

# Index

## NOTE:

The Acts are indexed as follows:

- CC — *Criminal Code* R.S.C. 1985, c. C-46
- CYF — *Child, Youth and Family Services Act, 2017*, S.O. 2017, c. 14
- FI — *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31
- HC — *Health Care Consent Act, 1996*, S.O. 1996, c. 2, Sched. A
- HP — *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18
- LA — *Legislation Act, 2006*, S.O. 2006, c. 21, Sched. F
- LT — *Long-Term Care Homes Act, 2007*, S.O. 2007, c. 8
- MB — *Mandatory Blood Testing Act, 2006*, S.O. 2006, c. 26
- MFI — *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56
- MH — *Mental Health Act*, R.S.O. 1990, c. M.7
- MHA — *Mental Health and Addictions Centre of Excellence Act*, 2019, S.O. 2019, c. 17, Sched. 1
- PA — *Powers of Attorney Act*, R.S.O. 1990, c. P.20
- PHI — *Personal Health Information Protection Act, 2004*, S.O. 2004, c. 3, Sched. A
- PH — *Public Hospitals Act*, R.S.O. 1990, c. P.40
- QI — *Quality of Care Information Protection Act, 2016*, S.O. 2016, c. 6, Sched. 2
- RP — *Consent and Capacity Board Rules of Practice*
- SA — *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22
- SD — *Substitute Decisions Act, 1992*, S.O. 1992, c. 30

References are to either section, regulation or rule number.

**Access to records.** *See* Mental Health Act; Personal Health Information Protection Act, 2004

### **Child, Youth and Family Services Act, 2017**

- capacity —
  - differing, CYF 300
  - presumption, CYF 299
  - substitute decision-maker, CYF 301
- consent to collection, use and disclosure of personal information —
  - conditional, CYF 297
  - elements, CYF 295(1)
  - factors to consider, CYF 302
  - implied consent, CYF 295(2)
  - knowledgeable consent, CYF 295(4)

**Child, Youth and Family Services Act, 2017** — *cont'd*

- consent to collection, use and disclosure of personal information — *cont'd*
  - notice of purposes, CYF 295(5)
  - presumption of validity, CYF 298
  - withdrawal, CYF 296
  - written or oral, CYF 295(3)
- forms —
  - application for review of determination of incapacity, CYF Form Y1
  - application to amend conditions or terminate appointment of representative, CYI Form Y5
  - application to appoint or be appointed representative, CYF Form Y3, Y4
  - application to determine whether factors considered, CYF Form Y2
- incapacity, determination of, CYF 304
- substitute decision-maker —
  - additional authority, CYF 303
  - appointment, CYF 305
  - authorized by individual, CYF 301

**Consent.** *See* Child, Youth and Family Services Act, 2017; Health Care Consent Act, 1996; Mental Health Act; Personal Health Information Protection Act, 2004

**Consent and Capacity Board Rules of Practice.** *See* Rules of Practice

**Criminal Code**

- death —
  - exemption for medical assistance, CC 227
  - no consent to, CC 14
  - suicide, CC 241
- medical assistance in dying —
  - administering noxious thing, CC 245
  - definitions, CC 241.1
  - eligibility, CC 241.2
  - failure to comply with safeguards, CC 241.3
  - filing, CC 241.31
  - forgery, CC 241.4

**Deceased, exercise of rights of,** FI 66; MFI 54

**Estates.** *See* Mental Health Act

**Freedom of Information and Protection of Privacy Act**

- rights of deceased, exercise of, FI 66

**Health Care Consent Act, 1996**

- capacity, *see also* confinement in health care facility
  - determinants of, HC 15
  - discovery of incapacity by practitioner, HC 18
  - emergency exception, HC 18(4)
  - information, HC 17
  - meaning of, HC 4

## INDEX

---

### **Health Care Consent Act, 1996 — *cont'd***

- capacity, *see also* confinement in health care facility — *cont'd*
  - return of, HC 16
- care facilities, admission to —
  - admission not to be authorized, HC 46
  - application of provisions, HC 38
- Consent and Capacity Board, applications to —
  - appointment of representative, HC 51
  - compliance with s. 42, HC 54
  - deemed application concerning capacity, HC 54.1
  - departure from wishes, HC 53
  - directions, for, HC 52
  - review of incapacity finding, HC 50
  - secure units, admission to, HC 53.1
- “crisis”, meaning of, HC 39
- crisis admission, HC 47
- incapable person, consent on behalf of —
  - ancillary decision, HC 44
  - determination of who may give, HC 41
  - information, entitlement of substitute decision-maker to, HC 43
  - power re, HC 40
  - principles re, HC 42
  - withdrawal of consent, HC 45
- incapacity, HC 47.1
- information, entitlement of incapable person to, HC 47.1
- liability protection —
  - apparently valid consent/refusal, HC 48
  - crisis admission, HC 48
  - person making decision on another’s behalf, HC 49
- “substitute decision maker”, meaning of, HC 39
- confinement, HC 7
- consent —
  - elements of, HC 11
  - incapable person, on behalf of —
    - ancillary treatment, HC 23
    - hospital admission, HC 24
    - information, entitlement of substitute decision-maker to, HC 22
    - persons entitled to give, HC 20
    - principles applicable, HC 21
  - included, HC 12
  - informed, HC 11(2)
  - no treatment without, HC 10
  - withdrawal of, HC 14
- Consent and Capacity Board —
  - appeal from, HC 80
  - assignment of members re applications, HC 73

