



ATTESTATION

Prepared in accordance with section 14 of the
Broader Public Sector Accountability Act, 2010 (“BPSAA”)

To: The Board of Directors, Ontario Health atHome

**From: Cynthia Martineau, Chief Executive Officer
Ontario Health atHome**

**Re: Quarterly Declaration of Compliance
Reporting period of July 1 – September 30, 2024 (“the Applicable Period”)**

On behalf of Ontario Health atHome, I attest to:

- The completion and accuracy of reports, pursuant to section 5 of the BPSAA, on the use of consultants;
- Compliance with the prohibition, pursuant to section 4 of the BPSAA, on engaging lobbyist services using public funds;
- Compliance with all obligations under applicable directives issued by the Management Board of Cabinet; and
- Compliance with the obligations under the draft Memorandum of Understanding Among Minister of Health, Chair of Ontario Health, and Chair of Ontario Health atHome

during the Applicable Period.

In making this attestation, I have exercised the care and due diligence that would reasonably be expected of a Chief Executive Officer (“CEO”) in these circumstances, including making due inquiries of Ontario Health atHome staff that have knowledge of these matters.

I further certify that any material exceptions to this attestation are documented in the attached Schedule A.

Dated at Belleville, Ontario, this 23rd day of September, 2024.

Original signed by

Cynthia Martineau
Chief Executive Officer
Ontario Health atHome

Schedule A

CEO Certificate of Compliance

For the Applicable Period: July 1 – September 30, 2024

As of June 28, 2024, the 14 Home and Community Care Support Services (HCCSS) organizations amalgamated and continued as Ontario Health atHome. All prior HCCSS references are now Ontario Health atHome.

1. COMPLIANCE WITH OBLIGATIONS UNDER THE DRAFT MEMORANDUM OF UNDERSTANDING AMONG MINISTER OF HEALTH, CHAIR OF ONTARIO HEALTH, AND CHAIR OF ONTARIO HEALTH ATHOME

See below

2. COMPLETION AND ACCURACY OF REPORTS, PURSUANT TO SECTION 5 OF THE BPSAA, ON THE USE OF CONSULTANTS

No known exceptions

3. COMPLIANCE WITH THE PROHIBITION, PURSUANT TO SECTION 4 OF THE BPSAA, ON ENGAGING LOBBYIST SERVICES USING PUBLIC FUNDS

No known exceptions

4. COMPLIANCE WITH APPLICABLE DIRECTIVES ISSUED BY MANAGEMENT BOARD OF CABINET

a. OPS Procurement Directives

- See below

b. OPS Travel, Meal and Hospitality Expenses Directive

- No known exceptions

c. OPS Perquisites Directive

- No known exceptions

Ontario Health atHome is non-compliant in the following instances:

Note 1 – Healthcare Insurance Reciprocal of Canada (HIROC) Section 28 of the *Financial Administration Act* (“FAA”)

The Community Care Access Centres (“CCACs”) HIROC Subscribers’ Agreements were transferred to the Local Health Integration Networks (“LHINs”) pursuant to a transfer order of the Minister of Health and Long-Term Care (“Minister”), as it then was, under section 34.2 of the historical version of the *Local Health Systems Integration Act, 2006* (“LHSIA”). A reciprocal, by its nature and composition, poses a compliance question under the FAA because risks are shared amongst all the members. There was uncertainty about the compliance of this specific HIROC arrangement. It is not certain from the Minister’s order or from applicable legislation whether or not this increase in the contingent liability of the Crown placed HCCSS in non-compliance with the FAA. As a new organization, Ontario Health atHome now has a single agreement with HIROC, and the Ministry is working on a submission to obtain a section 28 exemption.

Note 2 – Ontario Digital and Data Directive, 2021

The Directive requires all data created, collected and/or managed by ministries and provincial agencies to be made public as open data, unless it is exempt for privacy, confidentiality, security, legal or commercially-sensitive reasons. There will be an assessment of current state to inform a plan to improve compliance. In the interim, Ontario Health atHome ensures that they respond to data requests from the public in a timely manner.

Note 3 – *Archives and Recordkeeping Act, 2006*

Non-compliance with the *Archives and Recordkeeping Act, 2006* (the “ARA”) is primarily related to the capability to implement the Patient Care records series in CHRIS which is not yet available. OH is working on a technical solution and once complete, Ontario Health atHome will proceed to identify the records and execute a plan to manage those records.

