

Post SARS:
Public Health Law
Developments
In Canada

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in the 21st Century
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NOTICE

- This presentation highlights areas of relevance in a general way. It should not be relied upon as legal advice. This presentation does not necessarily represent the opinion of the City of Toronto.

The Past: Cracks Exposed

- SARS Outbreak: February 23, 2003 to April 18, 2003; May 22, 2003 to June 11, 2003
- Walker Panel On Infectious Diseases
- Naylor Committee on SARS and Public Health
- Campbell Commission of Inquiry into SARS (first interim report)

The Present: Progress

- Operation Public Health
- Bill 124: Strengthens the role and the independence of the Chief MOH
- Capacity Review Committee
- Increased funding for local public health units
- Provincial Infectious Disease Advisory Ctte
- iPHIS(integrated Public Health Information system)/Revised Reports Regulation

The Future: Hope and Optimism Campbell's Recommendations (second interim report)

- **Medical Independence and Leadership**
 - local MOHs to report re state of public health and other reports deemed necessary; no adverse employment consequences
 - CMOH responsible for public health emergency planning/public health labs
 - expand protection from personal liability

- **Stronger Health Protection Powers**
 - Role and Authority: public health/ hospitals
 - Define a trigger for reporting unexplained illness of cluster of illnesses
 - Reporting threats to the public
 - Public Health Directives CMOH responsibility
 - Temporary detention
 - Section 35: Entry into a private dwelling

• **Reporting Infectious Diseases**

- Physicians' duty to report: timing and content
- Expand categories of individuals with reporting obligations
- Obligation to provide additional information to the MOH
- Expand exceptions to general prohibition on sharing information about individuals with communicable diseases

• **Whistleblower protection**

- Enact new provisions in the HPPA(Health protection and promotion Act) that conform with seven enunciated principles

• **Quarantine**

- Emergency plans to include compensation packages ready for use
- HPPA amendment for LOA without pay
- Provide timely and adequate information
- Class Orders: service and consultation
- Introduce the word 'Quarantine' to the HPPA

• Legal Access and Preparedness

- Include authority for special procedures in HPPA (*ex parte*, video hearings)
- Legal preparedness an integral part of public health emergency planning

• Emergency Legislation

- Specify who does what and who is in charge
- CMOH has primary authority for public health aspects of every emergency
- Subject emergency powers to legal, practical and policy analysis (eg: mass immunization)
- Include protocols for speedy access to courts.

Conclusions

- Recommendations:
 - continue to advocate a critical shift in thinking in relation to public health reform
 - identify many deficiencies requiring immediate amendments to the HPPA
- Evidence of government commitment to change is essential or momentum for reform will fade
- Reform will make a difference.

Need More Information?

- Campbell Commission Reports:
www.sarscommission.ca
- Health Protection and Promotion Act:
www.e-laws.gov.on.ca
- iPHIS Manual and related Ministry of Health and Long Term Care documents:
www.gov.on.ca

More Information

- Naylor Report: <http://www.phac-aspc.gc.ca/publicat/sars-sras/naylor/>
- Walker Reports:
http://www.health.gov.on.ca/english/public/pub/ministry_reports/walker_panel_2003/walker_panel.html
