

# Health System Efficiency Act, 2019

## Summary of the Early Draft Legislation

SANTIS

Thursday, January 31, 2018

### Early Draft Health Care Bill Proposes New Health Super Agency

#### Santis Take

As many health sector stakeholders in Ontario digest the sobering findings of the first interim report from the *Premier's Council on Ending Hallway Medicine* titled *Hallway Health Care: A System Under Strain*, the government is concurrently dealing with the political fallout from a leaked draft bill which proposes a major structural overhaul in the way Ontario oversees the delivery of health services in the province.

The draft bill proposes to consolidate Ontario's 14 Local Health Integration Network (LHINs), as well as a number of other agencies and functions, into a single new health "Super Agency". This agency – and the Minister – will have sweeping powers with respect to its mandate to identify opportunities to integrate health system services – including the power to order a service provider to deliver certain services, to cease provide all or part of a service, to transfer all or part of a service from one location to another, and the power to order a service provider to cease operating, to amalgamate, or to transfer operations to another organization. The Super Agency also will have the power to designate an organization as "an integrated care delivery system", allowing the organization to deliver two or more *different types* of health services (e.g. hospital services, primary care, mental health, home care, long-term care home services, etc.) in an integrated and coordinated manner"

If this sounds somewhat reminiscent of the Health Services Restructuring Commission of the 1990s, that's because, in many ways, it is and it sets the stage for a potential repeat of hospital closures, mergers, etc. (although, with a twist, given the potential to merge is not just for hospitals, but to integrate different types of health care delivery organizations altogether). Whether or not we are about to see a repeat of the 1990s hospital restructuring remains to be seen but, interestingly, NDP Leader Andrea Horwath chose to raise the alarm on future "privatization" as her party's 'hot take'.

*"If there was any doubt that this government is committed to massive privatization in health care, that doubt vanishes with this bill."  
"If Doug Ford plows ahead with this health-care privatization bill he has got one hell of a fight on his hands."  
- NDP Leader Andrea Horwath*

In addition to pronouncing the imminent death of the province's LHINs, the legislation also puts a clear target on Cancer Care Ontario, Health Quality Ontario, eHealth Ontario, HealthForceOntario, Ontario Health Quality Council, Trillium Gift of Life Network, as well as other organizations as prescribed by regulation by moving their functions into the newly created Super Agency.

### **Christine Elliot's Response**

Christine Elliot was quick to respond to the leak at a press conference this afternoon. While not denying the general policy direction telegraphed by the draft bill, she took pains to emphasize that the leak was a "very early draft" and has not yet been finalized. She indicated that the government was fully committed to consultations as it moves forward with its promise to bring long-term, transformational change to improve public healthcare.

### **The Act**

The draft document plainly titled "An Act to Create Efficiencies in the Health System, to Establish a Super Agency and to Make Consequential and Related Amendments" would seem to establish a super agency with broad oversight power in areas such as:

- System coordination
- Clinical standards development for patient care and quality standards for patient safety
- Digital health, information technology, and data management services
- Health care provider recruitment and retention
- Knowledge dissemination
- Patient engagement and relations

The Super Agency (a placeholder name, according to the draft bill) will have a 15-member board of directors.

The draft bill grants sweeping powers over the operations of health service providers across the province, including the power of the Minister to issue operational and policy directives to the Super Agency, any health service provider, or an integrated delivery system. The draft legislation also provides the Minister of Health and Long Term Care the legislative power to compel service providers funded through the Super Agency to integrate through a "integration order", to cease operating and dissolve, as well as transfer property to another organization (subject to other legal restrictions).