

## **Notice of the Minister of Health and Long-Term Care**

### **NOTICE OF PROPOSED DRAFT REGULATION**

#### ***Local Health System Integration Act, 2006***

The Minister of Health and Long-Term Care [Minister], on behalf of the Government of Ontario, invites public comments on a proposed draft regulation to be made under the *Local Health System Integration Act, 2006*.

On March 28, 2006, the *Local Health System Integration Act, 2006* (LHSIA) received Royal Assent. In fulfilling their mandates, the Local Health Integration Networks (LHINs) are responsible for local health system planning and community engagement. As of April 1, 2007, the LHINs have also assumed responsibility for funding a wide range of health service providers and for managing the majority of service agreements with health service providers.

The *Local Health System Integration Act, 2006* sets out public consultation requirements related to proposed draft regulations. These requirements include a minimum 60-day period for the public to comment, after which the Minister reports to the Lieutenant Governor in Council, who may then make the Regulation with or without changes.

#### **Content of Proposed Initial Draft Regulation**

The proposed draft regulation posted here deals with the reconciliation and recovery of funding provided to long-term care home operators.

#### **Invitation to Provide Comments on Proposed Initial Draft Regulation**

The proposed initial draft regulation following this notice is provided in both English and French. The public is invited to provide written comments, in either language, on the proposed draft Regulation over a 60-day period, commencing on September 5, 2009 and ending on November 3, 2009. All written comments received during this period will be considered during final preparation of this draft regulation. The content, structure and form of the draft regulation are subject to change as a result of the comment process, at the discretion of the Lieutenant Governor in Council, who has the final decision on the content of any regulation.

Comments may be sent electronically to [LHSIAreg@ontario.ca](mailto:LHSIAreg@ontario.ca) or they may be addressed to:

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Health System Strategy Division

Ministry of Health and Long-Term Care  
56 Wellesley Street West, 9<sup>th</sup> floor  
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Information respecting the *Local Health System Integration Act, 2006*, the proposed draft regulation, and electronic copies of this notice, including the text of the proposed draft regulation, may be accessed through the Ministry website at the following address:

[http://www.health.gov.on.ca/en/legislation/lhins/draft\\_regulation/draft\\_regulation.aspx](http://www.health.gov.on.ca/en/legislation/lhins/draft_regulation/draft_regulation.aspx)

The *Local Health System Integration Act, 2006* is available at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).

Please note that unless requested and agreed to otherwise by the Ministry, all materials or comments received from organizations in response to this notice will be considered public information and may be used and disclosed by the Ministry to assist in the evaluation and revision of the proposed initial draft regulation. This may involve disclosing the materials and comments, or summaries of them, to other interested parties during and after the 60-day public consultation period. **An individual who provides materials or comments and who indicates an affiliation with an organization will be considered to have submitted those comments or materials on behalf of the organization so identified.** Materials or comments received from individuals who do not indicate an affiliation with an organization will not be considered public information unless expressly stated otherwise by these individuals. However, materials or comments provided by such individuals may nevertheless be used and disclosed by the Ministry to assist in evaluating and revising the proposed initial draft regulation. The personal information of individuals who do not specify an organizational affiliation, such as an individual's name and contact details, will not be disclosed by the Ministry without the individual's consent, unless required by law. If you have any questions about the collection of this information, please contact the Manager of the Access and Privacy Office, of the Ministry of Health and Long-Term Care at (416) 327-7040.

## **PROPOSED INITIAL DRAFT REGULATION**

made under the

## **LOCAL HEALTH SYSTEM INTEGRATION ACT, 2006**

Amending O. Reg. 264/07

The title of Ontario Regulation 264/07, Health Professionals Advisory Committees, is revoked and changed to "General":

The proposed draft regulation contains two headings. The first heading is “Health Professionals Advisory Committee” and is followed by the provisions that are currently in force in Regulation 264/07. The second heading is “Long-Term Care Homes: Reconciliation and Recovery” and the provisions following are the new proposed draft regulations.

## **Content of Proposed Draft Regulation**

### **Long-term care homes: reconciliation and recovery**

Operators of long-term care homes would be required to provide reconciliation reports to the local health integration network (LHIN) where the home is located, in the form and manner and at the times specified by the LHIN.

One of the reconciliation reports would be an audited report covering the period between January 1, 2010 and December 31, 2010, and a separate audited report for each subsequent calendar year.

If an operator has been paid more than the allowable subsidy for the reconciliation period, the excess money is a debt owing by the licensee to the Crown. In addition to any other methods available to recover the debt, the LHIN may deduct the excess from future payments to the licensee.

