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TRANSFER ORDER

MADE UNDER PART V OF THE
CONNECTING CARE ACT, 2019, S.O. 2019, CH.5, SCHED. 1

ISSUED TO:

**CHAMPLAIN LOCAL HEALTH INTEGRATION NETWORK
(o/a Home and Community Care Support Services Champlain)**

(the "Champlain LHIN")

-and-

CHILDREN'S HOSPITAL OF EASTERN ONTARIO – OTTAWA CHILDREN'S TREATMENT CENTRE

("CHEO")

WHEREAS:

- I. The Minister of Health ("Minister") wishes to enable CHEO to deliver an integrated and comprehensive range of home and community care services and acute care services to pediatric clients in the Champlain region in furtherance of the Government's plans to modernize home and community care and to create a more integrated, client-centred health care experience for children and their families;
- II. In furtherance of the foregoing objectives, the Minister wishes to transfer to CHEO all of the community services under the *Home Care and Community Services Act, 1994* that are currently provided or arranged by the Champlain LHIN for the pediatric population in the LHIN's geographic area (the "Pediatric Care Functions");
- III. Subsection 40(1) of the *Connecting Care Act, 2019* (CCA) confers authority on the Minister to issue orders transferring all or part of the assets, liabilities, rights and obligations and all or some of the employees of a LHIN to a health service provider;

- IV. CHEO is a health service provider within the meaning of the CCA, as it is both an approved agency under the *Home Care and Community Services Act, 1994* and a public hospital under the *Public Hospitals Act*;
- V. On May 20, 2021, the Minister issued a preliminary notice letter to CHEO and the Champlain LHIN in accordance with subsection 40(3) of the CCA advising of the Minister's intention to order the transfer of Pediatric Care Functions from the Champlain LHIN to CHEO at a later date;
- VI. The Minister now wishes to issue an order under subsection 40(1) of the CCA transferring into CHEO certain employees, assets, liabilities, rights and obligations of the Champlain LHIN that are necessary to effect the assumption by CHEO of Pediatric Care Functions, with such order to be effective as of **September 20, 2021**.

NOW THEREFORE:

ORDER:

PART I. DEFINITIONS AND INTERPRETATION

1. For the purposes of this Order, the following terms shall have the following meanings:

"Active Pediatric Client" means, as of the Effective Date, an individual who falls into one of the following categories:

1. An individual under the age of 18 who is receiving Pediatric Services or in respect of whom an application has been made for Pediatric Services;
2. An individual aged 18 or older who:
 - a) began receiving Pediatric Services before turning 18;
 - b) has been continuously receiving Pediatric Services since turning 18; and
 - c) receives ongoing medical care at CHEO as a hospital patient; or
3. An individual aged 18 or older who is a Student and is receiving School Supports.

"Adult Transitional Client" means an individual aged 18 or older who, as of the Effective Date:

- a) is receiving Community Services or placement services from or is enrolled in the Family Managed Home Care Program with the Transferor;
- b) received Pediatric Services from the Transferor prior to turning 18 years old;
- c) has been receiving services from the Transferor continuously since turning 18 years old; and
- d) is not an Active Pediatric Client within the meaning of paragraph 2 or 3 of that definition;

“*Archives and Recordkeeping Act*” means the *Archives and Recordkeeping Act, 2006*, S.O. 2006, c.34, Sched. A, as amended;

“*CCA*” means the *Connecting Care Act, 2019*, S.O. 2019, c.5, Sched. 1, as amended;

“*Champlain Mental Health and Addictions Nursing (MHAN) School Boards*” means, collectively, the Ottawa Carleton District School Board, Ottawa Catholic School Board, Conseil des écoles catholiques du Centre-Est, Conseil des écoles publiques de l'Est de l'Ontario, Conseil scolaire de district catholique de L'Est ontarien, Renfrew County District School Board, Renfrew County Catholic District School Board, and Catholic District School Board of Eastern Ontario;

“*Champlain Region*” means the geographic area that was assigned under LHSIA as the Transferor's service area as set out on map #11 posted on the Ontario government website at <lhins.on.ca>;

