

Recommendations regarding French Language Health Planning Entities' regulation, previously O. Reg. 515/09

November 11, 2019

INTRODUCTION

For ten years, the French Language Health Planning Entities (Entities) have made a significant and constructive contribution to the improvement of French language health services in Ontario.

The current transformation of the health care system prompted the Entities to undertake an in-depth review of their role and contribution to improving French language health services across the province. The review was framed by the following questions:

- How to better contribute to the delivery of French language health services which meet the needs of Francophone patients across Ontario?
- How to ensure that French language health services are developed in compliance with the laws and regulations governing French language services?
- How to proactively apply a Francophone lens when planning services to maximize the effectiveness and efficiency of health system strategies, framework agreements, plans, standards, accountability agreements and digital solutions, while avoiding the costs of “after the fact” adjustments?
- How to increase collaboration between French Language Health Planning Entities and the health care system for the well-being of Francophones and their communities?

OBSERVATIONS

Notwithstanding achievements of the last few years, the contribution of the Entities was limited by provisions in the previous regulation (O. Reg. 515/09), which outlined their mandate and role. In the context of today's massive health system transformation, it is an illusion to think that merely changing the interlocutor with whom the entities interact, i.e. substituting Ontario Health (OH) for the LHINs, will result in significant improvements in the development, coordination and delivery of quality French language health services.

Under Ontario Regulation 515-09:

- The Entities have an official regional and local mandate.
 - Provincial planning, decision-making, and oversight are crucial for improving French language health services and ensuring service quality, consistency and equity across the province.
- Entities have the mandate to advise and collaborate.
 - Currently, there are no accountability mechanisms regarding the implementation (or not) of advice provided by the entities.
- Entities have been perceived as community engagement agents.
 - While community engagement is essential to their work, the ability to advise and make recommendations to health system planners and health service providers is also critical to leverage the knowledge obtained through community engagement and maximizing their contribution to health care development and reform (this has been partly addressed in the most recent revision of Regulation 515-09).

The current transformation of the health care system is an opportunity to redefine the role of the Entities. Although the *Connecting Care Act, 2019* links the Entities to Ontario Health, the preamble to the Act is far more ambitious: “[The people of Ontario and their government] Acknowledge that the public health care system should recognize the diversity within all of Ontario’s communities and respect the requirements of the French Language Services Act in the planning, design, delivery and evaluation of health care services for Ontario’s French-speaking communities.”

Entities can and must make a greater contribution to improving quality French language health services across Ontario. Entities must be positioned to (a) assist the health care system in understanding and responding better to the health service needs and priorities of Francophones and their communities, and (b) make an ongoing and regular contribution to the government’s health system reform, and contribute to the continuous improvement of the province’s health care system.

UNIQUE OPPORTUNITY FOR COLLABORATION

The transformation of the health care system presents a unique opportunity to enhance collaboration between Entities and the health care system.

The Entities want to collaborate with the government and contribute to its objective of providing quality French language health services to Francophones and their communities. Entities must be formally enabled to work at the provincial, regional and local levels of the health care system. They must be given the mandate and means to proactively influence the development of health system strategies, framework agreements, standards, plans, accountability agreements and digital solutions. Applying the francophone lens early and throughout the policy development, implementation, and evaluation processes will increase the effectiveness and efficiency of the government's health system reform and guarantee the best health outcomes for Ontario Francophones.

SUGGESTED AMENDMENTS TO THE REGULATION

As the regulation is the legal cornerstone and structural framework for the Entities, the following recommendations outline the essential provisions regarding mandate, role, responsibilities, and working relationships with other health care system actors.

Specifically, the recommendations include:

- The definition of the Entities' mandate and role;
- The scope of the Entities' mandate;
- The definition of the obligations of other health system stakeholders vis-à-vis the Entities, especially in terms of:
 - Providing timely notice, information and documents to the Entities to enable them to effectively and efficiently fulfill their mandate;
 - Taking into account the Entities' advice and recommendations.

RECOMMENDATIONS

Mandate of the Entities

1. The mandate of the Entities is to act as principal advisors to all key stakeholders in the health care system regarding French language health services in Ontario.
 - **The Regulation should** stipulate that the mandate of the Entities is to advise all health-related authorities, structures, and service providers, which have an impact on the development, delivery, and evaluation of French language health services.

- **The Regulation should** acknowledge and emphasize the importance of aligning and concerting efforts across the health care system to improve access to and the quality of French language health services.

Scope of the Entities' Mandate

2. The Entities are empowered to intervene at the provincial, regional and local levels to maximize coherence and impact of their actions in improving access to and quality of French language health services.
 - Entities should be able to advise all government structures that plan, organize, coordinate, deliver and evaluate services which have an impact on the health of Francophones.
 - Previous agreements with the LHINs limited the Entities' capacity to act in areas crucial to improving the health of Francophones, e.g., primary care or public health.
 - Additionally, Entities were perceived as not having the ability to collaborate with relevant ministries such as the Ministry of Children and Youth Services (MCYS).
 - **Intervention at the provincial level** provides Entities with the ability to apply the Francophone lens during the development of health policies, programs and strategies. It helps to strengthen the coordination and consistency of activities regarding French language services as well as the ability to implement accountability frameworks or standards for French language services. It also increases the probability that health policies, programs and strategies will be successfully implemented on the ground.
 - **The Regulation should** stipulate that the Entities advise the MOH, the MLTC and Ontario Health on all issues related to French language health services.
 - **The Regulation should** also provide for future opportunities for Entities to work with other key ministries, e.g., the Ministry of Community and Social Services.
 - **Intervention at the local and regional levels** will support the implementation of provincial policies, programs, standards and best practices related to improving French language health services. Such direct action will provide an opportunity to adapt service models to the realities of Francophone communities across the province.
 - **The Regulation should** stipulate that the Entities have a responsibility to advise Health Service Providers (HSPs) on improving French language health services, especially, but not exclusively, Ontario Health Teams (OHTs).

