

Ontario Health Coalition

LETTERS

August 4, 1999

Hon. Michael Harris
Premier of Ontario
Room 281 - Legislative Building
Queen's Park
Toronto, On. M7A 1A1
FAX: (416) 325-3745

Dear Mr. Harris:

RE: Ontario Regulation #386/99

The publication in the official Gazette of 24 July 1999 of the above "regulation made under the Long Term Care Act 1994", covering the "provision of community services" discloses a serious abuse of process by your government. The official Gazette notes that this regulation was "made March 10" and "filed July 6".

We are therefore writing to launch our strongest possible objection to both the process and the content of the regulation passed by your cabinet, which specifies eligibility criteria and designates the maximum amount of homemaking, personal support and nursing services the public is entitled to receive from their Community Care Access Centres. We were given written and verbal assurances that there would be wide circulation and consultation, as we had suggested, prior to this becoming a regulation. These assurances were given to us as late as May 10th, long after (we now learn) you had already approved it.

This is such a breach of the public trust and of democratic process that we can only assume an intent to purposefully mislead us to prevent this from becoming an election issue. On the basis of your government's assurances and statements which include two letters from Cam Jackson of May 10th, as well as his statements to the media, and your statements about a more open and consultative government, we have been waiting for these consultations to begin in order to put forward our concerns with respect to long term care regulations, service maximums, eligibility criteria and other issues. We now learn the regulation was signed, sealed and delivered, even as you were telling us otherwise.

The Ontario Gazette indicates that Regulation #386/99 was made on March 10, 1999. Under the Long Term Care Act regulations may be made by the Lieutenant Governor in Council. Our understanding of this process is that the regulations are initiated by the appropriate Ministry (in this case the Ministry of Health and/or what was then the Ministry for Seniors and Long Term Care), forwarded to Management Board of Cabinet, the Regulations Committee of Cabinet, and finally to full Cabinet before being brought forth for the Lieutenant Governor's signature.

Therefore, prior to March 10th, Regulation #386/99 must have gone through some, if not all, of these steps before the Lieutenant Governor affixed her signature on March 10th.

On March 3rd, we wrote to Long Term Care Minister Cam Jackson with copies to you and Health Minister Witmer outlining our concerns with the draft regulations contained in "Service Directions for CCAC's and other Long Term Care Community Agencies", a copy of which we later received anonymously. We noted service maximums as one of our areas of concerns.

On March 30th, we wrote to you again, with copies to Health Ministers Witmer and Jackson, underlining our concerns with the regulations. In fact, we were so seriously alarmed by the rationing of services that we also held a media conference on that day and announced that we were publicly releasing the draft policies to alert Ontarians to the potential for harm. We called on you to hold full and meaningful public discussion before proceeding with implementation.

Former Long Term Care Minister Cam Jackson replied to both letters on your behalf on May 10th assuring us that these were draft regulations only and that "before any such comprehensive regulation is approved, it would be subject to the type of wide circulation you suggest." Mr. Jackson was also quoted in the media stating much the same thing. In addition, you made many media statements during and after the election about a more open and consultative process.

While your government's statements to the media portray this regulation as merely formalizing what has been in practice, it is our view that it has been put in place to remove any real exercise of discretion by the CCACs and the Health Services Appeal and Review Board. In effect, it quite dramatically limits access to care. By setting a limit, you have essentially done away with appeals in contradiction to the act which guaranteed the right to appeal the denial of service. Dropping this shoe serves as a warning that you have more in reserve, no doubt to cover off the other aspects of the regulations.

The exercise of full discretion should be returned to the CCACs and Health Services Appeal and Review board. In addition:

1. Full and meaningful public consultation and discussion should take place immediately;
2. Regulation #386/99 should be withdrawn and amended to reflect the outcome of these consultations; and,
3. CCACs should be adequately funded and the rationing of services should immediately stop.

Yours very truly,

Dan Benedict
Co Chair

Irene Harris
Co-Chair