“*Community Services*” means the community services the Minister approved the Transferor to provide under section 28.1 of HCCSA;

“*Effective Date*” means 12:00:01 a.m. on September 20, 2021;

“*Excellent Care for All Act*” means the *Excellent Care for All Act, 2010*, S.O. 2010, c. 14, as amended;

“*Exclusion*” means an asset, liability, right or obligation of the Transferor that is associated with or arises from the Pediatric Services which is specified under Part II of the Order as something which is not being transferred to the Transfer Recipient;

“*Expired Contract*” means a contract or a part thereof that governs, relates to, or applies to the provision of Pediatric Services that was entered into by the Transferor and a third party, and which expired or was terminated prior to the Effective Date;

“*Former Pediatric Client*” means an individual who formerly received Pediatric Services from the Transferor, but excludes an Adult Transitional Client;

“*HCCSA*” means the *Home Care and Community Services Act, 1994*, S.O. 1994, c.26, as amended;

“*LHSIA*” means the *Local Health System Integration Act, 2006*, S.O. 2006, c.4, as amended;

“*Minister*” means the Minister of Health;

“*Pediatric Clients*” include Active Pediatric Clients and Former Pediatric Clients;

"Pediatric Self-Directed Care Agreement" means, in accordance with the Minister's approval of the Transferor under section 28.5 of HCCSA:

- a) a self-directed care (SDC) template agreement entered into by or on behalf of a Pediatric Client under the Family Managed Home Care Program; and
- b) an agreement entered into by or on behalf of a Pediatric Client in a self-directed care arrangement that pre-dated the Family Managed Home Care Program;

"Pediatric Service-related Provisions" means, with respect to a SPO Contract, those sections, articles, clauses, paragraphs, schedules or appendices, or any parts thereof, that govern, relate to or apply to Pediatric Services and, for greater certainty, includes general provisions in a SPO Contract, but only insofar as such general provisions govern, relate to or apply to Pediatric Services;

"Pediatric Services" means the following services provided to or in respect of Pediatric Clients within the Champlain Region:

- a) Community Services, including the assessments, reassessments, determinations of eligibility, development and revision of plans of service, and any other services associated with providing Community Services, and providing funding for the purchase of Community Services pursuant to a Minister's approval under section 28.5 of the HCCSA;
- b) management of the placement of Pediatric Clients into supportive housing programs, complex continuing care and rehabilitation beds in hospitals, and other programs and places where community services are provided under HCCSA;
- c) providing information to the public about, and making referrals to, health and social services for Pediatric Clients; and
- d) services purchased from the Transferor;

"Personal Health Information" means personal health information as that term is defined in PHIPA;

"PHIPA" means the *Personal Health Information Protection Act, 2004*, S.O. 2004, c.3, Sched. A, as amended;

"Record" means a public record within the meaning of the *Archives and Recordkeeping Act* that is in the custody or control of the Transferor immediately prior to the Effective Date of this Order;

"School Supports" means any of the following services:

- a) school health personal support services and/or school health professional services as defined in Ontario Regulation 386/99 made under HCCSA;
- b) occupational therapy, physiotherapy, and/or speech-language pathology services provided in a public school through a children's treatment centre; or
- c) mental health and addictions nursing services provided to a Student within any of the Champlain MHAN School Boards.

“*SPO Contract*” means a client services agreement between the Transferor and a service provider organization for the Transferor’s purchase of Community Services that is specified in List 1 of Appendix B to this Order;

“*Student*” means an individual who is receiving formal instruction at an elementary or secondary school curricular level, whether in a public, private or home school;

“*Transfer Recipient*” means CHEO;

“*Transferor*” means the Champlain LHIN; and

“*Transferred Operations*” has the meaning set out in Part II of this Order.

2. For the purposes of interpreting this Order,
 - (a) words in the singular include the plural and vice-versa; and
 - (b) “include”, “includes” and “including” denote that the subsequent list is not exhaustive.

