

Ambulance Act

R.S.O. 1990, CHAPTER A.19

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PART I DEFINITIONS

Definitions

1. (1) In this Act,

“air ambulance services” includes all services provided by an ambulance service in connection with the transportation of persons by air; (“services d’ambulance aériens”)

“ambulance” means a conveyance used or intended to be used for the transportation of persons who,

- (a) have suffered a trauma or an acute onset of illness either of which could endanger their life, limb or function, or
- (b) have been judged by a physician or a health care provider designated by a physician to be in an unstable medical condition and to require, while being transported, the care of a physician, nurse, other health care provider, emergency medical attendant or paramedic, and the use of a stretcher; (“ambulance”)

“ambulance service” means, subject to subsection (2), a service that is held out to the public as available for the conveyance of persons by ambulance; (“service d’ambulance”)

“base hospital” means a hospital designated by the Minister under clause 4 (2) (d); (“hôpital principal”)

“base hospital program” means a program operated by a base hospital for the purpose of,

- (a) delegating controlled acts to paramedics,
- (b) providing medical advice relating to pre-hospital patient care and transportation of patients to ambulance and communication services and to emergency medical attendants, paramedics and other employees of the services,
- (c) providing quality assurance information and advice relating to pre-hospital patient care to ambulance services and to emergency medical attendants and paramedics, and
- (d) providing the continuing medical education required to maintain the delegation of controlled acts to paramedics; (“programme de l’hôpital principal”)

“Board” means the Health Services Appeal and Review Board under the *Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998*; (“Commission”)

“board of directors”, with regard to a designated air ambulance service provider, means the board of directors or other governing body, however described or constituted; (“conseil d’administration”)

“certificate” means a certificate issued to a person who has successfully completed the certification process under subsection 8 (2) or (4); (“certificat”)

“certifying authority” means the person, body or organization appointed under section 9; (“autorité chargée de la délivrance des certificats”)

“communication service” means a communication service referred to in clause 4 (1) (a); (“service de communication”)

“delivery agent” means a person or organization designated as a delivery agent under subsection 6.7 (1) and includes a delivery agent under section 6.10; (“agent de prestation”)

“designated air ambulance service provider” means a person,

- (a) that is designated in the regulations, and

(b) at the time of designation holds a certificate under section 8 that refers to the provision of air ambulance services; (“fournisseur désigné de services d’ambulance aériens”)

“designated area” means an area described in an order made under subsection 6.7 (1) and includes an area deemed to be a designated area under section 6.10; (“zone désignée”)

“Director” means the Director of the Emergency Health Services Branch of the Ministry; (“directeur”)

“emergency medical attendant” means a person employed by or a volunteer in an ambulance service who meets the qualifications for an emergency medical attendant as set out in the regulations, but does not include a paramedic or a physician, nurse or other health care provider who attends on a call for an ambulance; (“ambulancier”)

“land ambulance services” includes all services provided by an ambulance service in connection with the transportation of persons by land; (“services d’ambulance terrestres”)

“local municipality” has the same meaning as in the *Municipal Act, 2001* and includes a band within the meaning of the *Indian Act* (Canada); (“municipalité locale”)

“medical director” means a physician designated by a base hospital as the medical director of a base hospital program; (“directeur médical”)

“Minister” means the Minister of Health; (“ministre”)

“Ministry” means the Ministry of Health; (“ministère”)

“paramedic” means a person employed by or a volunteer in an ambulance service who meets the qualifications for an emergency medical attendant as set out in the regulations, and who is authorized to perform one or more controlled medical acts under the authority of a base hospital medical director, but does not include a physician, nurse or other health care provider who attends on a call for an ambulance; (“auxiliaire médical”)

“regulations” means the regulations made under this Act; (“règlements”)

“upper-tier municipality” has the same meaning as in the *Municipal Act, 2001*. (“municipalité de palier supérieur”) R.S.O. 1990, c. A.19, s. 1; 1996, c. 32, s. 59 (1, 2); 1997, c. 30, Sched. A, s. 2 (1-7); 1998, c. 18, Sched. G, s. 45 (1); 1998, c. 34, s. 1; 1999, c. 9, s. 1; 1999, c. 12, Sched. J, s. 1; 2002, c. 17, Sched. F, Table; 2004, c. 3, Sched. A, s. 76 (1); 2009, c. 33, Sched. 18, s. 17 (2); 2014, c. 13, Sched. 2, s. 1.

Definition, “ambulance service”

(2) In Parts III and IV,

“ambulance service” includes only those ambulance services, as defined in subsection (1), that provide transportation by land. 1997, c. 30, Sched. A, s. 2 (8).

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

1996, c. 32, s. 59 (1, 2) - 6/03/1997; 1997, c. 30, Sched. A, s. 2 (1-8) - 1/01/1998; 1998, c. 18, Sched. G, s. 45 (1) - 1/02/1999; 1998, c. 34, s. 1 - 5/03/1999; 1999, c. 9, s. 1 - 23/12/1999; 1999, c. 12, Sched. J, s. 1 (1-3) - 1/05/2000

2002, c. 17, Sched. F, Table - 1/01/2003

2004, c. 3, Sched. A, s. 76 (1) - 1/11/2004

2009, c. 33, Sched. 18, s. 17 (2) - 15/12/2009

2014, c. 13, Sched. 2, s. 1 - 1/07/2015

PART II PROVINCIAL RESPONSIBILITIES

Administration of Act

2. The Minister is responsible for the administration and enforcement of this Act. R.S.O. 1990, c. A.19, s. 2.

Advisory council

3. The Minister may establish an advisory council for the purpose of advising the Minister on matters respecting the provision of ambulance services in the Province. 1999, c. 12, Sched. J, s. 2.

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

1999, c. 12, Sched. J, s. 2 - 1/05/2000

Functions of Minister

4. (1) The Minister has the duty and the power,
- (a) to ensure the existence throughout Ontario of a balanced and integrated system of ambulance services and communication services used in dispatching ambulances;
 - (b) REPEALED: 1997, c. 30, Sched. A, s. 5 (2).
 - (c) to establish, maintain and operate communication services, alone or in co-operation with others, and to fund such services;
 - (d) to establish standards for the management, operation and use of ambulance services and to ensure compliance with those standards;
 - (e) to monitor, inspect and evaluate ambulance services and investigate complaints respecting ambulance services; and
 - (f) to fund and ensure the provision of air ambulance services. R.S.O. 1990, c. A.19, s. 4 (1); 1997, c. 30, Sched. A, s. 5 (1-4); 1999, c. 12, Sched. J, s. 3.

Powers of Minister

- (2) The Minister has, in addition to the powers under subsection (1), the power,
- (a) to establish and operate, alone or in co-operation with one or more organizations, institutes and centres for the training of personnel for ambulance services and communication services;
 - (b) to require hospitals to establish, maintain and operate ambulance services and communication services;
 - (c) to establish regions and districts for the purposes of ambulance services and communication services; and
 - (d) to designate hospitals as base hospitals that shall monitor the quality of the care provided by ambulance services in the regions and districts established by the Minister under clause (c) and perform such other functions as may be assigned to them by regulation. 1997, c. 30, Sched. A, s. 5 (5).

Same, certain corporations

(2.1) The Minister may designate one or more corporations without share capital as having the powers and responsibilities of a base hospital under this Act and, where the Minister has done so,

- (a) any provision of this Act or the regulations that applies to a base hospital shall also be deemed to apply to the corporation unless this Act or the regulations specifically provide otherwise; and
- (b) the corporation continues to have any other powers, responsibilities and capacities that a corporation can have under this Act or the regulations. 2005, c. 31, Sched. 1, s. 1.

Non-application of *Legislation Act, 2006*

(2.2) Part III of the *Legislation Act, 2006* does not apply to the designation of a hospital under clause (2) (d) or of a corporation without share capital under subsection (2.1). 2005, c. 31, Sched. 1, ss. 1, 2.

Grants

(3) The Minister may make grants for the purpose of providing or ensuring the provision of services under this Act. 2007, c. 10, Sched. A, s. 1.

