

LEGISLATIVE UPDATE

July 2015

OHA BACKGROUNDER

ECFAA Regulation 188/15 on the Patient Relations Process

On July 7, 2015, the Ministry of Health and Long-Term Care (Ministry) announced a new Regulation under the *Excellent Care for All Act* (ECFAA) intended to strengthen patient relations processes in Ontario's hospitals. [Click here to access Regulation 188/15.](#)

Regulation 188/15 comes into force on **September 1, 2015.**

Consultations on a draft of this regulation were held in Spring, 2014. While the final regulation announced today is substantially similar, there have been some notable amendments.

Underlining denotes new provisions that were not included in the initial draft regulation.

Regulation

Under section 6 of ECFAA, hospitals are required to have patient relations processes in place and must make information on these processes available to the public. The regulation will add to these requirements under ECFAA by specifying minimum standards respecting retention of certain information on complaints, keeping the patients or complainants informed, and ensuring a hospital has a specific patient relations process delegate.

Regulation 188/15 will allow complaint to be made by patients, former patients and caregivers. The definition of patient includes substitute decision-makers who have or had authority to consent on behalf of a patient or former patient. Caregivers are defined as individuals who provide or have provided sustained care or support to a patient or former patient.

Under the regulation, hospitals will be required to have processes in place for receiving, reviewing and for attempting to resolve complaints expeditiously. Hospitals will be required to engage patients, former patients and their caregivers in designing, reviewing and maintaining these processes.

Hospitals will be required to have data recording, data monitoring and data analysis practices in place relating to their patient complaints process. At minimum, hospitals will be required to track:

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- except in the case of an anonymous complaint, the name of each complainant and the name of a patient and relationship to that patient where the complainant is a caregiver;
- the subject matter of each complaint;
- the date of receipt of each complaint; and
- whether the complaint is resolved to the satisfaction of the patient and if so, how it is so resolved and on what date. If not resolved to the satisfaction of the patient, the manner in which and the date on which, the hospital forms the view that it cannot resolve the complaint. This date must be after the hospital has determined that all options under its complaint resolutions process have been exhausted.

It is important to note that, under section 8 of the ECFAA, hospitals' Quality Improvement Plans (QIP) must be developed having regard to data relating to the patient relations process. The data collected above will likely feed into this process. (*See the requirements relating to the bi-annual presentation of aggregate patient relations process data to the quality committee below.*)

Regulation 188/15 will also require complainants to be kept informed with respect to their complaint. Hospitals will be required to provide a status update of the review of a complaint **within 5 days** of the hospital receiving the complaint and whenever a complainant reasonably requests further information.

The regulation also will require hospitals to designate an individual as their "patient relations process delegate." This individual will be required to oversee the hospital's patient relations process and will be required to present aggregate data regarding the patient relations process to the hospital's Quality Committee **twice annually**. Hospitals will be required to put processes and procedures in place that enable the patient relations delegate to fulfill their responsibilities. Hospitals will also be required to make contact information for the patient relations delegate publically available.

Additional Comments

The Patient Relations Process Regulation (Regulation 188/15) was announced the same day as the new Annual Quality Improvement Plan Regulation (Regulation 187/15). [Click here](#) to access the OHA Backgrounder on Regulation 187/15.

The Ministry has also developed a Frequently Asked Questions document to assist hospitals in understanding their obligations under the new regulation. [Click here](#) to access the Ministry FAQ.

For additional information, please contact Jeff Bagg, Legislative Advisor at jbagg@oha.com or 416-205-1374.