PART II. OPERATIONS TO BE TRANSFERRED

Pursuant to subsection 40(1) of the CCA, the Minister orders that, as of the Effective Date, all operations, activities and affairs of the Transferor relating to the Pediatric Services be transferred to, and assumed by, the Transfer Recipient, including the employees who are herein specified and all assets, liabilities, rights and obligations that are associated with or arise from the Pediatric Services, other than the Exclusions (the “Transferred Operations”). The Transfer Recipient stands in the place of the Transferor for all purposes in respect of the Transferred Operations and assumes all assets, liabilities, rights and obligations in respect of the Transferred Operations. Without limiting the generality of the foregoing, the Transferred Operations include the following:

A. Employees:

- (i) The employees of the Transferor who are named and occupy the positions identified in Appendix A to this Order (the “Transferred Employees”); and
- (ii) All employment-related Records relating to the Transferred Employees.

B. Contracts:

The assets, liabilities, rights and obligations arising from or under the following:

- (i) the Pediatric Service-related Provisions of each SPO Contract specified in List 1 of Appendix B to this Order, including the portion of volume awards (estimated or actual) within each SPO Contract that is attributable to Pediatric Services;

- (ii) the Pediatric Self-Directed Care Agreements and related agreements specified within List 2 of Appendix B to this Order, as well as any such agreements that are entered into between the date on which this Order is issued and the Effective Date;
- (iii) the vendor contracts and other agreements specified in List 3 of Appendix B to this Order; and
- (iv) any surviving rights, obligations or liabilities under an Expired Contract.

C. Physical Assets:

The assets, liabilities, rights and obligations associated with the physical assets specified in Appendix C.

D. Litigation-related Matters:

The rights, obligations and liabilities of the Transferor arising from any civil actions, administrative or regulatory proceedings, prosecutions, grievances, complaints, convictions, rulings, orders, judgments, dispute settlements, or legal claims relating to the Transferred Operations, including the matters listed in Appendix D.

E. Records (non-employment):

- (i) Subject to the exclusions specified in clause (ii), the assets, liabilities, rights and obligations associated with all Transferor Records that relate to or were created in connection with the provision of Pediatric Services, including Records relating to:
 - a. Active Pediatric Clients and Former Pediatric Clients;
 - b. complaints and complaints management; and
 - c. contract management and administration, including such Records relating to Expired Contracts.
- (ii) Exclusions: Records relating to Adult Transitional Clients.

F. Audits, inspections, Patient Ombudsman investigations:

The rights, obligations, and liabilities of the Transferor in respect of any audits, inspections or investigations may be undertaken in respect of the Pediatric Services under applicable law, including any investigations or complaint resolution efforts relating to Pediatric Services that may be undertaken by the Patient Ombudsman under the *Excellent Care for All Act*.


G. Applicable directives:

The rights, obligations and liabilities of the Transferor under or with respect to any orders or directives which govern or apply to the Pediatric Services, including the PSW Wage Harmonization Directive dated April 1, 2014 issued by the Minister under LHSIA.

PART III. ADDITIONAL PROVISIONS

1. SPO Contracts Post-Transfer. For greater certainty, only the Pediatric Service-related Contract Provisions of SPO Contracts are transferred to the Transfer Recipient under this Order. Following the Transfer Date, those sections, articles, clauses, paragraphs, schedules or appendices of a SPO Contract, or any parts thereof, that govern, relate to or apply to services other than Pediatric Services, including general provisions, shall constitute the terms of an amended agreement between the Transferor and the service provider.
2. Personal Health Information. The Transferor's rights and obligations as a health information custodian under PHIPA in respect of the Records of Personal Health Information that are being transferred pursuant to this Order ("Transferred PHI Records") are transferred to, and shall be assumed by, the Transfer Recipient. As of the Effective Date, the Transfer Recipient shall be the health information custodian in respect of the Transferred PHI Records.
3. Records to be retained by the Transferor. For greater certainty, Records that do not relate to Pediatric Services and Records relating to Pediatric Services provided to Adult Transitional Clients are not transferred under this Order and shall be retained by the Transferor.
4. Mixed Records. In the case of any general or mixed Records that pertain to both Pediatric Services and non-Pediatric Services, the Transferor and Transfer Recipient shall make arrangements to ensure that both parties have copies of, or access to, the Records as necessary to enable each party to carry out its respective objects and functions in compliance with applicable law.
5. Archivist of Ontario. The Transferor and the Transfer Recipient shall enter into an agreement with the Archivist of Ontario in respect of the Records that are being transferred pursuant to this Order in accordance with subsection 14(3) of the *Archives and Recordkeeping Act*.