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

1997, c. 30, Sched. A, s. 5 (1-5) - 1/01/1998; 1999, c. 12, Sched. J, s. 3 (1-3) - 1/05/2000

2005, c. 31, Sched. 1, s. 1 - 15/12/2005; 2005, c. 31, Sched. 1, s. 2 (3) - 19/10/2006

2007, c. 10, Sched. A, s. 1 - 4/06/2007

PART III RESPONSIBILITIES OF UPPER-TIER MUNICIPALITIES

GENERAL

5. REPEALED: 2009, c. 33, Sched. 18, s. 1 (1).

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

1997, c. 30, Sched. A, s. 6 - 1/01/1998; 1999, c. 9, s. 2 - 23/12/1999; 1999, c. 12, Sched. J, s. 4 - 1/05/2000
2009, c. 33, Sched. 18, s. 1 (1) - 15/12/2009

Municipal responsibilities

6. (1) Every upper-tier municipality shall,
- (a) except as otherwise provided by regulation, be responsible for all costs associated with the provision of land ambulance services in the municipality, subject to any grant made to the municipality under subsection 4 (3); and
 - (b) be responsible for ensuring the proper provision of land ambulance services in the municipality in accordance with the needs of persons in the municipality. 1997, c. 30, Sched. A, s. 6; 1999, c. 9, s. 3 (1, 2); 2009, c. 33, Sched. 18, s. 1 (2, 3).

Responsibility outside municipality

(2) Nothing in this Part prevents a communication service from dispatching ambulances from within an upper-tier municipality to areas outside the municipality. 1997, c. 30, Sched. A, s. 6.

Same, agreements as between municipalities

(3) If an ambulance is dispatched from an ambulance service situated in an upper-tier municipality or in a local municipality to an area situated in another upper-tier municipality or local municipality, the affected upper-tier and local municipalities may enter into an agreement with respect to the costs associated with the provision of land ambulance services in both municipalities. 1997, c. 30, Sched. A, s. 6.

Agreements, application

(4) Subsection (3) only applies with respect to a local municipality that does not form part of an upper-tier municipality for municipal purposes. 1997, c. 30, Sched. A, s. 6.

Conflict

(5) If there is a conflict between a provision in this Act or a regulation and a provision in an agreement made under subsection (3), the provision in the Act or regulation prevails. 1997, c. 30, Sched. A, s. 6.

(6), (7) REPEALED: 2009, c. 33, Sched. 18, s. 1 (4).

Discharge of responsibilities

- (8) In discharging its responsibility under clause (1) (b), an upper-tier municipality shall,
- (a) select persons to provide land ambulance services in the municipality in accordance with this Act;
 - (b) enter into such agreements as are necessary to ensure the proper management, operation and use of land ambulance services by operators; and
 - (c) ensure the supply of vehicles, equipment, services, information and any other thing necessary for the proper provision of land ambulance services in the municipality in accordance with this Act and the regulations. 1997, c. 30, Sched. A, s. 6; 1999, c. 9, s. 3 (6); 1999, c. 12, Sched. J, s. 5 (2); 2009, c. 33, Sched. 18, s. 1 (5).

Same, selection of operators

(9) The selection of a person who will provide land ambulance services in an upper-tier municipality shall be made in accordance with section 6.1. 2009, c. 33, Sched. 18, s. 1 (6).

Same, restriction on selection of operators

- (10) An upper-tier municipality that selects a person to provide land ambulance services under this Part shall,
- (a) ensure that the person has met or will meet all of the requirements of section 8; and
 - (b) provide the name of the selected person to the Director as soon as practicable after the selection. 1999, c. 12, Sched. J, s. 5 (3).

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

1997, c. 30, Sched. A, s. 6 - 1/01/1998; 1999, c. 9, s. 3 (1-3, 6, 7) - 23/12/1999; 1999, c. 12, Sched. J, s. 5 (1-3) - 1/05/2000
2009, c. 33, Sched. 18, s. 1 (2-6) - 15/12/2009

Selection of operator

6.1 (1) The circumstances in which an upper-tier municipality shall select a person to provide land ambulance services in the municipality are as follows:

1. Where an operator who provides land ambulance services in the municipality ceases to provide those services.
2. Where the certificate of an operator who provides land ambulance services in the municipality is revoked or not renewed under this Act.
3. Where the agreement between the municipality and an operator for the provision of land ambulance services is terminated or expires and is not renewed.
4. Where a new ambulance service is required to provide land ambulance services in the municipality. 1997, c. 30, Sched. A, s. 6; 1999, c. 9, s. 4; 1999, c. 12, Sched. J, s. 6 (1-3); 2009, c. 33, Sched. 18, s. 1 (7).

Notice of ceasing to operate

(2) An operator who provides land ambulance services in an upper-tier municipality shall give the municipality and the Director at least 120 days notice of intention to cease providing those services. 1999, c. 12, Sched. J, s. 6 (4).

Notice of revocation or non-renewal

(3) If the certificate of an operator who provides land ambulance services in an upper-tier municipality is not renewed under subsection 8 (4) or is revoked under subsection 11 (2), the certifying authority shall immediately give notice of the fact to the municipality. 1999, c. 12, Sched. J, s. 6 (5).

Manner of selecting person

- (4) In selecting a person under this section, an upper-tier municipality shall,
- (a) select a person pursuant to a request for proposals issued by the municipality; or
 - (b) provide land ambulance services itself. 1997, c. 30, Sched. A, s. 6.

Responsibility to ensure continuity of service

(5) If, before a person is selected under this section to provide land ambulance services in an upper-tier municipality instead of an existing operator or before the selected person begins to provide the services, the existing operator ceases to provide land ambulance services in the municipality or the certificate of such an operator expires or is revoked or not renewed, the upper-tier municipality shall,

- (a) select a person to provide land ambulance services in the municipality on an interim basis; or
- (b) choose to provide the services itself on an interim basis. 1999, c. 12, Sched. J, s. 6 (6, 7).
- (6) REPEALED: 1999, c. 12, Sched. J, s. 6 (6).

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

1997, c. 30, Sched. A, s. 6 - 1/01/1998; 1999, c. 9, s. 4 - 23/12/1999; 1999, c. 12, Sched. J, s. 6 (1-7) - 1/05/2000
2009, c. 33, Sched. 18, s. 1 (7) - 15/12/2009

6.2 REPEALED: 1998, c. 34, s. 2.

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

1998, c. 34, s. 2 - 5/03/1999

6.3 REPEALED: 2009, c. 33, Sched. 18, s. 1 (8).

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

1997, c. 30, Sched. A, s. 6 - 1/01/1998; 1999, c. 9, s. 5 - 23/12/1999; 1999, c. 12, Sched. J, s. 7 - 1/05/2000
2009, c. 33, Sched. 18, s. 1 (8) - 15/12/2009

6.4 REPEALED: 2009, c. 33, Sched. 18, s. 1 (8).

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

1997, c. 30, Sched. A, s. 6 - 1/01/1998; 1999, c. 9, s. 6 - 23/12/1999; 1999, c. 12, Sched. J, s. 8 (1-3) - 1/05/2000
2009, c. 33, Sched. 18, s. 1 (8) - 15/12/2009

6.5 REPEALED: 2009, c. 33, Sched. 18, s. 1 (8).

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

1997, c. 30, Sched. A, s. 6 - 1/01/1998; 1999, c. 9, s. 7 (1, 2) - 1/05/2000; 1999, c. 9, s. 7 (3-5) - 23/12/1999; 1999, c. 12, Sched. J, s. 9 (1-9) - 1/05/2000

2009, c. 33, Sched. 18, s. 1 (8) - 15/12/2009

6.6 REPEALED: 2009, c. 33, Sched. 18, s. 1 (8).

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

1997, c. 30, Sched. A, s. 6 - 1/01/1998

1999, c. 9, s. 8 (1-3) - 23/12/1999

2009, c. 33, Sched. 18, s. 1 (8) - 15/12/2009

**PART IV
DELIVERY AGENTS****Designation of delivery agent**

6.7 (1) For the purposes of this Part, the Minister may by order designate a delivery agent for any geographic area of the Province described in the order. 1998, c. 34, s. 3 (1).

Designated area

(2) Despite Part III, a designated area described in an order made under subsection (1) may include the territory of one or more upper-tier municipalities. 1998, c. 34, s. 3 (1).