If the amount paid to an operator for a long-term care home is less than the allowable subsidy for the reconciliation period, the LHIN would pay the difference to the licensee.

The “allowable subsidy” would be the amount that is determined through the reconciliation reports, the accountability agreement between the Minister and the LHIN required under the Act, the service accountability agreement between the licensee of the long-term care home and the LHIN required under the Act, and for the period between January 1, 2010 and March 31, 2010, the service agreement required under the *Nursing Homes Act*, the *Charitable Institutions Act* or the *Homes for the Aged and Rest Homes Act*.

The terms “home” and “licensee of a long-term care home” are defined.

The “reconciliation period” would mean the periods between January 1, 2010 and December 31, 2010, and each subsequent calendar year, and includes any period within those twelve month periods when a reconciliation is calculated.

This Regulation would come into force on January 1, 2010.

[Bilingual]

**Regulations are published in *The Ontario Gazette* and on the e-Laws website. This copy is being provided for convenience only.**

**Les règlements déposés sont publiés dans la Gazette de l'Ontario et sur le site Lois-en-ligne. Le présent document n'est fourni que pour des raisons de commodité.**

## **ONTARIO REGULATION**

made under the

### **LOCAL HEALTH SYSTEM INTEGRATION ACT, 2006**

Amending O. Reg. 264/07

(Health Professionals Advisory Committees)

Note: Ontario Regulation 264/07 has not previously been amended.

- 1. The title of Ontario Regulation 264/07 is revoked and the following substituted:**

#### **GENERAL**

- 2. The Regulation is amended by adding the following heading before section 1:**

**HEALTH PROFESSIONALS ADVISORY COMMITTEES**

- 3. (1) The Regulation is amended by adding the following heading and section:**

**LONG-TERM CARE HOMES: RECONCILIATION AND RECOVERY**

#### **Long-term care homes: reconciliation and recovery**

**3. (1)** Every licensee of a long-term care home shall provide reconciliation reports to the local health integration network for the geographic area where the home is located, in the form and manner and at the times specified by the local health integration network.

(2) One of the reconciliation reports shall be an audited report covering the following, as applicable:

1. The period beginning on January 1, 2010 and ending on December 31, 2010.
2. Each subsequent calendar year.

(3) If the amount paid to the licensee of a long-term care home by the local health integration network in respect of the home exceeds the allowable subsidy for the reconciliation period, the excess is a debt owing by the licensee to the Crown in right of Ontario and, in addition to any other methods available to recover the debt, the local health integration network may deduct the excess from subsequent payments to the licensee.

(4) If the amount paid to a licensee of a long-term care home by the local health integration network in respect of the home is less than the allowable subsidy for the reconciliation period, the local health integration network shall pay the difference to the licensee.

(5) In this section,

“allowable subsidy” means the allowable subsidy as determined in accordance with the reconciliation reports, the accountability agreement between the Minister and local health integration network required under section 18 of the Act, the service accountability agreement between the licensee of the long-term care home and the local health integration network required under section 20 of the Act, and for the period beginning on January 1, 2010, and ending on March 31, 2010, the applicable service agreement required under the *Nursing Homes Act*, the *Charitable Institutions Act* or the *Homes for the Aged and Rest Homes Act*; (“subvention autorisée”)

“home” means a nursing home under the *Nursing Homes Act*, an approved charitable home for the aged under the *Charitable Institutions Act* or a home under the *Homes for the Aged and Rest Homes Act*; (“foyer”)

“licensee of a long-term care home” means a health service provider that operates a home; (“titulaire de permis d’un foyer de soins de longue durée”)

“reconciliation period” means each of the following periods, and includes any period within them when a reconciliation is calculated:

1. The period beginning on January 1, 2010 and ending on December 31, 2010.
2. Each subsequent calendar year. (“période de rapprochement”)

**(2) The definitions of “home” and “licensee of a long-term care home” in subsection 3 (5) of the Regulation are revoked and the following substituted:**

“home” means a long-term care home within the meaning of the *Long-Term Care Homes Act, 2007*; (“foyer”)

“licensee of a long-term care home” means a health service provider that is a licensee within the meaning of the *Long-Term Care Homes Act, 2007*; (“titulaire de permis d’un foyer de soins de longue durée”)

**4. (1) Subject to subsection (2), this Regulation comes into force on January 1, 2010.**

**(2) Subsection 3 (2) comes into force on the day section 1 of the *Long-Term Care Homes Act, 2007* comes into force.**