6. Resolution of Issues. In the event that any issue arises respecting the interpretation or implementation of this Order that cannot adequately be resolved through discussions and agreement between the Transferor and the Transfer Recipient, the issue shall be referred to the Minister for a decision. The Minister may request, in the Minister's sole discretion, that the Transferor and the Transfer Recipient provide a written description of the issue and of their respective positions if the Minister believes that this would assist the Minister in determining an appropriate resolution.



Christine Elliott
Deputy Premier and Minister of Health

Issued on this 7th day of September 2021.

APPENDIX A Transferred Employees

Last Name	First Name	Position / Occupation
Pharand	Marie-Ève	Occupational Therapist
Aubry	Sonia	Occupational Therapist
Clouthier	Taunia	Occupational Therapist
Perreault	Josée	Occupational Therapist
Cotnam	Jodi	Occupational Therapist
Seabert	Greg	Occupational Therapist
Postras	Renée	Physiotherapist
Gervais	Peggy	Physiotherapist
Duff-Young	Christine	Physiotherapist
Galarneau	Annie	Speech-Language Pathologist
Hector	Brenda	Speech-Language Pathologist
Hao	Dandi	Speech-Language Pathologist
Mir	Soha	Speech-Language Pathologist
Despond	Alexandra	Speech-Language Pathologist
Berrigan	Maryanna	Speech-Language Pathologist
Jeffrey	Julie	Speech-Language Pathologist
Way	Ashley	Care Coordinator
Manson	Campbell	Care Coordinator
Mahon	Lorina	Care Coordinator
Tessier	Sylvie	Care Coordinator
Murphy	Samara	Care Coordinator
Thurston	Julie	Care Coordinator
Galarneau	Marybelle	Care Coordinator
Carpen	Anne	Care Coordinator
O'Brien	Sophie	Care Coordinator
Edwards	Tim	Care Coordinator
Lafond	Geneviève	Care Coordinator
Postras-George	Mylène	Care Coordinator
Roberts	Karly	Care Coordinator
Pike	Heather	Mental Health & Addictions Nurse
Shukri	Muna	Mental Health & Addictions Nurse
Orrell	Leanne	Mental Health & Addictions Nurse
Grandmont	Geneviève	Mental Health & Addictions Nurse
MacCuaig	Sandra	Mental Health & Addictions Nurse
Farnworth	Julie	Mental Health & Addictions Nurse
Cull	Tania	Mental Health & Addictions Nurse
Persaud	Ruth-Amy	Mental Health & Addictions Nurse
Brunner	Sandra	Mental Health & Addictions Leader
MacGregor	Karen	Registered Practical Nurse
Hunter	Kelly Lynn	Registered Practical Nurse
Palmer	Abby	Registered Practical Nurse
Nowicka	Cathleen	Registered Practical Nurse

Maisonneuve	Annie	Registered Practical Nurse
Steele	Kate	Rapid Response Nurse
Huntley	Nicole	0.6 Care Coordinator and 0.4 Rapid Response Nurse
Gobeil	Melissa	Rapid Response Nurse
Antler	Elizabeth	Communicative Disorders Assistant
Graveline	Erica	Professional Practice Lead
Morreau	Monica	Team Assistant
Loiselle	Sara	Team Assistant
Leckie	Sam	Team Assistant
Cancar	Sasa	Team Assistant
Blais	Desiree	Team Assistant
Griffith	Margaret Ann	Team Assistant
Goldberg	Ginger	Team Assistant

