

HEALTH LAW IN CANADA



Institute of Health Policy, Management & Evaluation
UNIVERSITY OF TORONTO

A Roundtable on the Canada Health Act - Version 2.0

September 14, 2016

Music Room, Hart House, University of Toronto

Background: the Canada Health Act ("CHA"), adopted in 1984, is legislation which governs the funding relationship between the federal, provincial and territorial governments for basic 'insured health services' (namely, medically necessary hospital, physician and surgical-dental services). It entitles provinces and territories to receive the Canada Health Transfer as long as they comply with certain principles and conditions. The five main principles in the CHA are: public administration; comprehensiveness; universality; portability; and accessibility. The amount of the Canada Health Transfer that a province or territory is entitled to receive can be reduced if it does not adhere to these principles (and the more detailed conditions associated with each).

At present, Federal Health Minister Jane Philpott has been leading the discussions with the provinces on a new health accord. Ultimately, any funds received by each province will need to be implemented in line with provincial and territorial health care policy and within the province's legal framework. With the federal and provincial governments discussing the details regarding a new health accord, our conference is focused on the CHA because it forms the basis for any discussions on health care reform and, of course, is the backbone for our current health care system. The principles enshrined in the CHA specify the criteria with which provincial and territorial health insurance programs must conform, in order to receive federal transfer payments under the Canada Health Transfer regime. These federal transfer payments are exactly what the provinces are negotiating with the federal government. Any discussion about health care reform must begin or at the very least address the CHA. Our conference is timely for this reason.

Therefore, perhaps it is time to review and discuss whether our legal framework is working effectively? Over time there has been discussion and debate about the principles enshrined in the CHA. In particular, the CHA has been charged with not evolving at the speed necessary to tackle health care reform and the delivery of health care services in our fiscally constrained environment. Is this the case? Is the CHA outdated? Does it just need to be implemented differently? Or perhaps it should just remain as is?

Please Tweet! The official hashtag for the conference is: #hlcj2016

Invitation: this conference invites stakeholders and other interested individuals to analyze the issues, identify possible frameworks and discuss whether we need to move towards a Canada Health Act, Version 2.0?

The Goal of the Conference is to: will be to provide a forum for innovative ideas on health care reform to be presented, debated, discussed and ultimately considered by law and policymakers so that positive change is affected.

PROGRAM

Wednesday, September 14, 2016 Music Room, Hart House, University of Toronto	
8:00 am - 8:30 am	Registration
8:30 am - 9:00 am	Breakfast
9:00 am - 9:10 am	Welcome Address
9:10 am - 9:30 am	Keynote Speaker Abby Hoffman, Assistant Deputy Minister, Strategic Policy Branch, Health Canada
9:30 am - 10:00 am	The Modernization of the <i>Canada Health Act</i> Colleen Flood, Inaugural Director of the Centre for Health Law, Policy and Ethics / University of Ottawa Research Chair in Health Law & Policy
10:00 am - 10:45 am	Setting the Policy Framework: Myths and Realities of the <i>Canada Health Act</i> Bill Tholl, President and CEO of HealthCareCAN Greg Marchildon, Ontario Research Chair in Health Policy and System Design, University of Toronto
10:45 am - 11:00 am	Health Break
Is the <i>Canada Health Act</i> in Accordance With Provincial and Federal Expectations?	
11:00 am - 12:15 pm	PLENARY #1 - The Provincial Perspective: what is it like to establish health policy under the <i>Canada Health Act</i>? <i>Goal: to identify whether the CHA as is currently interpreted assists or hinders provincial policymaking?</i> Ontario <ul style="list-style-type: none"> Dr. Vasanthi Srinivasan, Former Assistant Deputy Minister of the Health Systems Strategy and Policy Division Alberta <ul style="list-style-type: none"> Fred Horne, Horne and Associates Quebec <ul style="list-style-type: none"> Antonia Maioni, Professor of Political Science, Institute for Health and Social Policy, McGill University Moderator: Adalsteinn Brown, Director, IHPME
12:15 pm - 12:45 pm	Measuring Progress of a Health Accord: Lessons from measuring health system performance in Canada. David O'Toole, President and CEO, Canadian Institute for Health Information
12:45 pm - 1:25 pm	Lunch Break