**Health Care Consent Act, 1996 — *cont'd*****Consent and Capacity Board — *cont'd***

- chairs of, HC 71
- communication re subject matter of hearing, HC 77
- counsel for incapable person, HC 81
- disqualifications, HC 74
- establishment of, HC 70
- evidence, release of, HC 79
- examination of documents, HC 76
- health record, examination of, HC 76(2)
- hearing procedures, HC 75, 78
- immunity, HC 71.1
- jurisdiction, limit on, HC 70.1
- member sitting alone, HC 73(2), (2.1)
- staff, HC 72

**definitions, HC 2, 3****emergency treatment —**

- capacity, emergency exception re, HC 18(4), 25
- “emergency”, meaning of, HC 25
- hospital admission, HC 28
- refusal, despite, HC 27
- wishes, contrary to, HC 26

**“evaluators”, meaning of, HC Reg. 104/96****“excluded act”, meaning of, HC 3****offences under —**

- decision contrary to wishes, HC 84
- false assertion, HC 82
- misrepresentation of wishes, HC 83
- protection of information, HC 84.1

**personal assistance services —****Consent and Capacity Board, applications to —**

- appointment of representative, HC 66
- compliance with s. 59, HC 69
- departure from wishes, HC 68
- directions, for, HC 67
- review of incapacity finding, HC 65

**decision on incapable recipient's behalf —**

- change of decision, HC 61
- included consent, HC 62
- information, entitlement of incapable person to, HC 62.1
- information, entitlement of substitute decision-maker to, HC 60
- persons authorized to decide, HC 58
- power re, HC 57
- principles re decision, HC 59

**liability protection —**

- person making decision on recipient's behalf, HC 64

## INDEX

---

### **Health Care Consent Act, 1996 — *cont'd***

- personal assistance services — *cont'd*
  - liability protection — *cont'd*
    - service provided or not provided, where, HC 63
  - “substitute decision maker”, meaning of, HC 56
- purposes, HC 1
- regulations, power to make, HC 85
- research, HC 6
- restraint, HC 7
- short title, HC 95
- sterilization, HC 6
- transition provisions —
  - admission, HC 88
  - section 19, HC 89
  - section 32, HC 90
  - section 33, HC 91
  - section 34, HC 92
  - section 35, HC 93
  - section 36, HC 94
  - treatment, HC 87
- transplants, HC 6
- treatment —
  - application of provisions re, HC 8
  - Consent and Capacity Board, applications to —
    - appointment of representative, HC 33
    - compliance with s. 21, HC 37
    - departure from wishes, HC 36
    - directions, for, HC 35
    - place of treatment, HC 34
    - review of incapacity finding, HC 32
  - consent to. *See* consent, *supra*
  - emergency. *See* emergency treatment, *supra*
  - liability, protection from —
    - apparently valid consent/refusal, HC 29
    - emergencies, HC 29
    - hospital admission, HC 31
    - person making decision on another’s behalf, HC 30
  - order authorizing pending appeal, HC 19
  - plan of, HC 13
  - “substitute decision maker”, meaning of, HC 9
  - wishes re treatment, HC 5

### **Health Professions Procedural Code**

- reporting of health professionals —
  - employers, reporting misconduct/incompetence, HP 85.5
  - facilities, reporting sexual abuse/incompetence, HP 85.2
  - immunity for reports, HP 85.6

**Health Professions Procedural Code** — *cont'd*

- reporting of health professionals — *cont'd*
  - members, reporting charges and bail conditions HP 85.6.4
  - members, reporting negligence/malpractice, HP 85.6.2(1), (6)
    - contents of report, HP 85.6.2(3)
    - publication ban, HP 85.6.2(4), (5)
    - timing of report, HP 85.6.2(2)
  - members, reporting offences, HP 85.6.1(1), (6)
    - contents of report, HP 85.6.1(3)
    - publication ban, HP 85.6.1(4), (5)
    - timing of report, HP 85.6.1(2)
  - members, reporting other professional memberships and findings, HP 85.6.3
  - members, reporting sexual abuse, HP 85.1
  - report requirements, HP 85.3
    - contents, HP 85.3(3), (4), (5), 85.4
    - timing, HP 85.3(2), 85.4(2)

**Hospitalization.** *See* Mental Health Act

**Hospitals.** *See* Public Hospitals Act

**Legislation Act, 2006**

- appointments, LA 76
- Attorney General, role of, LA 2
- change powers —
  - date of change, LA 44
  - editorial and other changes LA 42
  - interpretation, LA 45
  - notice of change, LA 43
- Chief Legislative Counsel —
  - designation by, LA 3
  - duty re obsolete Acts, LA 4
- construction, general rules of —
  - bilingual names, LA 66
  - bilingual texts, LA 65
  - gender, LA 68
  - law always speaking, LA 63
  - liberal interpretation, LA 64
  - number, LA 67
- corporations, implied provisions, LA 92
- Crown —
  - not bound, exception, LA 71
  - succession, LA 72
- definitions —
  - applicable to all Acts and regulations, LA 87
  - different forms of defined terms, LA 85
  - terms used in regulations, LA 86
- definitions under, LA 1

