

September 30, 2010

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Honourable Deborah Matthews
Minister – Minister's Office
Ministry of Health and Long-Term Care
80 Grosvenor Street
10th Floor, Hepburn Block
Toronto, ON M7A 2C4

Dear Minister Matthews:

Subject: Proposed Statutory Amendments to the Health Protection and Promotion Act based on the Recommendations in the Chief Medical Officer of Health's Informal Report on the H1N1 Pandemic

At its September 22, 2010 regular meeting, the Board of Health for the North Bay Parry Sound District Health Unit passed the following resolution #BOH/2010/09/12:

Whereas, The Chief Medical Officer of Health released her Report on the public health H1N1 pandemic response in June 2010 (The H1N1 Pandemic – How Ontario Fared), an informal assessment, aimed at the people of Ontario, of what went well and what did not during its course, and

Whereas, The Chief Medical Officer of Health made a number of recommendations in the Report which may include the following:

- 1. Authorizing the Chief Medical Officer of Health to issue directives to Boards of Health and Medical Officers of Health as needed without the need to assume the full powers of the Medical Officer of Health/Board of Health as currently articulated in Section 77.1 of the Health Protection and Promotion Act,*
- 2. A formal role for the Chief Medical Officer of Health in appointing local Medical Officers of Health, in addition to that of the Minister under Section 64 of the Health Protection and Promotion Act,*
- 3. The ability of the province to assume control of local facilities as needed/requested by the local Medical Officer of Health, and*

Whereas, The Minister of Health and Long-Term Care, in her public response to the Report indicated that she hopes to introduce amendments to the Health Protection and Promotion Act in the fall based on the recommendations of the Chief Medical Officer of Health Report, and

Whereas, Ontario's Boards of Health and Medical Officers of Health were not consulted before the release of the Report nor invited to provide feedback on the proposed changes to the Health Protection and Promotion Act, and

Whereas, The Minister of Health and Long-Term Care announced her intention to introduce legislation based on an informal Report, prior to the conclusion of the formal one that the Province is conducting, and

Whereas, No clear rationale is given in the Report to support the need for these changes, and

Whereas, No explanation is given about why the powers assigned to the Chief Medical Officer of Health under Part VI.1 of the Health Protection and Promotion Act were not exercised or why they were not enough, and

Whereas, The Report strongly implies that the inconsistencies and public confusion during the rollout of the H1N1 immunization strategy were due to disarray at the local level that could have been fixed with stronger Chief Medical Officer of Health authority to issue directives, and

Whereas, Formal Chief Medical Officer of Health involvement in the appointment of local Medical Officers of Health is not compatible with current chains of accountability, and


Whereas, The proposed amendments to existing legislation are not justified and not consistent with the recent directions in Ontario to support the autonomy of local Boards of Health, and

Whereas, The speed with which they are being processed is not consistent with the recent trend of fully involving the field in developing policy that is meant to improve Ontario's public health system,

Now Therefore Be It Resolved, *That the Board of Health for the North Bay Parry Sound District Health Unit Health Unit recommend to the Minister of Health and Long-Term Care that any statutory amendments recommended in the Chief Medical Officer of Health's informal Report be deferred until a full and formal consultative process is complete involving members of the Council of Medical Officers of Health (COMOH) and Board of Health representatives throughout the province, and*

Furthermore Be It Resolved, *That a copy of this resolution be forwarded to the Premier of Ontario, the Minister of Health and Long-Term Care, the Chief Medical Officer of Health, local Members of Provincial Parliament, local Members of Federal Parliament, Ontario Boards of Health, Ontario Medical Officers of Health, and the Association of Local Public Health Agencies.*

Yours sincerely,



Mac Bain, Chairperson
Board of Health

Copied to:

- 1) The Honourable Dalton McGuinty, Premier of Ontario
- 2) Dr. Arlene King, Chief Medical Officer of Health, Ministry of Health and Long-Term Care
- 3) The Honourable Monique Smith, MPP (Nipissing)
- 4) Norm Miller, MPP (Parry Sound-Muskoka)
- 5) David Ramsay, MPP (Timiskaming-Cochrane)
- 6) The Honourable Tony Clement, MP (Parry Sound-Muskoka)
- 7) Anthony Rota, MP (Nipissing-Timiskaming)
- 8) Ontario Boards of Health
- 9) Ontario Medical Officers of Health
- 10) Linda Stewart, Executive Director, Association of Local Public Health Agencies