

Home Care and Community Services Act, 1994

S.O. 1994, CHAPTER 26

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PART I
PURPOSES OF ACT

Purposes of Act

1. The purposes of this Act are,
 - (a) to ensure that a wide range of community services is available to people in their own homes and in other community settings so that alternatives to institutional care exist;
 - (b) to provide support and relief to relatives, friends, neighbours and others who provide care for a person at home;
 - (c) to improve the quality of community services and to promote the health and well-being of persons requiring such services;
 - (d) to recognize, in all aspects of the management and delivery of community services, the importance of a person's needs and preferences, including preferences based on ethnic, spiritual, linguistic, familial and cultural factors;
 - (e) to integrate community services that are health services with community services that are social services in order to facilitate the provision of a continuum of care and support;
 - (f) REPEALED: 2011, c. 1, Sched. 6, s. 4 (1).

- (g) to promote equitable access to community services through the application of consistent eligibility criteria and uniform rules and procedures;
- (h) to promote the effective and efficient management of human, financial and other resources involved in the delivery of community services;
- (i) to encourage local community involvement, including the involvement of volunteers, in planning, co-ordinating, integrating and delivering community services and in governing the agencies that deliver community services; and
- (j) to promote co-operation and co-ordination between providers of community services and providers of other health and social services;
- (k) REPEALED: 2011, c. 1, Sched. 6, s. 4 (2).

1994, c. 26, s. 1; 2011, c. 1, Sched. 6, s. 4 (1, 2); 2016, c. 23, s. 52.

Section Amendments with date in force (d/m/y)

2011, c. 1, Sched. 6, s. 4 (1, 2) - 30/03/2011

2016, c. 23, s. 52 - 05/12/2016

PART II INTERPRETATION

Definitions

2. (1) In this Act,

“adult day program” means a program of structured and supervised activities in a group setting for adults with care or support requirements; (“programme de jour pour adultes”)

“agency” means,

- (a) a corporation without share capital to which Part III of the *Corporations Act* applies and that is carried on without the purpose of gain for its members,

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (a) is amended by striking out “Part III of the *Corporations Act*” and substituting “the *Not-for-Profit Corporations Act, 2010*”. See: 2010, c. 15, ss. 232 (1), 249.

- (b) a corporation without share capital that is a co-operative, as defined in the *Co-operative Corporations Act*, and that is carried on without the purpose of gain for its members,

- (c) a municipality, or

- (d) REPEALED: 2011, c. 1, Sched. 6, s. 4 (3).

- (e) an organization operating under the authority of,

- (i) a First Nation,

- (ii) a group of First Nations, or

- (iii) an aboriginal community; (“organisme”)

“Appeal Board” means the Health Services Appeal and Review Board under the *Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998*; (“Commission d’appel”)

“approved agency” means an agency that is approved under subsection 5 (1); (“organisme agréé”)

“caregiver support services” means counselling, training, visiting and providing information, respite and other assistance to caregivers to support them in carrying out their caregiving responsibilities; (“services de soutien aux fournisseurs de soins”)

“First Nation” means the council of the band, as defined in the *Indian Act* (Canada); (“Première Nation”)

“local health integration network” means a local health integration network as defined in section 2 of the *Local Health System Integration Act, 2006*; (“réseau local d’intégration des services de santé”)

“meal services” means delivering nutritious meals to a person’s home or providing them in other locations in the community; (“services relatifs aux repas”)

“mentally capable” means able to understand the information that is relevant to making a decision concerning the subject-matter and able to appreciate the reasonably foreseeable consequences of a decision or lack of decision, and “mentally incapable” means not mentally capable; (“mentalement capable”, “mentalement incapable”)

“Minister” means the Minister of Health and Long-Term Care; (“ministre”)

“Ministry” means the Ministry of Health and Long-Term Care; (“ministère”)

“person” includes a municipality, a corporation and an organization referred to in clause (e) of the definition of “agency”; (“personne”)

“personal health information” has the same meaning as in the *Personal Health Information Protection Act, 2004*; (“renseignements personnels sur la santé”)

“plan of service” means a plan of service developed or revised by an approved agency under section 22; (“programme de services”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“program supervisor” means a program supervisor appointed under section 61; (“superviseur de programmes”)

“regulations” means the regulations made under this Act; (“règlements”)

“service accountability agreement” means a service accountability agreement as defined in section 21 of the *Commitment to the Future of Medicare Act, 2004*; (“entente de responsabilisation en matière de services”)

“service provider” means,

- (a) the Minister, if the Minister is providing a community service under clause 4 (a) or (b),
- (b) an approved agency,
- (c) a person who provides a community service with the support of a payment under clause 4 (d), financial assistance under clause 4 (e) or (f) or a grant or contribution under clause 4 (g), or
- (d) a person who provides a community service purchased by an approved agency; (“fournisseur de services”)

“substitute decision-maker”, in relation to a person to whom a record, information or an approved agency’s decision relates, means,

- (a) any person who is a substitute decision-maker within the meaning of the *Personal Health Information Protection Act, 2004*, or
- (b) any other person who is lawfully authorized to make a decision concerning a community service on behalf of the person to whom the record, information or approved agency’s decision relates; (“mandataire spécial”)

“transportation services” means providing transportation to persons who are unable to use existing transportation or assisting persons to obtain access to existing transportation. (“services de transport”) 1994, c. 26, s. 2 (1); 1996, c. 2, s. 71 (1); 1998, c. 18, Sched. G, s. 65 (1); 2002, c. 17, Sched. F, Table; 2004, c. 3, Sched. A, s. 89 (1-3); 2006, c. 4, s. 47 (1); 2006, c. 19, Sched. L, s. 11 (2, 3); 2009, c. 33, Sched. 18, s. 17 (2); 2011, c. 1, Sched. 6, s. 4 (3-5).

(2) REPEALED: 2004, c. 3, Sched. A, s. 89 (4).

Community services

(3) For the purpose of this Act, the following are community services:

1. Community support services.
2. Homemaking services.
3. Personal support services.
4. Professional services. 1994, c. 26, s. 2 (3).

Community support services

(4) For the purpose of this Act, the following are community support services:

1. Meal services.
2. Transportation services.
3. Caregiver support services.

4. Adult day programs.
5. Home maintenance and repair services.
6. Friendly visiting services.
7. Security checks or reassurance services.
8. Social or recreational services.
9. Providing prescribed equipment, supplies or other goods.
10. Services prescribed as community support services. 1994, c. 26, s. 2 (4).

Homemaking services

(5) For the purpose of this Act, the following are homemaking services:

1. Housecleaning.
2. Doing laundry.
3. Ironing.
4. Mending.
5. Shopping.
6. Banking.
7. Paying bills.
8. Planning menus.
9. Preparing meals.
10. Caring for children.
11. Assisting a person with any of the activities referred to in paragraphs 1 to 10.
12. Training a person to carry out or assist with any of the activities referred to in paragraphs 1 to 10.
13. Providing prescribed equipment, supplies or other goods.
14. Services prescribed as homemaking services. 1994, c. 26, s. 2 (5).

Personal support services

(6) For the purpose of this Act, the following are personal support services:

1. Personal hygiene activities.
2. Routine personal activities of living.
3. Assisting a person with any of the activities referred to in paragraphs 1 and 2.
4. Training a person to carry out or assist with any of the activities referred to in paragraphs 1 and 2.
5. Providing prescribed equipment, supplies or other goods.
6. Services prescribed as personal support services. 1994, c. 26, s. 2 (6).

Professional services

(7) For the purpose of this Act, the following are professional services:

1. Nursing services.
2. Occupational therapy services.
3. Physiotherapy services.
4. Social work services.
5. Speech-language pathology services.
6. Dietetics services.

7. Training a person to provide any of the services referred to in paragraphs 1 to 6.
8. Providing prescribed equipment, supplies or other goods.
9. Services prescribed as professional services. 1994, c. 26, s. 2 (7).

Section Amendments with date in force (d/m/y)

1996, c. 2, s. 71 (1) - 29/03/1996; 1998, c. 18, Sched. G, s. 65 (1) - 01/02/1999

2002, c. 17, Sched. F, Table - 01/01/2003

2004, c. 3, Sched. A, s. 89 (1-4) - 01/11/2004

2006, c. 4, s. 47 (1) - 01/05/2010; 2006, c. 19, Sched. L, s. 11 (2, 3) - 22/06/2006

2009, c. 33, Sched. 18, s. 17 (2) - 15/12/2009

2010, c. 15, s. 232 (1) - not in force

2011, c. 1, Sched. 6, s. 4 (3-5) - 30/03/2011

**PART III
BILL OF RIGHTS**

Bill of Rights

3. (1) A service provider shall ensure that the following rights of persons receiving community services from the service provider are fully respected and promoted:

1. A person receiving a community service has the right to be dealt with by the service provider in a courteous and respectful manner and to be free from mental, physical and financial abuse by the service provider.
2. A person receiving a community service has the right to be dealt with by the service provider in a manner that respects the person's dignity and privacy and that promotes the person's autonomy.
3. A person receiving a community service has the right to be dealt with by the service provider in a manner that recognizes the person's individuality and that is sensitive to and responds to the person's needs and preferences, including preferences based on ethnic, spiritual, linguistic, familial and cultural factors.
4. A person receiving a community service has the right to information about the community services provided to him or her and to be told who will be providing the community services.
5. A person applying for a community service has the right to participate in the service provider's assessment of his or her requirements and a person who is determined under this Act to be eligible for a community service has the right to participate in the service provider's development of the person's plan of service, the service provider's review of the person's requirements and the service provider's evaluation and revision of the person's plan of service.
6. A person has the right to give or refuse consent to the provision of any community service.
7. A person receiving a community service has the right to raise concerns or recommend changes in connection with the community service provided to him or her and in connection with policies and decisions that affect his or her interests, to the service provider, government officials or any other person, without fear of interference, coercion, discrimination or reprisal.
8. A person receiving a community service has the right to be informed of the laws, rules and policies affecting the operation of the service provider and to be informed in writing of the procedures for initiating complaints about the service provider.
9. A person receiving a community service has the right to have his or her records kept confidential in accordance with the law. 1994, c. 26, s. 3 (1).