## INDEX

---

### **Legislation Act, 2006** — *cont'd*

- forms, deviations from required, LA 84
- immunity provisions, LA 97
- interpretation —
  - application to Acts and regulations, LA 46
  - contrary intention or context requiring otherwise, LA 47
  - existing and future legislation, LA 48
  - interpretation and definition provisions, LA 50
  - other documents, LA 49
- legislative changes —
  - amendment and replacement —
    - effect of, LA 52
    - no implication from, LA 56
  - obsolete regulations, LA 55
  - regulations - power to make, amend, etc., LA 54
  - repeal and revocation —
    - effect of, LA 51
    - effect of on amendments, LA 53
    - no implication from, LA 56
    - no revival implied from, LA 57
- majority, LA 93
- oaths, affirmations and declarations, LA 95
- powers —
  - delegation of, LA 80, 80.1, 81
  - implied, LA 77
  - incidental, LA 78
  - performance of, LA 79
- preambles, LA 69
- private Acts, LA 91
- proclamations —
  - amendment and revocation of - restriction, LA 75
  - how issued, LA 73
  - judicial notice of, LA 74
- proof of legislation —
  - e-Laws, provisions not in force, LA 40
  - official copy, LA 35
    - as evidence, LA 38, 39
  - official law, LA 34
  - presumption, accessed from e-Laws, LA 37
  - presumption, printed by Queen's Printer, LA 36
  - regulations re, LA 41
- reference aids, LA 70
- references —
  - inclusion of reference to provisions, LA 58
  - incorporation of documents by reference, LA 62
  - rolling incorporation —

**Legislation Act, 2006 — *cont'd***

- references — *cont'd*
  - rolling incorporation — *cont'd*
    - Ontario legislation, of, LA 59
    - other Canadian legislation, of, LA 60
  - static incorporation of foreign legislation, LA 61
- regulations —
  - citation of, LA 30
  - corrections of, pre-publication, LA 26
  - corrections of, post-publication, LA 27
  - date for filing of, LA 19
  - definitions re, LA 17
  - fees, re, LA 83
  - filing of, LA 18
  - general or particular application of, LA 82
  - judicial notice of, LA 29
  - no validation by filing, publication or correction, LA 28
  - proof of making, approval, filing and publication of, LA 24
  - Registrar of, LA 31
  - Registrar's discretion not to file, LA 20
  - Registrar's duty not to file, LA 21
  - regulations re, LA 32
  - standing committee, reference to, LA 33
  - time of commencement and revocation, LA 23
  - when effective, LA 22
  - when published, LA 25
- security, requirements for, LA 96(1)
- series, reference to, LA 94
- statutes —
  - citation of Acts, LA 5
  - commencement of Acts, LA 8
  - copies for publication of, LA 14
  - enacting clause, LA 6
  - endorsements on Acts, LA 11
  - exercise of delegated power before commencement, LA 10
  - judicial notice of, LA 13
  - power to amend or repeal, LA 7
  - publication of, LA 15
  - regulations re, LA 16
  - repeal of unproclaimed Acts, LA 10.1
  - reserved bills, LA 12
  - time of commencement and repeal, LA 9
- sureties, requirements for, LA 96(2)
- time —
  - age, LA 90
  - computation of time - holidays, LA 89



## INDEX

---

### **Legislation Act, 2006 — *cont'd***

- time — *cont'd*
  - holidays, LA 88
  - transition, resolution of, LA 100
  - uncertainty, resolution of, LA 100

### **Long-Term Care Homes Act, 2007**

- admission to home —
  - application, LT 47, 48
  - authorization, approvals and procedures, LT 44, LT Reg. 79/10, s. 185
  - consent, elements of, LT 46
  - controls on licence, LT 49
  - eligibility, LT 43
  - hearing and appeal re ineligibility, LT 53, 54
  - immunity, LT 52
  - regulations, power to make, LT 55
  - requirements, LT 42
- special circumstances —
  - convalescent care, LT Reg. 79/10, s. 208.1
  - pandemic, LT Reg. 79/10, s. 208.2-208.5
  - relocation, generally, LT Reg. 79/10, s. 208
- suspension where risk of harm, LT 50
- veterans, preference for, LT 51
- waiting list, removal from, LT Reg. 79/10, ss. 167-168, 197
- application of Part III, LT 39, LT Reg. 79/10
- information for residents, LT 78, 79
- pandemic —
  - admissions, special circumstances, LT Reg. 79/10, s. 208.2-208.5
  - discharge during, LT Reg. 79/10, s. 208.5
- placement co-ordinators —
  - compliance with Act requirement, LT 41
  - designation of, LT 40
  - liability, LT 52
- posting of information, LT 79
- regulated documents, presentation for signature, LT 80, LT Reg. 79/10, s. 227
- voidable agreements, LT 81
- withdrawal of consent, LT 82

