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March 11, 2022

MEMORANDUM TO: Home and Community Care Support Services
Ontario Health
Other Home and Community Care System Partners

FROM: Amy Olmstead
Acting Executive Lead
Ontario Health Teams Division

SUBJECT: New Framework for Home and Community Care Services in Ontario

I am writing to draw your attention to the planned proclamation of Bill 175, the *Connecting People to Home and Community Care Act, 2020* and the recent filing of O. Reg. 187/22, the new Home and Community Care Services Regulation under the *Connecting Care Act, 2019*. The Regulation can be viewed online at <https://www.ontario.ca/laws/regulation/r22187>.

As part of its plan to end hallway health care and build an integrated health care system centered on the needs of patients, Ontario is implementing a new legislative framework for home and community care in the province. The new framework will provide the tools required to support the delivery of integrated and responsive models of care so patients can receive services that better meet their changing needs and keep them connected with their other care providers.

The *Connecting People to Home and Community Care Act, 2020* (Bill 175) will be proclaimed into force on May 1, 2022.

This means that on May 1, 2022:

- Legislative amendments to the *Connecting Care Act, 2019* relating to home and community care will be proclaimed into force.
- The *Home Care and Community Services Act, 1994* and its regulations will be repealed and no longer in force.
- Most provisions of the new Home and Community Care Services Regulation (Regulation) under the *Connecting Care Act, 2019* will come into force. Some provisions will come into force on September 1, 2022.

The Regulation was created to support continuity of care and carefully planned change and to remove barriers to positive change for clients, their families and the home and community care workforce. The new framework enables the Ministry of Health (ministry), Ontario Health, Home and Community Care Support Services, and service providers to make changes to improve care in the months and years ahead. There are already examples of new models of care for clients and the new legislative framework, combined with other components of modernization, will enable greater transformation.

Providers will be required to make limited immediate updates to some aspects of their operations for May 1, with additional changes for September 1. However, the new legislative framework will not change current service delivery for existing clients on May 1. The new framework also does not change the current care delivery roles of Home and Community Care Support Services, health service providers funded for home and community care services, or their contracted service provider organizations, nor does it change staff employment at any of those organizations. In addition, all current contacts at Home and Community Care Support Services and health service providers for home and community care patients and other providers will remain the same.

We know that home and community care can play a more effective role in the health of Ontarians and in our health system. The new legislation and regulations support the integration of home and community care into the health system, including by enabling the transition of these services through Ontario Health Teams. Better connecting home care with community services and strengthening their linkages with primary care and acute care will help all entities involved in the provision of home and community care have an increasingly positive impact on care through new, more connected, and more responsive care.

Through this modernization process, the home and community care system will remain focused on improving the equity of care delivery. Care providers – nurses, therapists and other professionals, personal support workers, attendants, volunteers, care coordinators and many others - serve Ontarians and their families at home and in their communities big and small around the province. It is our shared priority to ensure that these critical services support all Ontarians in an equitable way.

Highlights of the New Home and Community Care Services Regulation

Continuity of Care and Improved Access

- The **full range of home and community care services** (professional, personal support, homemaking, and community support services) is carried forward, and the following **new services** have been added to eligible services: behavioural supports, bereavement services, education, prevention and awareness services, psychology services for persons with a long-term mental health impairment or responsive behaviours, traditional healing, and Indigenous cultural support services.
- All current **home and community care programs** including assisted living programs, acquired brain injury programs, attendant outreach programs, Family-Managed Home Care, and the Direct Funding Program are carried forward.
- All **school health services** are carried forward.

- **Patient eligibility criteria** for services are also carried forward – with **targeted expanded eligibility** for in-home pharmacy and physiotherapy, transitions to long-term care homes, and end-of-life care.
- **French language service and referral** requirements applied to all funded home care providers (effective September 1, 2022).
- **Prohibitions against co-payments are carried forward** for professional services and personal support services for all patients, and for homemaking services for higher-acuity patients. Co-payments are prohibited for Indigenous services, and for security checks and reassurance services when provided with a professional service, a personal support service, or a no-charge homemaking service.

Connectedness and Responsiveness

- Ontario Health Teams and health service providers have new flexibility to deliver home and community care services through a variety of **new models** with other providers.
- Ontario Health Teams and health service providers can **empower front-line providers** to make timely **care coordination** decisions under certain circumstances (effective September 1, 2022).

Patient-centeredness and Value

- The **Patient Bill of Rights** is modernized, and notice requirements are enhanced, including strengthening rights to patient and caregiver participation in care planning and delivery, establishing a patient’s right to clear and accessible information about their care, and affirming rights to culturally safe care for Indigenous patients.
- Avenues for patients and families to **express concerns** are enhanced: complaints processes are more robust for serious allegations, rights of appeal are carried forward, and the Patient Ombudsman’s jurisdiction is expanded (effective September 1, 2022) to include all funded home care health service providers and Ontario Health Teams.
- **Patient needs are better reflected:** service maximums are removed, care planning requirements are enhanced (e.g. care planning must consider clinical best practices, the costs and benefits of virtual and/or group or congregate delivery, and opportunities for providing to, or referring the person for, wrap-around community supports).
- **Key principles that providers must consider and promote** are established:
 - the effective and efficient management of human, financial and other resources involved in the delivery of home and community care services, and
 - equitable access to services through the application of consistent eligibility criteria and uniform rules and procedures.