Guide to interpretation

(2) This Act and the regulations shall be interpreted so as to advance the objective that the rights set out in subsection (1) be respected. 1994, c. 26, s. 3 (2).

Deemed contract

(3) A service provider shall be deemed to have entered into a contract with each person receiving a community service from the service provider, agreeing to respect and promote the rights set out in subsection (1). 1994, c. 26, s. 3 (3).

PART IV FUNDING AND APPROVALS

Direct service provision or funding of service providers

4. The Minister,

- (a) may provide community services;
- (b) may establish, operate and maintain facilities for the provision of community services;
- (c) may make agreements with others for the provision of community services by them;
- (d) may make payments for community services provided by others;
- (e) may provide financial assistance with respect to operating expenditures incurred or to be incurred by others in connection with their provision of community services;
- (f) may provide financial assistance to agencies with respect to capital expenditures incurred or to be incurred by them in connection with their provision of community services; and
- (g) may make grants and contributions for the provision of community services and for consultation, research and evaluation with respect to community services. 1994, c. 26, s. 4.

Approval of agencies

5. (1) The Minister,

- (a) may approve an agency, other than an agency referred to in clause (b), to provide a community service if the Minister is satisfied that,
 - (i) the agency, with financial assistance under this Act or under the *Local Health System Integration Act, 2006*, will be financially capable of providing the service, and
 - (ii) the agency is or will be operated in compliance with the Bill of Rights set out in section 3 and with competence, honesty, integrity and concern for the health, safety and well-being of the persons receiving the service; and
- (b) shall approve,
 - (i) an agency that is an organization operating under the authority of a First Nation to provide a community service, if the Minister has entered into an agreement with the First Nation under clause 9 (1) (a) and the agency meets the requirements for approval set out in the agreement,
 - (ii) an agency that is an organization operating under the authority of a group of First Nations to provide a community service, if the Minister has entered into an agreement with the group of First Nations under clause 9 (1) (b) and the agency meets the requirements for approval set out in the agreement,
 - (iii) an agency that is an organization operating under the authority of an aboriginal community to provide a community service, if the Minister has entered into an agreement under clause 9 (1) (c) with the agency or an aboriginal organization other than the agency and the agency meets the requirements for approval set out in the agreement. 1994, c. 26, s. 5 (1); 2006, c. 4, s. 47 (2).

Financial and other assistance

(2) If the Minister approves an agency to provide a community service under subsection (1), the Minister may give the agency financial and other assistance. 1994, c. 26, s. 5 (2).

Effective date of approval

(3) If the Minister so specifies, an approval under subsection (1) shall be deemed to have taken effect on a day fixed by the Minister that is before the day on which the approval is given. 1994, c. 26, s. 5 (3).

Section Amendments with date in force (d/m/y)

2006, c. 4, s. 47 (2) - 01/05/2010

Approval of premises

6. (1) If the Minister is satisfied that premises are suitable for the provision of a community service, the Minister may approve the premises for the provision of the service by an approved agency and may give the agency financial and other assistance for the maintenance and operation of the premises and the provision of the service. 1994, c. 26, s. 6 (1).

Approval may relate to all or part of building, etc.

(2) The Minister's approval under subsection (1) may specify a building, several buildings, a part of a building or parts of several buildings as the approved premises. 1994, c. 26, s. 6 (2).

Effective date of approval

(3) If the Minister so specifies, an approval of premises under subsection (1) for the provision of a community service by an approved agency shall be deemed to have taken effect on a day fixed by the Minister that is before the day on which the approval of the premises is given but not before the day on which the approval of the agency under section 5 takes effect. 1994, c. 26, s. 6 (3); 2006, c. 19, Sched. L, s. 7.

Section Amendments with date in force (d/m/y)

2006, c. 19, Sched. L, s. 7 - 22/06/2006

Terms and conditions of approval

7. The Minister may impose terms and conditions on an approval given under subsection 5 (1) or 6 (1) and may from time to time amend or remove the terms and conditions or impose new terms and conditions. 1994, c. 26, s. 7.

Terms and conditions of financial assistance

8. (1) The Minister may impose terms and conditions on payments, grants, contributions and other financial assistance provided under this Act and may from time to time amend or remove the terms and conditions or impose new terms and conditions. 1994, c. 26, s. 8 (1).

Security for payment of funds

(2) Without limiting the generality of subsection (1), the Minister may, as a condition of providing funds under this Act, require the recipient of the funds to secure their repayment in the manner determined by the Minister. 1994, c. 26, s. 8 (2).

**PART V
AGREEMENTS WITH FIRST NATIONS OR ABORIGINAL ORGANIZATIONS**

Agreements with First Nations or aboriginal organizations

9. (1) The Minister may,
- (a) enter into an agreement with a First Nation to provide for community services for the people of the First Nation;
 - (b) enter into an agreement with a group of First Nations to provide for community services for the people of those First Nations;
 - (c) enter into an agreement with an aboriginal organization to provide for community services for the members of one or more aboriginal communities. 1994, c. 26, s. 9 (1).

Same

(2) An agreement under subsection (1) may provide for matters in addition to or in substitution for matters provided for in this Act or the regulations and it may also provide that one or more provisions of this Act or the regulations do not apply in respect of a First Nation, an aboriginal community or an organization referred to in clause (e) of the definition of "agency" in subsection 2 (1). 1994, c. 26, s. 9 (2).

Regulation

(3) If an agreement under subsection (1) provides that one or more provisions of this Act or the regulations do not apply, the Lieutenant Governor in Council shall, by regulation, name the party or parties with whom the Minister made the agreement, the date on which the agreement takes effect, the provisions of this Act and the regulations that do not apply and the persons in respect of whom the provisions do not apply. 1994, c. 26, s. 9 (3).

Agreement available for inspection

(4) At the request of any person, the Minister shall make a copy of an agreement made under subsection (1) available for inspection by the person during normal business hours at a place designated by the Minister. 1994, c. 26, s. 9 (4).

PART VI (ss. 10-18) REPEALED: 2011, c. 1, Sched. 6, s. 4 (6).

10.-15. REPEALED: 2011, c. 1, Sched. 6, s. 4 (6).

Section Amendments with date in force (d/m/y)

2011, c. 1, Sched. 6, s. 4 (6) - 30/03/2011

16. REPEALED: 2011, c. 1, Sched. 6, s. 4 (6).

Section Amendments with date in force (d/m/y)

2007, c. 8, s. 215 (2) - 01/07/2010

2011, c. 1, Sched. 6, s. 4 (6) - 30/03/2011

17., 18. REPEALED: 2011, c. 1, Sched. 6, s. 4 (6).

Section Amendments with date in force (d/m/y)

2011, c. 1, Sched. 6, s. 4 (6) - 30/03/2011

**PART VII
RULES GOVERNING APPROVED AGENCIES**

No transfer, encumbrance, etc.

19. No approved agency shall transfer, assign, lease, encumber, or otherwise convey an interest in, any of the assets it acquires with financial assistance from the Province of Ontario, except in accordance with the regulations. 1994, c. 26, s. 19.

By-laws

20. An approved agency that is a corporation described in clause (a) or (b) of the definition of “agency” in subsection 2 (1) shall pass by-laws containing the provisions prescribed for the class of agencies to which it belongs. 1994, c. 26, s. 20; 2011, c. 1, Sched. 6, s. 4 (7).

Section Amendments with date in force (d/m/y)

2011, c. 1, Sched. 6, s. 4 (7) - 30/03/2011

Filing

21. (1) REPEALED: 2011, c. 1, Sched. 6, s. 4 (8).

Same

(2) An approved agency that is a corporation described in clause (a) of the definition of “agency” in subsection 2 (1) shall file a copy of each of the following documents with the Minister promptly after the document is issued or made:

1. The agency’s letters patent.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 1 is repealed and the following substituted:

1. The agency’s articles of incorporation.

See: 2010, c. 15, ss. 232 (2), 249.

2. Each of the agency’s supplementary letters patent.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 2 is repealed and the following substituted:

2. Each of the agency’s articles of amendment.

See: 2010, c. 15, ss. 232 (2), 249.

3. Each of the agency’s by-laws and each of the amendments to its by-laws. 1994, c. 26, s. 21 (2).

Same

(3) An approved agency that is a corporation described in clause (b) of the definition of “agency” in subsection 2 (1) shall file a copy of each of the following documents with the Minister promptly after the document is issued or made:

1. The agency’s certificate of incorporation with the articles of incorporation attached, the agency’s certificate of amalgamation with the articles of amalgamation attached, or the agency’s certificate of continuation with the articles of continuation attached.
2. Each of the agency’s certificates of amendment with the articles of amendment attached and each of the agency’s restated certificates of incorporation with the restated articles of incorporation attached.
3. Each of the agency’s by-laws and each of the amendments to its by-laws. 1994, c. 26, s. 21 (3).

No conflict

(4) An approved agency that is required to file documents under subsection (2) or (3) shall ensure that none of the documents it is required to file conflicts with any of the following:

1. This Act.
2. The regulations.
3. The provisions required by section 20 to be contained in the agency's by-laws.
4. The terms and conditions imposed by the Minister under section 7 or 8. 1994, c. 26, s. 21 (4); 2011, c. 1, Sched. 6, s. 4 (9, 10).

Solicitor's certificate

(5) When filing a document under subsection (2) or (3), the approved agency shall also file with the Minister a certificate of the agency's solicitor certifying that the document does not conflict with any of the items referred to in subsection (4). 1994, c. 26, s. 21 (5); 2011, c. 1, Sched. 6, s. 4 (11).

Section Amendments with date in force (d/m/y)

2010, c. 15, s. 232 (2) - not in force

2011, c. 1, Sched. 6, s. 4 (8-11) - 30/03/2011

Plan of service

22. (1) When a person applies to an approved agency for any of the community services that the agency provides or arranges, the agency shall,

- (a) assess the person's requirements;
- (b) determine the person's eligibility for the services that the person requires; and
- (c) for each person who is determined to be eligible, develop a plan of service that sets out the amount of each service to be provided to the person. 1994, c. 26, s. 22 (1).