### **Mandatory Blood Testing Act, 2006**

- blood sample and analysis —
  - application for, MB 2, MB Reg. 449/07
  - Board decision re application, MB 5, MB Reg. 449/07
  - Board hearing re application, MB 4
  - court order re compliance, MB 6
  - obligations re, MB 7
  - voluntary, request for, MB 3, MB Reg. 449/07
- criminal proceedings, analysis —

**Mandatory Blood Testing Act, 2006 — *cont'd***

- criminal proceedings, analysis — *cont'd*
  - inadmissible in, MB 8
- definitions, MB 1, MB Reg. 449/07
- forms, MB 12
- liability, protection from, MB 9
- offences and penalties, MB 10
- regulations, MB 11
- transition provisions, MB 13

**Medical assistance in dying. *See* Criminal Code**
**Mental Health Act**

- actions —
  - certain bars, MH 79
- application of, MH Reg. 741
- board orders, MH 41.1
- definitions, MH 1
- estates —
  - advice to patient/notice to rights advisor, MH 59
  - application re competency review, MH 60
  - certificate of incapacity —
    - cancellation of, MH 56
    - issuance of, MH 54(4)
  - examination re competency —
    - prior to discharge, MH 57
    - to manage, MH 54
  - financial statement, issuance of, MH 55
  - notice of discharge, MH 58
- forms, MH 80.1, Reg. 741
- grants, MH Reg. 742
- hospitalization —
  - absence, unauthorized, MH 28
  - admission —
    - informal or voluntary patients, MH 12
    - judge's order for, MH 22, 23, Reg. 741 Form 8
    - refusal of, MH 11
  - certificate of continuation, MH 20, 38, 40, 48
  - certificate of involuntary admission —
    - notice of, MH 38
    - psychiatric examination, re, MH 20
  - certificate of renewal, MH Reg. 741 Form 4
  - child as informal patient, MH 13
  - communications to and from patients, MH 26
  - community treatment order, MH 33.1-33.9, 34.1, 35.1, 39.1, Reg. 741 Form 45
  - discharge of patients, MH 34

## INDEX

---

### **Mental Health Act** — *cont'd*

#### hospitalization — *cont'd*

##### informal or voluntary patients —

change to involuntary patient, MH 19

freedom of, MH 14

leave of absence, MH 27

mentally disordered person entering Ontario, MH 32, 38.1, Reg. 741 Form 13

person in custody, MH 33

##### personal health information —

clinical record, access to, MH 36

conflict with Personal Health Information Protection Act, 2004, MH 34.1

consultation permitted, MH 35.1

disclosure of, MH 35

Board, to, MH 35(3)

detention or order, for purpose of, MH 35(2)

proceedings, in, MH 35(9)-(11)

record, of, MH 35(4)

Substitute Decisions Act, 1992, pursuant to, MH 35(4.1)

summons, pursuant to, MH 35(5)-(8)

“patient”, defined, MH 35(1)

persons detained under Criminal Code, MH 25

##### psychiatric examination —

action by police officer re, MH 17

application for, MH 15, Reg. 741 Form 1

certificate of involuntary admission, MH 20, Reg. 741 Form 3

duty of attending physician, MH 20

judge’s order for, MH 21, Reg. 741 Form 6

justice of the peace’s order for, MH 16, Reg. 741 Form 2

place of, MH 18

written notice re, MH 38.1

public hospital, treatment in, MH 30

restraint, documentation of use of, MH 53

senior physician’s report, MH 25

temporary action, MH 41.2

##### transfer —

application for transfer, MH 39

to another facility, MH 29

to institution outside Ontario, MH 31

notice requirements, MH 38

offence, MH 80

psychiatric facilities, MH Reg. 741

psychosurgery, prohibition against, MH 49

##### regulations —

application of Act, MH Reg. 741

grants, MH Reg. 742

power to make, MH 81

**Mental Health Act — *cont'd***

- review board —
  - appeal to court from, MH 48
  - extension of certificate, MH 48(6)
  - application to by involuntary patient, MH 39
  - counsel for patient under 16, MH 43
  - hearing deemed abandoned, MH 40
  - parties to hearing, MH 42
  - review by, MH 41
  - specified psychiatric treatment —
    - application re, MH 50
- rights advisor, MH 38, Reg. 741
- rights and privileges affected by, MH 6
- standards in psychiatric facilities —
  - advisory officers, MH 9
  - conflicts between statutory authorities, MH 8
  - provincial aid to facilities, MH 10
- transition, MH 82, 83, 84
- veterans, MH 77

**Mental Health and Addictions Centre of Excellence Act, 2019**

- definitions, MHA 2
- Mental Health and Addictions Centre of Excellence —
  - compliance with regulations, MHA 4(3)
  - established, MHA 4(1)
  - functions, MHA 4(2)
  - reports, MHA 4(4)
- regulations, MHA 5
- strategy, MHA 3

