HEALTH INDUSTRY UPDATE

GOVERNMENT


Bill 59, the Mental Health Amendment Act, 2009, will provide support and clarity around the use of community treatment orders. Community treatment orders will enable individuals to maintain their mental health treatment in the community, reducing the need for hospitalization. Bill 59 was introduced in the Legislature on November 2, 2009.

Alberta Health Services, November 4, 2009. Board Chair & CEO Statement: Inappropriate use of H1N1 vaccine.

Alberta Health Services (AHS) learned that H1N1 vaccinations were provided to players and families of the Calgary Flames. Disciplinary action was taken, resulting in the dismissal of the most senior staff member involved.

B.C. Ministry of Health Services, November 6, 2009. Prince George Hospital renamed to reflect teaching role.

Prince George Regional Hospital will be renamed The University Hospital of Northern British Columbia, Prince George, to better reflect the current role of the hospital as the main teaching site for the Northern Medical Program.

B.C. Ministry of Health Services, November 2, 2009. Legislation introduced to restore emergency care.

The province introduced legislation to end a strike by CUPE 873, the union representing BC Ambulance Service paramedics and dispatchers. Bill 21, the Ambulance Services Collective Agreement Act, received Royal Assent November 7, 2009.


The province is announcing targets to ensure that Ontario’s Diabetes Strategy is producing results. The targets include attaching all people with diabetes to a primary health care provider and ensuring that 80 per cent of people with diabetes, aged 18 and older, have all three diabetes tests completed. To help meet these targets, the province is moving forward with a number of new initiatives.

ASSOCIATIONS


In the matter between 44 Ontario hospitals and OPSEU, the Gray Board of Arbitration, led by Owen Gray, awarded OPSEU 2.5% wage increases in 2009 and 2010, as well as certain
enhancements to benefits. The Ontario Hospital Association expressed concern about the impact of this award in light of prevailing economic circumstances.

**NEWS SOURCES**

The Globe & Mail, November 13, 2009. **Ontario's troubled health ministry loses top civil servant.**

Ontario deputy health minister Ron Sapsford has informed the province that he will leave in January. Mr. Sapsford was called before an all-party legislative committee last month to testify about his role with eHealth. Although he oversaw Ontario's efforts to digitalize its health records, he denied having known about controversial consulting contracts and expense filings.

CBC.ca, November 7, 2009. **Admitting errors reduces them: Montreal hospital.**

Montréal's Jewish General Hospital said a full-disclosure policy regarding mistakes made during patient care is responsible for a 50 per cent drop in adverse incidents over the past three years. The hospital's policy is being lauded by provincial health-care officials, who are using it as a model while they work toward the creation of a province-wide registry of incidents.

The Globe & Mail, November 4, 2009. **Medical records fail checkup.**

Auditor-General Sheila Fraser said that Ottawa will fall short of its plan to provide electronic health records to half of Canadians by next year. So far, Canada Health Infoways' efforts have reached 17 percent of the population.

Edmonton Journal, October 30, 2009. **Alberta Health to lift controversial gag order.**

Alberta Health Services released draft changes to its employee code of conduct that remove a pair of contentious sections which angered nurses and opposition critics. The previous version had a section saying employees should report their colleagues' behaviour if the code was violated, and that employees should refrain from speaking to the media.

**ARTICLES / REPORTS**

CUPE, November 12, 2009. **CUPE report shows seniors' care in crisis.**

A new report by CUPE says that Canadian residential long-term care is in crisis. The solution, as outlined in the research, is increased federal funding tied to legislated standards of care, more care hours, and a phasing out of for-profit providers that cut corners at the expense of elderly residents.

The Fraser Institute, October 29, 2009. **Despite substantial spending increases, surgical wait times no shorter in 2009 than 2000-2001.**

The Fraser Institute's annual report on hospital wait times found that Canadians seeking surgical or other therapeutic treatment are enduring a median wait time of 16.1 weeks, roughly the same delay they experienced in 2000-2001. The hospital waiting list survey measures median waiting times to document the degree to which queues for visits to specialists and for diagnostic and surgical procedures are used to control health care expenditures.

Includes "Strategies to Manage the Difficult Resident, SDM or Family Member" by Kathryn Frelick.


Includes news item "Shift toward capitation in Ontario" and research article "Modelling mitigation strategies for pandemic (H1N1) 2009."

**LEGISLATION**

**Alberta**

Bill 59, the *Mental Health Amendment Act 2009*, had First Reading November 2, 2009.

**British Columbia**

Bill 21, the *Ambulance Services Collective Agreement Act*, received Royal Assent November 7, 2009.

B.C. Reg. 250/2009 amends the *Nurses (Registered) and Nurse Practitioners Regulation* under the *Health Professions Act* to add a clause to the section on restricted activities adding a clause covering "conditions symptomatic of influenza-like illness."

B.C. Reg. 255/2009 amends the *Nurses (Registered) and Nurse Practitioners Regulation* under the *Health Professions Act* changing the repeal date of the transitional (certified practices) section from October 31, 2009 to March 31, 2010.

B.C. Reg. 256/2009 amends the *Pharmacists Regulation* under the *Health Professions Act* by adding "intradermal" to the methods of administering a drug or substance under the restricted activities section.

**Ontario**

O. Reg. 424/09 under the *Personal Health Information Protection Act, 2004*, amends the *General regulation sections on health information custodians, registries of personal health information and prescribed entities.*

**AROUND MT**


Rachel Blumenfeld will present "Changes to Charitable Giving: Implications for the Health Industry" on November 25, 2009. Please contact coffeetalk@millerthomson.com for more information.


Valerie Wise and Danielle Marks will present "Investigative Authority of Regulatory Bodies: The Impact of Amendments to the RHPA" on December 9, 2009. Please contact coffeetalk@millerthomson.com for more information.
William Fowlis and Bryant Frydberg discuss proposed changes to Alberta’s professional corporation legislation in their newsletter, “Amendments to Alberta professional corporations legislation to permit ownership of shares by non-professionals”.

Our National Health Industry Group is dedicated to providing comprehensive and integrated legal services to health industry clients. For more information about our group, visit our website at www.millerthomson.com or contact one of our regional contacts:

**REGIONAL CONTACTS**

**National Chair**  
Joshua Liswood  
416.595.8525  
jliswood@millerthomson.com

**Edmonton**  
Brian Curial  
780.429.9788  
bcurial@millerthomson.com

**Vancouver**  
David Martin  
604.643.1229  
dmartin@millerthomson.com

**Toronto/Markham**  
Kathryn Frelick  
416.595.2979  
kfrelick@millerthomson.com

**Calgary**  
Ivan Bernardo  
403.298.2425  
ibernardo@millerthomson.com

**Montréal**  
André Dugas  
514.871.5410  
adugas@millerthomson.com

**Southwestern Ontario**  
Glenn F. Jones  
519.931.3508  
gjones@millerthomson.com

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