a sexual nature, and providing for further functions and duties that are not inconsistent with those functions.

(6) Subsection 43 (1) of the Act is amended by adding the following clause:

- (x) prescribing additional functions of the patient relations program for the purposes of subsection 84 (3.1) of the Code.

(7) Subsection 43 (1) of the Act is amended by adding the following clause:

- (y) prescribing additional purposes for which funding may be provided under the program which Colleges are required to maintain under section 85.7 of the Code, and prescribing additional persons or classes of persons to whom funding may be paid for the purposes of subsection 85.7 (8) of the Code.

(8) Subsection 43 (1) of the Act is amended by adding the following clause:

(z) governing transitional matters arising from the enactment of Schedule 4 to the *Protecting Patients Act, 2017*.

7 Subsection 1 (6) of Schedule 2 to the Act is repealed and the following substituted:

Definitions

(6) For the purposes of subsections (3) and (5),

“patient”, without restricting the ordinary meaning of the term, includes,

~~— (a) an individual who was a member’s patient within the last year or within such longer period of time as may be prescribed, and~~

(a) an individual who was a member’s patient within one year or such longer period of time as may be prescribed from the date on which the individual ceased to be the member’s patient, and

(b) an individual who is determined to be a patient in accordance with the criteria in any regulations made under clause 43 (1) (o) of the *Regulated Health Professions Act, 1991*; (“patient”)

“spouse”, in relation to a member, means,

(a) a person who is the member’s spouse as defined in section 1 of the *Family Law Act*, or

(b) a person who has lived with the member in a conjugal relationship outside of marriage continuously for a period of less than three years. (“conjoint”)

8 Section 1.1 of Schedule 2 to the Act is repealed and the following substituted:

Statement of purpose, sexual abuse provisions

1.1 The purpose of the provisions of this Code with respect to sexual abuse of patients by members is to encourage the reporting of such abuse, to provide funding for therapy and counselling in connection with allegations of sexual abuse by members and, ultimately, to eradicate the sexual abuse of patients by members.

9 Section 7 of Schedule 2 to the Act is amended by adding the following subsections:

~~Posting of meeting information~~

~~(1.1) The College shall post on its website information regarding upcoming meetings of the Council, including the dates of those meetings and matters to be discussed at those meetings.~~

~~Items where public excluded~~

~~(1.2) If the Council intends to exclude the public from any meeting or part of a meeting under subsection (2), the grounds for doing so shall be noted in the information posted under subsection (1.1).~~

Posting of meeting information

(1.1) The College shall post on its website information regarding upcoming meetings of the Council, including the dates of those meetings, matters to be discussed at those meetings, and information and documentation that will be provided to members of the Council for the purpose of those meetings.

Items where public excluded

(1.2) If the Registrar anticipates that the Council will exclude the public from any meeting or part of a meeting under subsection (2), the grounds for doing so shall be noted in the information posted under subsection (1.1) and information and documentation related to that meeting or part of that meeting shall not be posted under subsection (1.1).

10 Subsection 10 (3) of Schedule 2 to the Act is repealed and the following substituted:

Composition

(3) The composition of the committees shall be in accordance with the by-laws and with any regulations made pursuant to clauses 43 (1) (p) to (r) of the *Regulated Health Professions Act, 1991*.

11 Subsections 17 (2) and (3) of Schedule 2 to the Act are repealed and the following substituted:

Composition of panels

(2) The panel selected by the chair shall be composed in accordance with regulations made pursuant to clauses 43 (1) (p) to (s) of the *Regulated Health Professions Act, 1991*.

Quorum

(3) Quorum for the panel shall be in accordance with regulations made pursuant to clause 43 (1) (s) of the *Regulated Health Professions Act, 1991*.

12 (1) Subsection 23 (2) of Schedule 2 to the Act is repealed and the following substituted:

Contents of register

(2) The register shall contain the following:

1. Each member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member is a shareholder.
- ~~2. The name of each former member of the College, and where a former member is deceased, the date upon which the former member died, if known to the Registrar.~~
2. Where a member is deceased, the name of the deceased member and the date upon which the member died, if known to the Registrar.
3. The name, business address and business telephone number of every health profession corporation.
4. The names of the shareholders of each health profession corporation who are members of the College.
5. Each member's class of registration and specialist status.
6. The terms, conditions and limitations that are in effect on each certificate of registration.
7. A notation of every caution that a member has received from a panel of the Inquiries, Complaints and Reports Committee under paragraph 3 of subsection 26 (1), and any specified continuing education or remedial programs required by a panel of the Inquiries, Complaints and Reports Committee using its powers under paragraph 4 of subsection 26 (1).
8. A notation of every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 and that has not been finally resolved, including the date of the referral and the status of the hearing before a panel of the Discipline Committee, until the matter has been resolved.
- ~~9. A copy of the notice of specified allegations against a member for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee and has not been finally resolved.~~
- ~~10. The result, including a synopsis of the decision, of every disciplinary and incapacity proceeding.~~
- ~~11. A notation and synopsis of any acknowledgements or undertakings in relation to professional misconduct and incompetence that a member has entered into with the College.~~
9. A copy of the specified allegations against a member for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 and that has not been finally resolved.
10. Every result of a disciplinary or incapacity proceeding.
11. A notation and synopsis of any acknowledgements and undertakings in relation to matters involving allegations of professional misconduct or incompetence before the Inquiries, Complaints and Reports Committee or the Discipline Committee that a member has entered into with the College and that are in effect.
12. A notation of every finding of professional negligence or malpractice, which may or may not relate to the member's suitability to practise, made against the member, unless the finding is reversed on appeal.
13. A notation of every revocation or suspension of a certificate of registration.
14. A notation of every revocation or suspension of a certificate of authorization.
15. Information that a panel of the Registration Committee, Discipline Committee or Fitness to Practise Committee specifies shall be included.
16. Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.
17. Where, during or as a result of a proceeding under section 25, a member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement.
18. Where the College has an inspection program established under clause 95 (1) (h) or (h.1), the outcomes of inspections conducted by the college.
19. Information that is required to be kept in the register in accordance with regulations made pursuant to clause 43 (1) (t) of the *Regulated Health Professions Act, 1991*.
20. Information that is required to be kept in the register in accordance with the by-laws.