**Municipal Freedom of Information and Protection of Privacy Act**

- rights of deceased, exercise of, MFI 54

**Personal Health Information Protection Act, 2004**

- access to records —
  - application of Part, PHI 51
  - correction of records, PHI 55
  - exclusions, PHI Reg. 329/04, s. 24
  - individual's right of access, PHI 52
  - request for, PHI 53
  - response re request, PHI 54
- accountability and openness —
  - agents and information, PHI 17
  - contact person, PHI 15
  - notice, PHI 17.1
  - written public statement by health information custodian, PHI 16
- application of, PHI 7-9
- collection, use and disclosure of information —

**Personal Health Information Protection Act, 2004** — *cont'd*

- collection, use and disclosure of information — *cont'd*
  - consent requirement, PHI 29
  - direct collection without consent, PHI 36(2)
  - disclosure. *See* disclosure
  - fees for personal health information, PHI 35
  - fundraising, PHI 32, PHI Reg. 329/04, s. 10
  - health cards and health numbers, PHI 34, PHI Reg. 329/04, ss. 11 and 12
  - indirect collection, PHI 36(1), PHI Reg. 329/04, ss. 20 and 25
  - marketing, PHI 33
  - notification if no consent, PHI Reg. 329/04, s. 8.1
  - other information, use of, PHI 30
  - permitted use, PHI 37
  - use and disclosure, PHI 31, PHI Reg. 329/04, s. 22
- commencement of Act, PHI 99
- Commissioner —
  - annual report to re theft, loss, etc., PHI Reg. 329/04, s. 6.4
  - complaints to. *See* complaints to Commissioner, *infra*
  - delegation by, PHI 67
  - general powers of, PHI 66
  - immunity of, PHI 69
  - limitations on, PHI 68
  - notice to, PHI Reg. 329/04, s. 6.3
- complaints to Commissioner —
  - administrative penalties, PHI 61.1
    - regulations re, PHI 73(5)
  - breach of privacy, damages for, PHI 65
  - Commissioner's powers, PHI 61
  - inspection powers, PHI 60
  - order by Commissioner, PHI 61
    - appeal of, PHI 62
    - enforcement measures, PHI 65.1
    - enforcement of, PHI 63
    - further order, PHI 64
  - requirements of, PHI 56
  - response, PHI 57
  - review by Commissioner, self-initiated, PHI 58, 59
- consent —
  - assumption of validity, PHI 20
  - capacity, PHI 21
  - collection, use or disclosure of information, PHI 6(2)
  - elements of, PHI 18
  - factors to consider for, PHI 24
  - incapable individual, persons who may consent, PHI 26
  - incapacity, determination of, PHI 22
  - persons entitled to consent, PHI 23

**Personal Health Information Protection Act, 2004 — *cont'd***

- consent — *cont'd*
  - representative —
    - appointment of, PHI 27
    - Board appointed, PHI 28
  - substitute decision-maker, authority of, PHI 25
  - withdrawal of, PHI 19
- defined terms, PHI 2, PHI Reg. 329/04, s. 1
- disclosure —
  - Commissioner's approval, with, PHI 48
  - health care payments, PHI 46
  - health or other programs, re, PHI 39
  - health system —
    - analysis, re, PHI 47
    - planning and management, re, PHI 45
  - outside Ontario, PHI 50
  - proceedings, re, PHI 41
  - providing health care, re, PHI 38
  - research, re, PHI 44, PHI Reg. 329/04, ss. 16 and 17
  - restrictions on recipients, PHI 49
  - risks, re, PHI 40
  - statutes, re, PHI 43
  - successor, to, PHI 42
- electronic health record —
  - advisory committee, PHI 55.11
  - collection, use and disclosure, PHI 55.5
  - collection by Ministry, PHI 55.9
  - consent directives, PHI 55.6
  - consent overrides, PHI 55.7
  - coroner, provision of information to, PHI 55.9.1
  - definitions, PHI 55.1
  - liability of health information custodian, PHI 55.13
  - medical interactions checks, PHI 55.8
  - Minister's directives, PHI 55.4
  - practices and procedures review, PHI 55.12
  - prescribed organization to develop and maintain, PHI 55.2
  - purposes other than health care, PHI 55.10
  - regulations, PHI 55.14
  - requirements, PHI 55.3
- exception, PHI Reg. 329/04, ss. 7 and 21
- exemption, PHI Reg. 329/04, s. 2
- forms
  - application to amend conditions or terminate appointment of representative, PHI Form P-5
  - application to appoint representative, PHI Form P-3, P-4
  - application to determine compliance, PHI Form P-2

