

Ministry of Health

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TRANSFER ORDER

MADE UNDER PART V OF THE CONNECTING CARE ACT, 2019, S.O. 2019, CH.5, SCHED. 1

ISSUED TO:

HAMILTON NIAGARA HALDIMAND BRANT LOCAL HEALTH INTEGRATION NETWORK

(the “**Transferor**”)

-and-

ONTARIO HEALTH

WHEREAS:

- I. In furtherance of the Government’s plan to implement a new model of integrated health care delivery in Ontario, the Legislature enacted the *Connecting Care Act, 2019* (the “CCA”) under which a single provincial agency – Ontario Health – will assume centralized responsibility for most of the functions of more than twenty health agencies, including the Transferor;
- II. Subsection 40(1) of the CCA confers authority on the Minister of Health (the “Minister”) to issue orders transferring all or part of the assets, liabilities, rights and obligations and all or some of the employees of the fourteen local health integration networks (LHINs), including the Transferor, into Ontario Health;
- III. The Minister intends to issue a series of orders under the CCA to transfer the LHINs’ health system funding, planning and community engagement functions (“Legacy Functions”) to Ontario Health effective as of April 1, 2021;
- IV. Following the transfer of the LHINs’ Legacy Functions into Ontario Health, each of the LHINs will continue to operate under a new registered business name – Home and Community Care Support Services – with a narrowed mandate to deliver and

arrange patient services for an interim period until these services transition into Ontario Health Teams or other points of care over time;

- V. Under subsection 40(3) of the CCA, the Minister provided Ontario Health and the Transferor with a notification letter dated August 15, 2019 advising of the Minister's intention to order the transfer of parts of the Transferor into Ontario Health in furtherance of the government's health system transformation plans; and
- VI. The Minister now wishes to order the transfer of certain employees, assets, liabilities, rights and obligations of the Transferor into Ontario Health, as specified within this Transfer Order, effective as of **April 1, 2021**.

NOW THEREFORE:

Definitions. For the purposes of this Transfer Order, the following terms shall have the following meanings:

"Accountability Agreement" means the accountability agreement entered into between the Minister and the Transferor in accordance with subsection 18(1) of LHSIA, effective April 1, 2015, as amended;

"CCA" means the *Connecting Care Act, 2019*, S.O. 2019, c.5, Sched. 1;

"Effective Date" means April 1, 2021;

"Expired Legacy Function Contracts" means any contract entered into by the Transferor, or a portion of any such contract, that does not relate to Patient Services, and which has expired or terminated prior to the Effective Date;

"Legacy Functions Accountability Agreement" means the Accountability Agreement excluding the Patient Service Provisions;

"LHSIA" means the *Local Health System Integration Act, 2006*, S.O. 2006, c.4;

"Minister" means the Minister of Health;

"Patient Services" means the following services provided by the Transferor:

- i. the community services the Minister has approved the Transferor to provide under the *Home Care and Community Services Act, 1994*;
- ii. long-term care home placement coordination services;
- iii. management of the placement of persons into supportive housing programs, complex continuing care and rehabilitation beds in hospitals, and other programs and places where community services are provided under the *Home Care and Community Services Act, 1994*;

- iv. providing information to the public about, and making referrals to, health and social services;
- v. the Health Care Connect Program; and
- vi. all other services set out in agreements such as administrative support services to approved agencies under the *Home Care and Community Services Act, 1994*;

“*Patient Service Provisions*” means, with respect to the Accountability Agreement, those sections, articles, clauses, paragraphs, schedules or appendices, or any parts thereof, that specifically and exclusively govern, relate to or apply to Patient Services, and also includes general provisions, but only insofar as such general provisions govern, relate to or apply to Patient Services; and

“*Service Accountability Agreements*” means agreements entered into by the Transferor with health service providers under section 20 of LHSIA.