Is the <i>Canada Health Act</i> Aligned with New Knowledge and the Delivery of Health Care?	
1:25 pm - 1:45 pm	<p>Canada Health Act 2.0: are the fundamental principles still current, or do they need to be revisited?</p> <p><i>Goal: setting the groundwork - If the CHA needs to be re-visited: should we focus on re-forming? or should we focus on overhauling?</i></p> <p>Harvey Schipper, Professor, University of Toronto Faculty of Medicine</p>
1:45 pm - 3:00 pm	<p>PLENARY #2 - Re-forming the CHA: how can it be re-formed in such a way that health care is delivered to the expectation of Canadians?</p> <p><i>Goal: to identify and discuss whether we should focus on re-form, for example by expanding the definition of insured services or whether we need to consider an alternative.</i></p> <ul style="list-style-type: none"> • Hon. Michael Kirby • Francesca Grosso, Principal, Grosso McCarthy Inc. • Joel Lexchin, Professor, Faculty of Health, York University <p>Moderator: Raisa Deber, Professor, IHPME</p>
3:00 pm - 3:15 pm	Health Break
3:15 pm - 4:15 pm	<p>PLENARY #3 - Re-evaluating the CHA: is the <i>Canada Health Act</i> a barrier to thinking about healthcare delivery innovatively because of the way it has been interpreted and applied?</p> <p><i>Goal: is the CHA a barrier such that it should be overhauled, set aside or considerably modified because it interferes with innovation to healthcare delivery?</i></p> <ul style="list-style-type: none"> • Sean Speer, Munk Senior Fellow, Macdonald-Laurier Institute • Lynne Golding, Partner, Fasken Martineau • Ashley Challinor, Senior Policy Analyst, Ontario Chamber of Commerce <p>Moderator: Owen Adams, Chief Policy Advisor, CMA</p>
4:15 pm - 4:50 pm	<p>The End of the Matter? Public Health Care Under Beyond the CHA</p> <p>Pierre-Gerlier Forest, Director and the James S. and Barbara A. Palmer Chair for The School of Public Policy at the University of Calgary</p>
4:50 pm - 5:00 pm	<p>Final Reflections and Closing Remarks</p> <p>Trudo Lemmens, Professor and Scholl Chair in Health Law and Policy at the University of Toronto Faculty of Law</p>

LSUC members may count up to seven (7) hours of their attendance at this conference towards their annual substantive CPD requirement.

DETAILS

PRICE

\$150 - Regular

\$ 75 - Students

To purchase tickets:

<https://www.eventbrite.ca/e/a-roundtable-on-the-canada-health-act-version-20-tickets-26966659003>

VENUE INFORMATION

The Music Room is located on the 2nd floor of Hart House, at the West side of this historic building.

Address: 7 Hart House Circle, University of Toronto

Telephone: (416) 978-2452

DIRECTIONS

Hart House is between two subway stations, Museum and St. George. To walk here from Museum station, exit the station on the west side of the street, in front of The ROM. Walk south down Queen's Park Circle, continue south until just past Hoskin Ave.

To walk here from St. George station, exit on St. George, walk south down St. George until you get to Hoskin Ave. Walk east on Hoskin Ave until you come to Tower Rd, you can access our west entrance directly from Tower Rd.