Revision of plan of service

(2) If a person is receiving a community service provided or arranged by an approved agency, the agency shall,

- (a) review the person's requirements when appropriate, depending on the person's condition and circumstances; and
- (b) evaluate the person's plan of service and revise it as necessary when the person's requirements change. 1994, c. 26, s. 22 (2).

Co-ordination of services

(3) If a person is receiving more than one community service provided or arranged by an approved agency, the agency shall assist the person in co-ordinating the services he or she receives, in accordance with the person's wishes. 1994, c. 26, s. 22 (3).

Participation in plan of service

(4) An approved agency shall provide an opportunity to participate fully in the development, evaluation and revision of a plan of service to,

- (a) the person who is the subject of the plan of service;
- (b) if the person who is the subject of the plan of service is mentally incapable, the person or persons who are lawfully authorized to make a decision on his or her behalf concerning the community services in the plan of service; and
- (c) the person, if any, designated by the persons referred to in clauses (a) and (b). 1994, c. 26, s. 22 (4); 1996, c. 2, s. 71 (2).

Other assessments to be considered

(5) In assessing a person's requirements under clause (1) (a) and in reviewing a person's requirements under clause (2) (a), an approved agency shall take into account all assessments and information that are provided to it relating to the person's capacity, the person's impairment or the person's requirements for health care or community services. 1994, c. 26, s. 22 (5); 1996, c. 2, s. 71 (3).

Person's preferences to be considered

(6) In developing, evaluating and revising a person's plan of service, an approved agency shall take into account the person's preferences, including preferences based on ethnic, spiritual, linguistic, familial and cultural factors. 1994, c. 26, s. 22 (6).

Compliance with regulations

(7) An approved agency shall apply the prescribed criteria, follow the prescribed procedures and comply with the prescribed rules and standards in assessing a person's requirements, determining a person's eligibility and developing, evaluating and revising a plan of service. 1994, c. 26, s. 22 (7).

Section Amendments with date in force (d/m/y)

1996, c. 2, s. 71 (2, 3) - 29/03/1996

Provision of services

23. (1) An approved agency shall ensure that the services outlined in a person's plan of service are provided to the person within a time that is reasonable in the circumstances. 1994, c. 26, s. 23 (1).

Waiting list

(2) If a community service outlined in a person's plan of service is not immediately available, the approved agency shall place the person on the waiting list for that service and shall advise the person when the service becomes available. 1994, c. 26, s. 23 (2).

Consent required

24. Nothing in this Act authorizes an approved agency to assess a person's requirements, determine a person's eligibility or provide a community service to a person, without the person's consent. 1994, c. 26, s. 24.

Notice

25. (1) An approved agency shall give a notice to,

- (a) each person receiving a community service provided or arranged by the approved agency;
- (b) if the person receiving the community service is mentally incapable, the person who is lawfully authorized to make a decision on his or her behalf concerning the community service; and
- (c) the person, if any, designated by the persons referred to in clauses (a) and (b). 1994, c. 26, s. 25 (1); 1996, c. 2, s. 71 (4).

Content of notice

(2) The notice,

- (a) shall set out the rights listed in subsection 3 (1) and shall state that the approved agency and the service providers, if any, from whom the approved agency purchases community services are obliged to respect and promote those rights;
- (b) shall set out the procedures for making complaints or suggestions respecting the approved agency and the service providers, if any, from whom the approved agency purchases community services;
- (c) shall state that a request for access to a record of personal health information may be made by a person entitled to the access under the *Personal Health Information Protection Act, 2004*, and shall specify the person to whom the request must be made;
- (d) REPEALED: 2004, c. 3, Sched. A, s. 89 (5).
- (e) shall, if the agency has entered into an agreement with the Minister under clause 4 (c) or a service accountability agreement with a local health integration network, state that a person referred to in clause (1) (a), (b) or (c) has a right to review the agreement at the location and times specified in the notice; and
- (f) shall set out such other matters as are prescribed. 1994, c. 26, s. 25 (2); 2004, c. 3, Sched. A, s. 89 (5); 2006, c. 4, s. 47 (3).

Format of notice

(3) The notice shall be given in writing, subject to subsection (4). 1994, c. 26, s. 25 (3).

Same

(4) If the person to whom the notice is required to be given requests that the notice be given in one of the alternative formats prescribed by the regulations, the approved agency shall give the notice to the person in the requested format instead of in writing. 1994, c. 26, s. 25 (4).

Review of agreement

(5) If a person attempts to exercise the right referred to in clause (2) (e) at the location and time specified in the notice, the approved agency shall ensure that the person is allowed to exercise the right. 1994, c. 26, s. 25 (5).

Section Amendments with date in force (d/m/y)

1996, c. 2, s. 71 (4) - 29/03/1996

2004, c. 3, Sched. A, s. 89 (5) - 01/11/2004

2006, c. 4, s. 47 (3) - 01/05/2010

Plan respecting abuse

26. (1) An approved agency shall develop and implement a plan for preventing, recognizing and addressing physical, mental and financial abuse of persons who receive community services provided by the agency or purchased by the agency from other service providers. 1994, c. 26, s. 26 (1).

Same

(2) The plan required under subsection (1) shall provide, among other things, for the education and training of the approved agency's employees and volunteers in methods of preventing, recognizing and addressing physical, mental and financial abuse. 1994, c. 26, s. 26 (2).

Quality management

27. An approved agency shall ensure that a quality management system is developed and implemented for monitoring, evaluating and improving the quality of the community services provided or arranged by the agency. 1994, c. 26, s. 27.

Charges for services

No charge for certain services

28. (1) If an approved agency provides or arranges the provision to a person of a professional or personal support service in accordance with the person's plan of service, the approved agency shall not require payment from the person for the service and shall not accept a payment made by or on behalf of the person for the service. 1994, c. 26, s. 28 (1).

Rules for charges for other services

(2) Subject to subsection (3), if an approved agency provides or arranges the provision to a person of a homemaking or community support service in accordance with the person's plan of service, the approved agency may require payment from the person for the service and may accept a payment made by or on behalf of the person for the service. 2016, c. 30, s. 40 (1).

LHINs providing services

(3) If a local health integration network provides or arranges the provision to a person of a homemaking or community support service in accordance with the person's plan of service, the network shall not require payment from the person for the service and shall not accept a payment made by or on behalf of the person for the service. 2016, c. 30, s. 40 (1).

Section Amendments with date in force (d/m/y)

2016, c. 30, s. 40 (1) - 08/12/2016

**PART VII.1
PROVISION OF COMMUNITY SERVICES BY LOCAL HEALTH INTEGRATION NETWORKS**

Provision of community services

28.1 (1) Despite subsection 5 (1), the Minister may approve a local health integration network to provide a community service for the residents of the geographic area of the local health integration network. 2016, c. 30, s. 40 (2).

Effective date of approval

(2) If the Minister so specifies, an approval under subsection (1) shall be deemed to have taken effect on a day fixed by the Minister that is before the day on which the approval is given. 2016, c. 30, s. 40 (2).

Section Amendments with date in force (d/m/y)

2016, c. 30, s. 40 (2) - 08/12/2016

Terms and conditions

28.2 The Minister may impose terms and conditions on an approval given under subsection 28.1 (1) and may from time to time amend or remove the terms and conditions or impose new terms and conditions. 2016, c. 30, s. 40 (2).

Section Amendments with date in force (d/m/y)

2016, c. 30, s. 40 (2) - 08/12/2016

Funding, etc.

28.3 (1) If the Minister approves a local health integration network to provide a community service under section 28.1, the Minister may,

- (a) fund the local health integration network for the purpose of providing community services and set terms and conditions with respect to such funding; and
- (b) enter into an agreement with the local health integration network for the purpose of providing community services. 2016, c. 30, s. 40 (2).

Deemed accountability agreement

(2) An agreement entered into under subsection (1) is deemed to be an accountability agreement for the purposes of section 18 of the *Local Health System Integration Act, 2006*. 2016, c. 30, s. 40 (2).

Section Amendments with date in force (d/m/y)

2016, c. 30, s. 40 (2) - 08/12/2016

Application of Act to LHIN providing community services

28.4 (1) When a local health integration network provides a community service as approved by the Minister under subsection 28.1 (1), the network is deemed to be an approved agency or service provider, as the case may be, for the purpose of this Act and the regulations under this Act, and the network shall provide the services in accordance with this Act and the regulations under this Act except that the following provisions of this Act and the regulations that apply under those sections do not apply to a network:

1. Sections 19, 20 and 21.
2. Clause 25 (2) (e) and subsection 25 (5).
3. Clause 31 (b).
4. Part X (other than subsection 56 (1)). 2016, c. 30, s. 40 (2).

Clarification

(2) For greater clarity, a local health integration network is deemed to be an approved agency and not a service provider for the purposes of clauses 25 (2) (a) and (b), subsection 26 (1) and section 29. 2016, c. 30, s. 40 (2).

Section Amendments with date in force (d/m/y)

2016, c. 30, s. 40 (2) - 08/12/2016

Funding by LHINs

28.5 (1) The Minister may approve a local health integration network to provide funding to or on behalf of a person to purchase a prescribed community service in accordance with this section. 2016, c. 30, s. 40 (2).

Effective date of approval

(2) If the Minister so specifies, an approval under subsection (1) shall be deemed to have taken effect on a day fixed by the Minister that is before the day on which the approval is given. 2016, c. 30, s. 40 (2).

Terms and conditions of approval

(3) The Minister may impose terms and conditions on an approval given under subsection (1) and may from time to time amend or remove the terms and conditions or impose new terms and conditions. 2016, c. 30, s. 40 (2).

Requirements

(4) The following requirements apply with respect to funding provided by a local health integration network pursuant to an approval given under subsection (1):

1. The network may only provide funding for those community services that are prescribed.
2. Funding may only be provided for a person for whom the network has developed a plan of service under section 22.