Delivery agents

(3) The following organizations may be designated as delivery agents under this section:

1. An upper-tier municipality or a local municipality.
2. An agency, board or commission established by the Province. 1998, c. 34, s. 3 (1).

Legislation Act, 2006, Part III

(4) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order under this section. 1997, c. 30, Sched. A, s. 6; 2006, c. 21, Sched. F, s. 136 (1).

Notice of designation

(5) The Minister shall, promptly after making an order under this section, give notice to every local municipality and upper-tier municipality included in the designated area of the identity of the delivery agent designated for that area and the notice shall include a description of the designated area. 1997, c. 30, Sched. A, s. 6; 1998, c. 34, s. 3 (2).

Same, unorganized territory

(6) If territory without municipal organization is included in an area designated by order under this section, the Minister shall, promptly after making the order, publish notice of the order once in *The Ontario Gazette* and once in a newspaper of general circulation in the territory and the notice shall describe the area designated in the order and set out the identity of the delivery agent designated for the area. 1997, c. 30, Sched. A, s. 6.

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

1997, c. 30, Sched. A, s. 6 - 1/01/1998; 1998, c. 34, s. 3 (1, 2) - 5/03/1999

2006, c. 21, Sched. F, s. 136 (1) - 25/07/2007

Powers and duties of delivery agent

6.8 (1) Part III applies with necessary modifications to a delivery agent as though it were an upper-tier municipality and a delivery agent has, with respect to the geographic area for which it is designated, all the powers, duties and responsibilities of an upper-tier municipality under Part III. 1997, c. 30, Sched. A, s. 6; 1998, c. 34, s. 4 (1).

If upper-tier municipality included in designated area

(1.1) If a designated area includes an upper-tier municipality, the upper-tier municipality ceases to have the powers, duties and responsibilities assigned to it under Part III. 1998, c. 34, s. 4 (2).

Application

(2) Part III applies with necessary modifications to the designated area as though it was the area included in the boundaries of an upper-tier municipality. 1997, c. 30, Sched. A, s. 6; 1998, c. 34, s. 4 (3).

(3) REPEALED: 1998, c. 34, s. 4 (4).

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

1997, c. 30, Sched. A, s. 6 - 1/01/1998; 1998, c. 34, s. 4 (1-4) - 5/03/1999

Payment of delivery agent's costs

6.9 (1) If a designated area consists only of one local municipality, the local municipality shall pay to the delivery agent all costs associated with the provision of land ambulance services in the designated area. 1997, c. 30, Sched. A, s. 6.

Same, two or more local or upper-tier municipalities

(2) If a designated area consists of two or more local or upper-tier municipalities, all costs associated with the provision of land ambulance services in the designated area shall be apportioned among the municipalities and paid by the municipalities to the delivery agent in accordance with the regulations. 1997, c. 30, Sched. A, s. 6; 1998, c. 34, s. 5 (1).

Same, unorganized territories and local or upper-tier municipalities

(3) If a designated area includes one or more local or upper-tier municipalities and territory without municipal organization, all costs associated with the provision of land ambulance services in the designated area shall be apportioned among the municipalities and the residents of the territory and paid by the municipalities and by or on behalf of the residents to the delivery agent in accordance with the regulations and the portion of the costs apportioned to the residents of the territory shall be collected in accordance with the regulations. 1997, c. 30, Sched. A, s. 6; 1998, c. 34, s. 5 (2).

Same, unorganized territories

(4) If a designated area includes territory without municipal organization, all costs associated with the provision of land ambulance services in the designated area shall be apportioned among, and collected from, the residents of the territory and paid by or on behalf of the residents to the delivery agent in accordance with the regulations. 1997, c. 30, Sched. A, s. 6.

Exception

(5) Subsection (4) does not apply in the circumstances prescribed by regulation. 1997, c. 30, Sched. A, s. 6.

Apportionment of nil amounts

(6) A regulation may provide that the amount of costs apportioned to a local or upper-tier municipality or to all or part of territory without municipal organization is a nil amount. 1997, c. 30, Sched. A, s. 6; 1998, c. 34, s. 5 (3).

Collection of amounts in unorganized territories

(7) A regulation may provide that an amount to be paid by the residents of territory without municipal organization under this section be collected under the *Provincial Land Tax Act, 2006* and that the amount so collected be paid by the Province to the delivery agent. 1997, c. 30, Sched. A, s. 6; 2006, c. 33, Sched. Z.3, s. 2 (1).

Regulation

(8) Despite subsections (1), (2), (3) and (4), the costs that a local municipality must pay under subsection (1) and the costs to be apportioned under subsection (2), (3) or (4) shall be, if a regulation made under section 22.0.1 applies to the delivery agent, the amount determined in accordance with the regulation. 1997, c. 30, Sched. A, s. 6.

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

1997, c. 30, Sched. A, s. 6 - 1/01/1998; 1998, c. 34, s. 5 (1-3) - 5/03/1999

2006, c. 33, Sched. Z.3, s. 2 (1) - 1/01/2009

Where no designation

6.10 (1) If the Minister does not designate a delivery agent for an area of the Province that is not part of an upper-tier municipality for municipal purposes, the Ministry shall be deemed to be the delivery agent for that area for the purposes of this Act and the area shall be deemed to be a designated area for the purposes of this Act. 1997, c. 30, Sched. A, s. 6.

Payment to Ministry

(2) If the Ministry is deemed to be the delivery agent for a designated area in accordance with subsection (1) and that area includes one or more local municipalities,

- (a) the amount that each municipality must pay shall be determined in accordance with section 6.9 and, if applicable, with the regulations made under section 22.0.1; and
- (b) the time at which and the manner in which the amount is payable shall be determined in accordance with the regulations made under section 6.9. 1997, c. 30, Sched. A, s. 6; 1999, c. 12, Sched. J, s. 10.

Notice of amount due

(3) The Minister or any person or body designated by the Minister shall give a local municipality notice of the amount due to the Ministry and of the date on which the amount is payable. 1997, c. 30, Sched. A, s. 6; 1998, c. 34, s. 6.

Payment

(4) A local municipality shall pay the amount set out in a notice under subsection (3) on or before the date specified in the notice. 1997, c. 30, Sched. A, s. 6.

(5) REPEALED: 2009, c. 33, Sched. 18, s. 1 (8).

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

1997, c. 30, Sched. A, s. 6 - 1/01/1998; 1998, c. 34, s. 6 - 5/03/1999; 1999, c. 12, Sched. J, s. 10 - 1/05/2000

2009, c. 33, Sched. 18, s. 1 (8) - 15/12/2009

PART IV.1 LAND AMBULANCE SERVICES — DESIGNATED PERSONS

Designation

7. (1) The Minister may make regulations,
- (a) designating one or more persons who have met the certification requirements under this Act for the purpose of providing land ambulance services;
 - (b) designating one or more persons for the purpose of ensuring the provision of land ambulance services. 2007, c. 10, Sched. A, s. 2.

Duties, obligations, etc.

- (2) A regulation made under subsection (1) may provide for,
- (a) the duties, obligations, powers and responsibilities of a designated person in providing or ensuring the provision of land ambulance services;
 - (b) the terms and conditions to which a designated person is subject. 2007, c. 10, Sched. A, s. 2.

Power and authority

(3) Despite anything in Part III or IV or anything in clause 8 (1) (b), a designated person has the power and authority to do anything provided for in a regulation made under subsection (1). 2007, c. 10, Sched. A, s. 2.

Other duties, etc., not affected

(4) A regulation made under subsection (1) does not affect the duties, obligations, powers or responsibilities of an upper-tier municipality or a delivery agent to ensure the provision of land ambulance services under Part III or IV, except to the extent that the regulation explicitly or by necessary implication provides otherwise. 2007, c. 10, Sched. A, s. 2.

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

1997, c. 15, s. 1 (1) - 10/10/1997

2007, c. 10, Sched. A, s. 2 - 4/06/2007

PART IV.2 DESIGNATED AIR AMBULANCE SERVICE PROVIDERS

Appointment to board of directors

7.1 (1) On the recommendation of the Minister, and despite the *Corporations Act* or any other Act or law, the Lieutenant Governor in Council may appoint one or more provincial representatives to sit on the board of directors of a designated air ambulance service provider. 2014, c. 13, Sched. 2, s. 2 (1).