(2) Subsection 23 (4) of Schedule 2 to the Act is amended by striking out "paragraph 11" and substituting "paragraph 15".

(3) Subsection 23 (5) of Schedule 2 to the Act is repealed and the following substituted:

Access to information by the public

(5) All of the information required by paragraphs 1 to 19 of subsection (2) and all information designated as public in the by-laws shall, subject to subsections (6), (7), (8), (9) and (11), be made available to an individual during normal business hours, and shall be posted on the College's website within a reasonable amount of time of the Registrar having received the information and in a manner that is accessible to the public or in any other manner and form specified by the Minister.

(4) Subsection 23 (11) of Schedule 2 to the Act is amended by striking out "paragraph 7" in the portion before clause (a) and substituting "paragraph 10".

(5) Clause 23 (11) (d) of Schedule 2 to the Act is amended by striking out "clause (a) or (b)" and substituting "clause (a), (b) or (c)."

(5.1) Section 23 of Schedule 2 to the Act is amended by adding the following subsection:

Other cases when information may be withheld

(11.1) The Registrar shall refuse to disclose to an individual or to post on the College's website information required by paragraph 10 of subsection (2) if,

(a) the result of a discipline proceeding was that no finding of professional misconduct or incompetence was made against the member; and

(b) more than 90 days have passed since the information was prepared or last updated, unless before the expiry of the 90 days the member to whom the information relates specifically requests in writing that the Registrar continue to maintain public access to the information.

(6) Section 23 of Schedule 2 to the Act is amended by adding the following subsection:

~~Correction of information~~

~~(13.1) The Registrar shall correct any information contained in the register where a member demonstrates, to the satisfaction of the Registrar, that the information contained in the register is incomplete or inaccurate and where the member provides the Registrar with the information that is necessary to enable the Registrar to correct the incomplete or inaccurate information.~~

Correction of information

(13.1) The Registrar shall correct any information contained in the register that is required by paragraph 12 of subsection (2) or that is both required by paragraph 19 of subsection (2) and designated as subject to this subsection in a regulation made under clause 43 (1) (t) of the *Regulated Health Professions Act, 1991*, where a member demonstrates, to the satisfaction of the Registrar, that the information contained in the register is incomplete or inaccurate and where the member provides the Registrar with the information that is necessary to enable the Registrar to correct the incomplete or inaccurate information.

(7) Subsection 23 (14) of Schedule 2 to the Act is repealed and the following substituted:

~~Meaning of results of proceeding~~

~~(14) For the purpose of this section and section 56,~~

~~"result", when used in reference to a disciplinary or incapacity proceeding, means the panel's finding, particulars of the grounds for the finding, and the order made, including any reprimand, and where the panel has made no finding, includes the failure to make a finding.~~

Meaning of results of proceeding

(14) For the purpose of this section and section 56,

"result",

(a) when used in reference to a disciplinary proceeding, means the panel's finding that the member committed an act of professional misconduct or was incompetent, particulars of the grounds for the finding, a synopsis of the decision and the order made, including any reprimand, and where the panel has made no such finding, includes a notation that no such finding was made and the reason why no such finding was made, and

(b) when used in reference to an incapacity proceeding, means the panel's finding that the member is incapacitated and the order made by the panel.

13 Subsections 25 (2) and (3) of Schedule 2 to the Act are repealed and the following substituted:

Composition of panels

(2) The panel selected by the chair shall be composed in accordance with regulations made pursuant to clauses 43 (1) (p) to (s) of the *Regulated Health Professions Act, 1991*.

Quorum

(3) Quorum for the panel shall be in accordance with regulations made pursuant to clause 43 (1) (s) of the *Regulated Health Professions Act, 1991*.

14 Subsection 25.1 (4) of Schedule 2 to the Act is repealed and the following substituted:

Ratification of resolution

(4) If the complainant and the member reach a resolution of the complaint through alternative dispute resolution, they shall advise the Registrar of the resolution, and the Registrar may,

- (a) adopt the proposed resolution; or
- (b) refer the decision of whether or not to adopt the proposed resolution to the panel.

Referral to panel

(5) Where the Registrar makes a referral to the panel under clause (4) (b), the panel may,

- (a) adopt the proposed resolution; or
- (b) continue with its investigation of the complaint.

Time limit for ADR

(6) If the complainant and the member do not reach a resolution of the complaint within 60 days of a referral to alternative dispute resolution under subsection (1), the Registrar or the panel shall not adopt any resolution reached after that date and the panel shall proceed with its investigation of the complaint.

Extension of time

(7) Despite subsection (6), the Registrar or the panel may, where the Registrar or the panel believes it is in the public interest to do so, and with the agreement of the complainant and the member, adopt a resolution reached within 120 days of a referral to alternative dispute resolution under subsection (1).