3. The person may apply to the network for the funding after the plan of service has been developed, and the network may determine whether the person is eligible for funding in accordance with the approval and the regulations, if any.
4. If the network determines that the person is eligible to receive funding, the network may provide the funding based upon the person's plan of service, and in accordance with the approval and the regulations, if any.
5. The network shall, when it reviews and evaluates the person's plan of service under subsection 22 (2), make any revisions to the funding that are appropriate in consequence, and despite paragraph 7, Part IX applies with respect to a decision by the network respecting the amount of any community services to be included in the person's plan of service.
6. The local health integration network may impose terms and conditions on the funding provided to or on behalf of the person to purchase the community services set out in the person's plan of service and may from time to time amend or remove the terms and conditions or impose new terms and conditions.
7. The other provisions of this Act, and the regulations made under this Act, do not apply to the network, other than,
 - i. the definitions in Part II,
 - ii. section 22,
 - iii. sections 59, 59.1, 64 and 66,
 - iv. the regulations made for the purposes of this section,
 - v. any provisions of this Act or the regulations that are made to apply by virtue of regulations made for the purposes of this section. 2016, c. 30, s. 40 (2).

Protection from liability

(5) No action or other proceeding for damages or otherwise, other than an application for judicial review under the *Judicial Review Procedure Act*, shall be commenced against the Crown, the Minister, a local health integration network, any member, director or officer of a local health integration network, or any person employed by the Crown, the Minister or a local health integration network with respect to any act done or omitted to be done or any decision made under this section that is done in good faith in the execution or intended execution of a power or duty under this section. 2016, c. 30, s. 40 (2).

Section Amendments with date in force (d/m/y)

2016, c. 30, s. 40 (2) - 08/12/2016

**PART VIII
RULES GOVERNING SERVICE PROVIDERS**

Purchased services: payment

29. (1) If an approved agency purchases a community service from a service provider in accordance with a person's plan of service, the service provider shall not require or accept payment for the service from anyone other than the approved agency. 1994, c. 26, s. 29 (1).

Purchased services: collection of fee from recipient

(2) Despite subsection (1), the service provider may collect on behalf of the approved agency the amount that the approved agency requires the person receiving the service to pay under section 28. 1994, c. 26, s. 29 (2).

Documents and information for Minister

30. A service provider shall,

- (a) give the Minister the prescribed reports, documents and information at the prescribed times; and
- (b) give the Minister such reports, documents and information as the Minister requests at the times specified by the Minister. 1994, c. 26, s. 30.

Posting

31. A service provider shall post in his, her or its business premises,

- (a) a copy of section 3;
- (b) a copy of the agreement, if any, made between the service provider and the Minister under clause 4 (c) or a service accountability agreement with a local health integration network; and

(c) such other documents and information as are prescribed. 1994, c. 26, s. 31; 2006, c. 4, s. 47 (4).

Section Amendments with date in force (d/m/y)

2006, c. 4, s. 47 (4) - 01/05/2010

Permitted disclosure of personal health information

32. A service provider may disclose a record of personal health information to the Minister if the disclosure is for the purpose of enabling the Minister to exercise a power under section 64. 2004, c. 3, Sched. A, s. 89 (6).

Section Amendments with date in force (d/m/y)

1996, c. 2, s. 71 (5-11) - 29/03/1996

2004, c. 3, Sched. A, s. 89 (6) - 01/11/2004

Disclosure pursuant to summons, order, etc.

33. (1) Subject to this section, a service provider shall disclose a record of personal health information as required by a summons, order, direction, notice or similar requirement, in connection with a matter that is in issue or that may be in issue in a court or under an Act. 1994, c. 26, s. 33 (1); 2004, c. 3, Sched. A, s. 89 (7).

Statement by service provider

(2) If the service provider states in writing that, in the opinion of the service provider, disclosure of the record of personal health information or a part of the record is likely to result in serious physical or serious emotional harm to the person to whom the record relates or to another person, the service provider shall not disclose the record, or the part of the record, specified in the statement, unless the service provider is ordered to do so by the court or the administrative body before which the matter is or may be in issue, after a hearing from which the public is excluded and that is held on notice to the service provider. 1994, c. 26, s. 33 (2); 2004, c. 3, Sched. A, s. 89 (8).

Examination of record of personal health information

(3) The court or the administrative body holding a hearing under subsection (2) may examine the record of personal health information in order to determine whether it should be disclosed, and at the request of the court or the administrative body, the service provider shall disclose the record to the court or the administrative body for the purpose of such examination. 1994, c. 26, s. 33 (3); 2004, c. 3, Sched. A, s. 89 (9).

Order

(4) After a hearing under subsection (2), the court or the administrative body may order the service provider to disclose the record, or the part of the record, specified in the notice,

- (a) if the court or body is not satisfied that the disclosure is likely to result in serious physical or serious emotional harm to the person to whom the record relates or to another person, or
- (b) if, despite being satisfied that the disclosure is likely to result in serious physical or serious emotional harm to the person to whom the record relates or to another person, the court or body is satisfied that the disclosure is essential in the interests of justice. 1994, c. 26, s. 33 (4).

Return of record to service provider

(5) If, under this section, a record of personal health information is admitted into evidence in a proceeding in a court or before an administrative body or is given to a person, the clerk of the court or body in which the record was admitted into evidence or the person to whom the record was given shall return the record to the service provider promptly after the determination of the matter in issue in respect of which the record was required. 1994, c. 26, s. 33 (5); 2004, c. 3, Sched. A, s. 89 (10).

Section Amendments with date in force (d/m/y)

2004, c. 3, Sched. A, s. 89 (7-10) - 01/11/2004

Disclosure to Appeal Board

34. In a proceeding before the Appeal Board under this Act in respect of a person, a service provider who has the custody or the control of a record of personal health information respecting the person shall disclose it to the Appeal Board at the request of any party to the proceeding. 2004, c. 3, Sched. A, s. 89 (11).

Section Amendments with date in force (d/m/y)

2004, c. 3, Sched. A, s. 89 (11) - 01/11/2004

Non-disclosure of information in proceedings

35. (1) Subject to subsection (2), no person shall disclose, in a proceeding in a court or before an administrative body, information about a person obtained in the course of,

- (a) an assessment or review of the person's requirements for community services;
- (b) a determination of the person's eligibility for a community service;
- (c) the development or revision of a plan of service for the person;
- (d) the provision of a community service to the person; or
- (e) employment by a service provider. 1994, c. 26, s. 35 (1).

Exception

(2) A person may disclose information described in subsection (1) in a proceeding before a court or an administrative body if,

- (a) the disclosure is consented to,
 - (i) if the person to whom the information relates is mentally capable, by the person to whom the information relates, or
 - (ii) if the person to whom the information relates is mentally incapable, by his or her substitute decision-maker; or
- (b) the court or body determines that the disclosure is essential in the interests of justice, after a hearing from which the public is excluded and that is held,
 - (i) if the person to whom the information relates is mentally capable, on notice to the person to whom the information relates, or
 - (ii) if the person to whom the information relates is mentally incapable, on notice to his or her substitute decision-maker. 1994, c. 26, s. 35 (2); 1996, c. 2, s. 71 (12, 13).

Non-application

(3) This section does not apply to a proceeding before the Appeal Board under this Act. 2004, c. 3, Sched. A, s. 89 (12).

Same

(4) This section does not apply to a proceeding before a court or an administrative body that is commenced by or on behalf of the person to whom the information relates and that relates to a community service provided to or applied for by the person. 1994, c. 26, s. 35 (4).

Section Amendments with date in force (d/m/y)

1996, c. 2, s. 71 (12, 13) - 29/03/1996

2004, c. 3, Sched. A, s. 89 (12) - 01/11/2004

Conflict

35.1 Sections 33, 34 and 35 prevail despite anything to the contrary in the *Personal Health Information Protection Act, 2004*. 2004, c. 3, Sched. A, s. 89 (13).

Section Amendments with date in force (d/m/y)

2004, c. 3, Sched. A, s. 89 (13) - 01/11/2004

Access to records

36. (1) Despite subsection 89 (14) of Schedule A to the *Health Information Protection Act, 2004*, this section, as it read immediately before that subsection came into force, continues to apply to a request for access that a person made under this section before that subsection came into force. 2004, c. 3, Sched. A, s. 89 (14).

Explanation of plan of service

(2) If a person who makes a request to an approved agency for access to his or her plan of service also requests that the approved agency provide an explanation of the plan of service, the approved agency shall provide the explanation when it gives the person access to the plan of service. 2004, c. 3, Sched. A, s. 89 (14).

Section Amendments with date in force (d/m/y)

1996, c. 2, s. 71 (14-18) - 29/03/1996

2004, c. 3, Sched. A, s. 89 (14) - 01/11/2004

37. REPEALED: 2004, c. 3, Sched. A, s. 89 (15).

Section Amendments with date in force (d/m/y)

2004, c. 3, Sched. A, s. 89 (15) - 01/11/2004

Compliance with regulations

38. In providing or arranging the provision of community services and in performing its other functions and duties under this Act, a service provider shall comply with the prescribed rules and standards and shall follow the prescribed procedures. 1994, c. 26, s. 38.

**PART IX
COMPLAINTS AND APPEALS**

Complaints

39. (1) An approved agency shall establish a process for reviewing complaints made to it by a person about any of the following matters:

1. A decision by the approved agency that the person is not eligible to receive a particular community service.
2. A decision by the approved agency to exclude a particular community service from the person's plan of service.
3. A decision by the approved agency respecting the amount of any particular community service to be included in the person's plan of service.
4. A decision by the approved agency to terminate the provision of a community service to the person.
5. The quality of a community service provided to the person or arranged for the person by the approved agency.
6. An alleged violation by the approved agency of any of the person's rights set out in subsection 3 (1). 1994, c. 26, s. 39 (1).

Complaint under par. 5 or 6 of subs. (1)

(2) Within 60 days after a complaint is made to an approved agency about a matter referred to in paragraph 5 or 6 of subsection (1), the approved agency shall review the complaint and respond to the person who made the complaint. 1994, c. 26, s. 39 (2).

Complaint under par. 1, 2, 3 or 4 of subs. (1)

(3) Within 60 days after a complaint is made to an approved agency about a decision referred to in paragraph 1, 2, 3 or 4 of subsection (1), the approved agency shall,

- (a) affirm the decision and give a written notice of the affirmation to the persons referred to in subsection (4);
- (b) rescind the decision and give a written notice of the rescission to the persons referred to in subsection (4); or
- (c) rescind the decision, substitute a new decision in its place and give a copy of the new decision to the persons referred to in subsection (4). 1994, c. 26, s. 39 (3).

