

December 29, 2020

**MEMORANDUM TO:** Board Chairs and Chief Executive Officers of Ontario Public Hospitals

**FROM:** Mike Heenan  
Assistant Deputy Minister  
Hospitals and Capital Division  
Ministry of Health

**RE:** **Indemnification of public hospitals who are providing assistance to long-term care homes, retirement homes, and certain other institutions**

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Since the outset of the pandemic, many public hospitals across the province have been providing critical supports to long-term care (LTC) homes, retirement homes, and other care settings to assist in responding to, preventing, and alleviating the devastating impacts of the COVID-19 pandemic.

By memorandum dated May 22, 2020, I notified hospitals that they may be indemnified by the Province if they are deploying staff to provide assistance in LTC homes or are assuming a management role under the *Long-Term Care Homes Act, 2007* (LTCHA) and other specified conditions are met.

In recognition of the evolving and expanding nature of the pandemic assistance which public hospitals are being called upon to provide, the Province has expanded the scope of the indemnity that will be available to hospitals.

While the earlier indemnity only applied to specific types of assistance to LTC homes, under the new broader indemnity, a hospital may be indemnified in respect of the pandemic assistance they provide to:

- (i) a long-term care home within the meaning of the LTCHA;
- (ii) a licensed retirement home within the meaning of the *Retirement Homes Act, 2010* (RHA); or
- (iii) an institution that is the subject of an order made pursuant to subsection 29.2(1) of the *Health Protection and Promotion Act*

(referred to collectively as "**Homes**").

The indemnity will be available to public hospitals who have agreed to deploy staff to one or more Homes, to manage one or more Homes pursuant to the LTCHA or RHA, or to otherwise provide assistance to one or more Homes for the purpose of responding to, preventing, or alleviating the outbreak of COVID-19.

In the case of hospitals who have already applied for and received an indemnity from the Province, that indemnity will be replaced by this broader indemnity which, like the earlier indemnity, is effective from March 17, 2020. For clarity, I would like to confirm that this new broader indemnity covers everything that was covered in the earlier indemnity and then adds additional circumstances where indemnification would apply as detailed above. Hospitals that previously received an indemnity will receive a copy of the new broader indemnity.


Hospitals that have already received indemnities must still provide the following information concerning any new Homes which they are assisting via e-mail to [Hospitals.Branch-HSQFD@ontario.ca](mailto:Hospitals.Branch-HSQFD@ontario.ca):

- Name of the Home(s) which your hospital is supporting; and
- Description of the assistance being provided to each Home.

If your hospital did not previously request an indemnity but has been providing pandemic assistance to one or more Homes, you may still submit a request by providing the above information via e-mail to [Hospitals.Branch-HSQFD@ontario.ca](mailto:Hospitals.Branch-HSQFD@ontario.ca).

Thank you for all that you and your organizations are doing to protect the health and safety of the people of Ontario during these challenging times.

Sincerely,



Mike Heenan  
Assistant Deputy Minister  
Hospitals and Capital Division  
Ministry of Health

- c: Anthony Dale, President and Chief Executive Officer, Ontario Hospital Association  
Matthew Anderson, President and Chief Executive Officer, Ontario Health  
Sheila Bristo, Assistant Deputy Minister, Long-Term Care Operations Division, Ministry of Long-Term Care  
Brian Pollard, Assistant Deputy Minister, Long-Term Care Capital Development Division, Ministry of Long-Term Care  
Janet Hope, Assistant Deputy Minister, Long-Term Care Policy Division, Ministry of Long-Term Care  
Jacqueline Cureton, Assistant Deputy Minister, Policy Programs and Strategic Partnerships Division, Ministry of Seniors and Accessibility