15 Schedule 2 to the Act is amended by adding the following sections:

~~Withdrawal of complaint by Registrar~~

~~25.3 (1) At any time following the receipt of a complaint regarding the conduct or actions of a member and prior to any action being taken by a panel of the Inquiries, Complaints and Reports Committee under subsection 26 (1), the Registrar may, at the request of the complainant, withdraw the complaint.~~

~~Notice to member~~

~~(2) The Registrar shall give the member, within 14 days of the Registrar having withdrawn the complaint, notice that the complaint has been withdrawn.~~

Withdrawal of complaint by Registrar

25.3 (1) At any time following the receipt of a complaint regarding the conduct or actions of a member and prior to any action being taken by a panel of the Inquiries, Complaints and Reports Committee under subsection 26 (1), the Registrar may, at the request of the complainant, withdraw the complaint if the Registrar believes that the withdrawal is in the public interest.

Notice

(2) The Registrar shall give the complainant and the member, within 14 days of the Registrar having withdrawn the complaint, notice that the complaint has been withdrawn.

~~Interim suspension~~

~~25.4 (1) The Inquiries, Complaints and Reports Committee or a panel of the Committee may, subject to subsections (2) and (6), at any time following the receipt of a complaint or report make an interim order directing the Registrar to suspend, or to impose terms, conditions or limitations on, a member's certificate of registration if it is of the opinion that the conduct of the member or the member's physical or mental state exposes or is likely to expose the member's patients to harm or injury.~~

~~No gender-based terms, conditions, limitations~~

~~(2) Despite subsection (1), the Inquiries, Complaints and Reports Committee and its panels shall not make an interim order directing the Registrar to impose any gender-based terms, conditions or limitations on a member's certificate of registration.~~

~~Procedure following interim suspension~~

~~(3) If an order is made under subsection (1) by the Inquiries, Complaints and Reports Committee or a panel,~~

~~—(a) the matter shall be investigated and prosecuted expeditiously; and~~

~~—(b) the Inquiries, Complaints and Reports Committee, the Discipline Committee and the Fitness to Practise Committee, as the case may be, shall give precedence to the matter.~~

Duration of order

~~(4) An order under subsection (1) continues in force until the matter is withdrawn, resolved by way of an alternative dispute resolution process or otherwise disposed of by a panel of the Inquiries, Complaints and Reports Committee, the Discipline Committee or the Fitness to Practise Committee.~~

Panel's order

~~(5) In a matter in which an order under subsection (1) was made, an order of a panel of the Discipline Committee or the Fitness to Practise Committee directing the Registrar to revoke, suspend or impose conditions on a member's certificate takes effect immediately despite any appeal.~~

Restrictions on orders

~~(6) No order shall be made under subsection (1) unless the member has been given,~~

~~—(a) notice of the intention to make the order; and~~

~~—(b) at least 14 days to make written submissions to the Committee or panel.~~

Extraordinary action to protect public

~~(7) Despite subsection (6), an order may be made under subsection (1) without notice to the member, subject to the right of the member to make submissions while the suspension or the terms, conditions or limitations are in place, if the Committee or panel is of the opinion, on reasonable and probable grounds, that the conduct of the member or the member's physical or mental state exposes or is likely to expose the member's patients to harm or injury and urgent intervention is needed.~~

Interim suspension

25.4 (1) The Inquiries, Complaints and Reports Committee may, subject to subsections (2) and (6), at any time following the receipt of a complaint or following the appointment of an investigator pursuant to subsection 75 (1) or (2), make an interim order directing the Registrar to suspend, or to impose terms, conditions or limitations on, a member's certificate of registration if it is of the opinion that the conduct of the member exposes or is likely to expose the member's patients to harm or injury.

No gender-based terms, conditions, limitations

(2) Despite subsection (1), the Inquiries, Complaints and Reports Committee shall not make an interim order directing the Registrar to impose any gender-based terms, conditions or limitations on a member's certificate of registration.

Procedure following interim suspension

(3) If an order is made under subsection (1) by the Inquiries, Complaints and Reports Committee,

—(a) the matter shall be investigated and prosecuted expeditiously; and

—(b) the Inquiries, Complaints and Reports Committee, the Discipline Committee or the Fitness to Practise Committee, as the case may be, shall give precedence to the matter.

Duration of order

(4) An order under subsection (1) continues in force until it is varied by the Inquiries, Complaints and Reports Committee or until the matter is withdrawn, resolved by way of an alternative dispute resolution process or otherwise finally disposed of by a panel of the Inquiries, Complaints and Reports Committee, the Discipline Committee or the Fitness to Practise Committee.

Panel's order

(5) In a matter in which an order under subsection (1) was made, an order of a panel of the Discipline Committee or the Fitness to Practise Committee directing the Registrar to revoke, suspend or impose conditions on a member's certificate takes effect immediately despite any appeal.

Restrictions on orders

(6) No order shall be made under subsection (1) unless the member has been given,

—(a) notice of the intention to make the order;

—(b) at least 14 days to make written submissions to the Committee; and

—(c) a copy of the provisions of this section.

Extraordinary action to protect public

(7) Despite subsection (6), an order may be made under subsection (1) without notice to the member, subject to the right of the member to make submissions while the suspension or the terms, conditions or limitations are in place, if the Committee is of the opinion, on reasonable and probable grounds, that the conduct of the member exposes or is likely to expose the member's patients to harm or injury and urgent intervention is needed.