Who must be given notice

- (4) A notice under clause (3) (a) or (b) or a copy of a decision under clause (3) (c) shall be given,
- (a) to the person to whom the decision relates; and
 - (b) if the person to whom the decision relates is mentally incapable, to the person who is lawfully authorized to make a decision on his or her behalf concerning the community service. 1996, c. 2, s. 71 (19).

Section Amendments with date in force (d/m/y)

1996, c. 2, s. 71 (19) - 29/03/1996

Appeals

Appeal of original decision

40. (1) A person to whom a decision referred to in paragraph 1, 2, 3 or 4 of subsection 39 (1) relates and who has made a complaint to the approved agency about the decision may appeal the decision to the Appeal Board if,

- (a) either of the persons referred to in subsection 39 (4) receives a notice of the affirmation of the decision under clause 39 (3) (a); or
- (b) neither of the persons referred to in subsection 39 (4) receives a notice under clause 39 (3) (a) or (b) or a copy of a decision under clause 39 (3) (c) within 60 days after the complaint is made. 1994, c. 26, s. 40 (1).

Appeal of new decision

(2) A person to whom a decision referred to in paragraph 1, 2, 3 or 4 of subsection 39 (1) relates and who has made a complaint to the approved agency about the decision may, if either of the persons referred to in subsection 39 (4) receives a copy of the approved agency's new decision under clause 39 (3) (c), appeal the new decision to the Appeal Board. 1994, c. 26, s. 40 (2).

Notice

(3) To appeal the decision of the approved agency to the Appeal Board under subsection (1) or (2), the person shall give the Appeal Board a notice requiring a hearing. 1994, c. 26, s. 40 (3).

Hearing

41. (1) If a person appeals a decision of an approved agency to the Appeal Board in accordance with section 40, the Appeal Board shall promptly appoint a time and place for a hearing. 1994, c. 26, s. 41 (1).

When hearing to begin

(2) The hearing shall begin within 30 days after the day the Appeal Board receives the notice requiring the hearing, unless the parties agree to a postponement. 1994, c. 26, s. 41 (2).

Notice of hearing

(3) The Appeal Board shall give each of the parties and the Minister at least seven days notice of the time and place of the hearing. 1994, c. 26, s. 41 (3).

Parties

42. The parties to a proceeding before the Appeal Board under this Act are the person appealing the approved agency's decision, the approved agency whose decision is being appealed and any other persons specified by the Appeal Board. 1994, c. 26, s. 42.

Minister entitled to be heard

43. The Minister is entitled to be heard by counsel or otherwise in a proceeding before the Appeal Board under this Act. 1994, c. 26, s. 43.

44., 45. REPEALED: 1998, c. 18, Sched. G, s. 65 (2).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. G, s. 65 (2) - 01/02/1999

Evidence of person unable to attend

46. (1) If a party to a proceeding before the Appeal Board under this Act wishes to give evidence in the proceeding or wishes to call another person as a witness to give evidence in the proceeding but the party or other person is unable to attend the hearing by reason of age, infirmity or physical disability, the Appeal Board members holding the hearing may, at the request of the party, attend upon the party or the other person, as the case may be, and take his or her evidence. 1994, c. 26, s. 46 (1).

Medical report proves inability

(2) A medical report signed by a legally qualified medical practitioner stating that the practitioner believes that the person is unable to attend the hearing by reason of age, infirmity or physical disability is proof, in the absence of evidence to the contrary, of the inability of the person to attend the hearing. 1994, c. 26, s. 46 (2).

Notice to all parties

(3) No Appeal Board member shall take evidence from anyone under subsection (1) unless reasonable notice of the time and place for taking the evidence is given to all parties to the proceeding and each party attending is given an opportunity to examine or cross-examine the person giving the evidence. 1994, c. 26, s. 46 (3).

Health Insurance Act applies

47. Subsections 23 (1), (2), (4) and (6) of the *Health Insurance Act* apply to the proceedings and decisions of the Appeal Board under this Act. 1998, c. 18, Sched. G, s. 65 (3).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. G, s. 65 (3) - 01/02/1999

Decision of Appeal Board

48. (1) After a hearing by the Appeal Board under this Act, the Appeal Board may,

- (a) affirm the decision of the approved agency;
- (b) rescind the decision of the approved agency and refer the matter back to the approved agency for a new decision in accordance with such directions as the Appeal Board considers appropriate; or
- (c) rescind the decision of the approved agency, substitute its opinion for that of the approved agency and direct the approved agency to implement the decision of the Appeal Board in accordance with such directions as the Appeal Board considers appropriate. 1994, c. 26, s. 48 (1).

(2) REPEALED: 1998, c. 18, Sched. G, s. 65 (4).

Decision and reasons

(3) The Appeal Board shall render its decision within three days after the end of the hearing and shall provide written reasons to the parties as soon as possible after rendering the decision. 1994, c. 26, s. 48 (3).

Decision to Minister

(4) The Appeal Board shall give the Minister a copy of its decision and reasons. 1994, c. 26, s. 48 (4).

Decision final

(5) A decision of the Appeal Board under this Act is final and binding and is not subject to appeal. 1994, c. 26, s. 48 (5).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. G, s. 65 (4) - 01/02/1999

49. REPEALED: 1998, c. 18, Sched. G, s. 65 (5).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. G, s. 65 (5) - 01/02/1999

**PART X
REVOCATION AND TAKEOVER POWERS**

Revocation or suspension of approval of agency

50. The Minister may revoke or suspend an approval of an agency given under subsection 5 (1) if,

- (a) REPEALED: 2011, c. 1, Sched. 6, s. 4 (12).
- (b) the agency requests the Minister to revoke or suspend its approval or consents to the revocation or suspension of its approval;
- (c) the Minister believes on reasonable grounds that,
 - (i) the agency has contravened a term or condition imposed on the approval under section 7,
 - (ii) the agency has contravened a provision of this Act or the regulations,
 - (iii) the agency has breached a provision of the agreement, if any, entered into with the Minister under clause 4 (c),
 - (iii.1) the agency has breached a provision of the service accountability agreement, if any, entered into with a local health integration network,
 - (iv) the agency is not, with financial assistance under this Act, financially capable of providing the services that it has been approved to provide, or
 - (v) the agency is not being operated with competence, honesty, integrity and concern for the health, safety and well-being of the persons receiving its services; or

- (d) a local health integration network has issued an integration decision as defined in the *Local Health System Integration Act, 2006* or the Minister has made an order under section 28 of that Act to the agency. 1994, c. 26, s. 50; 2006, c. 4, s. 47 (5, 6); 2011, c. 1, Sched. 6, s. 4 (12).

Section Amendments with date in force (d/m/y)

2006, c. 4, s. 47 (5, 6) - 01/05/2010

2011, c. 1, Sched. 6, s. 4 (12) - 30/03/2011

Revocation or suspension of approval of premises

- 51.** The Minister may revoke or suspend an approval of premises given to an agency under subsection 6 (1) if,
- (a) the agency requests the Minister to revoke or suspend the approval or consents to the revocation or suspension of the approval;
 - (b) the approval of the agency given under subsection 5 (1) is revoked or suspended;
 - (c) the Minister believes on reasonable grounds that,
 - (i) the agency has contravened a term or condition imposed on the approval of the premises under section 7,
 - (ii) the agency has contravened a provision of this Act or the regulations, or
 - (iii) the premises are not suitable for providing the service for which they were approved; or
 - (d) a local health integration network has issued an integration decision as defined in the *Local Health System Integration Act, 2006* or the Minister has made an order under section 28 of that Act to the agency. 1994, c. 26, s. 51; 2006, c. 4, s. 47 (7).

Section Amendments with date in force (d/m/y)

2006, c. 4, s. 47 (7) - 01/05/2010

52. REPEALED: 2011, c. 1, Sched. 6, s. 4 (12).

Section Amendments with date in force (d/m/y)

2006, c. 4, s. 47 (8, 9) - 01/05/2010

2011, c. 1, Sched. 6, s. 4 (12) - 30/03/2011

Takeovers by Minister

Conditions for takeover

- 53.** (1) The Minister may exercise a power set out in subsection (2) with respect to an approved agency if,
- (a) the agency requests the Minister to exercise the power or consents to the exercise of the power;
 - (b) the approval of the agency given under subsection 5 (1) is revoked or suspended; or
 - (c) the Minister believes on reasonable grounds that,
 - (i) the agency has contravened a term or condition imposed under section 7 on an approval given to the agency under subsection 5 (1) or 6 (1),
 - (ii) REPEALED: 2011, c. 1, Sched. 6, s. 4 (12).
 - (iii) the agency has contravened a provision of this Act or the regulations,
 - (iv) the agency has breached a provision of the agreement, if any, entered into with the Minister under clause 4 (c),
 - (iv.1) the agency has breached a provision of the service accountability agreement, if any, entered into with a local health integration network,
 - (v) the agency is not, with financial assistance under this Act, financially capable of providing the services it has been approved to provide, or
 - (vi) REPEALED: 2011, c. 1, Sched. 6, s. 4 (13).
 - (vii) the agency is not being operated with competence, honesty, integrity and concern for the health, safety and well-being of the persons receiving its services. 1994, c. 26, s. 53 (1); 2006, c. 4, s. 47 (10); 2011, c. 1, Sched. 6, s. 4 (12, 13).

Takeover

(2) For the purpose of subsection (1), the Minister may exercise the following powers:

1. With respect to an approved agency that is a corporation described in clause (a) or (b) of the definition of “agency” in subsection 2 (1),
 - i. the power to remove some or all of the directors of the agency and appoint others in their place,
 - ii. the power to take control of, operate and manage the agency or a part of the agency in the place of its board of directors.
2. With respect to an approved agency that is a municipality, the power to take control of, operate and manage that part of the agency that provides the community services that the agency was approved to provide. 1994, c. 26, s. 53 (2); 2011, c. 1, Sched. 6, s. 4 (14).

Section Amendments with date in force (d/m/y)

2006, c. 4, s. 47 (10) - 01/05/2010

2011, c. 1, Sched. 6, s. 4 (12-14) - 30/03/2011

Takeovers: notice and hearing

Notice of proposal

54. (1) If the Minister proposes to act under clause 50 (c), 51 (c) or 53 (1) (c), the Minister shall serve on the agency notice of the proposal and the reasons for it, unless the agency has consented to the proposal. 1994, c. 26, s. 54 (1); 2011, c. 1, Sched. 6, s. 4 (15).

