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# Bill 102

**An Act to amend the Health Protection and Promotion Act,  
the Home Care and Community Services Act, 1994  
and the Ministry of Health and Long-Term Care Act**

**Ms P. Sattler**

**Private Member's Bill**

1st Reading      April 29, 2019

2nd Reading

3rd Reading

Royal Assent



## EXPLANATORY NOTE

The Bill amends the *Health Protection and Promotion Act*, the *Home Care and Community Services Act, 1994* and the *Ministry of Health and Long-Term Care Act*.

### ***Health Protection and Promotion Act***

A new section 11.1 is added to the Act requiring home care clinics to establish a process for reviewing complaints and requiring the operator of a home care clinic to notify the medical officer of health if a complaint is made. Also, a new section 15.1 is added to the Act requiring every person who intends to commence to operate a home care clinic to give notice to the medical officer of health.

### ***Home Care and Community Services Act, 1994***

Paragraph 8 of subsection 3 (1) of the Act is amended to update the rights of persons receiving community services with respect to persons receiving community services at a home care clinic. A new section 30.1 is added to the Act requiring the operator of a home care clinic to provide the address of the clinic to the medical officer of health. Section 31 of the Act is amended by adding a new subsection (2) which requires the operator of a home care clinic to ensure that certain information is posted in the clinic in a conspicuous and easily accessible location. A new section 62.1 is added to the Act to give medical officers of health the right and responsibility to inspect home care clinics.

### ***Ministry of Health and Long-Term Care Act***

Subsection 6 (1) of the Act is amended by adding the duty to oversee and inspect home care clinics to the duties of the Minister of Health and Long-Term Care.

**An Act to amend the Health Protection and Promotion Act,  
the Home Care and Community Services Act, 1994  
and the Ministry of Health and Long-Term Care Act**

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

**HEALTH PROTECTION AND PROMOTION ACT**

**1 Subsection 1 (1) of the *Health Protection and Promotion Act* is amended by adding the following definition:**

“home care clinic” has the same meaning as in subsection 2 (1) of the *Home Care and Community Services Act, 1994*; (“clinique de soins à domicile”)

**2 Subsection 10 (2) of the Act is amended by adding the following paragraph:**

3. Home care clinics.

**3 The Act is amended by adding the following section:**

**Complaint re home care clinics**

**11.1** (1) A home care clinic shall establish a process for reviewing complaints made to it about health hazards related to infection prevention and control at the clinic.

**Same**

(2) If a complaint is made to a home care clinic under subsection (1), the operator of the clinic shall notify the medical officer of health of the health unit in which the clinic is located.

**4 The Act is amended by adding the following section:**

**Home care clinics, notice of intention to commence operation**

**15.1** Every person who intends to commence to operate a home care clinic shall give notice of the person’s intention to the medical officer of health of the health unit in which the home care clinic will be located.

**HOME CARE AND COMMUNITY SERVICES ACT, 1994**

**5 Subsection 2 (1) of the *Home Care and Community Services Act, 1994* is amended by adding the following definitions:**

“dwelling unit” means real property used or designed for use as a home or as a place in which one or more persons may sleep; (“logement”)

“home care clinic” means any premises, other than a dwelling unit, a hospital or other prescribed premises, where professional services as set out in subsection (7) are provided; (“clinique de soins à domicile”)

**6 Paragraph 8 of subsection 3 (1) of the Act is repealed and the following substituted:**

8. A person receiving a community service, including a service at a home care clinic, has the right to be informed of the laws, rules and policies affecting the operation of the service provider or home care clinic, as the case may be, and to be informed in writing of the procedures for initiating complaints about the service provider, including the procedures for submitting complaints about a home care clinic to a medical officer of health.

**7 The Act is amended by adding the following section:**

**Documents and information for medical officer of health re home care clinics**

**30.1** The operator of a home care clinic shall give the address of the clinic to the medical officer of health of the health unit in which the clinic is located.

**8 Section 31 of the Act is amended by adding the following subsection:**

**Home care clinics**

(2) Every person who operates a home care clinic shall ensure that the information set out in subsection (1) is posted in the clinic, in a conspicuous and easily accessible location and in a manner that complies with any prescribed requirements.

**9** Subsection 62 (1) of the Act is amended by adding “and section 62.1” after “this section” in the portion before the definition of “record”.

**10** The Act is amended by adding the following section:

**Inspection of home care clinics by medical officers of health**

**62.1** A medical officer of health shall, at least once a year, enter a home care clinic and inspect the clinic, the services provided at the clinic and the records relevant to the inspection for the purpose of ensuring compliance with this Act and the regulations.

**MINISTRY OF HEALTH AND LONG-TERM CARE ACT**

**11** Subsection 6 (1) of the *Ministry of Health and Long-Term Care Act* is amended by adding the following paragraph:

13. To oversee and inspect home care clinics as defined in subsection 2 (1) of the *Home Care and Community Services Act, 1994*.

**COMMENCEMENT AND SHORT TITLE**

**Commencement**

**12** This Act comes into force on the day it receives Royal Assent.

**Short title**

**13** The short title of this Act is the *Closing Oversight Loopholes for Home Care Clinics Act, 2019*.