16 Subsection 28 (2) of Schedule 2 to the Act is repealed and the following substituted:

Impact of ADR on timelines

(2) Time spent by a complainant and member in an alternative dispute resolution process pursuant to a referral under section 25.1 shall not be included in the calculation of time under this section.

17 Section 37 of Schedule 2 to the Act is repealed.

18 (1) Subsections 38 (2) and (3) of Schedule 2 to the Act are repealed and the following substituted:

Composition

(2) The panel selected by the chair shall be composed in accordance with regulations made pursuant to clauses 43 (1) (p) to (s) of the *Regulated Health Professions Act, 1991*.

(2) **Subsection 38 (5) of Schedule 2 to the Act is repealed and the following substituted:**

Quorum

(5) Quorum for the panel shall be in accordance with regulations made pursuant to clause 43 (1) (s) of the *Regulated Health Professions Act, 1991*.

18.1 Schedule 2 to the Act is amended by adding the following section:

Production orders

42.2 (1) Where, in relation to a hearing involving allegations of a member's misconduct of a sexual nature, the member seeks an order of the panel of the Discipline Committee for the production and disclosure of a record that contains information for which there is a reasonable expectation of privacy from a person who is not a party to the hearing, any one or more of the following assertions made by the member are not sufficient on their own to establish that the record is likely relevant to an issue in the hearing or to the competence of a witness to testify:

1. That the record exists.
2. That the record relates to medical or psychiatric treatment, therapy or counselling that the complainant or a witness has received or is receiving.
3. That the record relates to the incident that is the subject-matter of the proceedings.
4. That the record may disclose a prior inconsistent statement of the complainant or a witness.
5. That the record may relate to the credibility of the complainant or a witness.
6. That the record may relate to the reliability of the testimony of the complainant or a witness merely because the complainant or witness has received or is receiving psychiatric treatment, therapy or counselling.
7. That the record may reveal allegations of sexual abuse of the complainant or a witness by a person other than the member.
8. That the record relates to the sexual activity of the complainant or a witness with any person, including the member.
9. That the record relates to the presence or absence of a recent complaint.
10. That the record relates to the sexual reputation of the complainant or a witness.
11. That the record was made close in time to a complaint or report or to the activity that forms the subject-matter of the allegation against the member.

Same

(2) A panel of the Discipline Committee may order the person who has possession or control of the record to produce the record or part of the record if the panel is satisfied that the member has established that the record is likely relevant to an issue in the hearing or to the competence of a witness to testify in the hearing and the production of the record is necessary in the interest of justice.

Factors to be considered

(3) In determining whether to grant an order for the production of records in accordance with this section, the panel shall consider,

- (a) the regulatory nature of the proceedings;

- (b) the primary purpose of the proceedings, which is to protect the public and regulate the profession in the public interest;
- (c) the privacy interest of the complainant or a witness in the record sought; and
- (d) the nature and purpose of the record sought in the motion.

Standing

(4) Despite subsection 41.1(1), the panel shall, upon the application of any person who has a privacy interest in the records referred to in subsection (1) of this section, grant the person standing on the member's motion for production of the records.

Interpretation

(5) In subsection (1),

“allegations of a member's misconduct of a sexual nature” include, but are not limited to, allegations that the member sexually abused a patient.

19 (0.1) Clause 51 (1) (b) of Schedule 2 to the Act is repealed and the following substituted:

(b) the governing body of another health profession in Ontario, or the governing body of a health profession in a jurisdiction other than Ontario, has found that the member committed an act of professional misconduct that would, in the opinion of the panel, be an act of professional misconduct under this section or an act of professional misconduct as defined in the regulations;

19(1) Section 51 of Schedule 2 to the Act is amended by adding the following subsections:

No gender-based terms, conditions, limitations

(4.1) In making an order under paragraph 3 of subsection (2), a panel shall not make any order directing the Registrar to impose any gender-based terms, conditions or limitations on a member's certificate of registration.

Interim suspension of certificate

~~(4.2) If a panel finds a member has committed an act of professional misconduct by sexually abusing a patient and the sexual abuse involves conduct listed under subparagraphs 3 i to vii of subsection (5), the panel shall immediately make an interim order suspending the member's certificate of registration until such time as the panel makes an order under subsection (5).~~

Interim suspension of certificate

(4.2) The panel shall immediately make an interim order suspending a member's certificate of registration until such time as the panel makes an order under subsection (5) or (5.1) if the panel finds that the member has committed an act of professional misconduct,

- (a) under clause (1) (a) and the offence is prescribed for the purposes of clause (5.1) (a) in a regulation made under clause 43 (1) (v) of the *Regulated Health Professions Act, 1991*;
- (b) under clause (1) (b) and the misconduct includes or consists of any of the conduct listed in paragraph 3 of subsection (5); or
- (c) by sexually abusing a patient and the sexual abuse involves conduct listed under subparagraphs 3 i to vii of subsection (5).

Non-application to mandatory orders

(4.3) For greater certainty, subsection (4) does not apply to a mandatory order made under subsection (5) or a mandatory order made under subsection (5.1).

(2) Subsection 51 (5) of Schedule 2 to the Act is repealed and the following substituted:

Orders relating to sexual abuse

(5) If a panel finds a member has committed an act of professional misconduct by sexually abusing a patient, the panel shall do the following in addition to anything else the panel may do under subsection (2):

1. Reprimand the member.
2. Suspend the member's certificate of registration if the sexual abuse does not consist of or include conduct listed in paragraph 3 and the panel has not otherwise made an order revoking the member's certificate of registration under subsection (2).
3. Revoke the member's certificate of registration if the sexual abuse consisted of, or included, any of the following:
 - i. Sexual intercourse.
 - ii. Genital to genital, genital to anal, oral to genital or oral to anal contact.

