



## **ARCH Bulletin on COVID-19: Update on Bill 175, *Connecting People to Home and Community Care Act***

### **Apply for Standing to Present to the Standing Committee on the Legislative Assembly on Bill 175**

The Ontario government has announced that it is moving forward with online hearings for various bills.

ARCH has learned that the Standing Committee on the Legislative Assembly will hear submissions on Bill 175, *Connecting People to Home and Community Care Act* by video conference on June 15, 16, and 17, 2020.

Detailed consideration of the specific clauses of Bill 175 is proposed to be scheduled for June 22 and June 23, 2020.

The fast-approaching deadline by which the public must apply for standing to present before the Standing Committee on the Legislative Assembly is **June 9, 2020 by 6:00 p.m.**

To apply for standing and make an oral presentation online, please connect with the Committee Clerk:

- **Phone:** 416-325-3509
- **Email:** [comm-legisassembly@ola.org](mailto:comm-legisassembly@ola.org)

The Committee Clerk can also assist those applying for standing online, which may be done by using the following link: <https://www.ola.org/en/apply-committees>

After the Standing Committee has considered input, the Bill will go to Third Reading. If it passes Third Reading, the Bill will need Royal Assent and then it becomes law.

### **Bill 175 and its Impact on Home and Community Services**

Bill 175 was introduced in late-February 2020 as part of Ontario's effort to modernize the delivery of home and community services. This Bill has been rapidly moving through the legislative process without consultation with the public and groups that will be most impacted by it.

If passed, Bill 175 will affect many pieces of legislation, including the *Home Care and Community Services Act* (HCCSA), which currently governs Ontario's publicly funded home and community care services. Bill 175 proposes to repeal HCCSA and its regulations.

## **The Shift from Legislation to Regulations**

Some parts of HCCSA are planned to be maintained by adding to existing legislation and developing regulations. One example is the Bill of Rights, which is a set of nine consumer rights found in the legislation.

Currently, HCCSA requires that all agencies be committed to promoting and respecting the Bill of Rights when providing services to consumers. However, moving the Bill of Rights from legislation to regulations means that the government will have more leeway to change its contents without the oversight of going through a vote in the Legislature.

## **Changes in Service Delivery**

Bill 175 proposes to transfer the responsibility of funding of home and community services from Local Health Integration Networks (LHINs) to a single health agency known as Ontario Health. Ontario Health will slowly transfer the delivery and coordination of home and community services to Ontario Health Teams (and other not-for-profit organizations) across the province.

Ontario Health Teams can then contract with a variety of organizations, including for-profit organizations, to deliver home and community services. Ontario Health Teams can also transfer their care coordination functions such as assessing eligibility, service allocation, and managing issues with service delivery to contracted organizations. This transition may lead to inconsistencies among agencies in how services and care coordination functions are performed.

## **Vague New Non-licensed Care Setting**

Bill 175 is also proposing to add "residential congregate care settings" as a location in which home and community services can be delivered. Residential congregate care settings would be a new delivery setting that is non-licensed. It would be for individuals in the community whose needs fall between being able to receive services at home and requiring a hospital or long-term care setting.

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Information provided in these materials is not intended to be legal advice. Consult a lawyer or legal worker if you need legal advice on a specific matter. This information is current as of June 1, 2020.

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There is no definition of residential congregate care settings in Bill 175. Details of this new setting are left entirely to future laws. Further, the creation of such non-licensed settings is in contrast to the calls for less privatization arising from the tragic situation of long-term care homes being devastated by COVID-19.

## **Lack of Consumer-Focused Agenda**

The failure of the government to engage in consultation with the public has also resulted in Bill 175 overlooking issues that are important to consumers. For example, consumers have expressed concerns relating to addressing quality of services complaints and imposing reliable measures for missed visits. Despite such longstanding concerns, Bill 175 is silent on both of these issues.

## **For More Information**

ARCH and CWDO have published two fact sheets on Bill 175, *Connecting People to Home and Community Care Act* and its draft Regulations. These factsheets can be accessed on ARCH's website by using the following links:

- Fact Sheet 1 - <https://archdisabilitylaw.ca/resource/factsheet-bill-175-connecting-people-to-home-and-community-care-act-fact-sheet-1/>
- Fact Sheet 2 - <https://archdisabilitylaw.ca/resource/factsheet-bill-175-connecting-people-to-home-and-community-care-act-2020-regulations-and-consultations-fact-sheet-2/>

Persons with disabilities who live in Ontario can call ARCH for free, confidential legal information and summary advice. To find out about the kind of legal advice ARCH provides and how to book an appointment, please use the following link: <http://archdisabilitylaw.ca/services/>

**Revision note:** This Bulletin has been revised as of June 3, 2020, to reflect the government's decision that Bill 175 will now be reviewed by the Standing Committee on the Legislative Assembly instead of the Standing Committee on Social Policy. The dates for the hearings and for when to apply for standing remain the same.

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