Note: On the later of July 1, 2015, the day subsection 2 (1) of Schedule 2 to the *Public Sector and MPP Accountability and Transparency Act, 2014* comes into force and the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force, subsection (1) is amended by striking out “Corporations Act” and substituting “Not-for-Profit Corporations Act, 2010”. (See: 2014, c. 13, Sched. 2, ss. 2 (2), 7 (2))

Rights and responsibilities

(2) Unless otherwise provided in his or her instrument of appointment or in the regulations, a provincial representative appointed under subsection (1) has the same rights and responsibilities as an elected member of the board of directors. 2014, c. 13, Sched. 2, s. 2 (1).

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

2014, c. 13, Sched. 2, s. 2 (1) - 1/07/2015

2014, c. 13, Sched. 2, s. 2 (2) - not in force

Directives by Minister

7.2 (1) The Minister may issue directives to a designated air ambulance service provider where the Minister considers it to be in the public interest to do so. 2014, c. 13, Sched. 2, s. 2 (1).

Directives to be followed

(2) A designated air ambulance service provider shall carry out every directive of the Minister. 2014, c. 13, Sched. 2, s. 2 (1).

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

2014, c. 13, Sched. 2, s. 2 (1) - 1/07/2015

Deemed provisions

7.3 The regulations may provide for one or more provisions that are deemed to be included in an agreement between Ontario and a designated air ambulance service provider, whether the agreement was entered into before or after the regulation was made and, where the regulations so provide, the provision or provisions are deemed to be part of the agreement for all purposes. 2014, c. 13, Sched. 2, s. 2 (1).

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

2014, c. 13, Sched. 2, s. 2 (1) - 1/07/2015

Special investigators

7.4 (1) Where the Lieutenant Governor in Council considers it in the public interest to do so, the Lieutenant Governor in Council may appoint one or more persons as special investigators to investigate and report on,

- (a) the quality of the administration and management of a designated air ambulance service provider;
- (b) the quality of the care and treatment provided by a designated air ambulance service provider;
- (c) the services provided by a designated air ambulance service provider; or
- (d) any other matter relating to a designated air ambulance service provider. 2014, c. 13, Sched. 2, s. 2 (1).

Powers

- (2) A special investigator appointed under this section,
 - (a) has the powers of an investigator for the purposes of section 18 and any other provision of this Act and the regulations, and may exercise those powers in connection with all aspects of the operation of a designated air ambulance service provider; and
 - (b) has any additional powers and duties provided for in the regulations. 2014, c. 13, Sched. 2, s. 2 (1).

Obstruction

(3) No person shall obstruct a special investigator or withhold or destroy, conceal or refuse to furnish any information or thing required by the special investigator for the purposes of the investigation. 2014, c. 13, Sched. 2, s. 2 (1).

Report

(4) Upon completion of an investigation, a special investigator shall make a report in writing to the Minister. 2014, c. 13, Sched. 2, s. 2 (1).

Delivery of report

(5) The Minister shall cause a copy of the report of an investigation to be delivered to the chair of the board of directors of the designated air ambulance service provider. 2014, c. 13, Sched. 2, s. 2 (1).

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

2014, c. 13, Sched. 2, s. 2 (1) - 1/07/2015

Air ambulance supervisor

7.5 (1) On the recommendation of the Minister, the Lieutenant Governor in Council may appoint a person to be the supervisor of a designated air ambulance service provider where the Lieutenant Governor in Council considers it in the public interest to do so. 2014, c. 13, Sched. 2, s. 2 (1).

Notice of appointment

(2) The Minister shall give the board of directors of a designated air ambulance service provider at least 14 days notice before recommending to the Lieutenant Governor in Council that a supervisor be appointed. 2014, c. 13, Sched. 2, s. 2 (1).

Immediate appointment if no quorum

(3) Subsection (2) does not apply if there are not enough members on the board of directors of a designated air ambulance service provider to form a quorum. 2014, c. 13, Sched. 2, s. 2 (1).

Immediate appointment in urgent circumstances

(4) Subsection (2) does not apply where the Minister is of the opinion that it is not appropriate to provide notice under that subsection in light of a serious risk to patient safety or other urgent concern related to the designated air ambulance service provider. 2014, c. 13, Sched. 2, s. 2 (1).

Term of office

(5) The appointment of a supervisor is valid until terminated by order of the Lieutenant Governor in Council. 2014, c. 13, Sched. 2, s. 2 (1).

Powers of supervisor

(6) Unless the appointment provides otherwise, a supervisor has the exclusive right to exercise all of the powers of the board of directors of the designated air ambulance service provider and, where the designated air ambulance service provider is a corporation, of the corporation, its officers and members of the corporation. 2014, c. 13, Sched. 2, s. 2 (1).

Same

(7) The Lieutenant Governor in Council may specify the powers and duties of a supervisor appointed under this section and may provide for the terms and conditions governing those powers and duties. 2014, c. 13, Sched. 2, s. 2 (1).

Additional powers of supervisor

(8) If, under the order of the Lieutenant Governor in Council, the board of directors of a designated air ambulance service provider continues to have the right to act with regard to any matters, any such act of the board of directors is valid only if approved in writing by the supervisor. 2014, c. 13, Sched. 2, s. 2 (1).

Right of access

(9) A supervisor has the same rights as the board of directors and the officers of the designated air ambulance service provider in respect of the documents, records and information of the board of directors and the designated air ambulance service provider. 2014, c. 13, Sched. 2, s. 2 (1).

Report to Minister

(10) A supervisor shall report to the Minister as required by the Minister. 2014, c. 13, Sched. 2, s. 2 (1).

Minister's directives

(11) The Minister may issue directives to a supervisor with regard to any matter within the jurisdiction of the supervisor. 2014, c. 13, Sched. 2, s. 2 (1).

Directives to be followed

(12) A supervisor shall carry out every directive of the Minister. 2014, c. 13, Sched. 2, s. 2 (1).

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

2014, c. 13, Sched. 2, s. 2 (1) - 1/07/2015

Public interest

7.6 In making a decision in the public interest under this Part, the Lieutenant Governor in Council or the Minister, as the case may be, may consider any matter they regard as relevant, including, without limiting the generality of the foregoing,

- (a) the quality of the administration and management of the designated air ambulance service provider;
- (b) the proper management of the health care system in general;
- (c) the availability of financial resources for the management of the health care system and for the delivery of air ambulance services;
- (d) the accessibility of air ambulance services in the Province; and
- (e) the quality of the care and treatment provided by the designated air ambulance service provider. 2014, c. 13, Sched. 2, s. 2 (1).

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

2014, c. 13, Sched. 2, s. 2 (1) - 1/07/2015

Whistle-blowing protection

7.7 (1) No person shall retaliate against another person, whether by action or omission, or threaten to do so because,

- (a) anything has been disclosed to an inspector, investigator or special investigator in connection with a designated air ambulance service provider;
- (b) anything has been disclosed to the Ministry in connection with a designated air ambulance service provider including, without limiting the generality of the foregoing,
 - (i) if the Ministry has been advised of a breach of a requirement under this Act in connection with a designated air ambulance service provider,
 - (ii) if the Ministry has been advised of any matter concerning patient care provided by a designated air ambulance service provider that the person advising believes ought to be reported to the Ministry, or
 - (iii) if the Ministry has been advised of any other matter concerning the operation of a designated air ambulance service provider that the person advising believes ought to be reported to the Ministry; or
- (c) evidence relating to a designated air ambulance service provider has been or may be given in a proceeding, including a proceeding in respect of the enforcement of this Act or the regulations, or in an inquest under the *Coroners Act*. 2014, c. 13, Sched. 2, s. 2 (1).

Interpretation, retaliate

(2) Without in any way restricting the meaning of the word “retaliate”, the following constitute retaliation for the purposes of subsection (1):

- 1. Dismissing a staff member.
- 2. Disciplining or suspending a staff member.
- 3. Imposing a penalty upon any person.
- 4. Intimidating, coercing or harassing any person. 2014, c. 13, Sched. 2, s. 2 (1).

