

May 21, 2021

MEMORANDUM TO: Ontario Public Hospitals

FROM: Kristin Taylor
Acting Assistant Deputy Minister

RE: **Extension of general approval under subsection 4(2) of the *Public Hospitals Act* for temporary hospital capacity expansion**

By memorandum dated March 26, 2020, the Ministry of Health notified Ontario public hospitals of its decision to waive the submission requirements under the Section 4 Approvals Protocol relating to approval requests under subsection 4(2) of the *Public Hospitals Act* (PHA) to provide hospitals with the flexibility required to meet service demands related to COVID-19. The ministry also granted a temporary blanket approval under subsection 4(2) of the PHA for a hospital to enter into a licence or lease to operate and use a building or premises for hospital purposes, provided that the hospital met the conditions specified within the March 26 approval memorandum. That approval and waiver is set to expire on June 30, 2021.

Given the ongoing and evolving pressures facing Ontario's hospital sector, the ministry is extending the aforementioned waiver and approval to **March 31, 2022**. Accordingly, any public hospital is approved, or continues to be approved, under subsection 4(2) of the PHA to operate and use an institution, building or other premises or place ("premises") for the purposes of a hospital, provided that the hospital meets, or continues to meet, the following conditions:

- The hospital is leasing, licensing or otherwise acquiring a temporary right to occupy the premises to address the hospital's need to create greater capacity for the treatment of patients arising from the COVID-19 virus, including for the purpose of addressing surgical and procedural backlogs following the resumption of non-urgent and non-emergent surgeries and procedures.
- The term of any lease or licence entered into does not extend past **March 31, 2022**.
- The premises are selected in consultation with and endorsed by the hospital's Ontario Health Region Planning Table, and with due regard to their suitability for the intended purpose (in view of current exigencies and system challenges) and for the safety of patients, hospital staff and others.
- Existing approved funding is being used for the arrangement and/or funding for the arrangement has been approved by Ontario Health and the ministry.

- The hospital provides to the ministry as soon as reasonably practicable the following information relating to the temporary premises: the address, specific premises or portions of premises that are being occupied (e.g. floor(s), unit(s)), purposes for which the premises are being used, number of beds being operated on the premises, details respecting rents, a copy of the lease or licence agreement, and any additional information that the ministry may request. All premises that provide inpatient and outpatient care, including temporary premises, are required to have their own master number(s) for reporting.

Be advised that the foregoing does not constitute approval to enter into an agreement of purchase and sale. Any hospital proposing to purchase premises is required to seek ministry approvals in accordance with the standard process.

In addition, during this time, the ministry will not be using its discretion under subsection 32.1(1) of the PHA to assign classifications to hospitals or revise classifications for temporary space arrangements; hospitals can proceed to operate as necessary to meet service demands in the absence of such classification assignments and revisions.

The foregoing temporary blanket approval and waiver will remain in effect until **March 31, 2022**.

A few hospitals have relied upon the temporary PHA subsection 4(2) approval to enter into arrangements to use other providers' facilities (e.g. private clinics) for the provision of ambulatory surgical and procedural services to hospital patients. To help expand surgical ambulatory care capacity, the ministry encourages hospitals with support of their OH regional planning tables to explore and develop these opportunities.

As a reminder, where a hospital is proposing to enter into an arrangement with an out of hospital provider or other third party for the delivery of cataract procedures, the ministry would ask that you seek prior endorsement from the Provincial Vision Task Force (contact: Marnie.Weber@uhn.ca). Where a hospital is proposing to enter into a partnership for any cancer or endoscopy procedures, the hospital is asked to submit the proposal for prior review by OH (CCO) to (Vicky.Simanovski@ontariohealth.ca). In order to ensure reporting of surgical volumes in the Wait Times Information System (WTIS), hospitals and LHINs are also required to notify the Access to Care program at OH (CCO) if any surgical volumes are being delivered by the hospital in a temporary facility. Please email ATCSupport@ontariohealth.ca and copy Reeza.Menalo@ontariohealth.ca.

The ministry understands that the time limitation on the temporary approval may pose a barrier in some cases. Hospitals are invited to submit PHA subsection 4(2) approval requests to the ministry for longer-term arrangements that will assist in addressing provincial surgical and procedural backlogs. The ministry is committed to timely review and response to any longer-term PHA subsection 4(2) requests.

Sincerely,



Kristin Taylor
A/ Assistant Deputy Minister
Hospitals and Capital Division
Ministry of Health

c: Melanie Fraser, Associate Deputy Minister, Health Services, Ministry of Health
Matthew Anderson, President and CEO, Ontario Health
Bill Hatanaka, Board Chair, Ontario Health
Brian Kytlor, Regional Lead, Ontario Health North
Cynthia Martineau, Regional Lead, Ontario Health East
Donna Cripps, Regional Lead, Ontario Health Central
Mark Walton, Regional Lead, Ontario Health West
Tess Romain, Regional Lead, Ontario Health Toronto
Anthony Dale, President and CEO, Ontario Hospital Association