

MEMORANDUM

TO: Community and Health Services Committee Members

FROM: Dr. Karim Kurji, Medical Officer of Health

DATE: May 11, 2011

RE: **Amendments to the *Health Protection and Promotion Act* to strengthen public health emergency response**

On April 12, 2011, the Government of Ontario passed Bill 141, the *Health Protection and Promotion Amendment Act, 2011*, resulting in amendments to the *Health Protection and Promotion Act*. The amendments give the Chief Medical Officer of Health for Ontario new authorities at the local level. These enhanced powers are intended to support a coordinated public health response to an emergency such as a pandemic.

The attached memorandum from Dr. Arlene King, Chief Medical Officer of Health, outlines the three key areas where amendments have been made. Of particular note for boards of health and municipalities is the third point, regarding public premises.

1. The Chief Medical Officer of Health is now able to issue a directive to any board of health or medical officer of health requiring the implementation of certain measures, if there exists or there is an immediate risk of a public health event, a pandemic or an emergency with health impacts in Ontario.
2. The approval of the Minister of Health and Long-Term Care and the Chief Medical Officer of Health will be required in order to appoint an acting medical officer of health for a term of six months or more.
3. The Minister of Health and Long-Term Care has expanded authority to make an order for possession of publicly owned premises on the advice of the Chief Medical Officer of Health, for public health purposes, such as holding immunization clinics.

Dr. Karim Kurji
Medical Officer of Health

**Ministry of Health
and Long-Term Care**

Chief Medical Officer of Health

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Toronto ON M7A 1R3Téléphone: (416) 212-3831
Télécopieur: (416) 325-8412**MEMORANDUM****TO: Medical Officers of Health****RE: Bill 141 *Health Protection and Promotion Amendment Act, 2011***

I would like to inform you that this morning the Government passed Bill 141 to amend the *Health Protection and Promotion Amendment Act, 2010*. These amendments will strengthen our planning, management and response to future pandemics, or other provincial, national or international public health events and emergencies. As you are aware, the legislative changes can be grouped into three major themes:

1. creating a new power for the Chief Medical Officer of Health (CMOH) to direct boards of health and medical officers of health (MOHs) regarding policies and measures during critical events.
2. creating a role for the CMOH and Minister in the appointment of acting MOHs.
3. enhancing the ability to acquire public premises for public health purposes such as mass immunization clinics.

The amended *Health Protection and Promotion Act* will be available online in the coming days via the Ontario government's [E-Laws website](#). You will note that some of the recommendations from ALPHA and the City of Toronto were included in the amendments, including increasing the risk threshold that must be met in order to acquire public premises.

Of course, an appropriate balance between provincial consistency/ standardization and local flexibility is required in any public health response, and local flexibility will be maintained and encouraged where appropriate. The ministry is working on establishing a "rapid response review process" whereby a pre-identified group of medical officers of health and the Ontario Agency for Health Protection and Promotion would be proactively consulted to draft, when required, proposed regulations and directives to promote a coordinated public health response in an expeditious manner. We are committed to getting your input into how that process would best work to meet our collective needs.

I would like to take this opportunity to thank you for your feedback during this process, as well as your ongoing support.

Yours truly,

Arlene King, MD, MHSc, FRCPC
Chief Medical Officer of Health

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CC: Allison Stuart, Assistant Deputy Minister, Public Health Division
Vivek Goel, President and CEO, Ontario Agency for Health Protection and Promotion
Sylvia Shedden, Director, Public Health Practice Branch
Roselle Martino, Director, Chief Medical Officer of Health Office