May not discourage reporting

(3) None of the following persons shall do anything that discourages, is aimed at discouraging or that has the effect of discouraging a person from doing anything mentioned in clauses (1) (a) to (c):

- 1. A designated air ambulance service provider.
- 2. If the designated air ambulance service provider is a corporation, an officer or director of the corporation.
- 3. A staff member of a designated air ambulance service provider. 2014, c. 13, Sched. 2, s. 2 (1).

May not encourage failure to report

(4) No person mentioned in paragraphs 1 to 3 of subsection (3) shall do anything to encourage a person to fail to do anything mentioned in clauses (1) (a) to (c). 2014, c. 13, Sched. 2, s. 2 (1).

Protection from legal action

(5) No action or other proceeding shall be commenced against any person for doing anything mentioned in clauses (1) (a) to (c) unless the person acted maliciously or in bad faith. 2014, c. 13, Sched. 2, s. 2 (1).

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

2014, c. 13, Sched. 2, s. 2 (1) - 1/07/2015

**PART V
CERTIFICATION**

Who may operate

8. (1) No person shall operate an ambulance service unless,
- (a) the person holds a certificate issued by the certifying authority in accordance with subsection (2); and
 - (b) in the case of a person who wishes to provide land ambulance services, the person has been selected to provide land ambulance services in accordance with Part III or is otherwise entitled to provide land ambulance services under this Act. 1999, c. 12, Sched. J, s. 12.

Certification

(2) A person shall be issued a certificate by the certifying authority only if the person has successfully completed the certification process prescribed by the regulations. 1999, c. 12, Sched. J, s. 12.

Expiry of certificate

- (3) A certificate shall expire at the end of the period prescribed by the regulations. 1999, c. 12, Sched. J, s. 12.

Renewal of certificate

(4) A certificate shall be renewed by the certifying authority only if, before the expiry of the certificate, the operator successfully completes the certification process prescribed by the regulations. 1999, c. 12, Sched. J, s. 12.

Certification process

(5) In order to successfully complete the certification process referred to in subsections (2) and (4), a person must demonstrate that he or she meets the certification criteria prescribed by the regulations. 1999, c. 12, Sched. J, s. 12.

- (6)-(8) REPEALED: 2009, c. 33, Sched. 18, s. 1 (8).

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

1999, c. 12, Sched. J, s. 12 - 1/05/2000

2009, c. 33, Sched. 18, s. 1 (8) - 15/12/2009

Certifying authority

9. (1) The Minister shall appoint a person, body or organization as the certifying authority for the purposes of this Act. 1999, c. 12, Sched. J, s. 13.

Powers and responsibilities

- (2) The certifying authority shall,
- (a) ensure that all operators meet the certification criteria referred to in subsection 8 (5);
 - (b) have such powers and responsibilities as may be set out in the appointment; and
 - (c) be subject to such terms, conditions or limitations as may be specified in the appointment. 1999, c. 12, Sched. J, s. 13.

Transfer of certain powers

(3) In an appointment under this section, the Minister may delegate to the certifying authority the power to set the fees referred to in subsection 22.1 (1) and may transfer to the certifying authority any of the powers given to the Director under subsection 11 (1). 1999, c. 12, Sched. J, s. 13.

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

1999, c. 12, Sched. J, s. 13 - 1/05/2000

10. REPEALED: 1998, c. 18, Sched. G, s. 45 (2).

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

1998, c. 18, Sched. G, s. 45 (2) - 1/02/1999

Contravention of certification criteria

11. (1) If an operator has contravened a standard or requirement of this Act or the regulations and the contravention would constitute a failure to meet the certification criteria referred to in subsection 8 (5), the Director may,

- (a) order the operator to remedy the contravention within the time frame specified in the order;
- (b) subject to section 14, order the operator to complete the certification process referred to in subsection 8 (2) within the time frame specified in the order;
- (c) make both orders referred to in clauses (a) and (b); or
- (d) make such orders as may be prescribed by regulation. 1999, c. 12, Sched. J, s. 14.

Copy of order to municipality

(2) If an order is made under subsection (1), the Director shall provide a copy of the order to the upper-tier municipality in which the operator provides land ambulance services as soon as practicable after the order is made. 1999, c. 12, Sched. J, s. 14.

Revocation of certificate

(3) If an operator is ordered to complete the certification process under clause (1) (b) and fails to successfully complete the certification process within the time frame specified, the certifying authority shall, by order, revoke the operator's certificate. 1999, c. 12, Sched. J, s. 14.

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

1999, c. 12, Sched. J, s. 14 - 1/05/2000

12. REPEALED: 1999, c. 12, Sched. J, s. 15.

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

1999, c. 12, Sched. J, s. 15 - 1/05/2000

13. REPEALED: 1999, c. 12, Sched. J, s. 15.

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

1999, c. 12, Sched. J, s. 15 - 1/05/2000

Order to re-certify

14. (1) If the Director proposes to make an order under clause 11 (1) (b), he or she shall serve notice of the proposal, together with written reasons therefor, on the operator. 1999, c. 12, Sched. J, s. 16.

Content of notice

(2) A notice under subsection (1) shall inform the operator that the operator is entitled to a hearing by the Board if the operator mails or delivers, within 15 days after service of the notice under subsection (1), notice in writing requiring a hearing to the Director and the Board, and the operator may require such a hearing. 1999, c. 12, Sched. J, s. 16.

Powers of Director where no hearing

(3) If an operator does not require a hearing by the Board in accordance with subsection (2), the Director may make an order under clause 11 (1) (b). 1999, c. 12, Sched. J, s. 16.

Powers of Board where hearing

(4) If an operator requires a hearing by the Board in accordance with subsection (2), the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to make an order under clause 11 (1) (b) or to refrain from doing so and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations. 1999, c. 12, Sched. J, s. 16.

Extension of time for appeal

(5) The Board may extend the time for the giving of notice requiring a hearing by an operator under this section either before or after expiration of such time where it is satisfied that there are apparent grounds for granting relief to the operator pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension. 1999, c. 12, Sched. J, s. 16.

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

1999, c. 12, Sched. J, s. 16 - 1/05/2000

Proceedings before Board

15. (1) The Director or the operator who has required the hearing and such other persons as are specified by the Board are parties to proceedings before the Board under this Act. R.S.O. 1990, c. A.19, s. 15 (1); 1999, c. 12, Sched. J, s. 17 (1).

Notice of hearing

(2) Notice of a hearing under section 14 shall afford the operator a reasonable opportunity to show that the operator has successfully completed, or is capable of successfully completing, the certification process referred to in subsection 8 (2). 1999, c. 12, Sched. J, s. 17 (2).

Examination of documentary evidence

(3) An operator who is a party to proceedings under section 14 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. R.S.O. 1990, c. A.19, s. 15 (3); 1999, c. 12, Sched. J, s. 17 (3).

Members holding hearing not to have taken part in investigation, etc.

(4) Members of the Board holding a hearing shall not have taken part in any investigation or consideration of the subject-matter of the hearing before the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or a party's representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. R.S.O. 1990, c. A.19, s. 15 (4).

Recording of evidence

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Superior Court of Justice. R.S.O. 1990, c. A.19, s. 15 (5); 2006, c. 19, Sched. C, s. 1 (1).

Findings of fact

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*. R.S.O. 1990, c. A.19, s. 15 (6).

(7) REPEALED: 1998, c. 18, Sched. G, s. 45 (3).

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

1998, c. 18, Sched. G, s. 45 (3) - 1/02/1999; 1999, c. 12, Sched. J, s. 17 (1-3) - 1/05/2000

2006, c. 19, Sched. C, s. 1 (1) - 22/06/2006

Appeal to court

16. (1) Any party to the proceedings before the Board may appeal from its decision to the Divisional Court in accordance with the rules of court. 1998, c. 18, Sched. G, s. 45 (4).

Record to be filed in court

(2) Where any party appeals from a decision of the Board, the Board shall forthwith file in the Divisional Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal. 1998, c. 18, Sched. G, s. 45 (4).

Powers of court on appeal

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Director to take any action which the Board may direct him or her to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. 1998, c. 18, Sched. G, s. 45 (4).