Information for Providers

All providers should carefully review the newly proclaimed provisions of the *Connecting Care Act, 2019* and the new Home and Community Care Services Regulation under that Act and take all necessary steps to comply with new requirements.

Health Service Providers currently funded for home and community care

To date, all organizations funded by Ontario Health to provide home and community care services have been required to be approved by the Minister of Health or the Minister's delegate under the *Home Care and Community Services Act, 1994* (HCCSA) to provide professional, personal support, homemaking, and/or community support services. These funded, approved organizations include hospitals and family health teams providing home care, as well as all other organizations providing home and community care services funded by Ontario Health. Each organization's approval has terms and conditions, for example regarding the services the organization may provide, or the patient population it is to serve, and each organization's funding agreement with Ontario Health has additional terms and conditions.

When HCCSA is repealed, funding agreements will continue but these approvals will expire. However, the new regulations include transitional provisions that deem the terms and conditions of approvals previously granted under HCCSA to be new terms and conditions of each approved agency organization's funding agreement with Ontario Health, until the funding agreement with Ontario Health is terminated, expires, or is amended for any reason. This means after HCCSA is repealed, all terms and conditions of approvals that had been granted to organizations providing home and community care services under HCCSA will carry forward as deemed terms and conditions of their funding agreements with Ontario Health under the *Connecting Care Act, 2019*.

Going forward, these approvals will no longer be required. The ministry will work with Ontario Health to review applications for new home and community care funding and to update the terms and conditions of that funding. The new regulations require that a health service provider's or Ontario Health Team's delivery model for providing home and community care services supports continuity of care, equitable access to care, an integrated experience of care, system stability, and sustainability of service delivery.

Home and Community Care Providers funded directly by the Ministry of Health

If your First Nations community or organization is receiving funding under an agreement with the ministry for home and community care services, your funding and agreement will continue. In the coming months, the ministry will propose updates to agreements to make technical changes (for example, to replace references to HCCSA with references to the *Connecting Care Act, 2019*).

In addition, the ministry and Ontario Health will be working with First Nations, Inuit, and Métis partners to develop a provincial framework for traditional healing and Indigenous cultural support services. These services may be added to agreements in the future. (More information below.)

Service Provider Organizations

Home and Community Care Support Services organizations and Ontario Health will update client services contract templates to support modernization, including to reflect updated requirements in the Regulation that Home and Community Care Support Services and health service providers funded for home and community care services must ensure are met by their contracted providers.

Implementing Indigenous Services

The ministry appreciates the feedback given by First Nations, Inuit and Métis communities and organizations on the proposal to add traditional healing and Indigenous cultural support services as new home and community care services.

The ministry heard it would be important for traditional healing to be delivered by Indigenous persons or organizations. This is now a specific requirement in the Regulation.

The ministry also heard it would be important to co-create a provincial framework that supports local decision making about the funding and delivery of these services. The ministry will engage with First Nations, Inuit and Métis communities and organizations on next steps to co-create that framework. The ministry hopes a framework can be established in 2022.

Once the provincial framework is in place, the ministry will authorize Ontario Health to begin funding health service providers and Ontario Health Teams to provide traditional healing and Indigenous cultural support services under the framework. As noted above, the ministry will also work with communities and organizations to update their current direct funding agreements with the ministry to add traditional healing and Indigenous cultural support services, as appropriate.

Home and Community Care Services that Include Residential Accommodation

During the engagement process, the ministry indicated that it was not planning to propose any specific regulations prescribing home and community care services that include residential accommodation. However, the ministry has since determined that it required a limited, narrowly scoped regulation to grandfather a small number of transitional care programs funded by Ontario Health and located in premises that are not licensed under the *Long-Term Care Homes Act, 2007* or the *Retirement Homes Act, 2010*. The regulation only applies to certain transitional care programs. The ministry is not proposing to establish any new types of residential congregate care programs under this regulation without further engagement.

Information Sessions and Resources

In March and April 2022, the ministry will schedule webinars with organizations that are involved in funding and providing home and community care services to provide more information about the new regulations. The ministry will also be holding additional engagement opportunities for Indigenous organizations to review the regulations and to discuss the new services for Indigenous patients.

The ministry will be sharing additional materials with entities involved in funding and providing home and community care services to promote understanding of the legislative framework.

Updating Policies and Guidance

Home and community care is currently guided by several policies and program descriptions that will require updating. In addition, the new regulations introduce new aspects that call for further guidance. The ministry will be working closely with Ontario Health, Home and Community Care Support Services and sector organizations to update these policies and program descriptions and create new ones. This work will take time and will be prioritized. Changes will be clearly communicated. In the meantime, all current policies and program parameters remain in effect.

Thank you for your commitment to home and community care modernization. The ministry looks forward to your continued engagement.

Please feel free to share this memo as you feel is appropriate.

If you have any questions in advance, please feel free to reach out.

Thank you,



Amy Olmstead