

“health information custodian” means a health information custodian within the meaning of the *Personal Health Information Protection Act, 2004*; (“dépositaire de renseignements sur la santé”)

“personal health information” means personal health information within the meaning of the *Personal Health Information Protection Act, 2004*. (“renseignements personnels sur la santé”) 2009, c. 33, Sched. 18, s. 12 (6).

#### **Section Amendments with date in force (d/m/y)**

2007, c. 10, Sched. F, s. 15 - 07/08/2007

2009, c. 33, Sched. 18, s. 12 (6) - 15/12/2009

#### **Directives to health care providers**

**77.7 (1)** Where the Chief Medical Officer of Health is of the opinion that there exists or there may exist an immediate risk to the health of persons anywhere in Ontario, he or she may issue a directive to any health care provider or health care entity respecting precautions and procedures to be followed to protect the health of persons anywhere in Ontario. 2007, c. 10, Sched. F, s. 15.

#### **Precautionary principle**

(2) In issuing a directive under subsection (1), the Chief Medical Officer of Health shall consider the precautionary principle where,

- (a) in the opinion of the Chief Medical Officer of Health there exists or may exist an outbreak of an infectious or communicable disease; and
- (b) the proposed directive relates to worker health and safety in the use of any protective clothing, equipment or device. 2007, c. 10, Sched. F, s. 15.

#### **Must comply**

(3) A health care provider or health care entity that is served with a directive under subsection (1) shall comply with it. 2007, c. 10, Sched. F, s. 15.

#### **No coercion of professionals**

(4) For greater certainty, a directive under subsection (1) may not be used to compel regulated health professionals to provide services without their consent. 2007, c. 10, Sched. F, s. 15.

#### **No conflict with OHSA**

(5) Despite subsection (1), in the event of a conflict between this section and the *Occupational Health and Safety Act* or a regulation made under it, the *Occupational Health and Safety Act* or the regulation made under it prevails. 2007, c. 10, Sched. F, s. 15.

#### **Definitions**

(6) In this section,

“health care provider or health care entity” means:

1. A regulated health professional or a person who operates a group practice of regulated health professionals.
2. A service provider within the meaning of the *Home Care and Community Services Act, 1994* who provides a community service to which that Act applies.

**Note:** On a day to be named by proclamation of the Lieutenant Governor, paragraph 2 of the definition of “health care provider or health care entity” in subsection 77.7 (6) of the Act is repealed. (See: 2020, c. 13, Sched. 3, s. 4 (1))

3. REPEALED: 2016, c. 30, s. 39 (3).

**Note:** On a day to be named by proclamation of the Lieutenant Governor, the definition of “health care provider or health care entity” in subsection 77.7 (6) of the Act is amended by adding the following paragraph: (See: 2020, c. 13, Sched. 3, s. 4 (2))

3. A health service provider or Ontario Health Team that provides a home and community care service pursuant to funding under section 21 of the *Connecting Care Act, 2019*, including a person or entity from whom the provider or Team has purchased the home and community care service.
4. A hospital within the meaning of the *Public Hospitals Act*, a private hospital within the meaning of the *Private Hospitals Act*, a psychiatric facility within the meaning of the *Mental Health Act* or an independent health facility within the meaning of the *Independent Health Facilities Act*.