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

1998, c. 18, Sched. G, s. 45 (4) - 1/02/1999

PART VI GENERAL

Service of notices

17. (1) Except where otherwise provided, any notice required by this Act to be served shall be served personally or by registered mail addressed to the person to whom notice is to be given at the person's last known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control receive the notice until a later date. R.S.O. 1990, c. A.19, s. 17.

Service on municipality

(2) Any notice under this Act required to be served on a delivery agent that is a local municipality or an upper-tier municipality shall,

- (a) if served personally, be served on the treasurer, clerk or deputy-clerk of the municipality; or
- (b) if served by registered mail, be sent to the office of the treasurer, clerk or deputy-clerk of the municipality. 1998, c. 34, s. 7.

Service on delivery agent

- (3) Any notice under this Act required to be served on a delivery agent that is not a local or upper-tier municipality shall,
 - (a) if served personally and the delivery agent is a corporation, be served on an officer, director or agent of the corporation;
 - (b) if served personally and the delivery agent is an agency, board or commission, be served on a member, officer or agent of the agency, board or commission; or
 - (c) if served by registered mail, be sent to an office of the delivery agent. 1997, c. 30, Sched. A, s. 13.

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

1997, c. 30, Sched. A, s. 12, 13 - 1/01/1998; 1998, c. 34, s. 7 - 5/03/1999

By-laws

- 17.1 (1) The council of a local municipality or upper-tier municipality may pass by-laws,
- (a) relating to the establishment or acquisition of an ambulance service and, subject to this Act and the regulations under it, the maintenance, operation and use of such a service; and
 - (b) with respect to ensuring the provision of land ambulance services in the municipality. 1998, c. 34, s. 8; 2002, c. 17, Sched. F, Table.

Operation outside municipality

(1.1) If a by-law of a municipality relating to the operation of a land ambulance service is in effect under subsection (1), the municipality, subject to this Act and the regulations under it, has the authority to operate the land ambulance service outside the boundaries of the municipality. 2002, c. 17, Sched. F, Table.

Conflict

(2) A by-law passed under this section is without effect to the extent that it conflicts with a regulation or an order made under this Act. 1999, c. 12, Sched. J, s. 18.

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

1998, c. 34, s. 8 - 5/03/1999; 1999, c. 12, Sched. J, s. 18 - 1/05/2000

2002, c. 17, Sched. F, Table - 1/01/2003

Inspectors and investigators

18. (1) The Director may appoint inspectors and investigators for the purposes of this Act and the regulations and such appointments shall be in writing. R.S.O. 1990, c. A.19, s. 18 (1); 1997, c. 30, Sched. A, s. 14 (1).

Powers of inspectors or investigator

(2) An inspector or investigator, upon the production of his or her appointment under subsection (1), may enter the business premises or conveyances of an operator at any time and may examine, extract information from and make copies of the operator's books, accounts and records pertaining to the ambulance service and may inspect the conveyances, supplies

and equipment for the purpose of determining their compliance with the regulations. R.S.O. 1990, c. A.19, s. 18 (2); 1997, c. 30, Sched. A, s. 14 (2).

Provision of information

(2.1) An inspector or investigator may, upon entering premises under subsection (2) or at any other time, require an operator or the employee of an operator to provide any information relating to the inspection or investigation and to provide copies of any books, accounts or records as the inspector or investigator may specify. 1997, c. 30, Sched. A, s. 14 (3).

Compliance with request for information

(2.2) An operator or an employee of an operator shall comply with a request for the provision of information or copies of any books, accounts or records as soon as practicable. 1997, c. 30, Sched. A, s. 14 (3).

(3) REPEALED: 2004, c. 3, Sched. A, s. 76 (2).

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

1997, c. 30, Sched. A, s. 14 (1-3) - 1/01/1998

2004, c. 3, Sched. A, s. 76 (2) - 1/11/2004

Disclosure of personal health information

19. (1) In this section,

“operator” means the operator of an ambulance service or communication service, unless the context requires otherwise; (“exploitant”)

“personal health information” has the same meaning as in the *Personal Health Information Protection Act, 2004*. (“renseignements personnels sur la santé”) 2004, c. 3, Sched. A, s. 76 (3).

Disclosure without consent

(2) The persons named in the following paragraphs may disclose to each other personal health information about an individual without the individual’s consent where the disclosure is reasonably necessary for purposes relating to the discharge or exercise by the recipient of the information of their duties or powers under this Act or the regulations:

1. The Minister and an operator.
2. The Minister and a medical director.
3. The Minister and one of an upper-tier municipality and a delivery agent.
4. An operator and one of an upper-tier municipality, a local municipality and a delivery agent.
5. An operator and a medical director.
6. A medical director and one of an upper-tier municipality and a delivery agent. 2004, c. 3, Sched. A, s. 76 (3).

Purposes

(3) The purposes mentioned in subsection (2) are purposes relating to the provision, administration, management, operation, use, inspection, investigation or regulation of ambulance services, communication services or base hospital programs or to the enforcement of this Act or the regulations. 2007, c. 10, Sched. A, s. 3.

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

1999, c. 12, Sched. J, s. 19 - 1/05/2000

2004, c. 3, Sched. A, s. 76 (3) - 1/11/2004

2007, c. 10, Sched. A, s. 3 - 4/06/2007

Certain continued bodies

20. (1) Where a provider of air ambulance services that is a body corporate incorporated under the laws of any jurisdiction other than Ontario is continued as a corporation under the *Corporations Act*, the following shall apply to the continued body corporate (the “continued corporation”) from the date of continuance:

1. The property of the body corporate continues to be the property of the continued corporation.
2. The continued corporation continues to be liable for the obligations of the body corporate.
3. An existing cause of action, claim or liability to prosecution is unaffected.

4. Any civil, criminal, administrative, investigative or other action or proceeding pending by or against the body corporate may be continued by or against the continued corporation.
5. Any conviction against, or ruling, order or judgment in favour of or against the body corporate may be enforced by or against the continued corporation. 2014, c. 13, Sched. 2, s. 3.

Same

(2) Nothing in subsection (1) derogates from the application of section 314 of the *Corporations Act* or from the application of any other provision of that Act. 2014, c. 13, Sched. 2, s. 3.

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

1999, c. 12, Sched. J, s. 20 - 1/05/2000

2014, c. 13, Sched. 2, s. 3 - 1/07/2015

Prohibition, fees

20.1 No person shall charge a fee or a co-payment for or in connection with the provision of ambulance services, whether or not the person is transported by ambulance, unless the fee or co-payment is,

- (a) a co-payment authorized under the *Health Insurance Act*; or
- (b) a fee under this Act. 1999, c. 12, Sched. J, s. 21.

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

1999, c. 12, Sched. J, s. 21 - 1/05/2000

Payment of co-payment by delivery agent

21. If a person who is transported in an ambulance is receiving assistance under the *Ontario Works Act, 1997* or is the dependant of a person receiving such assistance, the delivery agent designated under that Act is also liable for and shall pay that person's share of the ambulance service operator's fee as established under subsection 22.1 (2). 2009, c. 33, Sched. 18, s. 1 (9).