- Entities must continue to engage Francophone communities across the province.
 - **The Regulation should** confirm the Entities' obligation to engage Francophone communities to better:
 - Understand the health and health service needs of Francophones;
 - Adapt health services to regional and local realities;
 - Evaluate on-the-ground access to quality health services in French.

Entities' Role Concerning Various System Stakeholders

3. Entities have a key role as it relates to **recommendation** and **evaluation** for the MOH, MLTC and Ontario Health.
 - Regarding the Ministries, the recommendation and the evaluation role of Entities is to ensure that health policies, strategies, frameworks, programs, and accountability agreements, as well as the identification and designation of service providers, take into consideration the health and health service needs of francophones and are consistent with the requirements of the French Languages Service Act.
 - Regarding Ontario Health, the recommendation and evaluation role of Entities is to ensure that (a) Ontario Health's obligations regarding French Language Services (FLS) are met; (b) Ministry directives regarding the provision and coordination of FLS, including its funding, are implemented; (c) accountability for French language services is clearly defined at all level and; (d) the needs of the Francophone population are integrated in the development, the implementation, and the evaluation of health planning documents, policies, programs, strategies and accountability agreements.
 - **The Regulation should** stipulate the recommendation and evaluation role of the Entities regarding relevant ministries and Ontario Health.
4. Entities play an advisory and technical support role regarding HSPs and OHTs to assist them in: (a) fulfilling their French language services obligations; (b) developing an active offer of French language services; (c) moving toward designation, and; (d) supporting francophones navigating the health care system.
 - **The Regulation should** stipulate the advisory and supporting role of the Entities concerning HSPs and OHTs.

Importance of data in the development of French Language Health Services

5. The ability to create, have access to, analyze and interpret relevant data is an essential condition of success. It will enable the Entities to successfully carry out their advisory, recommendation, evaluation, and technical support roles and responsibilities.

- The Entities must be provided timely access to relevant data and information about French health services from the MOH, the MLTC, OH, and HSPs, including OHTs.
- The Entities must be enabled to gather their own data and conduct independent research regarding French language health services in Ontario.
- The development and consolidation of evidence about French language health services in the decision-making processes of the Entities, the MOH, the MLTC, OH, and HSPs, including OHTs will greatly enhance the capacity of the provincial health system to respond to the health and health service needs of Francophones and their communities. The power and efficiency of collaboration was demonstrated through the creation, development and implementation of OZi, which yielded crucial data to support health sector key decision makers to plan health services in French.
 - **The Regulation should** stipulate that the MOH, the MLTC, OH, and HSPs, including OHTs have a formal obligation to gather, analyze, and interpret data regarding French language health services.
 - **The Regulation should** stipulate that the MOH, the MLTC, OH, and HSPs, including OHTs have a formal obligation to consult the Entities to determine the nature, scope and cycles of data collection and analysis related to French language health services.
 - **The Regulation should** acknowledge and emphasize that the Entities and the MOH, the MLTC, OH, and HSPs, including OHTs, should collaborate in the co-development of data on French language services in Ontario and its analysis.

The Health Care System's Obligation to Consult and Inform Entities and Take into Consideration their Advice and Recommendations

6. The MOH, the MLTC, OH and HSPs, including OHTs, are required to consult the Entities throughout the process of developing, implementing and evaluating their respective policies, programs, strategies, standards, service plans, etc.

It is imperative that Entities be provided upstream with (a) notice and information and (b) opportunities to be effectively consulted:

- Acting upstream provides the government and the health care system with the opportunity to increase collaboration with Francophone communities;

- Acting upstream maximizes health system effectiveness and efficiency while avoiding the risks of increased costs for “after the fact” adjustments to health strategies, framework agreements, plans, accountability agreements and digital solutions because of the delayed or inappropriate application of the Francophone lens to health care initiatives.
- Acting upstream requires timely information sharing and consultation with the Entities;
- Acting upstream is essential for improving the relevance and effectiveness of policies, programs, strategies and service plans that impact the quality of the health services provided to Francophones. This is especially important in terms of the implementation of OHTs and the prioritization of digital transformation within the health care system.
 - **The Regulation should** acknowledge and emphasize the importance of consulting the Entities upstream and throughout the process of developing, implementing and evaluating health policies, programs, strategies, service plans, etc. This will enable Entities to provide advice and recommendations to improve the quality of French health services across Ontario.
 - **The Regulation should** stipulate that the MOH, the MLTC, OH and HSPs, including OHTs, must consider the advice and recommendations from Entities before approving health policies, programs, strategies, standards, service plans, etc.

Funding and Accountability Framework for Entities

7. The funding and accountability framework for Entities is the responsibility of the Ministry of Health.

- Since the Entities are appointed by the Minister of Health, the Entities’ primary, but not exclusive, interlocutor is the Ministry of Health.
 - **The Regulation should** stipulate that the Ministry of Health is responsible for funding the French Language Health Planning Entities.

CONCLUSION

The recommendations outlined above will enable Entities to fulfill their mandate as principal advisors on French health care services within the health care system. By better defining their mandate, roles and responsibilities, the Entities will be better positioned and able to make a significant and ongoing contribution to improving the effectiveness, efficiency and operation of the health care system. The Entities believe that the recommendations outlined above will not represent an undue burden on the system’s structures and institutions.