- iii. Masturbation of the member by, or in the presence of, the patient.
- iv. Masturbation of the patient by the member.
- v. Encouraging the patient to masturbate in the presence of the member.

~~vi. Touching of the patient's genitals, anus, breasts or buttocks.~~

~~vii. Other conduct prescribed in regulations made pursuant to clause 43 (1) (u) of the *Regulated Health Professions Act, 1991*.~~

vi. Touching of a sexual nature of the patient's genitals, anus, breasts or buttocks.

vii. Other conduct of a sexual nature prescribed in regulations made pursuant to clause 43 (1) (u) of the *Regulated Health Professions Act, 1991*.

Interpretation

(5.0.1) For greater certainty, for the purposes of subsection (5),

“sexual nature” does not include touching or conduct of a clinical nature appropriate to the service provided.

Mandatory revocation

(5.1) The panel shall, in addition to anything else the panel may do under subsection (2), reprimand the member and revoke the member's certificate of registration if,

- (a) the member has been found guilty of professional misconduct under clause (1) (a) and the offence is prescribed in a regulation made under clause 43 (1) (v) of the *Regulated Health Professions Act, 1991*; or
- (b) the member has been found guilty of professional misconduct under clause (1) (b) and the misconduct includes or consists of any of the conduct listed in paragraph 3 of subsection (5).

~~20 Section 62 of Schedule 2 to the Act is repealed.~~

20 Section 62 of Schedule 2 to the Act is repealed and the following substituted:

Interim suspension

62 (1) The panel may, subject to section 63, make an interim order directing the Registrar to suspend or impose terms, conditions or limitations on a member's certificate of registration if it is of the opinion that the physical or mental state of the member exposes or is likely to expose his or her patients to harm or injury.

No gender-based terms

(2) Despite subsection (1), the panel shall not make an interim order directing the Registrar to impose any gender-based terms, conditions or limitations on a member's certificate of registration.

Procedure following interim suspension

(3) If an order is made under subsection (1) in relation to a matter,

(a) the College shall inquire into and prosecute the matter expeditiously; and

(b) the Inquiries, Complaints and Reports Committee and the Fitness to Practise Committee shall give precedence to the matter.

Duration of order

(4) An order under subsection (1) continues in force until it is varied by the panel of the Inquiries, Complaints and Reports Committee or until the matter is finally disposed of by a panel of the Inquiries, Complaints and Reports Committee or the Fitness to Practise Committee.

21 Subsection 63 (1) of Schedule 2 to the Act is repealed and the following substituted:

Restrictions on orders

~~(1) No order shall be made with respect to a member under subsection 59 (2) unless the member has been given,~~

~~— (a) notice of the intention to make the order; and~~

~~— (b) at least 14 days to make written submissions to the panel.~~

Restrictions on orders

(1) No order shall be made with respect to a member under subsection 59 (2) or subsection 62 (1) unless the member has been given,

(a) notice of the intention to make the order;

(b) at least 14 days to make written submissions to the panel; and

(c) in the case of an order under subsection 62 (1), a copy of the provisions of section 62.

22 Subsections 64 (2) and (3) of Schedule 2 to the Act are repealed and the following substituted:

Composition of panels

(2) The panel selected by the chair shall be composed in accordance with regulations made pursuant to clauses 43 (1) (p) to (s) of the *Regulated Health Professions Act, 1991*.

Quorum

(3) Quorum for the panel shall be in accordance with regulations made pursuant to clause 43 (1) (s) of the *Regulated Health Professions Act, 1991*.

23 Section 71.1 of Schedule 2 to the Act is repealed and the following substituted:

No stay of certain orders pending appeal

71.1 Section 71 also applies to an order made by a panel of the Discipline Committee because of a finding that a member has committed sexual abuse of the kind described in paragraph 3 of subsection 51 (5) or an act of professional misconduct described in subsection 51 (5.1).

24 Paragraph 3 of subsection 73 (3) of Schedule 2 to the Act is repealed.

25 Section 84 of Schedule 2 to the Act is amended by adding the following subsection:

Other functions

(3.1) The patient relations program shall perform any other functions that are prescribed in regulations made under clause 43 (1) (x) of the *Regulated Health Professions Act, 1991*.

26 Schedule 2 to the Act is amended by adding the following section:

Reporting by members re: other professional memberships and findings

85.6.3 (1) A member shall advise the Registrar in writing if the member is a member of another body that governs a profession inside or outside of Ontario.

Findings of misconduct or incompetence

(2) A member shall file a report in writing with the Registrar if there has been a finding of professional misconduct or incompetence made against the member by another body that governs a profession inside or outside of Ontario.

Timing of report

(3) The report must be filed as soon as reasonably practicable after the member receives notice of the finding made against the member.

Contents of report

(4) The report must contain,

- (a) the name of the member filing the report;
- (b) the nature of, and a description of, the finding;
- (c) the date that the finding was made against the member;
- (d) the name and location of the body that made the finding against the member; and
- (e) the status of any appeal initiated respecting the finding made against the member.

Publication ban

(5) The report shall not contain any information that violates a publication ban.