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

1997, c. 30, Sched. A, s. 17 - 1/01/1998

2009, c. 33, Sched. 18, s. 1 (9) - 15/12/2009

Regulations

22. (1) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,
 - (0.a) governing grants made under subsection 4 (3), including,
 - (i) determining the amount of the grants or providing the method of determining the amount of the grants,
 - (ii) respecting the portion of the costs associated with the provision of land ambulance services for which a grant may be made and determining the amount of that portion or providing that the amount be determined by the Minister, and
 - (iii) prescribing terms and conditions under which a grant may be made and providing that the Minister may impose terms and conditions;
 - (a) prescribing the standards of ambulances and equipment for ambulance services and of their maintenance and repair;
 - (a.1) prescribing standards for the equipment used in communication services and for their maintenance and repair;
 - (b) governing the management, operation and use of ambulance services and communication services, including insurance against liability in connection with their operation;
 - (b.1) designating persons for the purposes of clause (a) of the definition of "designated air ambulance service provider" in subsection 1 (1);
 - (b.2) respecting the powers and duties of special investigators in connection with designated air ambulance service providers, including providing for additional powers and duties;
 - (b.3) respecting and governing provisions that are to be deemed to be included in an agreement between Ontario and a designated air ambulance service provider;

- (b.4) respecting the appointment and the rights and responsibilities of provincial representatives appointed under section 7.1;
- (b.5) respecting performance standards and performance measures for designated air ambulance service providers and requiring compliance with those standards and performance measures;
- (b.6) requiring designated air ambulance service providers to enact by-laws and respecting the content of the by-laws of designated air ambulance service providers;
- (b.7) respecting provisions to be contained in the articles or letters patent of a designated air ambulance service provider that has Ontario articles, letters patent or letters patent of continuance, and requiring designated air ambulance service providers to include such provisions in their articles or letters patent;
- (b.8) respecting the governance and management of designated air ambulance service providers;
 - (c) prescribing the records, books, audits and accounting system to be kept, made or followed by operators and by communication services and the returns, reports and information to be submitted to the Director or the Minister;
 - (d) prescribing the qualifications of persons employed in ambulance services and communication services and respecting the testing and examination, physical or otherwise, of such persons and their duties and obligations;
- (d.1) respecting the duties and obligations of upper-tier municipalities and delivery agents;
 - (e) providing for the issuing of certificates and prescribing classes of certificates;
- (e.1) respecting the certification process referred to in subsections 8 (2) and (4), prescribing qualifications and eligibility criteria for participation in the certification process and respecting the certification criteria referred to in subsection 8 (5);
 - (e.1.1) respecting the expiry of certificates and providing that different classes of certificates expire within different time periods;
 - (e.2) governing the costs associated with the provision of land ambulance services in an upper-tier municipality or designated area, including the method of determining such costs and the payment of the costs;
 - (e.3) governing the compensation to be paid by an upper-tier municipality or delivery agent to another upper-tier municipality or delivery agent in the event an ambulance is dispatched from an ambulance service situated in an upper-tier municipality or designated area to an area outside the municipality or designated area to which ambulances from the ambulance service are not regularly dispatched;
 - (e.4) governing agreements made under subsection 6 (3);
 - (e.5) governing the apportionment and the payment of the costs of a delivery agent associated with the provision of land ambulance services in a designated area for the purposes of section 6.9;
 - (e.6) respecting the functions and duties of base hospitals, of corporations designated under subsection 4 (2.1), and of communication services;
 - (e.7) prescribing anything that must or may be prescribed or that must or may be made in accordance with the regulations or as provided in the regulations;
- (f), (g) REPEALED: 1997, c. 15, s. 1 (4).
- (h) prescribing the standard of care to be provided to persons by emergency medical attendants and paramedics. R.S.O. 1990, c. A.19, s. 22 (1); 1996, c. 32, s. 59 (3); 1997, c. 15, s. 1 (4); 1997, c. 30, Sched. A, s. 18 (1-7); 1999, c. 9, s. 9; 1999, c. 12, Sched. J, s. 22 (1-3); 2005, c. 31, Sched. 1, s. 3; 2014, c. 13, Sched. 2, s. 4.

Same

(2) A regulation under clause (1) (e.2) or (e.3) may provide that it applies despite any provision in an agreement or class of agreements referred to in subsection 6 (3). 1997, c. 30, Sched. A, s. 18 (8).

Apportionment in upper-tier municipalities

(2.1) A regulation under clause (1) (e.2) may do one or more of the following:

1. Authorize local municipalities situated in an upper-tier municipality to determine by agreement how the costs associated with the provision of land ambulance services in the upper-tier municipality are to be apportioned among them, subject to prescribed conditions.

2. Provide for an arbitration process to determine how the costs associated with the provision of land ambulance services in an upper-tier municipality are to be apportioned among the local municipalities situated in the upper-tier municipality.
3. Set out the manner in which the costs associated with the provision of land ambulance services in an upper-tier municipality are to be apportioned among the local municipalities situated in the upper-tier municipality. 1997, c. 30, Sched. A, s. 18 (8); 1998, c. 34, s. 9 (1).

Same

(2.1.1) A regulation under clause (1) (e.3) may,

- (a) prescribe the time and manner in which compensation must be paid;
- (b) provide that an upper-tier municipality or delivery agent may charge a penalty if payment is late and require the payment of the penalty;
- (c) provide that an upper-tier municipality or delivery agent may charge interest if payment is late, require the payment of the interest and either prescribe the interest or method of determining interest or provide that the interest or the method of determining the interest be set by the municipality or delivery agent. 1999, c. 12, Sched. J, s. 22 (4).

Agreements

(2.2) A regulation made under clause (1) (e.4) may be limited in application to specified municipalities or delivery agents. 1997, c. 30, Sched. A, s. 18 (8).

Apportionment in designated areas

(2.3) A regulation under clause (1) (e.5) may do one or more of the following:

1. Authorize local and upper-tier municipalities in a designated area to determine by agreement how the costs, or a part of the costs, of their delivery agent are to be apportioned among them, subject to prescribed conditions.
2. Provide for an arbitration process to determine how the costs of a delivery agent are to be apportioned among the local and upper-tier municipalities and territory without municipal organization included in the designated area for which the delivery agent is responsible.
3. Set out the manner in which the costs of a delivery agent are to be apportioned among the local and upper-tier municipalities and territory without municipal organization included in a designated area and classify municipalities for such purposes.
4. If a designated area includes territory without municipal organization, provide for the amount, or the method of determining the amount, of the costs of the delivery agent that is to be paid by the residents of the territory, set out the manner in which those costs are to be apportioned among the residents (and for that purpose classify the residents or areas of the territory) and provide for the collection of the amount by the Province, including collection under the *Provincial Land Tax Act, 2006*, and the payment of the amount collected to the delivery agent.
5. Exempt a delivery agent or class of delivery agent or a person or class of person from section 6.9 or from a regulation made under clause (1) (e.5). 1997, c. 30, Sched. A, s. 18 (8); 1998, c. 34, s. 9 (2-4); 2006, c. 33, Sched. Z.3, s. 2 (2).

Same

(2.4) A regulation under paragraph 1 or 2 of subsection (2.1) or (2.3) may,

- (a) provide for the manner in which costs are to be apportioned and for the time and manner in which they are to be paid, on an interim basis, until such time as an agreement is reached or as a determination is made by arbitration;
- (b) permit an agreement or the arbitration decision to apply to costs incurred and paid before the agreement or the arbitration decision is reached; and
- (c) provide for the reconciliation of amounts paid on an interim basis. 1997, c. 30, Sched. A, s. 18 (8).

Same

(2.5) A regulation under paragraph 3 of subsection (2.1) or (2.3) may provide that it applies despite any agreement or arbitration decision or class of agreement or arbitration decision, or any provision thereof, referred to in paragraph 1 or 2 of subsection (2.1) or (2.3). 1997, c. 30, Sched. A, s. 18 (8).

Same

(2.6) A regulation under subsection (2.1) or (2.3) may,

- (a) prescribe the time and manner in which apportioned amounts must be paid to an upper-tier municipality or a delivery agent, as the case may be;
- (b) provide that an upper-tier municipality or delivery agent may charge a penalty if payment is late and require the payment of the penalty;
- (c) provide that an upper-tier municipality or delivery agent may charge interest if payment is late, require the payment of the interest and either prescribe the interest or method of determining interest or provide that the interest or the method of determining the interest be set by the municipality or delivery agent. 1997, c. 30, Sched. A, s. 18 (8); 1998, c. 34, s. 9 (5, 6); 1999, c. 12, Sched. J, s. 22 (5, 6).

Retroactive

(2.7) A regulation under subsection (2.1) or (2.3) may, if it so provides, be effective with respect to a period before it is filed so long as that period commences no earlier than January 1, 1998. 1998, c. 34, s. 9 (7).

Classes

(3) A regulation may create different classes of ambulances, ambulance services and operators and may establish different requirements, standards or conditions for each class created. 1997, c. 30, Sched. A, s. 18 (8).

Incorporation

(4) A regulation under subsection (1) may adopt by reference, in whole or in part and with such changes as are considered necessary, any code, standard or document and require compliance with the code, standard or document as adopted. 1999, c. 12, Sched. J, s. 22 (7).

