

**Government of the Northwest Territories' Response to Committee Report 17-17(5): "Report on the Review of Bill 44: *An Act to Amend the Hospital Insurance and Health and Social Services Administration Act*"**

**Background**

The Standing Committee on Social Programs ('Committee') presented their Report 17-17(5): Report on the Review of Bill 44: *An Act to Amend the Hospital Insurance and Health and Social Services Administration Act* on June 2, 2015. This Report contains 11 recommended courses of action.

Along with the recommended courses of action, Committee also recommended the Government of Northwest Territories provide a comprehensive response to the Report in 120 days. To ensure a complete response to Committee's Report, each recommended action has been addressed individually.

**Recommended Actions**

- 1) *That the Department of Health and Social Services conduct a privacy impact assessment pertaining to the proposed amalgamation and the new Health Information Act.*

**GNWT Response:**

The *Health Information Act (HIA)* is another piece of our legislative framework aimed at providing better care to the residents of the Northwest Territories (NWT). The Department takes the privacy concerns of patients and clients very seriously and it is for that reason that the *HIA* prevails over the *Hospital Insurance and Health and Social Services Administration Act (HIHSSA)*. System transformation will not expand a patient's circle of care nor change the way personal health information may flow between regions as already provided for in the *HIA*. The establishment of the new Territorial Health and Social Services Authority (Territorial Authority) does not mean that all of the staff of the Territorial Authority will be able to access the personal health records of every patient. A patient's information is shared based on each patient's particular condition and with the team of health and social services professionals who provide care for that particular condition. Depending on the needs of a patient, the circle of care will change. Bill 44 does not change the privacy rules of how patient or client information will be shared. As such the Department is not preparing a privacy impact assessment before implementing Bill 44. Under the *HIA*, the Department is required to carry out privacy impact assessments whenever considering changes to or creating a new electronic health information system. System transformation does not affect existing Departmental plans for electronic health information systems, such as the Electronic Medical Record system, for which a privacy impact assessment had previously been completed.

- 2) *That the Government of the Northwest Territories move swiftly to complete negotiations for a new contract with UNW Local 21.*

GNWT Response:

While significant progress has been made internally, the GNWT has determined that a mandate to enter into negotiations with the Union of Northern Workers / Public Service Alliance of Canada to bring the HRHSSA into the public service will not be sought at this time given the GNWT's current and projected fiscal situation.

This was a difficult decision given the positive momentum that has been achieved to date, and the GNWT remains committed to bringing the HRHSSA into the GNWT public service. However, there is no date set for when the GNWT may re-engage with the relevant bargaining agents on this issue.

- 3) *That the Department of Health and Social Services give careful consideration to the matter of pension entitlements for employees of UNW Local 21.*

GNWT Response:

The decision to re-engage needs to be made by the 18<sup>th</sup> Legislative Assembly within the context of the GNWT's fiscal framework, and when there is greater certainty received from various pension regulators.

- 4) *That the Department of Health and Social Services take reasonable steps to retrain employees if regional positions are lost or threatened as a result of system transformation.*

GNWT Response:

HSS System Transformation is not about cutting jobs. It is premature to identify the nature, scope and impact the changes may have to current employees until we have fully planned the organizational design as a result of the changes to the governance structure of the system. We expect that there will be some impact to current employees such as changes in reporting relationships.

- 5) *That the Department of Health and Social Services ensure the inspections, investigations and reporting pertaining to critical incidents be conducted in careful adherence to privacy legislation.*

GNWT Response:

Critical incident investigations are crucial for determining what happened with the ultimate goal of ensuring a similar incident does not happen again. This must be balanced by a patient's or client's right to privacy. The Department commits to adherence of the applicable NWT privacy legislation. If a critical incident occurs in a hospital as defined by the *Evidence Act*, then the Department will comply with the requirements of that Act.

- 6) *That the Department of Health and Social Services ensure that critical incident investigations, and the communication of their results, get handled in a culturally-sensitive manner.*

GNWT Response:

A key component to responding to critical incidents is communicating in a manner that is respectful of clients or patients. The Department is committed to improving cultural sensitivity.

- 7) *That the Department of Health and Social Services establish rules in the regulations around the taking of samples for the purposes of an investigation.*

GNWT Response:

The Department will develop regulations and guidelines for critical incident investigations which will establish protocols for how investigations are conducted. The samples that an inspector may gather during an inspection will not include bodily samples from a person or persons.

- 8) *That the Department of Health and Social Services ensure that clear terms of reference are in place for each regional council.*

GNWT Response:

The Department agrees that clear roles for the regional councils will contribute to the overall success of the new system. Bill 44 clearly outlines the powers and purpose of regional councils and this will be further clarified in the Regulations and the Establishment Orders. They will be providing advice to the Territorial board of management on the priorities under the territorial plan, the promotion of health and wellness and any other matters that the Territorial board of management refers to the regional council. While their functions and powers will have commonalities, each regional council will be a reflection of their unique region.

- 9) *That the Department of Health and Social Services ensure that the chairs of regional councils have a sound base of experience in the delivery of health and social services.*

GNWT Response:

The Department agrees that the chairs of each of the regional councils should have a sound base of experience with which to guide their judgement. The Minister of Health and Social Services will be relying on the recommendations of M.L.A.'s, regional, local and Aboriginal governments for the nomination process and will be making a selection based on those nominees. As the chairs of the regional councils will be sitting on the Territorial Board of Management, experience and wisdom will help contribute to the effectiveness of the Territorial Board.

- 10) *That the Department of Health and Social Services give due care to information shared between the Territorial Health and Social Services Authority and charitable foundations.*

GNWT Response:

The Department takes privacy concerns very seriously. As regulations are developed for charitable foundations established by the Territorial board of management that regulate their powers, duties and functions, the Department will ensure that the applicable privacy legislation is complied with. In addition, it is important to note that under the *Health Information Act*, it is an offence to solicit money using an individual's personal health information without their express consent.

- 11) *That the Department of Health and Social Services communicate effectively with stakeholders regarding its change management plan.*

GNWT Response:

Change management is crucial to ensuring that programs and services are not interrupted. The Department has been and will continue to proactively communicate with stakeholders both within the Boards of Management and our partners in the Aboriginal Governments as well as staff in the Health and Social Services Authority and within the Department to ensure they are informed and to gather their feedback and will continue to do so.