

**Caution:**

*This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.*

**CONSULTATION DRAFT**

**ONTARIO REGULATION**

to be made under the

**EXCELLENT CARE FOR ALL ACT, 2010**

Amending O. Reg. 445/10

(GENERAL)

**1. Subsection 3 (3) of Ontario Regulation 445/10 is revoked and the following substituted:**

(3) Subject to subsection (5), the following provisions apply respecting the term of members of the Council:

1. Each member shall hold office for a term of up to three years at the pleasure of the Lieutenant Governor in Council and may be reappointed for any number of terms of up to three years.
2. Despite paragraph 1, no person may be a member for more than six years in total.
3. Despite paragraph 2, a member who is designated by the Lieutenant Governor in Council as Chair after serving at least three years as a member may be appointed for one further term of up to three years while designated as Chair.

**2. The Regulation is amended by adding the following part immediately before Part III:**

**PART II.1  
INFORMATION PRACTICES**

**Personal health information**

**16.1** (1) For the purposes of section 13.0.1 of the Act and subject to subsection (2) of this section, the Council may collect, use and disclose personal health information about a patient or caregiver for the following purposes:

1. To create vignettes describing the experiences of patients and caregivers with the health care system and publicize these vignettes on the Council’s website, in its reports and public communications, in conference materials and in educational materials.
2. To facilitate the participation of patients and caregivers on the Patient, Family and Public Advisory Council and the Patient, Family and Public Advisors Broader Network.

(2) The Council shall not collect, use or disclose personal health information about a patient or caregiver for the purposes set out in subsection (1) unless,

- (a) the Council obtains the express written consent of,
  - (i) the patient or caregiver to whom the information relates, or
  - (ii) if the patient or caregiver is incapable of giving consent or is deceased, the substitute decision-maker of the patient or caregiver; and
- (b) the Council collects the personal health information directly from,
  - (i) the patient or caregiver to whom the information relates,
  - (ii) the substitute decision-maker of the patient or caregiver to whom the information relates, or
  - (iii) the caregiver of the patient to whom the information relates, if the patient or the substitute decision-maker of the patient has consented to the collection in accordance with clause (a).

(3) For the purposes of this section,

“substitute decision-maker” has the same meaning as in the *Personal Health Information Protection Act, 2004*; (“mandataire spécial”)

“patient” includes former patients. (“patient”)

## **Commencement**

### **3. [Commencement]**