

August 19, 2010

Hon. Deb Matthews
Minister of Health and Long-Term Care
10th Flr, Hepburn Block
80 Grosvenor St
Toronto, ON M7A 2C4

Dear Minister Matthews,

Re. 2010 alPHa Resolutions

On behalf of member Medical Officers of Health, Boards of Health and Affiliate organizations of the Association of Local Public Health Agencies (alPHa) I am writing to introduce five Resolutions that were passed at alPHa's Annual General Meeting in on June 21, 2010, for anticipated action by the Ministry of Health and Long-Term Care.

A10-01 - Amending Regulation 565 to Improve Public Swimming Pool Admission Standards

Ontario Regulation 565/90 under the Health Protection and Promotion Act sets standards for the admission of bathers to public swimming pools, which are designed to ensure proper supervision as a means to prevent drowning and injury. The Office of the Chief Coroner of Ontario issued recommendations for improving these standards in 2005, which were strongly supported by your Ministry, with an assurance that amendments would be in place that year. We are urging you follow through on implementing these changes.

A10-02 - Privacy and Security of Personal Health Information

Following the loss of a USB key containing personal health information of a large number of immunization clinic clients in late 2009 in Durham Region, it became clear that Ontario's public health system needs to urgently address some systemic issues to improve the privacy and security of personal health information that is collected, used, disclosed, stored and disposed by local public health agencies for purposes that may differ from those of the treatment sector. Ongoing efforts are needed to ensure that Health Information Custodians in public health are supported to fully comply with requirements under PHIPA while carrying out those prescribed by the HPPA and the Ontario Public Health Standards.

A10-03 - Governance by Autonomous Boards

In 2006, the Capacity Review Committee recommended that public health units should be governed by autonomous, skills-based local boards to ensure that Ontario's public health needs are best served at the local level and to reinforce the autonomy of the local Medical Officer of Health. The Ontario Government recently demonstrated its support for this by making a non-monetary provision in its 2010 Budget bill to amend the City of Ottawa Act to establish an independent board of health for that city. We are urging you to continue to work with alPHa to further implement the CRC's governance recommendations as outlined in the Resolution.

A10-09 - Local Public Health and Local Health Integration Networks

alPHa views Ontario's Local Health Integration Networks (LHINs) as important partners in community health, but strongly believes that local public health agencies (boards of health / public health units) should remain organizationally and financially separate from these structures, and that any degree of integration would weaken Ontario's public health system.

A10-10 - Dental Health for Low-Income Ontarians

When this program was initially announced by the McGuinty Government three years ago, it was aimed squarely at the oral health needs of all low-income Ontarians, not just children. We are urging the Government to follow through on its original promise to include low-income adults in its publicly-funded dental health services for low-income Ontarians.

Each Resolution is attached to provide you with more detail, but if you have further questions, please don't hesitate to contact me. We look forward to working with you to address these issues.

Sincerely,

ORIGINAL SIGNED

Linda Stewart,
Executive Director

Copy:

Dr. Arlene King, Chief Medical Officer of Health
Allison Stuart, Assistant Deputy Minister of Health and Long-Term Care
Hon. Dalton McGuinty, Premier of Ontario (A10-02)
Hon. Laurel Broten, Minister of Children and Youth Services (A10-02)
Hon. Margaret Best, Minister of Health Promotion (A10-02)
Dr. Vivek Goel, President and CEO, Ontario Agency for Health Protection and Promotion (A10-02)
Dr. Ann Cavoukian, Information and Privacy Commissioner (A10-02)
Greg Reed, President and CEO, e-Health Ontario (A10-02)

Encl.

aIPHa RESOLUTION A10-1

TITLE: Amending Regulation 565 To Improve Public Swimming Pool Admission Standards

SPONSOR: Council of Ontario Medical Officers of Health

WHEREAS the Office of the Chief Coroner of Ontario has recommended the implementation of admission standards for public swimming pools to improve surveillance over activities of young children in order to prevent drowning fatalities of young children in public swimming pools; and

WHEREAS drowning is the second leading cause of preventable death in Canada among children and an estimated 58 children age 14 and under drown every year in Canada, while another 140 are hospitalized for near-drowning; and

WHEREAS a major contributing factor in the deaths of children is the lack of adult supervision;

NOW THEREFORE BE IT RESOLVED that the Association of Local Public Health Agencies (alPHa) request that the Ministry of Health and Long Term Care ratify the Coroner's admission standards and amend the Regulation 565 to include these recommended admission standards.

