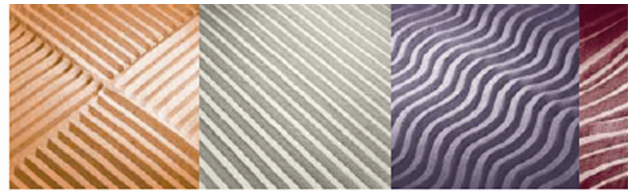


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UPDATE: *C. DIFFICILE* REPORTING REQUIREMENTS

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In follow up to our August 1, 2008 *Communiqué* entitled *Tackling C. difficile in Health Care Facilities*, our Health Industry Practice Group has been monitoring developments regarding *C. difficile* reporting requirements. This *Communiqué* highlights recent amendments made to regulations under the *Health Protection and Promotion Act* which set out the reporting requirements of *C. difficile* associated disease outbreaks in public hospitals.

Hospital Reporting of *C. difficile* associated disease under the *Health Protection and Promotion Act*

The following amendments to regulations under the *Health Protection and Promotion Act* (HPPA) related to *C. difficile* associated disease came into force on August 29, 2008:

- *C. difficile* associated disease (CDAD) is now listed as a communicable disease under Regulation 558/91 (Specification of Communicable Disease) for the purposes of the HPPA;
- CDAD outbreaks in public hospitals is now listed as a reportable disease under Regulation 559/91 (Specification of Reportable Diseases) for the purposes of the HPPA; and
- The information which must be contained in reports to local public health units under the HPPA in respect of CDAD outbreaks in public hospitals is now defined under Regulation 569 (Reports) of the HPPA.

We note that the information required in a report under Regulation 569 of a CDAD outbreak in a public hospital is extensive and includes information related to preventative measures such as: disease control measures utilized to minimize the impact of the outbreak and to prevent the spread of the disease; and measures taken to monitor the hospital for signs and symptoms consistent with the outbreak in patients of the hospital, including a line list.

Public Reporting on *C. difficile* Rates by Ontario Hospitals

In addition to the reporting requirements set out above, we outlined in our August 1, 2008 *Communiqué* the requirement of all public hospitals to disclose information on patient safety indicators when requested to do so by the Minister of Health and Long-Term Care (“the

Minister”). In May 2008, the Ontario Ministry of Health and Long-Term Care (“the Ministry”) announced that as of September 30, 2008, all Ontario hospitals would be required to publicly report on *C. difficile* rates in their facilities through a public website. This requirement is in accordance with amendments made to Regulation 965 under the *Public Hospitals Act* that came into force in July 2008. The amendments added requirements for hospitals to disclose to the Minister information concerning indicators of the quality of health care provided by the hospital related to hospital-acquired infections, actions undertaken to reduce hospital-acquired infections and mortality rates.

Commentary

On September 26, 2008 the CDAD rates of all public hospitals in Ontario were published on the Ministry’s website. This is the first time that CDAD rates have been publicly reported in Ontario. The public reporting of CDAD rates is the first of eight patient safety indicators all Ontario hospitals are required to report as part of the Ontario government’s plan to create transparency in Ontario’s hospitals. Three of the other seven patient safety indicators must be publicly reported in December 2008 and the remaining four in April 2009. We expect that additional requirements regarding the reporting of these patient safety indicators will be established and our Health Industry Practice Group will continue to monitor developments in this area.

We anticipate that the introduction of the reporting processes related to patient safety indicators and the extent of the new types of information that are required to be disclosed will impact many levels of the health industry including: administrators who should be aware of their facility’s reporting obligations; health facilities who will be implementing practices related to the promotion of patient safety and to mitigate risks; the Ministry who controls information related to patient safety indicators that will be subject to the access provisions of the *Freedom of Information and Protection of Privacy Act*; and patients and their families who now have greater access to information related to infections and outbreaks.

Miller Thomson’s Health Industry Practice Group would be pleased to provide you with assistance in ensuring you have appropriate policies and procedures in place regarding the new reporting requirements as well as for preventing and addressing infections and outbreaks. We can also provide assistance in managing legal risk in the event of an infection or outbreak.

For assistance or for more information, please contact us.

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