FOR MORE INFORMATION

Please email: INFO@HLCJ.CA or ihpme.events@utoronto.ca

Visit: www.hlcj.ca

SPEAKERS

<p>Owen Adams</p>	<p>Owen Adams is Chief Policy Advisor at the Canadian Medical Association (CMA), based in Ottawa, Ontario. Since joining the CMA in 1990 he has contributed to the association's research and policy development in areas such as physician human resources, health system financing and health reform. Prior to joining the CMA he spent 12 years in the Health Division of Statistics Canada. He holds a BA and MA in Sociology from Western University and a PhD in Population Health from the University of Ottawa.</p>
<p>Adalsteinn (Steini) Brown</p>	<p>Adalsteinn Brown is the Director of the Institute of Health Policy, Management and Evaluation and the Dalla Lana Chair in Public Health Policy at the Dalla Lana School of Public Health. He is appointed at the Li Ka Shing Knowledge Institute of St. Michael's Hospital, Massey College and the Scuola Superiore Sant'Anna in Italy. Past roles include Assistant Deputy Ministry for Strategy at the Ontario Ministry of Health and Long-term Care and for Science and Research at the Ontario Ministry of Research and Innovation as well as founding roles in consulting, software, and web companies.</p>
<p>Ashley Challinor</p>	<p>Ashley Challinor is Senior Policy Analyst at the Ontario Chamber of Commerce, and is currently the lead on their year-long health policy project, the Health Transformation Initiative. Prior to that, she worked in market research in Toronto, media in Tbilisi, and migration policy in Washington, DC. Ashley has an MSc. from the London School of Economics, an MA from the University of Southern California, and an HBA from the University of Toronto. Outside of work, she volunteers with the Canadian Red Cross' Disaster Management team.</p>
<p>Raisa Deber</p>	<p>Raisa Deber is a Professor at the Institute of Health Policy, Management and Evaluation. She has lectured, mentored, published and consulted on health policy at local, provincial, national and international levels. She was selected as an Expert by the Health Evidence Network of Canada (EvidenceNetwork.ca). Professor Deber's current research centers on Canadian health policy. Projects, conducted with colleagues and students, include: implications of the distribution of health expenditures and public/private roles for financing and delivery of health services; the implications of different ways of financing primary health care; examination of where nurses and other health professionals work and the factors associated with differential "stickiness" across sub-sectors; issues associated with the movement of care from hospitals to home and community; and approaches to accountability.</p>
<p>Colleen Flood</p>	<p>Colleen M. Flood is a Professor in the University of Ottawa and a University Research Chair in Health Law & Policy. She is inaugural director of the Ottawa Centre for Health Law Ethics and Policy. From 2000-2015 she was a Professor and Canada Research Chair at the Faculty of Law, University of Toronto with cross-appointments to the School of Public Policy and the Institute of Health Policy, Management & Evaluation. From 2006-2011 she served as a Scientific Director of the Institute for Health Services and Policy Research, one of the Canadian Institutes of Health Research.</p>
<p>Pierre-Gerlier Forest</p>	<p>PG Forest, Ph.D., is Professor at the Cumming School of Medicine and Director of the School of Public Policy at the University of Calgary, where he holds the James S. and Barbara A. Palmer Chair in Public Policy. Prior to his appointment at the University of Calgary, PG Forest was Director of the Johns Hopkins Institute for Health and Social Policy and Professor at the Bloomberg School of Public Health. In the past, PG Forest has occupied various leadership positions in the public, private, and non-profit sectors, notably with the Pierre Elliott Trudeau Foundation, Health Canada, and the Royal Commission on the Future of Health Care in Canada.</p>
<p>Lynne Golding</p>	<p>Lynne Golding leads the national Health Law Group at the law firm of Fasken Martineau DuMoulin LLP. Out of their Toronto office, she has an active corporate-commercial practice principally in the health industry, which involves transactions dealing with public and private corporations in both regulated and unregulated industries. Her own practice focuses on corporate law, particularly structuring contractual arrangements between hospitals and private sector service providers and providing governance advice. Together with other members of Fasken Martineau, she co-authored the Ontario Hospital Association's Toolkit on the Freedom of Information and Protection of Privacy Act and advised Healthcare Supply Chain Network on the Common Tendering and Contracting Templates for healthcare organizations including by preparing guides and annotations for their use.</p>