Same

(2) The notice shall inform the agency of the requirements set out in subsection (5) for entitlement to a hearing. 1994, c. 26, s. 54 (2).

Service of notice

(3) The notice may be served by delivering it or mailing it to the agency at its most recent address known to the Minister. 1994, c. 26, s. 54 (3).

Deemed time of service

(4) If the notice is mailed, it shall be deemed to have been served on the seventh day after the day of mailing. 1994, c. 26, s. 54 (4).

Entitlement to hearing

(5) The agency is entitled to a hearing under this section if it mails or delivers a request for a hearing to the Minister within 60 days after the Minister’s notice is served on it. 1994, c. 26, s. 54 (5).

If agency does not require hearing

(6) If the agency does not require a hearing in accordance with subsection (5), the Minister may carry out the proposal set out in the Minister’s notice. 1994, c. 26, s. 54 (6).

Appointment of person to conduct hearing

(7) If the Minister proposes to act under clause 50 (c) or 51 (c) and the agency requires a hearing in accordance with subsection (5), the Minister shall appoint one or more persons not employed by the Ministry to hear the matter and recommend whether the Minister should carry out the proposal. 1994, c. 26, s. 54 (7).

Same

(8) If the Minister proposes to act under clause 53 (1) (c) and the agency requires a hearing in accordance with subsection (5), the Lieutenant Governor in Council shall appoint one or more persons not employed by the Ministry to hear the matter and recommend whether the Minister should carry out the proposal. 1994, c. 26, s. 54 (8); 2011, c. 1, Sched. 6, s. 4 (16).

Procedure

(9) Sections 17, 18, 19 and 20 of the *Statutory Powers Procedure Act* do not apply to a hearing under this section. 1994, c. 26, s. 54 (9).

Report to Minister and agency

(10) The person or persons appointed under subsection (7) or (8) shall hold a hearing and shall give the Minister and the agency a report setting out,

- (a) recommendations as to the carrying out of the proposal;
- (b) the findings of fact, the information and the knowledge used in making the recommendations; and
- (c) the conclusions of law arrived at that are relevant to the recommendations. 1994, c. 26, s. 54 (10).

Minister's decision

(11) After considering a report provided under subsection (10), the Minister may carry out the proposal and shall give the agency written notice of his or her decision respecting the proposal together with written reasons for the decision. 1994, c. 26, s. 54 (11).

Section Amendments with date in force (d/m/y)

2011, c. 1, Sched. 6, s. 4 (15, 16) - 30/03/2011

Provisional exercise of power without hearing

55. (1) Despite section 54, on notice to the agency, the Minister may provisionally exercise a power under clause 50 (c), 51 (c) or 53 (1) (c) without a hearing if, in the Minister's opinion, it is necessary to do so to avert an immediate threat to a person's health, safety or well-being. 1994, c. 26, s. 55 (1); 2011, c. 1, Sched. 6, s. 4 (17).

Content of notice

- (2) The notice to the agency under subsection (1) shall set out,
 - (a) the powers the Minister will be exercising;
 - (b) the Minister's opinion on which the provisional exercise of the powers is based; and
 - (c) the reasons for the Minister's opinion. 1994, c. 26, s. 55 (2).

Continuation of exercise of power

(3) As soon as possible after a power is exercised under subsection (1), the procedure set out in section 54 shall be followed to determine whether the power should continue to be exercised. 1994, c. 26, s. 55 (3).

Section Amendments with date in force (d/m/y)

2011, c. 1, Sched. 6, s. 4 (17) - 30/03/2011

Order to suspend or cease activity

56. (1) If the Minister believes on reasonable grounds that an activity carried on, or the manner of carrying on an activity, in the course of the provision of a community service is causing or is likely to cause harm to a person's health, safety or well-being, the Minister may by order require the service provider to suspend or cease the activity and may take any other action that the Minister considers to be in the best interests of the persons receiving the community service. 1994, c. 26, s. 56 (1).

Notice of proposal

(2) If the Minister proposes to act under subsection (1), the Minister shall serve on the service provider notice of the proposal and the reasons for it. 1994, c. 26, s. 56 (2).

s. 54 applies

(3) Subsections 54 (2) to (11), except subsection (8), apply with necessary modifications to a proposal under this section. 1994, c. 26, s. 56 (3).

When order may be made without hearing

(4) Despite subsections (2) and (3), the Minister may, without a hearing, require by order that the service provider immediately suspend or cease the activity if, in the Minister's opinion, the continuation of the activity is an immediate threat to a person's health, safety or well-being. 1994, c. 26, s. 56 (4).

Content of order

- (5) The order to the service provider under subsection (4) shall set out,
 - (a) the Minister's opinion on which the order is based; and
 - (b) the reasons for the Minister's opinion. 1994, c. 26, s. 56 (5).

Continuation of suspension or cessation

(6) As soon as possible after an order is made under subsection (4), the procedure set out in subsections (2) and (3) shall be followed to determine whether the suspension or cessation of the activity should continue and whether any other action permitted under subsection (1) should be taken. 1994, c. 26, s. 56 (6).

Powers of Minister on takeover

57. (1) In exercising the power to take control of, operate and manage an approved agency under section 53, the Minister has all the powers of the agency. 1994, c. 26, s. 57 (1).

Occupation of premises

(2) Without limiting the generality of subsection (1), the Minister,

- (a) despite sections 25 and 39 of the *Expropriations Act*, may immediately occupy, operate and manage any premises occupied or used by the agency for the provision of community services or arrange for the premises to be occupied, operated or managed by a person or entity designated by the Minister; and
- (b) may apply without notice to the Superior Court of Justice for an order directing the sheriff to assist the Minister or the person or entity designated by the Minister in occupying the premises. 1994, c. 26, s. 57 (2); 2006, c. 19, Sched. C, s. 1 (1).

Maximum period

(3) The Minister shall not occupy, operate or manage premises referred to in clause (2) (a), or arrange for the premises to be occupied, operated and managed by a person or entity designated by the Minister, for a period exceeding one year without the consent of the agency or the authorization of the Lieutenant Governor in Council, and the Lieutenant Governor in Council may from time to time authorize an extension of the period. 1994, c. 26, s. 57 (3).

Section Amendments with date in force (d/m/y)

2006, c. 19, Sched. C, s. 1 (1) - 22/06/2006

PART XI GENERAL

Delegation

58. (1) The Minister may authorize in writing any person or group of persons to exercise any of the Minister's powers or duties under this Act, subject to the limitations, conditions and requirements that the Minister sets out in the authorization. 1994, c. 26, s. 58 (1).

Deeds and contracts

(2) Despite section 6 of the *Executive Council Act*, a deed or contract signed by a person authorized to do so under subsection (1) has the same effect as if signed by the Minister. 1994, c. 26, s. 58 (2).

Provisions re subrogation

59. (1) In this section,

“approved services” means facility services provided by a long-term care facility and community services provided by a service provider and includes services for which funding is provided under section 28.5; (“services approuvés”)

“facility services” means accommodation, care, services, programs and goods provided to residents of long-term care facilities; (“services en établissement”)

“long-term care facility” means a long-term care home under the *Long-Term Care Homes Act, 2007*. (“établissement de soins de longue durée”) 1994, c. 26, s. 59 (1); 2007, c. 8, s. 215 (3); 2016, c. 30, s. 40 (3).

Subrogation

(2) If a person suffers personal injuries as a result of the negligence or other wrongful act or omission of another, the Minister is subrogated to the right of the injured person to recover the cost incurred and the cost that will probably be incurred for approved services received or to be received by the injured person as a result of the injuries. 1994, c. 26, s. 59 (2).

Payment by Minister recoverable by injured person

(3) For the purpose of subsection (2), payment by the Minister for approved services shall not be construed to affect the right of the injured person to recover the cost of those services, and the injured person may recover the amounts paid by the Minister in the same manner as if those amounts had been paid or are to be paid by the injured person. 1994, c. 26, s. 59 (3).

Cost of community service

(4) For the purpose of this section, the cost of a community service provided by a service provider shall be calculated at the rate charged for the community service by the service provider to a person who is not eligible for the community service under this Act. 1994, c. 26, s. 59 (4).

Cost of facility services

(5) For the purpose of this section, the cost of facility services provided by a long-term care facility shall be calculated at the long-term care facility's daily rate, as determined under the regulations. 1994, c. 26, s. 59 (5).

Proceeding

(6) The Minister may bring a court proceeding in his or her own name or in the name of the injured person for the recovery of the costs referred to in subsection (2). 1994, c. 26, s. 59 (6).

Subrogated claim to be included in proceeding

(7) A person who brings a court proceeding to recover damages resulting from the negligence or other wrongful act or omission referred to in subsection (2) shall,

- (a) notify the Minister of the proceeding; and
- (b) include a claim on behalf of the Minister for recovery of the costs referred to in subsection (2), unless the Minister directs otherwise in writing. 1994, c. 26, s. 59 (7).

Recovery to be paid to Ontario

(8) A person who recovers a sum of money in respect of a cost referred to in subsection (2) shall promptly pay the amount to the Minister of Finance. 1994, c. 26, s. 59 (8).

Release or settlement

(9) A release or settlement by the injured person does not bind the Minister unless the Minister has approved it. 1994, c. 26, s. 59 (9).

Insurer to notify Minister

(10) A liability insurer shall notify the Minister of negotiations for settlement of every claim for the cost of approved services. 1994, c. 26, s. 59 (10).

Payment by insurer to Ontario

(11) A liability insurer may pay to the Minister of Finance an amount referable to a claim for the cost of approved services, and the payment discharges the obligation of the liability insurer to pay the amount to the injured person. 1994, c. 26, s. 59 (11).

Motor Vehicle Accident Claims Fund

(12) The Minister is not an insurer for the purpose of section 22 of the *Motor Vehicle Accident Claims Act* and may be awarded payment from the Motor Vehicle Accident Claims Fund. 1994, c. 26, s. 59 (12).

