

*The Council of Ontario
Medical Officers of
Health (COMOH) is a
Section of*



**alPHa's members are
the public health units
in Ontario.**

alPHa Sections:

Boards of Health
Section

Council of Ontario
Medical Officers of
Health (COMOH)

Affiliate

Organizations:

Association of Ontario
Public Health Business
Administrators

Association of
Public Health
Epidemiologists
in Ontario

Association of
Supervisors of Public
Health Inspectors of
Ontario

Health Promotion
Ontario

Ontario Association of
Public Health Dentistry

Ontario Association of
Public Health Nursing
Leaders

Ontario Dietitians in
Public Health

March 7, 2019

Jocelyn McCauley,
Clerk, Standing Committee on Justice Policy
comm-justicepolicy@ola.org
99 Wellesley Street West
Room 1405, Whitney Block
Queen's Park
Toronto, ON M7A 1A2

To the Clerk of the Committee,

Re: Changes to the Mandatory Blood Testing Act under Bill 68, Comprehensive Ontario Police Services Act, 2019

On behalf of the Council of Ontario Medical Officers of Health (COMOH), I am writing to provide comment on the proposed changes to the Mandatory Blood Testing Act (MBTA) under Bill 68, Comprehensive Ontario Police Services Act, 2019.

As public health leaders, we have a deep appreciation of the work of Ontario's first responders. In our work in towns and cities across Ontario, we often work closely with police, firefighters, paramedics, and corrections staff, as well as health professionals of all types.

We see the anxiety that can result when an individual is in contact with bodily fluids in the workplace. We share the goal of protecting hardworking Ontarians from blood-borne infections.

Based on our experience in the field, we note that proposed changes to Section 3 of the MBTA may have the effect of reducing the likelihood of obtaining a blood sample from a respondent. Specifically, we are concerned that initiating a coercive process immediately may reduce the likelihood of voluntary compliance and may not adequately increase the likelihood of involuntary compliance.

Currently, the vast majority of testing that occurs under the MBTA is voluntary. In the majority of cases, respondents provide a sample voluntarily. In the remainder of cases, it is unusual for an application to the Consent and Capacity Board (CCB) to result in a blood sample being obtained. Provincial statistics are not available to us, but our local experience indicates that this occurs in less than 10% of cases that are referred to CCB. In most of these cases, either the CCB declines to issue an order, or the order is not enforced due to inherent logistical and other challenges. There is no safe way of taking blood from an individual who is intent on resisting.

Immediately referring a request under MBTA to CCB may reduce the likelihood of obtaining a voluntary sample, which based on our experience, is the most successful route to obtain a sample. We note that there are changes to the CCB enforcement powers, but it is not clear that these will change the underlying dynamics. Respondents who are least likely to provide an involuntary sample are may also be least likely to be affected by enhanced CCB enforcement powers.

We would also note that the Act does not provide clarity on authority to obtain a sample from a deceased individual. Adding such a provision may be helpful to obtaining timely information about risk.

In summary, we share the goal of protecting hardworking Ontarians who work in often difficult circumstances. Based on our experience, allowing time for the voluntary process to proceed is the most effective route to obtaining blood samples under the MBTA. We hope that this consideration can be reflected in the revisions to the MBTA and/or its associated regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Mackie".

Dr. Chris Mackie
Chair, Council of Ontario Medical Officers of Health

COPY: Dr. David Williams, Chief Medical Officer of Health
Hon. Sylvia Jones, Minister of Community Safety and Correctional Services
Parm Gill, MPP, Chair, Standing Committee on Justice Policy parm.gill@pc.ola.org