

TO: Chair and Members of the Board of Health

FROM: Bryna Warshawsky, Acting Medical Officer of Health

DATE: 2013 February 19

MANDATE, AUTHORITY AND SCOPE OF THE BOARD OF HEALTH

Recommendation

It is recommended that Report 018-13 re “Mandate, Authority and Scope of the Board of Health” be received for information.

Key Points

- The mandate, authority and scope of the Board of Health are outlined in the Health Protection and Promotion Act and the Ontario Public Health Organizational Standards.
- The Board of Health is responsible for the governance and oversight of the health unit, while the Medical Officer of Health is responsible for the day-to-day operations of the health unit and is accountable to the Board of Health for the delivery of public health programs and services.

Background

At the January 17, 2013 Board of Health meeting, the Board reviewed [Report No. 006-13](#) “November 2012 Board of Health Self-Assessment Survey Results”. This report indicated that five of the six respondents to the self-assessment survey disagreed or strongly disagreed with the statement that “*The Board has a common understanding of the Board’s mandate, scope and authority*”. At its January 17, 2013 meeting, the Board voted to receive a presentation regarding the mandate, scope and authority of the Board of Health. This presentation will be provided at the February 19, 2013 meeting. This Board of Health report provides background information with regard to the mandate, authority and scope of the Board of Health as outlined in the [Health Protection and Promotion Act](#) and the [Ontario Public Health Organizational Standards](#).

Health Protection and Promotion Act

The main piece of legislation that mandates public health in Ontario is the [Health Protection and Promotion Act](#). Part VI of this Act outlines the structure and function of health units and boards of health. Section 48 of the Act indicates that there shall be a board of health for each health unit and Section 61 outlines that every board of health shall “superintend and ensure” the carrying out of Parts II, III and IV of the Act and the associated regulations. (Parts II, III and IV of the legislation deal with health programs and services, community health protection and communicable diseases, respectively.) The legislation also outlines the composition of boards of health including the numbers of municipal and provincial appointees, terms of office, remuneration, the election of the Chair and Vice-Chair, minutes, and financial records and statements. The legislation stipulates that the board of health shall have by-laws regarding property, banking and finance, the calling of and proceedings at meetings, and the appointment of an auditor (Section 56(1)), and may have by-laws regarding the appointment, duties, removal, remuneration,

pensions and other benefits of employees and officers, and other matters necessary for the management of the affairs of the board of health (Section 56(2)).

Section 62(1) indicates that every board of health shall appoint a full-time medical officer of health. Sections 67 (1) and (3) indicate that the medical officer of health reports to the board of health on issues relating to public health concerns and to public health programs and services, and that the medical officer of health is responsible to the board for the management of the public health programs and services. Section 67(2) stipulates that employees of a board of health are subject to the direction of and are responsible to the medical officer of health of the board if their duties relate to the delivery of public health programs or services.

Ontario Public Health Organizational Standards

The [Ontario Public Health Organizational Standards](#) provide further details regarding the mandate of the board of health, as well as repeating the relevant sections of the Health Protection and Promotion Act (quotes from the legislation are written in *italic* in the standards). The Organizational Standards requirements are grouped into the following sections:

- Board Structure
- Board Operations
- Leadership
- Trusteeship
- Community Engagement and Responsiveness
- Management Operations

The Organizational Standards are explicit regarding the expectations that the board of health's scope relates to governance for the organization, and that the day-to-day management and administration of the health unit is delegated to the medical officer of health. The Organizational Standards indicate that within the standards document...

"Where the board of health as the governing body is expected to fulfill a requirement directly, the requirement states: "The board of health shall...." In cases where the expectation is that the board would delegate the responsibilities to the management team, the language of the requirement shifts to "The board of health shall ensure that the administration..." (Page 5).

Many of the direct requirements of the board of health are included in the Leadership and Trusteeship sections of the standards which include specific details regarding a board of health strategic plan, orientation and training, transparency and accountability, and the board of health self-assessment. The Trusteeship section refers to many of the expectations covered in the draft Code of Conduct that the Board of Health has recently been considering (see [Report No. 141-12](#) and [Report No. 003-13](#)).

Point 3.1 under the Leadership section outlines some specific responsibilities of the board of health as follows:

Board of health stewardship responsibilities


The board of health shall provide governance direction to the administration and ensure that the board remains informed about the activities of the organization on the following:

- *The delivery of the Ontario Public Health Standards and its Protocols;*
- *Organizational effectiveness through evaluation of the organization and strategic planning;*
- *Stakeholder relations and partnership building;*
- *Research and evaluations, including ethical review;*
- *Compliance with all applicable legislation and regulations;*

- *Workforce issues, including recruitment of the MOH and any other senior executives (i.e., CEO where applicable);*
- *Financial management, including procurement policies and practices; and*
- *Risk management.*

Conclusions

In response to the November 2012 Board of Health self-assessment survey, this report provides background information regarding the mandate, authority and scope of the Board of Health. These are outlined in the Health Protection and Promotion Act, the main piece of legislation that governs public health, and further defined in the Ontario Public Health Organizational Standards. These documents indicate that the Board of Health is responsible for the governance and oversight of the health unit, while the Medical Officer of Health is responsible for the day-to-day operations of the health unit and is accountable to the Board of Health for the delivery of public health programs and services.



Bryna Warshawsky, MDCM, CCFP, FRCPC
Acting Medical Officer of Health

<p>This report addresses the following requirement(s) of the Ontario Public Health Organizational Standards: Section 4.2 “Board of health member orientation and training”.</p>
--