Rolling incorporation

(5) If a regulation under subsection (4) so provides, a code, standard or document adopted by reference shall be a reference to it as amended from time to time and whether the amendment was made before or after the regulation was made. 1999, c. 12, Sched. J, s. 22 (7).

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

1996, c. 32, s. 59 (3) - 6/03/1997; 1997, c. 15, s. 1 (4) - 10/10/1997; 1997, c. 30, Sched. A, s. 18 (1-4, 7, 8) - 1/01/1998; 1998, c. 34, s. 9 (1-4, 7) - 5/03/1999; 1999, c. 9, s. 9 - 23/12/1999; 1999, c. 12, Sched. J, s. 22 (1, 4-6) - 16/02/2000; 1999, c. 12, Sched. J, s. 22 (2, 3, 7) - 1/05/2000

2005, c. 31, Sched. 1, s. 3 - 15/12/2005

2006, c. 33, Sched. Z.3, s. 2 (2) - 1/01/2009

2014, c. 13, Sched. 2, s. 4 - 1/07/2015

Regulation re: costs payable by upper-tier municipalities

22.0.1 (1) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations providing that the following costs are to be determined in accordance with the regulations:

1. The costs for which an upper-tier municipality is responsible under Part III.
2. The costs for which a delivery agent is responsible under Part IV.
3. The costs referred to in section 6.9. 1997, c. 30, Sched. A, s. 19.

Same

- (2) A regulation under this section may,
 - (a) provide that the costs associated with the provision of land ambulance services in two or more upper-tier municipalities or designated areas be shared among the municipalities or delivery agents otherwise responsible for the costs;
 - (b) provide for the allocation or the method of determining the allocation of those shared costs among the municipalities and delivery agents otherwise responsible for the costs;
 - (c) require the municipalities and delivery agents to pay the allocated amounts; and
 - (d) provide for the payment of the allocated amounts from one municipality or delivery agent to another. 1997, c. 30, Sched. A, s. 19; 1999, c. 12, Sched. J, s. 23 (1).

Allocation of shared costs

(2.1) A regulation under clause (2) (b) may do one or more of the following:

1. Authorize the affected upper-tier municipalities and delivery agents to determine by agreement how the shared costs are to be allocated among them, subject to prescribed conditions.
2. Provide for an arbitration process to determine how the shared costs are to be allocated among the affected upper-tier municipalities and delivery agents.
3. Provide for the manner in which costs are to be allocated and for the time and manner in which they are to be paid, on an interim basis, until such time as an agreement is reached or as a determination is made by arbitration.
4. Permit an agreement or the arbitration decision to apply to costs incurred and paid before the agreement or the arbitration decision is reached.
5. Provide for the reconciliation of amounts paid on an interim basis. 1998, c. 34, s. 10.

Same

(2.2) A regulation under paragraph 3 of subsection (2.1) may provide that it applies despite any agreement or arbitration decision or class of agreement or arbitration decision, or any provision thereof, referred to in paragraph 1 or 2 of subsection (2.1). 1998, c. 34, s. 10.

Same

(2.3) A regulation under subsection (2.1) may,

- (a) prescribe the time and manner in which apportioned amounts must be paid to an upper-tier municipality or a delivery agent, as the case may be;
- (b) provide that an upper-tier municipality or delivery agent may charge a penalty if payment is late and require the payment of the penalty;
- (c) provide that an upper-tier municipality or delivery agent may charge interest if payment is late, require the payment of the interest and either prescribe the interest or method of determining interest or provide that the interest or the method of determining the interest be set by the municipality or delivery agent. 1998, c. 34, s. 10; 1999, c. 12, Sched. J, s. 23 (2).

Retroactive

(2.4) A regulation under subsection (2.1) may, if it so provides, be effective with respect to a period before it is filed so long as that period commences no earlier than January 1, 1998. 1998, c. 34, s. 10.

No allocation

(3) A regulation under this section may provide that no portion of the shared costs is to be allocated to an upper-tier municipality or to a delivery agent. 1997, c. 30, Sched. A, s. 19.

Classes

(4) A regulation under this section may apply to such upper-tier municipalities or delivery agents, or classes thereof, as may be prescribed. 1997, c. 30, Sched. A, s. 19.

Conflict

(5) A regulation under this section prevails over any provision in this Act with which it conflicts. 1997, c. 30, Sched. A, s. 19.

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

1997, c. 30, Sched. A, s. 19 - 1/01/1998; 1998, c. 34, s. 10 - 5/03/1999; 1999, c. 12, Sched. J, s. 23 (1, 2) - 16/02/2000

Fees

22.1 (1) The Minister may set fees relating to the issuance of certificates and the certification process prescribed by the regulations. 1999, c. 12, Sched. J, s. 24.

Same

(2) The Minister may establish fees that may be charged by the operators of each class of ambulance service for each kind of service provided, may determine the methods and times for payment of such fees to the operators and may determine the classes of persons to whom the fees may be charged. 1997, c. 15, s. 1 (5).

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

1999, c. 12, Sched. J, s. 24 - 1/05/2000

Offence

23. (1) A person who contravenes this Act or the regulations is guilty of an offence. 2002, c. 18, Sched. I, s. 1 (1).

Same, obstruction

(2) A person who prevents or obstructs or attempts to prevent or obstruct an inspector or investigator or a special investigator from entering premises or making an inspection or conducting an investigation is guilty of an offence. 2002, c. 18, Sched. I, s. 1 (1); 2014, c. 13, Sched. 2, s. 5 (1).

Same, request for information

(3) A person who refuses to comply with a request for information or for copies of any books, accounts or records made by an inspector or investigator or a special investigator under subsection 18 (2.1) is guilty of an offence. 2002, c. 18, Sched. I, s. 1 (1); 2014, c. 13, Sched. 2, s. 5 (2).

(3.1) REPEALED: 2002, c. 18, Sched. I, s. 1 (2).

Penalty, individual

(4) An individual who is convicted of an offence under this section is liable,

- (a) for a first offence, to a fine of not more than \$25,000 or to imprisonment for a term of not more than 12 months, or both; and
- (b) for a subsequent offence, to a fine of not more than \$50,000 or to imprisonment for a term of not more than 12 months, or both. 2002, c. 18, Sched. I, s. 1 (3).

Same, corporation

(5) A corporation that is convicted of an offence under this section is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$200,000 for a subsequent offence. 2002, c. 18, Sched. I, s. 1 (3).

No limitation

(6) Section 76 of the *Provincial Offences Act* does not apply to a prosecution under this section. 2002, c. 18, Sched. I, s. 1 (3).

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

2002, c. 18, Sched. I, s. 1 (1-4) - 26/11/2002

2014, c. 13, Sched. 2, s. 5 (1, 2) - 1/07/2015

Minister not vicariously liable

24. The Minister shall not be held to be vicariously liable for the acts or omissions of operators or their employees. R.S.O. 1990, c. A.19, s. 24.

Protection from liability, etc.

25. (1) No proceeding, other than a proceeding referred to in subsection (3), shall be commenced against the Crown or the Minister with respect to anything done by the Lieutenant Governor in Council or the Minister regarding,

- (a) a directive under section 7.2;
- (b) the appointment of a special investigator or a supervisor under section 7.4 or 7.5;
- (c) a directive or a decision under section 7.5; or
- (d) any action or omission of a special investigator or supervisor done in good faith in the performance of a power or of an authority under Part IV.2. 2014, c. 13, Sched. 2, s. 6.

Protection from personal liability

(2) No action or other proceeding for damages or otherwise shall be instituted against any of the following persons for any act done in good faith in the execution or intended execution of any duty or authority under this Act or the regulations or for any alleged neglect or default in the execution in good faith of any such duty or authority:

- 1. A special investigator or a supervisor appointed under section 7.4 or 7.5.
- 2. The staff of anyone mentioned in paragraph 1. 2014, c. 13, Sched. 2, s. 6.

Crown not relieved of liability

(3) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in paragraphs 1 and 2 of subsection (2) to which the Crown would otherwise be subject and the Crown is liable under that Act for any such tort in the same manner as if subsection (2) had not been enacted. 2014, c. 13, Sched. 2, s. 6.

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

2002, c. 24, Sched. B, s. 25 - 1/01/2004

2014, c. 13, Sched. 2, s. 6 - 1/07/2015

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