

Ontario amends Bill 74, The People's Health Care Act, 2019

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On April 10, 2019, Bill 74, *The People's Health Care Act, 2019* was reported by the Standing Committee on Social Policy with amendments.

In particular, the mechanism by which the proposed new health agency, Ontario Health, may issue a facilitation decision has been clarified. As noted in our previous Osler Update, "[Ontario introduces Bill 74: *The People's Health Care Act*](#)," as initially proposed, Bill 74 appeared to effectively give Ontario Health the ability to issue a "facilitation decision" without requiring consent from the health service providers, which would result in a very similar effect to an "integration order" issued by the Minister of Health and Long-Term Care (Minister). It was unclear whether this was an intended consequence, given that there are a variety of restrictions imposed on the Minister when making an "integration order" which were not imposed on Ontario Health when making a "facilitation decision."

The amendment clarifies the initial ambiguity. It is now clear that the parties subject to the proposed integration must reach an agreement with respect to the integration prior to Ontario Health issuing a facilitation decision. The relevant section now states that Ontario Health will issue a facilitation decision when:

- (a) Ontario Health facilitates or negotiates,
 - (i) the integration of persons or entities where at least one of the persons or entities is a health service provider or an integrated care delivery system, or
 - (ii) the integration of services between health service providers or integrated care delivery systems or between a health service provider or integrated care delivery system and a person or entity that is neither a health service provider nor an integrated care delivery system but which supports the provision of health care; and
- (b) the parties reach an agreement with respect to the integration.

As of the date of this Update, Bill 74 is at the Third Reading stage and is yet to be passed. For further commentary on Bill 74, please see our previous Osler Updates: "[Ontario introduces Bill 74: *The People's Health Care Act*](#)" and "[Osler: your partner to navigating Ontario's health care system integration](#)."