Same

(6) No action shall be taken under this section which violates a publication ban and nothing in this section requires or authorizes the violation of a publication ban.

Additional reports

(7) A member who files a report under subsection (1) shall file an additional report if there is a change in status of the finding made against the member as the result of an appeal.

27 Schedule 2 to the Act is amended by adding the following section:

Reporting by members re: charges and bail conditions

85.6.4 (1) A member shall file a report in writing with the Registrar if the member has been charged with an offence, and the report shall include information about every bail condition imposed on the member as a result of the charge.

Timing of report

(2) The report must be filed as soon as reasonably practicable after the member receives notice of the charge.

Contents of report

(3) The report must contain,

- (a) the name of the member filing the report;
- (b) the nature of, and a description of, the charge;
- (c) the date the charge was laid against the member;
- (d) the jurisdiction in which the charge was laid;
- (e) every bail condition imposed on the member as a result of the charge; and
- (f) the status of any proceedings with respect to the charge.

Reporting by members re: charges and bail conditions, etc.

85.6.4 (1) A member shall file a report in writing with the Registrar if the member has been charged with an offence, and the report shall include information about every bail condition or other restriction imposed on, or agreed to, by the member in connection with the charge.

Timing of report

(2) The report must be filed as soon as reasonably practicable after the member receives notice of the charge, bail condition or restriction.

Contents of report

(3) The report must contain,

- (a) the name of the member filing the report;
- (b) the nature of, and a description of, the charge;
- (c) the date the charge was laid against the member;
- (d) the name and location of the court in which the charge was laid or in which the bail condition or restriction was imposed on or agreed to by the member;
- (e) every bail condition imposed on the member as a result of the charge;
- (f) any other restriction imposed on or agreed to by the member relating to the charge; and
- (g) the status of any proceedings with respect to the charge.

Publication ban

(4) The report shall not contain any information that violates a publication ban.

Same

(5) No action shall be taken under this section which violates a publication ban and nothing in this section requires or authorizes the violation of a publication ban.

Additional reports

(6) A member who files a report under subsection (1) shall file an additional report if there is a change in the status of the charge or bail conditions.

28 (1) Subsection 85.7 (1) of Schedule 2 to the Act is repealed and the following substituted:

Funding provided by College

(1) There shall be a program, established by the College, to provide funding for the following purposes in connection with allegations of sexual abuse by members:

1. Therapy and counselling for persons alleging sexual abuse by a member.
2. Any other purposes prescribed in regulations made under clause 43 (1) (y) of the *Regulated Health Professions Act, 1991*.

(2) Subsections 85.7 (4) and (5) of Schedule 2 to the Act are repealed and the following substituted:

Eligibility

~~(4) A person is eligible for funding if it is alleged, in a complaint or report, that the person was sexually abused by a member while the person was a patient of the member.~~

Eligibility

(4) A person is eligible for funding if

(a) it is alleged, in a complaint or report, that the person was sexually abused by a member while the person was a patient of the member; or

(b) the alternative requirements prescribed in the regulations made by the Council are satisfied.

Timing

(5) Where a request is made for funding pursuant to subsection (1), a determination of the person's eligibility for such funding in accordance with subsection (4) shall be made within a reasonable period of time of the request having been received.

Not a finding

(5.1) The determination of a person's eligibility for funding in accordance with subsection (4) does not constitute a finding against the member and shall not be considered by any other committee of the College dealing with the member.

Cessation of eligibility

(5.2) Despite subsection (4), a person's eligibility to receive funding pursuant to subsection (1) ceases upon the occurrence of any of the prescribed circumstances.

(3) Subsections 85.7 (8) to (12) of Schedule 2 to the Act are repealed and the following substituted:

Payment

(8) Funding shall be paid only to the therapist or counsellor chosen by the person or to other persons or classes of persons prescribed in any regulation made under clause 43 (1) (y) of the *Regulated Health Professions Act, 1991*.

Use of funding

(9) Funding shall be used only to pay for therapy or counselling and for any other purposes prescribed in any regulation made under clause 43 (1) (y) of the *Regulated Health Professions Act, 1991* and shall not be applied directly or indirectly for any other purpose.

Same

(10) Funding may be used to pay for therapy or counselling that was provided at any time after the alleged sexual abuse took place.

Other coverage

(11) The funding that is provided to a person for therapy and counselling shall be reduced by the amount that the Ontario Health Insurance Plan or a private insurer is required to pay for therapy or counselling for the person during the period of time during which funding may be provided for the person under the program.

Right of recovery

(12) The College is entitled to recover from the member, in a proceeding brought in a court of competent jurisdiction, money paid in accordance with this section for an eligible person referred to in subsection (4).

29 Subsection 93 (2) of Schedule 2 to the Act is repealed and the following substituted:

Same

(2) Every person who contravenes subsection 85.1 (1) or 85.4 (1) is guilty of an offence and on conviction is liable to a fine of not more than \$50,000.

Sexual abuse reporting by facilities

(3) Despite subsection (1), every person who contravenes subsection 85.2 (1) in respect of a matter concerning the sexual abuse of a patient is guilty of an offence and on conviction is liable,

(a) in the case of an individual to a fine of not more than \$50,000; or

(b) in the case of a corporation to a fine of not more than \$200,000.