**Personal Health Information Protection Act, 2004** — *cont'd*

- forms
  - application to amend conditions or terminate appointment of representative —  
*cont'd*
    - application to review determination of incapacity, PHI Form P-1
  - health information custodian, PHI 3, 16, PHI Reg. 329/04, ss. 3 and 6
  - immunity, PHI 69, 71
  - legislation, PHI Reg. 329/04, s. 23
  - liability, Crown, PHI 71(2)
  - offences, PHI 72
  - Ontario Health —
    - prescribed entity, as, PHI Reg. 329/04, s. 18
    - privacy safeguards, PHI Reg. 329/04, s. 6.1.1
    - registry of personal health information, PHI Reg. 329/04, s. 13
  - personal health information —
    - archives, PHI Reg. 329/04, s. 14
    - collection, use and disclosure. *See* collection, use and disclosure of information,  
*supra*
    - consent re. *See* consent, *supra*
    - meaning of, PHI 4
    - permissive disclosure, PHI 6(3)
    - protection of. *See* protection practices, *infra*
    - registries, PHI Reg. 329/04, s. 13
    - use vs. disclosure, PHI 6(1)
  - production order, PHI 71.1
  - protection practices —
    - accuracy, PHI 11
    - information practices, PHI 10
    - limits on use of de-identified information, PHI 11.2
    - records. *See* records
    - security, PHI 12
    - steps, PHI 11.1
  - purposes of, PHI 1
  - records —
    - access to. *See* access to records, *supra*
    - handling of, PHI 13
    - storage of, PHI 14
  - regulations —
    - power to make, PHI 73
    - prior public consultation, PHI 74
  - research ethics board, ss. 15 and 18
  - retaliation, prohibition on, PHI 70
  - review of Act, PHI 75
  - substitute decision-maker, PHI 5

**Powers of Attorney Act.** *See also* Substitute Decisions Act, 1992

- “attorney”, defined, PA 1

**Powers of Attorney Act.** — *cont'd*

- power of attorney —
  - exercise of —
    - after termination, PA 3
  - general, form of, PA 2

**Privacy,** F1 66; MFI 54

**Property.** *See* Substitute Decisions Act, 1992

**Property management.** *See* Substitute Decisions Act, 1992

**Public Guardian,** SD 15-18, 35, 36.1, 82, 83

**Public Hospitals Act**

- accounts —
  - municipal rights of recourse, PH 27, 28
  - rendering of, PH 26
- administration and enforcement, PH 3
- admissions —
  - patients, generally, PH 20
  - refusal of, PH 21
- approvals, PH 4
- burial expenses, PH 25
- by-laws of, PH 12
- cease of operations —
  - directions re, PH 6
  - generally, PH 44
- classification of hospitals, PH 32.1
- definitions, PH 1
- community health facilities, PH 2
- directions by Minister re restructuring, PH 6
- disciplinary action, PH 33
- drugs, obtaining, PH Reg. 965, s. 10.1
- expropriation, PH 11
- hospital management, regulation re —
  - administrator, responsibility of, PH Reg. 965, s. 3
  - admission to hospital, PH Reg. 965, s. 11
  - anaesthesia, PH Reg. 965, s. 28
  - annual meeting, PH Reg. 965, s. 9
  - board, PH Reg. 965, s. 2
  - bylaws, PH Reg. 965, s. 4
  - charges for special services, PH Reg. 965, ss. 33, 34
  - critical incident disclosure, PH Reg. 965, s. 2(3.1)-(6)
  - dangerous or infectious patient, PH Reg. 965, ss. 14, 15
  - death, certificate of, PH Reg. 965, Form 1
  - death, report of, PH Reg. 965, s. 17
  - definitions, PH Reg. 965, s. 1
  - discharge from hospital, PH Reg. 965, s. 16



## INDEX

---

### **Public Hospitals Act** — *cont'd*

- hospital management, regulation re — *cont'd*
  - dissolution of hospital corporations, PH Reg. 965, s. 36
  - fiscal advisory committee, PH Reg. 965, s. 5
  - fiscal year, PH Reg. 965, s. 8
  - hospital subsidiary, meaning of, PH Reg. 965, s. 35
  - identification number, PH Reg. 965, s. 13
  - inspectors, PH Reg. 965, s. 10
  - medical advisory committee, PH Reg. 965, s. 7
  - medical staff, PH Reg. 965, s. 6
  - nursing advisory committee, PH Reg. 965, s. 7.1
  - orders for treatment, PH Reg. 965, ss. 24, 25
  - personal health information, disclosure of, PH Reg. 965, ss. 22-23.2
  - personal health information, records of, PH Reg. 965, ss. 19-21
  - physician unable to perform duties, PH Reg. 965, s. 18
  - register number, PH Reg. 965, s. 12
  - sterilization of persons under sixteen, PH Reg. 965, s. 27
  - surgery, PH Reg. 965, ss. 29-32
- hospital meetings —
  - notice of, PH 17
  - voting by proxy, no, PH 16
- hospital supervisor, appointment of, PH 9
- Indians, PH 29
- inspectors —
  - designation of, PH 18(1)
  - powers of, PH 18(2)
  - confidential information, PH 18(3)
  - reports, disclosure of, PH 18(4)
- interns, PH 24
- investigations of, PH 8
- liability —
  - Crown, of, PH 9.1(2), 10(2)
  - personal, PH 10
  - protection from, PH 13
- management committee, PH 15
- medical advisory committee, PH 35, PH Reg. 965, s. 7
- medical records, PH 14, PH Reg. 965, ss. 19-23.2
- offence, PH 30
- payments to hospitals, PH 5
- physicians —
  - appointment, etc. —
    - appeal re, PH 41, 43
    - application for, PH 37
    - hearing re, PH 39, 41
    - no hearing required, where, PH 38
    - notices, PH 43