Note 4 – Leases

Leases were negotiated by Central Local Health Integration Network (LHIN) and may inadvertently violate s.28 of the *Financial Administration Act* by directly or indirectly increasing the indebtedness or contingent liabilities of the Crown. At the time, Central LHIN, working together with the Ministry’s then LHIN Liaison Branch, Infrastructure Ontario, and LHIN Legal was advised to independently proceed with leasing arrangements for leases which were coming to an end at the time of transition. As these leases come due (first one to expire is in 2026), Ontario Health atHome will work with Infrastructure Ontario on Section 28 approval.

Note 5 – Accommodation Funding – Retirement Homes

In three transitional care programs in retirement homes, the program funding includes funding for the patient accommodation component which does not align with the *Connecting Care Act, 2019*. Ontario

Health atHome is connecting with the Ministry regarding an appropriate funding mechanism for the accommodation component of the program.

Note 6 – Non-Compliance – *Client Services Procurement Policy & Procedures for CCACs*

(a) Procurement of Service Provider Overflow Contracts

Ontario Health atHome is non-compliant with the requirement under the draft Memorandum of Understanding Among Minister of Health, Chair of Ontario Health, and Chair of Ontario Health atHome to adhere to the *2007 Client Services Procurement Policy & Procedures for CCACs*. Although SPO capacity is improving, the use of overflow contracts to augment patient care continues to be required in order to meet the escalating demand. Those SPOs with overflow contracts exceeding \$250,000 in value have been requested to submit an application to OH to move through the next scheduled Pre-Qualification Process. There are currently 119 SPO overflow contracts. Given current patient demand, it is expected that overflow contracts will continue to be extended and exceed \$250,000.

(b) Transitional Care Program in Retirement Homes

Two transitional care programs are non-compliant with section 6.0(d) of the *Client Services Procurement Policy & Procedures for CCACs*, having entered into non-competitive agreements with retirement homes without the approved exception. The request for approval is with the Ministry.

Note 7 – Single or Sole Source Procurement

Ontario Health atHome is non-compliant with single or sole source procurement requirements. Single or sole source procurements require approved annual business cases with valid non-competitive exemptions.

- Annual renewal of software licenses which is non-compliant with competitive procurement requirements. The DocuShare solution (DocuShare), an integral component of the Client Health and Related Information System (CHRIS), is specific to one vendor and has not been competitively procured. DocuShare holds more than 10 million patient records. DocuShare was originally procured by the Ontario Association of Community Care Access Centres as a solution for document management in CHRIS. DocuShare is a tightly integrated solution, which has been customized to provide interoperability with the CHRIS and Health Partner Gateway (HPG) solution components, and deployed specifically to enable enhanced security of stored personal health information. A solution to mitigate in fiscal 2024/25 is in progress by OH.
- Continued non-competitive procurement of the existing Benefits carrier contracts. Ontario Health atHome received approval of its business case submission for an exemption from the open competitive requirements of the OPS Procurement Directive to renew the existing Benefits Carrier contracts for a term of up to eight months to April 1, 2024, however as part of that approval, Ontario Health atHome was also directed to report the non-compliance. A competitive procurement proceeded, however, there was no successful vendor and the competitive procurement was cancelled, resulting in the existing contracts being extended up to September

2025 as per TBS approval. Ontario Health atHome will competitively procure Employee Benefits Carrier(s) with planned procurement in Q3 2024-25.