30 (1) Clauses 94 (1) (h.1) to (h.4) of Schedule 2 to the Act are repealed and the following substituted:

(h.1) subject to the regulations made under clauses 43 (1) (p) to (s) of the *Regulated Health Professions Act, 1991*,

(i) respecting the filling of vacancies on the Council or on committees,

- (ii) providing for the composition of committees,
- (iii) respecting the qualification, selection, appointment and terms of office of members of committees required by subsection 10 (1) who are not members of the Council,
- (iv) prescribing conditions that disqualify committee members from sitting on committees required under subsection 10 (1) and governing the removal of disqualified committee members;

(2) Clause 94 (1) (1.2) of Schedule 2 to the Act is repealed and the following substituted:

- (1.2) specifying information as information to be kept in the register for the purposes of paragraph 20 of subsection 23 (2), designating information kept in the register as public for the purposes of subsection 23 (5), and designating information kept in the register as public for the purposes of subsection 23 (5) that may be withheld from the public for the purposes of subsection 23 (6);

~~31 Clause 95 (1) (q) of Schedule 2 to the Act is repealed.~~

31 Subsection 95 (1) of Schedule 2 to the Act is amended by adding the following clause:

(q.1) prescribing the circumstances in respect of which a person's eligibility for funding ceases for the purposes of subsection 85.7 (5.2);

Commencement

32 (1) Subject to subsection (2), this Schedule comes into force on the day the *Protecting Patients Act, 2017* receives Royal Assent.

(2) The following provisions come into force on a day to be named by proclamation of the Lieutenant Governor:

1. Subsections 6 (1), (2) and (7).
2. Section 7.
3. Section 8.
4. Section 10.
5. Section 11.
6. Section 13.
7. Section 18.

7.1 Section 18.1.

8. Section 22.
9. Section 24.
10. Section 26.
11. Section 27.
12. Section 28.
13. Subsection 30 (1).
14. Section 31.

**SCHEDULE 5
SENIORS ACTIVE LIVING CENTRES ACT, 2017**

INTERPRETATION AND ADMINISTRATION

Definitions

1 In this Act,

“approval” means an approval of an operator or a program issued under section 4; (“agrément”)

“director” means the director appointed under section 2; (“directeur”)

“Minister” means the Minister Responsible for Seniors Affairs or any other member of the Executive Council to whom the responsibility for the administration of this Act is assigned under the *Executive Council Act*; (“ministre”)

~~“operator” means a corporation, partnership or other entity that establishes, maintains or operates a program; (“prestataire”)~~

“operator” means a corporation that establishes, maintains or operates a program, where the corporation is a corporation without share capital having objects of a charitable nature,

(a) to which Part III of the *Corporations Act* applies, or

(b) that is incorporated under a general or special Act of the Parliament of Canada: (“prestataire”)

“program” means a program whose purpose is described in subsection 4 (3); (“programme”)

“regulations” means the regulations made under this Act. (“règlement”)

Director

2 (1) The Minister shall appoint an individual, in writing, as the director for the purposes of this Act and the regulations from among the public servants who are employed under Part III of the *Public Service of Ontario Act, 2006* and who work in the Ontario Seniors’ Secretariat.

Restrictions on appointment

(2) The Minister may specify, in the appointment, conditions or restrictions to which the appointment is subject.

Delegation of powers and duties

(3) The director may delegate his or her powers or duties under the appointment.

APPROVALS

Approvals required for grants

3 No operator shall receive a payment under section 8 to establish, maintain or operate a program unless the director has approved both the operator and the program.

Issuance of approvals

4 (1) In order to obtain an approval of itself or an approval of a program, an operator shall apply to the director in accordance with this Act and the regulations and shall provide the director with the documents and information specified in the regulations and the other documents and information that the director reasonably requires.

Approval of operator

(2) The director shall approve an operator that applies for approval if the director is satisfied that the operator,

- (a) is financially capable of establishing, maintaining and operating a program;
- (b) will carry on the program under competent management in good faith; and
- (c) meets the other criteria, if any, that are prescribed by the regulations.

Approval of program

(3) The director shall approve a program if the operator of the program applies for the approval and if the director is satisfied that,

- (a) the purpose of the program is to promote active and healthy living, social engagement and learning for persons who are primarily seniors by providing them with activities and services; and
- (b) the program meets the other criteria, if any, that are prescribed by the regulations.

Refusal to approve an operator

(4) Subject to section 5, the director shall refuse to approve an operator if, in the opinion of the director, the operator has not complied with subsection (1) or the criteria set out in subsection (2) have not been met.

Refusal to approve a program

(5) Subject to section 5, the director shall refuse to approve a program if, in the opinion of the director, the operator has not complied with subsection (1) or the criteria set out in subsection (3) have not been met.

No hearing required

5 (1) The director is not required to hold an oral hearing or to afford a person an opportunity for a hearing before doing anything under section 4.

Non-application of *Statutory Powers Procedure Act*

(2) The *Statutory Powers Procedure Act* does not apply to anything done by the director under section 4.

Notice of intent to make decision

- (3) The director shall not make a decision to refuse to issue an approval to an applicant unless, before doing so, the director,
- (a) serves a notice of intent to make the decision on the applicant in accordance with subsection (4);
 - (b) gives the applicant an opportunity to make written submissions with respect to the proposed decision in accordance with subsection (5); and
 - (c) reviews the written submissions, if any, made by the applicant in accordance with subsection (5).

Content of notice of intent

- (4) A notice of intent shall,
- (a) set out the proposed decision and the reasons for it; and
 - (b) state that the applicant may provide written submissions to the director in accordance with subsection (5).