ORDER:

1. Pursuant to subsection 40(1) of the CCA, the Minister orders that, as of the Effective Date:
 - a) the employees of the Transferor who occupy the positions identified in the attached Appendix “1” be transferred to Ontario Health; and
 - b) the following assets, liabilities, rights and obligations be transferred to Ontario Health:
 - i. the Legacy Functions Accountability Agreement;
 - ii. all Service Accountability Agreements;
 - iii. all agreements entered into by the Transferor with French language health planning entities under LHSIA;
 - iv. where a position identified in Appendix “1” is vacant on the Effective Date, the vacant FTE position;
 - v. the obligations of the Transferor under any directives issued by the Minister to the Transferor under section 11.1 of LHSIA, including those relating to the administration of Service Accountability Agreements;
 - vi. the rights, obligations and liabilities of the Transferor under or with respect to any orders issued by the Director and any direction given by the Minister or the Minister of Long-Term Care under the *Long-Term Care Homes Act, 2007*;

- vii. in accordance with section 14 of the *Archives and Recordkeeping Act, 2006*, all public records within the meaning of that Act, excluding those records that were created or received by the Transferor in connection with the Transferor's role in providing Patient Services;
 - viii. the rights and obligations of the Transferor in respect of any investigations, audits, operational reviews, or peer reviews of health service providers that were commenced under LHSIA prior to the Effective Date;
 - ix. contracts relating to appointments or engagements by the Transferor under LHSIA of investigators, supervisors, operational or peer reviewers, or auditors;
 - x. any surviving rights, obligations, or liabilities under Expired Legacy Function Contracts; and
 - xi. the vendor contracts and other agreements, instruments and items identified in the attached Appendix "2".
2. Post-Transfer Accountability Agreement. For greater certainty, none of the Patient Service Provisions under the Accountability Agreement shall transfer to Ontario Health. As of the Effective Date, the Patient Service Provisions shall constitute the terms and conditions of an amended accountability agreement between the Minister and the Transferor for the purposes of subsection 18(1) of LHSIA.
3. Voluntary Integration of Health Service Provider. Where a health service provider has provided notice to the Transferor of a proposed integration under section 27 of LHSIA and the Transferor has not yet responded to the notice in accordance with that section or has requested further information in respect of the proposed integration, the Transferor shall inform the provider in writing that the provider is required, as of the Effective Date, to give notice of the proposed integration to the Minister in accordance with section 35 of the CCA, subject to any delegations made under section 2 of the CCA. The Minister or her delegate, Ontario Health, as applicable, will consider and respond to the integration notice within the timelines specified under section 35 of the CCA.

4. Resolution of Issues. In the event that any issue arises respecting the interpretation or implementation of this Transfer Order that cannot adequately be resolved through discussions and agreement between the Transferor and Ontario Health, the issue shall be referred to the Minister for a decision. The Minister may request, in the Minister's sole discretion, that the Transferor and Ontario Health provide a written description of the issue and of their respective positions if the Minister believes that this would assist the Minister in determining an appropriate resolution.



Christine Elliott
Minister of Health

Issued on this 17th day of March 2021.

Appendix 1: Positions transferring to Ontario Health

Hamilton Niagara Haldimand Brant LHIN	
No.	Position Title
1	Advisor, Decision Support
2	Advisor, Funding
3	Advisor, Funding
4	Advisor, Funding
5	Advisor, Health System Planning - Palliative
6	Advisor, Performance and Accountability
7	Advisor, Performance and Accountability
8	Advisor, Planning
9	Advisor, Planning
10	Advisor, Planning
11	Advisor, Planning
12	Advisor, Planning
13	Advisor, Strategic Priorities
14	Advisor, Strategic Priorities
15	Analyst, Performance and Accountability
16	Executive Assistant to the Vice Presidents
17	Executive Assistant, Planning
18	Lead, Digital Health and Change Management
19	Manager, Stakeholder Relations and Community Engagement
20	Regional Director, Palliative Care Network

Appendix 2: Other Contracts / Instruments transferring to Ontario Health

Name of Party(ies) contracting with the LHIN	Contract Start Date
HNHB Indigenous Health Network (IHN)	01-Apr-2007