ACTION FROM CONFERENCE: Resolution CARRIED

aIPHa RESOLUTION A10-2

TITLE: Privacy and Security of Personal Health Information

SPONSOR: Durham Regional Council's Health & Social Services Committee

WHEREAS on December 16, 2009, an unencrypted USB key, which stored the personal health information of over 83,000 Durham Region Flu Immunization Clinics clients, was lost; and

WHEREAS the Information and Privacy Commissioner/Ontario (IPC) launched a section 58 review under the *Personal Health Information Protection Act, 2004* (PHIPA); and

WHEREAS the IPC issued PHIPA Order HO-007 (the Order) on January 14, 2010; and

WHEREAS the IPC concluded that:

- The Corporate Information Services (CIS) employee who provided unencrypted memory sticks to the H1N1 immunization clinics was acting as an "agent" of the Health Information Custodian (Custodian) pursuant to section 2 of PHIPA,
- The Custodian did not comply with section 30(2) of PHIPA and did not limit the collection of personal health information, including health card numbers, to that which was necessary to fulfill the identified purposes as required,
- The Custodian did not comply with section 15(3)(b) of PHIPA as the agent involved in administering the Niagara System was not adequately trained in his role or his obligations under the Act,
- The Custodian did not comply with sections 13(1) {secure retention, transfer and disposal}; 10(1) and 10(2) {information practices}; and 12(1) {protection against theft, loss and unauthorized use} of PHIPA, and

WHEREAS the Order contained 4 provisions directed at the Custodian and 4 recommendations directed at the Custodian (1), Regional Municipality of Durham (1), and the Ministry of Health and Long-Term Care (2); and

WHEREAS the Custodian provided the IPC with proof of compliance on February 16, 2010 and the IPC confirmed such compliance on March 14, 2010; and

WHEREAS Ontario's public health system needs to urgently address some systemic issues to improve the privacy and security of personal health information that is collected, used, disclosed, stored and disposed by local public health agencies, the Ontario Ministries of Children and Youth Services, Health and Long-Term Care, and Health Promotion, and e-Health Ontario;

continued

NOW THEREFORE BE IT RESOLVED that the Government of Ontario takes the following steps, as soon as possible, to improve the privacy and security of personal health information (PHI) that is collected, used, disclosed, stored and disposed by Ontario's public health system, including local public health agencies and the Ontario Ministry of Health and Long-Term Care:

- Ensures that Health Information Custodians continually use secure and encrypted mobile devices and media for the collection and storage of PHI and that Custodians' corresponding information practices and privacy and security policies and procedures are properly aligned with this requirement,
- Ensures that Custodians limit the collection of PHI, including health card numbers, to that which is necessary to fulfill the identified purposes under the Act, in consultation with the IPC and other key stakeholders,
- Ensures there is greater clarity respecting the role of Custodians who use provincial information systems that collect and store PHI that can be accessed by local public health agencies and provincial ministries, in consultation with the IPC and/or other key stakeholders,
- Ensures that provincial Custodians conduct privacy impact assessments, on current and new provincial public health information systems, in consultation with the IPC and other key stakeholders, and that such assessments are shared with local Custodians, so that they can determine whether PHIPA requirements regarding their information systems, have been met,
- Ensures that the *Health Protection and Promotion Act* and PHIPA are strengthened such that Custodians are empowered to give clear directions to their agents with respect to the privacy and security of PHI, including the completion of privacy and security training and an attestation to that effect, and agents are required to comply with such directions,
- Ensures that Custodians and their agents receive ongoing education and training with respect to their powers and duties under PHIPA, in consultation with the IPC, Ontario Agency for Health Protection and Promotion and other key stakeholders,
- Ensures that Custodians share PHI related privacy and security best practices, including information practice notices, policies, procedures and templates, across the public health system,
- Ensures Custodians receive ongoing adequate resources to ensure that they and their agents are able to fulfill their duties under PHIPA;

AND FURTHER that the Premier of Ontario, Ministers of Children and Youth Services, Health and Long-Term Care, and Health Promotion, Chief Medical Officer of Health, Assistant Deputy Minister, Public Health, Information and Privacy Commissioner/Ontario, President & CEO, Ontario Agency for Health Protection and Promotion, and the President & CEO, e-Health Ontario are so advised.

