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de l'Ontario



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**Written Submission Regarding the Proposed Amendments to Regulation 515/09 Under the  
*Local Health System Integration Act***

**Submitted to:**

**The Minister of Health and Long-Term Care**

**September 1, 2017**



## 1. Summary

The Ministry of Health and Long-Term Care published a Notice of Change to Ontario Regulation 515/09 *Engagement with the Francophone Community Under Section 16 of the Act*<sup>1</sup> in order to solicit a public consultation on the proposed amendments.

The Ministry is proposing to require Local Health Integration Networks (“LHINs”) to work with French Language Health Planning Entities (“Entities”) to develop strategies for improving the accessibility of French-language health services.<sup>2</sup> However, in order to create a more comprehensive and fruitful partnership, the amendments to Regulation 515/09 should instead require the LHINs and the Entities to collaborate on a wider range of strategies, including the planning of the French-language health services system.

That being said, the proposed amendments are definitely a step in the right direction and a clear improvement on the current state of affairs. Increased and more targeted collaboration between the LHINs and the Entities, supported by planning and accountability tools that are tailored to this new dynamic, will only benefit French-speaking patients in Ontario.

## 2. Regulation 515/09: Towards constructive collaboration

### 2.1 The Office highlighted the inadequacies of Regulation 515/09

The Office of the French Language Services Commissioner (the “Office”) proposed amendments to Regulation 515/09 that aimed to formalize and reinforce cooperation between the LHINs and the Entities in planning French-language health services during consultations regarding Bill 41, the *Patients First Act, 2016*. The written submission points out that the *Local Health System Integration Act, 2006*, Regulation 515/09 and especially the interpretation made by some LHINs and the Ministry of Health and Long-Term Care leave the Entities with a passive consultation role in the process of providing French-language health services. As a result, even though the Entities were named and authorized based on their expertise and their knowledge of the French-speaking community’s health priorities, the LHINs do not always collaborate with them adequately in planning French-language services. In addition, the written submission also indicates that a lack of accountability between the Ministry, the LHINs and the Entities hinders the provision of efficient French-language health services and is detrimental to transparency.

The Office also recommended an amendment to Regulation 515/09 in its 2016–2017 Annual Report. The Commissioner recommended that the Minister of Health and Long-Term Care:

Amend Regulation 515/09 to grant French-language health planning entities an enhanced role in planning French-language health services, notably with regard to the integrated health service plans the LHINs are required to produce.<sup>3</sup>

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<sup>1</sup> *Engagement with the Francophone Community Under Section 16 of the Act*, Ontario Regulation 515/09 (“Regulation 515/09”), made under the *Local Health System Integration Act, 2006*, S.O. 2006, c. 4.

<sup>2</sup> This new obligation is located in section 4 of Regulation 515/09.

<sup>3</sup> Office of the French Language Services Commissioner, *Annual Report 2016–2017*, p. 18.

## 2.2 Improving the accessibility and integration of French-language health services

The Ministry of Health and Long-Term Care has listened attentively and has recognized the inadequacies of the regulation in its current form. The Ministry is thus proposing to amend Regulation 515/09 by adding a new section 4, “Planning,” and modifying what will now be the section 5, “Reporting”:

4. (1) The local health integration network shall work with the French language health planning entity to develop the strategies under section 3 (1) (e).
- (2) The local health integration network shall work with the French language health planning entity to incorporate the strategies developed under section 3 (1) (e) into the Integrated Health Service Plan, as appropriate, per section 15(3) of the Act.
- (3) The local health integration network shall engage the French language health planning entity on the implementation of the Integrated Health Service Plan and other planning priorities of the network to support the implementation of the French language health services strategies.
5. Each local health integration network shall report, in its annual report, on its engagement and planning activities described in sections 3 and 4.

If this amendment is approved, the LHINs will be required to work with the Entities to develop strategies for improving access to, the accessibility and integration of French-language health services in accordance with paragraph 3(1)(e) of Regulation 515/09:

3. (1) For the purposes of section 16 of the Act and subject to subsection (2), each local health integration network shall engage the French language health planning entity selected under section 2 of this Regulation for the geographic area of the network to advise the network on,  
  
[...] (e) strategies to improve access to, accessibility of and integration of French language health services in the local health system.

The LHINs must also include in their annual report the measures they have adopted to comply with their engagement and planning obligations as set out in sections 3 and 4.

These amendments are an improvement compared to the current version of the regulation. They will offer Entities the opportunity to share their expertise with the LHINs for the benefit of the French-speaking community, and also add new obligations with regard to accountability for and transparency of decisions made by the LHINs. The Office supports these amendments.

That being said, the Office reiterates that the LHINs should be required to work with the Entities on measures set out not only in paragraph (e), but also in paragraphs (d) and (f) of subsection 3(1) of Regulation 515/09:

- d) the identification and designation of health service providers for the provision of French language health services in the area;
- e) strategies to improve access to, accessibility of and integration of French language health services in the local health system; and
- f) the planning for and integration of health services in the area.<sup>4</sup>

This kind of more comprehensive collaboration that builds on the expertise of the Entities will improve the provision of French-language health services.

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<sup>4</sup> The Office interprets “health services” as a reference to French-language health services.

### 3. Prioritizing and tailoring planning and accountability tools

If the Ministry of Health and Long-Term Care decides to keep its amendments as they are, the planning and accountability tools provided for in the *Local Health System Integration Act, 2006* and Regulation 515/09 regarding the provision of French-language health services will definitely need to be revised and tailored. The Office is referring to:

- Accountability agreements between the Ministry and the LHINs<sup>5</sup>
- Agreements between the LHINs and the Entities<sup>6</sup>
- Accountability agreements between LHINs and service providers<sup>7</sup>
- Integrated health service plans<sup>8</sup> and annual reports<sup>9</sup> submitted by each LHIN for their local health system (together, the “planning and accountability tools”).

Each of these tools must clearly reflect the LHINs’ new obligations under the amendments to Regulation 515/09 and thus reflect the new dynamic between the LHINs and the Entities.

### Conclusion

Although the amendments to Regulation 515/09 could have been more extensive and could have provided for more comprehensive collaboration between the LHINs and the Entities, they are a clear improvement. Going forward, the LHINs must work more closely with the Entities and develop strategies that specifically target the accessibility of French-language health services.

The planning and accountability tools must quickly be modified accordingly in order to formalize this new collaboration. Furthermore, the Commissioner hopes the Ministry of Health and Long-Term Care and the LHINs will make these tools available to the public with the addition of explanatory notes.

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<sup>5</sup> *Local Health System Integration Act, 2006*, s.18.

<sup>6</sup> Regulation 515/09, subsection 3(2).

<sup>7</sup> *Local Health System Integration Act, 2006*, s. 19.

<sup>8</sup> *Local Health System Integration Act, 2006*, s. 15.

<sup>9</sup> *Local Health System Integration Act, 2006*, s. 13.