Provincial Funding Cuts and the Canada Health Act

Date: May 29, 2019  
To: Executive Committee  
From: City Solicitor  
Wards: All

SUMMARY

This report responds to a request from City Council at its meeting of May 14, 2019, for a report from the City Solicitor on whether the Province of Ontario's proposed cuts to funding to Toronto Public Health would violate the Canada Health Act.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council receive this report for information.

FINANCIAL IMPACT

There is no financial impact resulting from the adoption of this report.

DECISION HISTORY

City Council requested the City Solicitor to report back to the Executive Committee, in conjunction with the City Manager's report, on whether any of the provincial funding cuts to Toronto Public Health would violate the Canada Health Act, and on what measures the City of Toronto can take, if, in fact, the Canada Health Act is violated.  

COMMENTS

The Canada Health Act is federal legislation that establishes criteria which must be satisfied by a provincial or territorial health care insurance plan in order for the province
or territory to qualify for a general cash contribution under the Canada Health Transfer. The Canada Health Transfer is the primary source of federal health care support to provinces and territories.

The criteria imposed on health care insurance plans pertain to insured health services provided by hospitals and medical practitioners or dentists. For example, the Canada Health Act requires that the health care insurance plan of a province must not impose any minimum period of residence in the province in excess of three months before residents of the province are entitled to insured health services. The Canada Health Act also prohibits extra billing and user fees for insured services.

The requirements of the Canada Health Act do not extend to provincial funding of public health units or funding for programs and services offered by public health units. Although the Province, at this time, has continued to make new announcements regarding funding changes and has not confirmed budget details, it is unlikely that any provincial funding cuts to Toronto Public Health would violate the Canada Health Act. Accordingly, the Canada Health Act will likely not serve as a basis for the City responding to any provincial cuts to public health funding.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

None