<p>Francesca Grosso</p>	<p>Francesca Grosso has been immersed in health care strategy, policy and communications for more than 15 years. She served as a Director of Policy to the Ontario Minister of Health and Long Term Care. Grosso was Vice President of Health Care at Environics Research Group. Her work includes numerous studies of key health issues, including a review of legislation pertaining to private health clinics, coauthored with Tom Archibald. Francesca Grosso has worked on a legislative and policy review for the Patient Safety Institute on quality assurance programs across Canada. She is currently on the Board of Directors for Patients Canada.</p> <p>Grosso worked with Michael Decter to establish the Health Council of Canada and was a transition team member establishing the new federal agencies, the Canadian Partnership against Cancer under Jeff Lozon and the Mental Health Commission under Michael Kirby.</p> <p>Recently, Francesca co-authored a Canadian bestseller with Michael Decter, <i>Navigating Canada's Health Care, A User Guide to the Canadian Health Care System</i>. This book provides help, direction, tips and tricks to help Canadians navigate a complex health care system with better results.</p>
<p>Abby Hoffman</p>	<p>Abigail Hoffman first gained notoriety as a youngster when she masqueraded as a boy in order to play in a boys-only ice hockey league in Toronto. She was the first woman elected to the Executive Board of the Canadian Olympic Committee, she is also the first woman to serve as Director General of the federal government agency, Sport Canada. Hoffman competed in track and field in four Olympic Games, reaching the finals of the 800m event twice. She holds a Commonwealth Games title and won medals in four successive Pan-American Games. She was the flag bearer for the Canadian Olympic Team at the 1976 Olympics in Montreal. Hoffman attended University of Toronto graduating with an Hons BA in Political economy in 1968 before pursuing graduate studies at U of T in political science in the late 1960s and early 1970s. She joined the Faculty of Political Studies of the University of Guelph as an Assistant Professor in 1973. Hoffman has held a number of senior executive positions in the federal government. She is currently the Assistant Deputy Minister – Strategic Policy at Health Canada. Hoffman is an Officer of the Order of Canada.</p>
<p>Fred Horne</p>	<p>Fred Horne is a health policy consultant and served as Alberta's Minister of Health from 2011-2014. A frequent speaker and panelist on health system issues in Canada, he is Principal of Horne and Associates, and Adjunct Professor at the School of Public Health, University of Alberta. Fred is the Chair of Medbuy Corporation, and serves as a director of the Canadian Physiotherapy Association and the Canadian Frailty Network.</p>
<p>Sen. Michael Kirby</p>	<p>Former Senator who chaired the Senate Social Affairs Committee when it produced a six volume report on Canada's health care system from 2000-2002, (the competitor to the Romanow Report) and when the Committee produced Canada's first national report on mental health in 2006.</p>
<p>Trudo Lemmens</p>	<p>Trudo Lemmens holds the Scholl Chair in Health Law and Policy at the University of Toronto, Faculty of Law. He has cross-appointments in the Faculty of Medicine and the Joint Centre for Bioethics. His research currently focuses on the complex interaction between law, other governance tools, and ethical norms and values in the context of health care, biomedical research, health product development, and knowledge production. He teaches courses on health law, research ethics, and pharmaceutical governance. Professor Lemmens has chaired and been a member of various national and international ethics and advisory committees. He currently is a member of the Advisory Committee on Health Research of the Pan American Health Organization and sits on the Board of the Ontario Mental Health Foundation.</p>
<p>Joel Lexchin</p>	<p>Joel Lexchin is an emeritus professor of health policy at York University and an emergency physician at the University Health Network. His book "Private profits versus public policy: the pharmaceutical industry and the Canadian state" will be published by University of Toronto Press in October 2016.</p>
<p>Antonia Maioni</p>	<p>Antonia Maioni holds a B.A. from Université Laval, an M.A. from Carleton University's Norman Paterson School of International Affairs, and a Ph.D. in political science from Northwestern University. As Professor in the Department of Political Science and the Institute for Health and Social Policy, she previously served as Associate Vice-Principal for Research and International Relations (2015-2016), President of the Federation for the Humanities and Social Sciences (2013 to 2015) and Director of the McGill Institute for the Study of Canada (2001-2011).</p>