**Public Hospitals Act — *cont'd***

- physicians — *cont'd*
  - powers of board re, PH 36
- powers of hospitals, PH 7
- private hospitals, PH 2
- professional work, quality of, PH 34
- prohibition re holding self out as hospital, PH 2(2)
- public interest considerations, PH 9.1
- regulations for hospitals, PH 32

**Public Trustee.** *See* Mental Health Act; Powers of Attorney Act

**Quality of Care Information Protection Act, 2016**

- commencement, QI 18
- conflict, QI 5
- disclosure, QI 8, QI 9, QI 10
- Freedom of Information and Protection of Privacy Act, application of, QI 3
- immunity, QI 13
- interpretation, QI 2
- interviews and disclosure, QI 4
- non-retaliation, QI 11
- offence, QI 12
- purpose, QI 1
- regulations, QI 15, 16
- review, QI 14
- use of committee, restrictions on, QI 6

**Regulated Health Professions Act, 1991.** *See* Health Professions Procedural Code

**Rights advisor,** MH 38, Reg. 741

**Rules of Practice**

- application of, RP 2
- applications —
  - dismissal without hearing, RP 12
  - filing, RP 9
  - incomplete or defective, RP 11
  - notice of withdrawal of, RP 13
  - requesting leave for new application, RP 37
- Board —
  - communication with, RP 17
  - filing applications with, RP 9
  - powers, RP 4
- case conferences, RP 19
- decision —
  - amending, RP 36
  - reasons for, RP 35
- definitions, RP 3
- documents —

## INDEX

---

### **Rules of Practice — *cont'd***

- documents — *cont'd*
  - disclosure, RP 30
  - filing, RP 9, 30
  - service of, RP 10
- evidence, RP 29
- hearing —
  - accommodation, RP 24
  - adjournments, RP 28
  - amicus curiae, RP 8
  - evidence, RP 29
  - filing documents at, RP 30
  - interpreters, RP 23
  - intervenor, RP 7
  - language of, RP 22
  - non-attendance, RP 27
  - notice of, RP 15
  - oath or affirmation, RP 31
  - place of, RP 16
  - procedure at, RP 25
  - public access, RP 26
  - recording of proceedings, RP 33
  - setting dates, RP 14
  - submissions, RP 34
  - witnesses, RP 32
  - written and electronic, RP 21
- intervenor, RP 7
- mediation, RP 20
- motions, RP 18
- orders, RP 35
- parties, RP 6
- pre-hearing conferences, RP 19
- purpose of, RP 1
- time, computing, RP 5

### **Statutory Powers Procedure Act**

- abuse of processes, SA 23(1)
- adjournments, SA 21
- appeal as stay, SA 25
- application of, SA 3
- character in issue, SA 8
- conflicts between Acts, SA 32
- contempt proceedings, SA 13
- decisions and orders —
  - costs, re, SA 17.1
  - enforcement of, SA 19
  - final, SA 17(1)

**Statutory Powers Procedure Act — *cont'd***

- decisions and orders — *cont'd*
  - interest, SA 17(2)
  - interim, SA 16.1
  - notice of, SA 18
- definitions under, SA 1
- disclosure, SA 5.4
- errors, correction of, SA 21.1
- evidence —
  - admissibility, SA 15
  - previously admitted, SA 15.1
  - witness panels, from, SA 15.2
- hearing —
  - combined format of, SA 5.2.1
  - disposal of proceeding without, SA 4.1
  - electronic, SA 5.2, 5.2.1
  - non-attendance at, SA 7
  - notice of, SA 6, 24
  - pre-hearing conferences, SA 5.3
  - public character of, SA 9
  - written, SA 5.1
- incapacity of tribunal member, SA 4.4
- judicial notice, SA 16
- oaths, administration of, SA 22
- panels, hearings by, SA 4.2
- parties, SA 5
- photographs, recordings, dissemination, prohibition on, SA 29
- procedures and practices, determination of, SA 25.0.1
- record of proceedings, SA 20
- regulations re forms, SA 26
- representation, right to, SA 10
- representatives, exclusion of, SA 23(3)
- rule making, SA 25.1, 25.2
- rules, etc., public access to, SA 27
- similar question proceedings, SA 9
- stay, appeal operating as, SA 25
- substantial compliance, SA 28
- summonses, SA 12, 26
- term, expiry of, SA 4.3
- time frames, establishment of, SA 16.2
- waiver of procedural requirement, SA 4
- witnesses —
  - examination of, SA 10.1
  - limitation on examination of, SA 23(2)
  - protection for, SA 146
  - right to representation of, SA 11