Compliance with regulations

(13) The injured person shall comply with the provisions of the regulations relating to the enforcement of the right to which the Minister is subrogated under subsection (2) or relating to the recovery of a cost referred to in subsection (2). 1994, c. 26, s. 59 (13).

Section Amendments with date in force (d/m/y)

2007, c. 8, s. 215 (3) - 01/07/2010

2016, c. 30, s. 40 (3) - 08/12/2016

Direct cause of action

59.1 (1) If the Minister has paid for approved services as a result of the negligence or other wrongful act or omission of a person, the Minister has a right, independent of his or her subrogated right under subsection 59 (2), to recover, directly against that person, the costs for approved services that have been incurred in the past and that will probably be incurred in the future as a result of the negligence or the wrongful act or omission. 1999, c. 10, s. 3.

Action

(2) The Minister may bring an action in his or her own name for recovery of the costs referred to in subsection (1). 1999, c. 10, s. 3.

Exception

- (3) The Minister shall not recover costs under this section,
- (a) against a member of the College of Physicians and Surgeons of Ontario if the negligence or wrongful act or omission of the member occurred while the member was acting within the scope of his or her practice and in such circumstances as may be prescribed;
 - (b) against a hospital under the *Public Hospitals Act* or a laboratory under the *Laboratory and Specimen Collection Centre Licensing Act* if the negligence or wrongful act or omission upon which the action is based occurred in the course of providing services that the hospital is approved to provide, or that the laboratory is licensed to provide, as the case may be, and in such circumstances as may be prescribed; or
 - (c) against such other persons or entities as may be prescribed in such circumstances as may be prescribed. 1999, c. 10, s. 3.

Preservation of rights

(4) An action under this section shall not prevent a person who required approved services as a result of the negligence or wrongful act or omission from recovering the cost or damages to which the person would otherwise be entitled. 1999, c. 10, s. 3.

Cost of community and facility services

(5) Subsections 59 (4) and (5) apply with respect to the determination of the cost of community and facility services for the purposes of this section. 1999, c. 10, s. 3.

Disclosure of information

(6) To the extent that any information relating to approved services is produced in a proceeding under this section, the information shall be produced in a manner that protects the identity of the person who received the services and of the person who provided the services. 1999, c. 10, s. 3.

Definition of “approved services”

(7) In this section,

“approved services” means approved services within the meaning of section 59. 1999, c. 10, s. 3.

Section Amendments with date in force (d/m/y)

1999, c. 10, s. 3 - 05/01/2000

Public Vehicles Act does not apply

60. (1) Subsection 2 (1) and sections 23 and 25 of the *Public Vehicles Act* do not apply to a public vehicle when it,

- (a) is being operated by, for or on behalf of,
 - (i) a service provider under this Act, or
 - (ii) a licensee under the *Long-Term Care Homes Act, 2007*; and
- (iii), (iv) REPEALED: 2007, c. 8, s. 215 (4).

(b) is transporting only persons described in subsection (2). 1994, c. 26, s. 60 (1); 2007, c. 8, s. 215 (4).

Persons transported

(2) Clause (1) (b) applies to the following persons:

- 1. A resident of a long-term care home under the *Long-Term Care Homes Act, 2007* who is determined to be eligible under this Act for the transportation service being provided.
- 2., 3. REPEALED: 2007, c. 8, s. 215 (5).
- 4. A person who is determined by an approved agency to be eligible under this Act for the transportation service being provided.

5. For a person mentioned in paragraph 1, 2, 3 or 4, one attendant or escort accompanying the person. 1994, c. 26, s. 60 (2); 2007, c. 8, s. 215 (5).

Section Amendments with date in force (d/m/y)

2007, c. 8, s. 215 (4, 5) - 01/07/2010

Program supervisors

61. (1) The Minister may appoint any person in writing as a program supervisor to perform the duties and functions and exercise the powers of a program supervisor under this Act, subject to the limitations, conditions and requirements that the Minister sets out in the appointment. 1994, c. 26, s. 61 (1).

Immunity from liability

(2) No proceeding for damages or otherwise shall be commenced against a program supervisor for any act done in good faith in the execution or intended execution of any duty, function or power under this Act or for any alleged neglect or default in the execution in good faith of any duty, function or power under this Act. 1994, c. 26, s. 61 (2).

Crown liability

(3) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (2) does not relieve the Crown of liability to which it would otherwise be subject in respect of a tort committed by a program supervisor. 1994, c. 26, s. 61 (3).

Inspection by program supervisors

62. (1) In this section,

“record” includes a book of account, bank book, voucher, invoice, receipt, contract, payroll record, record of staff hours worked, record of personal health information, correspondence and any other document, regardless of whether the record is on paper or is in electronic, photographic or other form, but does not include that part of a record that deals with quality management activities or quality improvement activities. 1994, c. 26, s. 62 (1); 2004, c. 3, Sched. A, s. 89 (16).

Inspection

(2) For the purpose of ensuring compliance with this Act, the regulations, an agreement made under clause 4 (c) or section 28.3, a service accountability agreement with a local health integration network or a term or condition imposed by the Minister under this Act, a program supervisor, at all reasonable times,

- (a) may enter the business premises of a service provider;
- (b) may, subject to subsection (3), enter any premises where a community service is provided; and
- (c) may inspect the premises, the community services provided on the premises and the records relevant to the inspection. 1994, c. 26, s. 62 (2); 2006, c. 4, s. 47 (11); 2016, c. 30, s. 40 (4).

Dwellings

(3) No program supervisor shall enter a place that is being used as a dwelling, except with the consent of the occupier or under the authority of a warrant issued under section 158 of the *Provincial Offences Act*. 1994, c. 26, s. 62 (3).

Identification

(4) A program supervisor conducting an inspection under this section shall produce, upon request, identification that provides evidence of his or her authority. 1994, c. 26, s. 62 (4).

Questions

(5) In conducting an inspection under this section, a program supervisor may question a person on matters relevant to the inspection, subject to the person’s right to have counsel or another representative present during the questioning. 1994, c. 26, s. 62 (5).

Readable form

(6) If a program supervisor asks to inspect a record that is relevant to the inspection but is not in readable form, the service provider shall provide such assistance as is reasonably necessary to produce the record in a readable form, including using a data storage, processing or retrieval device or system. 1994, c. 26, s. 62 (6).

Interpretation of record

(7) If a program supervisor asks for assistance with the interpretation of a record that is relevant to the inspection, the service provider shall provide such assistance as is reasonably necessary to interpret the record for the program supervisor. 1994, c. 26, s. 62 (7).

Copying and removal

(8) A program supervisor conducting an inspection under this section may make copies of records relevant to the inspection and may, on providing a receipt, remove such records from the premises in order to copy them. 1994, c. 26, s. 62 (8).

Return of things

(9) A program supervisor who removes anything from the premises shall return it to the premises within a reasonable time. 1994, c. 26, s. 62 (9).

Admissibility of copies

(10) A copy made under subsection (8) that purports to be certified by the program supervisor as being a true copy of the original is admissible in evidence in any proceeding to the same extent as, and has the same evidentiary value as, the original. 1994, c. 26, s. 62 (10).

No obstruction

(11) No person shall hinder or obstruct or attempt to hinder or obstruct a program supervisor in the execution of the program supervisor's duties, functions or powers under this Act or knowingly give a program supervisor false information about a matter relevant to an inspection. 1994, c. 26, s. 62 (11).

Section Amendments with date in force (d/m/y)

2004, c. 3, Sched. A, s. 89 (16) - 01/11/2004

2006, c. 4, s. 47 (11) - 01/05/2010

2016, c. 30, s. 40 (4) - 08/12/2016

Warrant

63. (1) A justice of the peace may issue a warrant authorizing a program supervisor named in the warrant to enter premises specified in the warrant and to exercise the powers referred to in section 62, if the justice of the peace is satisfied on information under oath that,

- (a) the program supervisor has been prevented from exercising a right of entry to the premises, or a power, under section 62; or
- (b) there are reasonable grounds to believe that the program supervisor will be prevented from exercising a right of entry to the premises, or a power, under section 62. 1994, c. 26, s. 63 (1).

Expiry of warrant

(2) The warrant shall name a date on which it expires, which date shall be not later than 30 days after the warrant is issued. 1994, c. 26, s. 63 (2).

Extension of time

(3) A justice of the peace may extend the date on which the warrant expires for an additional period of no more than 30 days, on application without notice by the program supervisor named in the warrant. 1994, c. 26, s. 63 (3).

Use of force

(4) The program supervisor named in the warrant may use whatever force is necessary to execute the warrant and may call on a police officer for assistance in executing the warrant. 1994, c. 26, s. 63 (4).

Time of execution

(5) The warrant may be executed only between 8 a.m. and 8 p.m. unless it specifies otherwise. 1994, c. 26, s. 63 (5).

s. 62 applies

(6) Section 62 applies with necessary modifications to a program supervisor executing a warrant issued under this section. 1994, c. 26, s. 63 (6).

Collection of personal information

64. (1) The Minister may collect, directly or indirectly, personal information for the following purposes:

1. Ensuring compliance with this Act, the regulations, an agreement made under clause 4 (c) or clause 28.3 (1) (b), a service accountability agreement with a local health integration network or a term or condition imposed by the Minister under this Act.
2. Monitoring and evaluating community services provided by service providers.
3. Monitoring and assessing the health, safety and well-being of persons applying for or receiving community services.
4. Enforcing the right to which the Minister is subrogated under section 59.
5. Complying with federal-provincial cost-sharing requirements. 1994, c. 26, s. 64 (1); 2004, c. 3, Sched. A, s. 89 (17); 2006, c. 4, s. 47 (12); 2016, c. 30, s. 40 (5).

Head authorized to disclose

(2) For the purpose of enabling the Minister to collect personal information under subsection (1), a head under the *Municipal Freedom of Information and Protection of Privacy Act* and a head under the *Freedom of Information and Protection of Privacy Act* are authorized to disclose the information to the Minister. 1994, c. 26, s. 64 (2).