- Quadrant Financial and Workforce suite of products was originally procured by OH who held the vendor contract for Ontario Health atHome. Upon expiration of the OH contract on March 31, 2024, Ontario Health atHome requested OH to conduct negotiations for a replacement contract for Ontario Health atHome. During the negotiations with the vendor, the vendor was not receptive to the replacement contract approach and therefore OH supported the continuance of services with the vendor by renewing its contract for a one-year term. As Ontario health atHome does not hold the contract, this will be removed next quarter.
- Ontario Health atHome has been utilizing the same labour relations vendor who has supported HCCSS and its predecessor organizations for more than twelve years. This support includes acting as a spokesperson(s) for all labour relations and negotiations, such as collective bargaining and pay equity matters with bargaining agents; negotiating central bargaining processes covering unionized employees; and preparing arbitration briefs. Ontario Health atHome requires continuity of support for these matters particularly to support the *Public Sector Labour Relations Transition Act* activities for Ontario Health atHome. To ensure the historical and legacy knowledge of labour relations and collective bargaining is maintained, Ontario Health atHome entered into a two-year single source contract from April 1, 2024 to March 31, 2026.
- Ontario Health atHome continues with expired janitorial contracts on a month-to-month basis. New contracts will be procured Q4 2024-25.
- One contract is non-compliant with respect to a Human Resources Performance, Learning and Development system. Ontario Health atHome evaluated the business needs pertaining to a provincial Human Resource Information Solution and terminated existing Performance, Learning and Development system contracts. Due to the timing of the contract terminations, the 60-day termination window was missed and the contract auto-renewed for an additional one-year term, now expiring November 7, 2024. It will be non-compliant under OPS Procurement Directives until this date when the contract will terminate.
- Five contracts are non-compliant as it relates to the eShift Clinic Model of Care. The system licenses renew annually unless terminated. The model began as a pilot project using a new specialized technology. Contract extensions were implemented when the project was still in a research and development phase and there were no comparable solutions. It is now clear that alternative technology solutions may exist and Ontario Health atHome will explore new models of virtual care and the associated technology to do so. This technology is heavily embedded within SPO contracts and an integral component of patient care.
- One contract is non-compliant for Medical Equipment procurement. The contracted medical equipment vendor was unable to provide specific equipment for patient lifts during the peak of the pandemic. A secondary vendor was awarded a contract specific to provision of the required equipment, and a single source contract was extended for a one-year term. The provincial Medical Equipment contracts will be implemented in November 2024. The current vendor will receive three

months' notice for an end date of December 31, 2024 to allow for wrap up of the agreement and switch out of equipment to the new vendor.

- Ontario Health atHome has entered into two agreements with third party vendors to provide digital solutions for remote monitoring of patients and for wound care technology, utilized by the nurse and patient in the patient's home. No procurement was undertaken in either case. There is an up-to-one-year contract to bridge to a provincial vendor for remote care monitoring, expected in Q3 2024-25. For the wound care technology, the Ministry has directed Ontario Health atHome to work with OH on a provincial procurement. The estimated timeline for procurement and implementation is estimated at up to 18 months.

Ontario Health atHome has ten contracts of up-to-one-year single source contract extension for remote care monitoring until such time as OH's remote care monitoring provincial solution is available to onboard Ontario Health atHome. Ontario Health atHome will be the first organization to beta test and onboard onto the new provincial solution anticipated to be available in Q3 2024-25.

Note 8 – Legislative/Policy Requirements (Corporate Policy on Information Sensitivity Classification, Corporate Policy on Recordkeeping, Corporate Policy on the Protection of Personal Information)

Ontario Health atHome has not consistently implemented these policies to their full extent, however have ensured robust implementation with respect to access and privacy of records.

Sharepoint Online has been configured and deployed as Ontario Health atHome's formal records management system. The system has capabilities that will support compliance with the Directives. Staff are using the records management features (e.g. applying a classification sensitivity and the appropriate records series.) The records are being reviewed and moved to SharePoint as they are accessed. At the same time, Ontario Health atHome corporate policies are being drafted.

Note 9 – Receipt of money outside of the Crown in right of Ontario

Under section 27.8 (4) of the *Connecting Care Act, 2019*, Ontario Health atHome shall not receive money or assets from any person or entity except the Crown in right of Ontario or Ontario Health without the approval of the Minister of Health. On October 3, 2017, HCCSS received a limited approval to receive money from designated Non-Crown in right of Ontario sources. Subsequently, Ontario Health atHome identified multiple situations of receiving money from entities that may not be captured by the October 2017 approval. Ontario Health atHome continues to work with the Ministry to seek clarification of alignment with the Act for the two remaining situations.

Note 10 – Expired Banking Agreement

Ontario Health atHome has continued with its current banking agreements that expired on April 30, 2022. The agreement with Royal Bank of Canada (RBC) was under a Vendor of Record that expired in January 2021 and no further extensions are available. The Board of Directors approved a one-year single source contract extension with RBC expiring December 31, 2023, without a competitive procurement which will be extended by a single source procurement to December 2025.