## INDEX

---

### **Substitute Decisions Act, 1992.** *See also* Child, Youth and Family Services Act, 2017

- accounts and records of attorneys and guardians, SD Reg. 100/96
- assessment of capacity —
  - forms, SD Reg. 460/05, s. 7
  - order for, SD 79
  - order for enforcement, SD 81
  - qualifications, SD Reg. 460/05
  - restraining order, SD 80
  - right to refuse, SD 78
- capacity, *see also* Child, Youth and Family Services Act, 2017 —
  - presumption of, SD 2
  - where in issue, SD 3
- commencement, SD 92
- conflict of laws, SD 85
- definitions, SD 1
- evidence, statements as, SD 84
- foreign orders, SD 86
- forms —
  - application to replace public guardian as statutory guardian of property, SD Reg. 26/95, Form 1
  - guardianship plan, SD Reg. 26/95 Form 3
  - management plan, SD Reg. 26/95 Form 2
  - optional statement to appoint guardian of the person, SD Reg. 26/95 Form 6
  - optional statement to terminate guardian of the person, SD Reg. 26/95 Form 7
  - request for assessment of capacity, SD Reg. 26/95 Form 4
  - statement required under s. 50(1), SD Reg. 26/95 Form 5
  - statement to appoint guardian of property, SD Reg. 26/95 Form 8
  - statement to terminate guardianship of property, SD Reg. 26/95 Form 9
- guardians of property —
  - court-appointed —
    - application for appointment, SD 22, 23
    - incapacity, finding of, SD 25
    - prohibited persons, SD 24
    - serious adverse effects, SD 27
    - suspension, SD 29
    - temporary, SD 27
    - termination, SD 28, 30
    - variation or substitution, SD 26
  - management by —
    - access to personal information, SD 31.1
    - attorney under continuing power of attorney, SD 38
    - compensation, SD 40, Reg. 26/95
    - corporate debts and liabilities, SD 33.3
    - direction from court, SD 39
    - duties re, SD 32
    - expenditures, SD 37

**Substitute Decisions Act, 1992** — *cont'd*

- guardians of property — *cont'd*
- management by — *cont'd*
  - liability, SD 33
  - passing of accounts, SD 42
  - powers, SD 31
  - property in another person's control, SD 33.2
- Public Guardian and Trustee —
  - documentary recital by, SD 36.1
  - power of executor, SD 35
  - transactions, completion of, SD 34
  - will, SD 33.1, 35.1, 36
- procedure —
  - application to appoint, SD 69, 70, 72
  - application to terminate, SD 69, 73
  - summary disposition, SD 77
- statutory —
  - assessment of capacity for, SD 16, 20.1
  - certificate under Mental Health Act, SD 15
  - death of, SD 19
  - incapacity, finding of, SD 20.2
  - Public Guardian and Trustee as —
    - application to replace, SD 17
    - circumstances, SD 15, 16
    - receipt of notice by, SD 21
    - refusal to issue certificate, SD 18
  - termination of —
    - by attorney, SD 16.1
    - by court, SD 20.3
    - events causing, SD 20
    - procedure, SD 69(0.1)
- investigation by Public Guardian and Trustee —
  - access to records, SD 83
  - power of entry, SD 82
- mediation, SD 88
- offences —
  - false statement, SD 89(5)
  - obstruction, SD 89(1)
  - personal information, SD 89(7)
  - restraining order, SD 89(4)
- personal care —
  - age —
    - application of Act, SD 43
    - incapacity for personal care, SD 45
    - minimum to exercise power of decision, SD 44
  - court-appointed guardian of the person —

**Substitute Decisions Act, 1992** — *cont'd*

- personal care — *cont'd*
  - court-appointed guardian of the person — *cont'd*
    - access to personal information, SD 59.1
    - application for appointment, SD 55, 56
    - court directions, SD 68
    - duties of, SD 66
    - full guardianship powers, SD 59
    - incapacity, finding of, SD 58
    - partial guardianship, SD 60
    - procedure —
      - application to appoint, SD 69, 70, 71, 74
      - application to terminate, SD 69, 75
      - summary disposition, SD 77
  - prohibited persons, SD 57
  - serious adverse effects, SD 62
  - suspension, SD 64
  - termination, SD 63, 65
  - variation or substitution, SD 61
- power of attorney for —
  - assessment of grantor's capacity, SD 51
  - capacity to give, SD 47
  - court directions, SD 68
  - duties of, SD 66, 67
  - effectiveness of, SD 49
  - execution of, SD 48
  - provision for, SD 46
  - remote witnessing of, SD 3.1
  - resignation of attorney, SD 52
  - special provisions in, SD 50
  - termination of, SD 53
- property —
  - age —
    - application of Act, SD 4
    - minimum to exercise power of decision, SD 5
  - continuing powers of attorney for —
    - capacity to give/revoke, SD 8
    - execution of, SD 10
    - requirements for, SD 7
    - resignation of, SD 11
    - termination of —
      - circumstances, SD 12
      - exercise after, SD 13
    - validity despite incapacity, SD 9
  - guardians of. *See* guardians of property, *supra*
  - incapacity to manage, SD 6

**Substitute Decisions Act, 1992** — *cont'd*

- property — *cont'd*
  - management. *See* guardians of property, *supra*
  - power of attorney, preservation of certain, SD 14
- records, SD Reg. 100/96
- register, establishment of, SD Reg. 99/96
- regulations, power to make, SD 90
- short title, SD 92
- transition, SD 91
- volunteers, SD 87

**Veterans**, MH 77