Greg Marchildon	Greg Marchildon is Professor and Ontario Research Chair in Health Policy and System Design at the Institute of Health Policy, Management and Evaluation at the University of Toronto. He has written extensively on health policy, comparative health systems and the history of Canadian Medicare. He is a fellow of the Canadian Academy of Health Sciences and is a member of the editorial board of the European Observatory on Health Systems and Policies.
David O'Toole	David O'Toole is the President and CEO of the Canadian Institute for Health Information (CIHI). Prior to joining CIHI, Mr. O'Toole spent more than 20 years in the Ontario public sector, most recently as deputy minister of Natural Resources. He has also served as the deputy Minister of Northern Development, Mines and Forestry and as assistant deputy minister in the Cabinet Office. He began his career in health care, working in both the public and private sectors in Canada and the United States. Mr. O'Toole has served as commissioner for the Ontario Public Service Commission and on the Executive Development Committee of the Ontario Public Service. He is a graduate of Queen's University, and of the Executive Program of the Ivey School of Business at Western University. Mr. O'Toole is currently a member of the board of directors of Kingston General Hospital.
Harvey Schipper	Dr. Schipper, trained as both an engineer and a physician, is Professor of Medicine, and Adjunct Professor of Law at the University of Toronto. He is a practising cancer specialist with global experience in clinical medicine, health systems design and policy development.
Sean Speer	Sean Speer is a Munk Senior Fellow at the Macdonald-Laurier Institute and a Fellow at the University of Toronto's School of Public Policy and Governance. Sean previously served as senior economic adviser to the Rt. Hon. Stephen Harper. He has published commentaries and op-eds on reforming health-care system.
Vasanthi Srinivasan	<p>Dr. Vasanthi Srinivasan is the founding Executive Director of the Ontario Strategy for Patient-Oriented Research (SPOR) SUPPORT Unit. Until December 2013, Vasanthi was the Assistant Deputy Minister of the Health Systems Strategy and Policy Division. She was also the lead for the research program for the Ministry of Health and Long Term Care. She has held several senior management positions at the federal and provincial levels of government.</p> <p>Vasanthi holds a Ph.D. from the University of Ottawa and has led several key policy and research initiatives. She has served at the national and international levels in social policy areas such as health and immigration with a particular focus on seniors, aboriginal peoples and women's issues. During her tenure in the Policy Research Initiative of the Privy Council Office of Canada, she was seconded to the Cabinet Office in the United Kingdom to the Performance and Innovation Unit. While in London, she co-authored a white paper on Immigration and Integration Issues and created the Strategic Futures Group that led horizontal policy development for Whitehall, the Scottish Executive, the Welsh Assembly and Northern Ireland. Vasanthi was awarded the prestigious Head of the Public Service of Canada Award for her work on the Metropolis Project established to conduct policy research on immigration and integration in cities lead by Canada and involving 18 countries. As Assistant Deputy Minister at the Ministry of Health and Long Term Care, Vasanthi was the lead of two teams that won the coveted Amethyst Awards for the Ontario Mental Health and Addiction Strategy and for the work of the Trilateral Committee addressing First Nations and Aboriginal issues.</p>
Bill Tholl	Bill Tholl currently serves as the Founding President and CEO of HealthCare CAN. Prior to his appointment in March 2014, Bill served as CEO and Secretary General, Canadian Medical Association (2001-2008), and CEO of the Heart and Stroke Foundation of Canada (1995-2001). He also served as one of three senior departmental advisors to the then Minister of Health and Welfare, The Honourable Monique Bégin, on the drafting of the Canada Health Act

ADVISORY COMMITTEE*

Name	Title
Owen Adams	Chief Policy Advisor, Canadian Medical Association
Adalsteinn Brown	Director, Institute of Health Policy, Management and Evaluation, University of Toronto
Raisa Deber	Professor, Institute for Health Policy, Management and Evaluation, University of Toronto
Trudo Lemmens	Professor and Scholl Chair in Health Law and Policy at the University of Toronto Faculty of Law
Harvey Schipper	Professor, Faculty of Medicine, University of Toronto

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The goals of *Health Law in Canada* are to:

- (1) increase diversity in authorship and encourage collaborations;
- (2) encourage diverse readership across healthcare, legal and government/policy sectors;
- (3) stimulate innovation in the health sector;
- (4) ensure relevance to the health sector; and
- (5) include content that is current, forward thinking and that shapes the future of health law in Canada.

We publish original legal articles and non-analytical articles including: practice-based articles; health law related news domestically and internationally; case comments related to law and health; letters to the editor; updates regarding major career changes; book reviews; and upcoming events.

Health Law in Canada is published four times a year, in February, May, August and November. In the future, conferences or seminars may be planned with specific editions. Each publication contains approximately 32 pages (16,000 words).

Canada Health Act Special Issue: CALL FOR PAPERS

We invite speakers, attendees and volunteers to submit papers to be included in a special edition of *Health Law in Canada* which will be published in February 2017.

Papers for consideration to be submitted by November 15, 2016 to info@hlcj.ca.