Note 11 – Draft Memorandum of Understanding (MOU) Among Minister of Health, Chair of Ontario Health, and Chair of Ontario Health atHome

a) Risk Management:

Ontario Health atHome is non-compliant with Section 18.1(b) of the MOU related to Risk Management. Ontario Health atHome has a Board approved policy, Integrated Risk Management (IRM) Framework/Policy, January 2022, but this policy has not been fully implemented. Ontario Health atHome does comply with the Agencies and Appointments Directive Risk Register requirements, completing the document and submitting to the ministry on time. Ontario Health atHome is also subject to the OPS Enterprise Risk Management Directive. *A corporate initiative is underway to adopt the Ontario Public Service (OPS) Enterprise Risk Management Directive in a phased approach, tailored to the organization's capacity and business objectives, facilitated through the Health Insurance Reciprocal of Canada (HIROC) Integrated Risk Management (IRM) Framework and Risk Register, with targeted completion by March 31st, 2025.*

b) Annual Balanced Budget Requirements

Ontario Health atHome is required to operate within its approved budget in fulfilling its mandate as per Section 9.4(n). Ontario Health atHome is projecting a deficit position for fiscal year 2024-25. To achieve a balanced budget, Ontario Health atHome will need to reduce services and waitlist patients or receive additional revenue.

c) Ministry Funds not Spent as Intended:

The Section 9.4(n) of the MOU requires that funds be used for the purposes intended. Identified in September 2023, six service provider organizations (SPOs) billed at higher than the contract rate as stated in the SPO amending agreements and Ontario Health atHome paid the overstated billings in error. Currently all amounts are being paid at the contracted rate. Ontario Health atHome has received legal advice and is implementing their recommendations.

d) Ontario Health atHome programs and Ontario Health atHome funding of external organizations outside of Ministry-approved programs:

The following LHIN initiatives unintentionally remained with Ontario Health atHome after the transfer of legacy LHIN functions to Ontario Health. For the first two groupings, Ontario Health atHome is working with OH to transfer the funding and program responsibility to OH, as these initiatives do not align with the mandate and accountabilities of Ontario Health atHome.

Ontario Health atHome Funding to external organizations:

- Various hospices for bereavement/spiritual services, volunteer hospice visiting, palliative care outreach teams
- Halton Aphasia Central and Aphasia Centre of Ottawa, to provide on-site speech therapy groups, physiotherapy and counselling to clients with aphasia and serve as a centre of expertise, providing consultation, training and support to local therapists.

- Hospice Care Ottawa for a position to manage referrals and triage of patients at end of life being referred for admission to either Elizabeth Bruyere Hospital's Palliative Care unit or Hospice Care Ottawa's residential hospice beds.
- Region of Waterloo Sunnyside long-term care home community support services for a Community Resource Facilitator to assist patients in accessing community support services, primary care, health services and other community-based activities and for a six bed overnight stay program within its secure Adult Day Program.
- Kitchener Downtown and Guelph Community Health Centres for delivery of on-site mental health and addiction support in shelters, and to support homeless and vulnerable populations with palliative care nurse practitioner program.
- In-home, inter-professional teams in three family health teams and one community health centre in Waterloo Wellington providing services to marginalized, at risk individuals in residential settings to keep these individuals at home and safe in place.
- Physicians who participate in the Palliative Care Outreach Team consultations and for on call services.

Functions provided by Ontario Health atHome:

- Musculoskeletal Rapid Access Clinics - Centralized intake service and MSK Advanced Practice Physiotherapists provided by Ontario Health atHome to local hospitals for processing patient referrals to the hospital's Rapid Access Clinic for hip/knee and lower back care.
- Self-Management Program - provides educational sessions of varying lengths and frequencies to people living with chronic condition(s) on how to manage their conditions to keep them healthier and living independently in their own homes longer.
- Behavioural Supports Ontario - Dedicated regional program management from Ontario Health atHome for quality improvement and education coordination for long-term care homes and funding for a director lead role, responsible for overseeing region wide, planning and operation for integrated behavioural supports services, through direction and collaboration with Ontario Health.
- Shared Services Operations Model - hosts a Client Information System for 46 community support service organizations
- Purchase of CareDove software license, an intake and referral interface for community support service (CSS) agencies through which the CSS agencies can initiate a referral or make an appointment with any of the community agencies participating in the arrangement.
- Psychosocial spiritual clinicians support Hospice Niagara and Palliative Pain and Symptom Management consultation services support community providers

Funding to non-health organizations:

- Lansdowne Children's Treatment Centre in Brantford for shift nursing services for their summer respite program.