ACTION FROM CONFERENCE:

Resolution CARRIED

aIPHa RESOLUTION A10-3

TITLE: Governance by Autonomous Boards

SPONSOR: aIPHa Board of Directors

WHEREAS The Capacity Review Committee (CRC) that was struck under Operation Health Protection concluded in its 2006 Report, *Revitalizing Ontario's Public Health Capacity* that stronger and more consistent governance is the foundation of a revitalized public health system; and

WHEREAS the CRC specifically recommended that public health units should be governed by autonomous, locally-based boards of health that should focus primarily on the delivery of public health programs and services; and

WHEREAS the CRC noted that autonomous boards of health allow for the recruitment of members with specific skills and interest in public health to complement the perspectives of municipal councillors; and

WHEREAS the CRC specifically recommended that the Province seek advice from aIPHa on the appropriate mix of skills required for public health governance

WHEREAS the CRC further noted that autonomous boards ensure the independence of the medical officer of health through his or her direct reporting to the board, outside of larger municipal bureaucracies; and

WHEREAS the CRC noted that a significant proportion of the population of the Province is currently served by boards of health that are not modelled on its recommendation; and

WHEREAS this recommendation was made in part to ensure that public health is not marginalized and that health unit resources are not transferred to other areas of the organization outside of public health; and

WHEREAS the Ontario Government has already made an initial step toward realizing the CRC's proposed model by passing an amendment to the City of Ottawa Act as part of its 2010 Budget Bill to establish an independent board of health for that city;

NOW THEREFORE BE IT RESOLVED that the Government of Ontario continue, in consultation with aIPHa and its members, to implement the governance recommendations of the Capacity Review Committee to ensure that all Ontarians are served by Boards of Health that are autonomous, skills based, with a balance between municipal and local citizen representatives, and whose resources and decisions are dedicated solely to public health in their communities.

ACTION FROM CONFERENCE: Resolution CARRIED AS AMENDED



aIPHa RESOLUTION A10-9

TITLE: Local Public Health and Local Health Integration Networks

SPONSOR: aIPHa Board of Directors

WHEREAS The Association of Local Public Health Agencies (alPHa) fully supports and acknowledges that the 36 Local Public Health Agencies in Ontario share common interests and are encouraged to work in partnership with Local Health Integration Networks (LHINs); and

WHEREAS aIPHa believes that integrating public health into LHINs either organizationally or financially will weaken the public health system in Ontario;

NOW THEREFORE BE IT RESOLVED that the Association of Local Public Health Agencies (alPHa) strongly promote that Public Health Agencies in Ontario remain as independent and separate entities from Local Health Integration Networks (LHINs) and that this position be communicated to the Minister of Health and Long-Term Care.

ACTION FROM CONFERENCE: Resolution **CARRIED**

alPHa RESOLUTION A10-10

TITLE: Dental Health for Low-Income Ontarians

SPONSOR: alPHa Board of Directors

WHEREAS oral health is an important component of general health and impacts upon the cost of the general health care system; and

WHEREAS poor oral health impacts on a child's speech development, ability to thrive and readiness to learn; and

WHEREAS poor oral health can compromise the employability of working-age adults; and

WHEREAS poor oral health compromises the quality of life of seniors; and

WHEREAS there are members of our community who cannot obtain basic dental care because of financial barriers; and

WHEREAS the Ontario Liberals made provision of oral health services to low-income Ontarians a key plank in its 2007 election platform; and

WHEREAS the Ontario Liberals indicated through the press that the promised services would focus on Ontario's working poor, to cover preventive care, such as cleanings and fluoride treatments by dental hygienists, as well as fillings and extractions; and

WHEREAS the Government of Ontario followed this election promise with an announcement in the 2007 Throne speech and 2008 Budget that it would commit \$45 million per year to increase access to dental care for low-income families as part of its Poverty Reduction Strategy; and

WHEREAS the alPHa Board of Directors closed its 2007 Resolution (*A07-10 – Publicly Funded Dental Program to Assist Financially Disadvantaged Ontarians*) based on this announcement; and

WHEREAS the alPHa Board of Directors believes that specific exclusion of low-income adults from treatment and prevention services provided through this program is contrary to the original intent of the Government's promise;

NOW THEREFORE BE IT RESOLVED that the Association of Local Public Health Agencies (alPHa) call on the Government of Ontario to renew its original promise to provide its dental program for low income families, with a renewed focus on Ontario's low-income adults.

ACTION FROM CONFERENCE: Resolution CARRIED