Section Amendments with date in force (d/m/y)

2004, c. 3, Sched. A, s. 89 (17) - 01/11/2004

2006, c. 4, s. 47 (12) - 01/05/2010

2016, c. 30, s. 40 (5) - 08/12/2016

65. REPEALED: 2004, c. 3, Sched. A, s. 89 (18).

Section Amendments with date in force (d/m/y)

2004, c. 3, Sched. A, s. 89 (18) - 01/11/2004

Offence

66. (1) A person is guilty of an offence if the person,

- (a) knowingly furnishes false information in an application under this Act or in a report, notice or other document required under this Act; or
- (b) contravenes section 28, 29, 30, 31, 32, 33, 34, 35, 36 or 38 or subsection 59 (7), (8), (10), (13), 62 (6), (7) or (11). 1994, c. 26, s. 66 (1); 2004, c. 3, Sched. A, s. 89 (19).

(2) REPEALED: 2011, c. 1, Sched. 6, s. 4 (18).

Municipality

(3) If a municipality commits an offence referred to in subsection (1), each of the following persons who knowingly concurred in the commission of the offence is guilty of an offence:

1. A member of the council of the municipality.
2. An officer of the municipality.
3. An employee of the municipality. 1994, c. 26, s. 66 (3).

Corporation

(4) If a corporation, other than a municipality, commits an offence referred to in subsection (1), each of the following persons who knowingly concurred in the commission of the offence is guilty of an offence:

1. A director of the corporation.
2. An officer of the corporation.
3. An employee of the corporation. 1994, c. 26, s. 66 (4); 2011, c. 1, Sched. 6, s. 4 (19).

First Nation, etc.

(5) If an organization that is referred to in clause (e) of the definition of “agency” in subsection 2 (1) and that is not a corporation commits an offence referred to in subsection (1), each person who is a member of the body that governs the organization and who knowingly concurred in the commission of the offence is guilty of an offence. 1994, c. 26, s. 66 (5).

Penalty, individual

- (6) Every individual who is convicted of an offence under this Act is liable,
- (a) for a first offence, to a fine of not more than \$25,000 or to imprisonment for a term of not more than 12 months, or to both;
 - (b) for a subsequent offence, to a fine of not more than \$50,000 or to imprisonment for a term of not more than 12 months, or to both. 2002, c. 18, Sched. I, s. 14.

Same, corporation

(7) Every corporation that is convicted of an offence under this Act is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$200,000 for a subsequent offence. 2002, c. 18, Sched. I, s. 14.

Compensation or restitution

(8) The court that convicts a person of an offence under this section may, in addition to any other penalty, order that the person pay compensation or make restitution to any person who suffered a loss as a result of the offence. 2002, c. 18, Sched. I, s. 14.

No limitation

(9) Section 76 of the *Provincial Offences Act* does not apply to a prosecution under this section. 2002, c. 18, Sched. I, s. 14.

Section Amendments with date in force (d/m/y)

2002, c. 18, Sched. I, s. 14 - 26/11/2002

2004, c. 3, Sched. A, s. 89 (19) - 01/11/2004

2011, c. 1, Sched. 6, s. 4 (18, 19) - 30/03/2011

Crown bound

67. This Act binds the Crown. 1994, c. 26, s. 67.

Regulations

68. (1) The Lieutenant Governor in Council may make regulations,

1. prescribing additional duties, functions and powers of program supervisors;
2. prescribing additional community support services for the purpose of paragraph 10 of subsection 2 (4), additional homemaking services for the purpose of paragraph 14 of subsection 2 (5), additional personal support services for the purpose of paragraph 6 of subsection 2 (6) and additional professional services for the purpose of paragraph 9 of subsection 2 (7);
3. prescribing equipment, supplies and other goods for the purpose of paragraph 9 of subsection 2 (4);
4. prescribing equipment, supplies and other goods for the purpose of paragraph 13 of subsection 2 (5);
5. prescribing equipment, supplies and other goods for the purpose of paragraph 5 of subsection 2 (6);
6. prescribing equipment, supplies and other goods for the purpose of paragraph 8 of subsection 2 (7);
7. defining or clarifying any word or expression that is used in this Act but not defined in this Act;
8. REPEALED: 1997, c. 15, s. 10 (1).
9. governing the manner of determining the amounts of payments that may be made to approved agencies under sections 5 and 6, prescribing the time, manner, terms and conditions of payment and providing for the suspension and withholding of payments and for the making of deductions from payments;
- 10.-12. REPEALED: 2011, c. 1, Sched. 6, s. 4 (20).
13. governing transfers, assignments, leases and encumbrances of, and conveyances of an interest in, the assets of approved agencies for the purpose of section 19;
14. prescribing by-law provisions for the purpose of section 20;
15. governing applications for community services, including requiring applicants for community services to provide specified information or proof and requiring that the information be provided under oath;
16. governing assessments by approved agencies of the requirements of applicants for community services;

17. governing the determination of the eligibility of persons applying for community services, including prescribing eligibility criteria and other rules and procedures for determining eligibility and prescribing who may make determinations of eligibility;
18. regulating the amounts of different classes of services that may be provided to applicants for community services;
19. governing plans of service, including their development, evaluation and revision;
20. governing waiting lists for community services, including prescribing rules for ranking applicants in terms of their priority for service provision;
21. governing the termination of the provision of community services to a person;
22. requiring or permitting approved agencies to charge fees to persons receiving community support services or homemaking services under specified circumstances and regulating the amounts of the fees required or permitted to be charged, including prescribing the manner of determining the amounts of the fees required or permitted to be charged;
23. providing for the collection of information and the making of investigations regarding the financial and other circumstances of applicants for community services, for the purpose of assessing their requirements, determining their eligibility, developing their plans of service, determining the amounts of the fees to be paid by them and complying with federal-provincial cost-sharing requirements;
24. governing the plan required to be developed and implemented under section 26;
25. governing the notice required to be given under section 25, including prescribing alternative formats for the purpose of subsection 25 (4) and prescribing additional matters which must be set out in the notice;
26. governing the quality management system required to be developed and implemented under section 27;
27. requiring service providers to keep specified accounts and records and governing such accounts and records;
- 27.1 governing approvals, funding and related matters for the purposes of section 28.5;
- 27.2 prescribing the community services that may be funded for the purposes of section 28.5;
- 27.3 providing for additional provisions of this Act and the regulations that apply to the provision of funding under section 28.5, and clarifying the application of this Act and the regulations to such funding;
28. prescribing the reports, documents and information to be provided under clause 30 (a) and the times at which they are to be provided;
29. governing the posting of documents and information under section 31, including prescribing additional documents and information that must be posted;
30. prescribing additional functions and duties of approved agencies and other service providers;
31. prescribing rules, standards and procedures for the purpose of section 38;
32. requiring that service providers have certain qualifications or meet certain requirements and prescribing the qualifications or requirements;
33. prescribing the manner of determining a long-term care facility's daily rate for the purpose of section 59;
34. prescribing rules, obligations and procedures in relation to the enforcement of the right to which the Minister is subrogated under subsection 59 (2) or the recovery of a cost referred to in subsection 59 (2), including regulations,
 - i. governing the commencement, conduct and settlement of a proceeding to recover the cost of approved services,
 - ii. requiring that the injured person and his or her solicitor act on behalf of the Minister in the proceeding,
 - iii. prescribing the portion of the costs incurred by the injured person in the proceeding that shall be borne by the Minister, and
 - iv. requiring specified notices to be given;
35. governing the location, management, operation, acquisition, construction, alteration and renovation of buildings in which community services are provided;
36. governing the membership of approved agencies;
37. governing the selection and composition of the board of directors of approved agencies;

- 38. governing the management and operation of approved agencies;
 - 39. REPEALED: 2011, c. 1, Sched. 6, s. 4 (20).
 - 40. governing the relationship and the contracts between an approved agency and any person from whom it purchases community services;
 - 41. providing for the recovery of payments made to service providers under this Act;
 - 42. relating to the security, retention or disposal of a record of personal health information within the meaning of the *Personal Health Information Protection Act, 2004*, but only to the extent that a regulation made under this paragraph is consistent with that Act and the regulations made under it;
 - 42.1 REPEALED: 2004, c. 3, Sched. A, s. 89 (21).
 - 43. governing the complaints review process required to be established by an approved agency under section 39;
 - 43.1 governing the costs that may be recovered under section 59.1, including the determination of those costs, and the evidence that is admissible to prove those costs in an action under that section;
 - 44. exempting any person or thing from any provision of this Act or the regulations, with or without conditions;
 - 45. REPEALED: 1997, c. 15, s. 10 (1).
- 1994, c. 26, s. 68 (1); 1996, c. 2, s. 71 (20); 1997, c. 15, s. 10 (1); 1999, c. 10, s. 4; 2004, c. 3, Sched. A, s. 89 (20, 21); 2011, c. 1, Sched. 6, s. 4 (20); 2016, c. 30, s. 40 (6).

Application

- (2) A regulation may be general or specific in its application. 1994, c. 26, s. 68 (2).

Classes

- (3) A class described in the regulations may be described according to any characteristic or combination of characteristics and may be described to include or exclude any specified member, whether or not with the same characteristics. 1994, c. 26, s. 68 (3).

Retroactivity

- (4) A regulation is, if it so provides, effective with reference to a period before it is filed. 1994, c. 26, s. 68 (4).

Section Amendments with date in force (d/m/y)

- 1996, c. 2, s. 71 (20) - 29/03/1996; 1997, c. 15, s. 10 (1) - 10/10/1997; 1999, c. 10, s. 4 - 05/01/2000
- 2004, c. 3, Sched. A, s. 89 (20, 21) - 01/11/2004
- 2011, c. 1, Sched. 6, s. 4 (20) - 30/03/2011
- 2016, c. 30, s. 40 (6) - 08/12/2016

Forms

- 69.** The Minister may require that forms approved by the Minister be used for any purpose of this Act. 1997, c. 15, s. 10 (2).

Section Amendments with date in force (d/m/y)

- 1997, c. 15, s. 10 (2) - 10/10/1997
- 70.-75.** OMITTED (AMENDS OR REPEALS OTHER ACTS). 1994, c. 26, ss. 70-75.
- 76.** OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 1994, c. 26, s. 76.
- 77.** OMITTED (ENACTS SHORT TITLE OF THIS ACT). 1994, c. 26, s. 77.

Français

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