APPENDIX B Contracts

List 1: SPO Contracts

Names of Party contracting with the Champlain LHIN	Contract Start Date
Access Healthcare Services Inc.	1-Oct-2012
Bayshore Healthcare Ltd.	1-Oct-2012
Carefor Health & Community Services	1-Oct-2012
8262900 Canada Inc. (c.o.b. as Care Partners)	1-Oct-2012
We Care Health Services LP	1-Oct-2012
VHA Home Health Care – on behalf of the division of Champlain Rehab Solutions	1-Oct-2012
CommuniCare Therapy Inc.	1-Oct-2012
ParaMed Inc.	1-Oct-2012
Saint Elizabeth Health Care	1-Oct-2012
Mohawk Council of Akwesasne	1-Oct-2012
Ottawa Home Care	1-Apr-2010
At Home Hospice	1-Oct-2012

List 2: Pediatric Self-Directed Care (SDC) Agreements and Related Agreements

Client Unique Identifier / Name of Party Contracting with the Champlain LHIN	Contract Start Date	Type of agreement
3010734	18-Jul-2021	FMHC
6345334	30-Sep-2020	FMHC
3147643	1-Dec-2018	FMHC
12706695	30-Aug-2020	FMHC
3134387	21-Jul-2019	FMHC

12885834	5-Jan-2020	FMHC
3125655	29-Jun-2020	FMHC
6320596	1-Dec-2019	FMHC
6348929	10-Mar-2019	FMHC
6354281	15-Oct-2018	FMHC
3049167	1-Mar-2019	FMHC
3066323	7-Jul-2019	FMHC
3115250	20-Jul-2020	FMHC
3085292	18-Apr-2021	FMHC
12706640	27-May-2019	FMHC
3147869	7-Jul-2019	FMHC
12837460	6-Oct-2019	FMHC
6366191	28-Jul-2019	FMHC
3076028	30-May-2021	FMHC
3052998	12-Jan-2020	FMHC
6369404	1-Jun-2019	FMHC
12669159	26-Jul-2020	FMHC
6330275	1-Aug-2021	FMHC
3075814	10-Nov-2019	FMHC
3146266	11-Jul-2021	FMHC
3018947	22-Sep-2019	FMHC
3071141	11-Nov-2018	FMHC
3137546	27-Dec-2020	FMHC
3055227	22-Jul-2020	FMHC

3000632	28-Jul-2019	FMHC
3116308	10-Sep-2018	FMHC
6424796	10-Sep-2018	FMHC
12998895	12-Jan-2020	FMHC
6359046	1-Apr-2017	SDC
Service Coordination for Persons with Special Needs	1-Apr-2017	MOU

List 3: Other Contracts

Names of Party contracting with the Champlain LHIN	Contract Start Date
Christian Community School	3-Sept-2020
Ottawa Christian School	3-Sept-2020
Ottawa-Carleton District School Board (DSB)	23-Sept-2014
Ottawa Catholic School Board (DSB)	On or around Sept-2014
Renfrew County Catholic District School Board (DSB)	19-Sept-2014
Renfrew County District School Board (DSB)	On or around Sept-2014
Catholic District School Board of Eastern Ontario (DSB)	13-Apr-2015
Le Conseil des écoles publiques de l'Est de l'Ontario	1-Feb-2017
Conseil des écoles catholiques du Centre-Est	6-Sept-2018
Le Conseil scolaire de district catholique de l'Est ontarien	1-Sept-2018
Pinecrest-Queensway Community Health Centre	1-Apr-2021
Ontario Medical Supply	15-Dec-2015
Roger's House	1-Apr-2020

APPENDIX C
Physical Assets

Asset Type	Quantity
Cell phones and related accessories	44
iPads and related accessories	11
iPad keyboards	2
Pediatric Assessment Batteries and forms for each discipline	All
Pediatric toys/games	All
Pediatric books	All
Pediatric feeding tools	All
Pediatric writing implements	All
Pediatric walking and seating/positioning equipment	All
Sphygmomanometers (and blood pressure cuffs)	15
Oximeters	3
Thermometers	6
Infant scales	3
Stethoscopes	7

APPENDIX D
Litigation-related Matters

R.H. v. Champlain CCAC (HSARB File #11-HCC-0008)

Z.B v. Champlain CCAC, 2014 CanLII 139 (HSARB File #13-HCC-0002)

D.U v. Champlain Local Health Integration Network, 2020 CanLII 101926 (HSARB File # 20-HCC-0005)