Written submissions

(5) An applicant that is served with a notice of intent may provide written submissions to the director with respect to any matter set out in the notice, within 15 days after the day the notice of intent was served on the applicant or within whatever other period is specified in the notice.

Refusal of approval

- 6 If the director makes a decision to refuse to issue an approval to an applicant,
- (a) the director shall serve the applicant with a notice of decision setting out the decision and the reasons for it; and
 - (b) the applicant may reapply to the director for approval if the applicant satisfies the director that new or other evidence is available or that material circumstances have changed.

Director's decision final

7 (1) A decision made by the director under section 4 is final and not subject to appeal.

No judicial review

(2) Despite any other Act or law, no person may bring an application for judicial review of a decision made by the director under section 4.

PAYMENT OF GRANTS

Maintenance and operating grants

8 (1) Subject to subsections (3) and (4), the Minister may direct that an amount be paid, out of the money appropriated for that purpose by the Legislature, to an approved operator towards the cost of maintaining and operating an approved program.

Amount of payment

(2) The Minister has discretion to determine the amount of the payment.

Contribution if program in a municipality

(3) No payment shall be made to an approved operator with respect to an approved program that the operator will maintain and operate in a municipality unless one of the following, as the Minister determines, directs payment to the operator of a sum equal to at least the amount determined in accordance with subsection (5) or, if the Minister approves, contributes personal property or services that are equivalent in value to at least that amount:

1. The council of any one municipality.

2. The council of any one municipality, together with the councils of one or more contiguous municipalities.
3. The other entities, if any, that are prescribed.

Contribution if program not in a municipality

- (4) No payment shall be made to an approved operator with respect to an approved program that the operator will maintain and operate in a location, other than a municipality, unless the entities, if any, that are prescribed,
- (a) direct payment to the operator of a sum equal to at least the amount determined in accordance with subsection (5); or
 - (b) if the Minister approves, contribute personal property or services that are equivalent in value to at least the amount described in clause (a).

Amount of contribution

- (5) Subject to the regulations, the amount mentioned in subsection (3) or (4) is,
- (a) the amount equal to 20 per cent of the net annual cost to the approved operator of maintaining and operating the approved program, if the operator was approved on or after April 1, 2008 under this Act or the *Elderly Persons Centres Act*, as it read at the time of the approval; or
 - (b) the amount equal to 20 per cent of the net annual cost to the approved operator in the operator's 2007-2008 fiscal year of maintaining and operating the approved program, if the operator was approved before April 1, 2008 under the *Elderly Persons Centres Act*, as it read at the time of the approval.

Special grants

9 (1) If the Minister directs that an amount be paid to an approved operator under subsection 8 (1) towards the cost of maintaining and operating an approved program, the Minister may, in addition, direct that an amount be paid, out of the money appropriated for that purpose by the Legislature, on a one-time basis to the operator towards the cost of maintaining and operating the program.

No contributions

(2) For greater certainty, subsections 8 (3) and (4) do not apply to a payment made under subsection (1).

Repayment of grants if approval ceases

10 If an approved operator ceases to meet the criteria for approval set out in subsection 4 (2) or if the program that the operator operates ceases to meet the criteria for approval set out in subsection 4 (3), the director may determine, on a reasonable basis, what part of any payment that the operator has received under this Act is to be repaid to the Crown.

GENERAL

Regulations

- 11 (1) The Lieutenant Governor in Council may make regulations,
- (a) specifying anything that this Act describes as prescribed or specified in the regulations or done by or in accordance with the regulations;
 - (b) governing applications for approvals;
 - (c) setting a percentage for the purposes of subsection 8 (5) that differs from the one set out in that subsection;
 - (d) governing how the annual cost mentioned in subsection 8 (5) is to be determined;
 - (e) governing repayments described in section 10.

Scope

(2) A regulation may be general or specific in its application to any person, place or thing or any class of them, may impose different requirements, conditions or restrictions on or in respect of any class and may be limited as to time and place.

Classes

(3) A class described in a regulation may be described according to any characteristic or combination of characteristics and may be described to include or exclude any specified member, whether or not with the same characteristics.

AMENDMENT TO THIS ACT

12 Subsection 8 (5) of this Act is repealed and the following substituted:

Amount of contribution

(5) Subject to the regulations, the amount mentioned in subsection (3) or (4) is the amount equal to 20 per cent of the net annual cost to the approved operator of maintaining and operating the approved program.

CONSEQUENTIAL AMENDMENTS

Not-for-Profit Corporations Act, 2010

13 (1) Section 222 of the *Not-for-Profit Corporations Act, 2010* is repealed.

(2) Subsection (1) applies only if section 222 of the *Not-for-Profit Corporations Act, 2010* does not come into force before subsection (1) comes into force.

Pay Equity Act

14 Clause 1 (p) under the heading “Ministry of Community and Social Services” in the Appendix to the Schedule to the *Pay Equity Act* is repealed and the following substituted:

(p) operates a program that receives a payment under the *Seniors Active Living Centres Act, 2017*;

REPEAL, COMMENCEMENT AND SHORT TITLE

Repeal and revocation

15 (1) The *Elderly Persons Centres Act* is repealed.

(2) Regulation 314 of the Revised Regulations of Ontario, 1990 (General) made under the *Elderly Persons Centres Act* is revoked.

Commencement

16 (1) Subject to subsection (2), the Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

(2) Sections 13 and 14 and subsection 15 (2) come into force on the day subsection 15 (1) comes into force.

Short title

17 The short title of the Act set out in this Schedule is the *Seniors Active Living Centres Act, 2017*.