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Monday 15 April 2013

Journal des débats (Hansard)

Lundi 15 avril 2013

**Standing Committee on
Social Policy**

Committee business

**Comité permanent de
la politique sociale**

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Monday 15 April 2013

Lundi 15 avril 2013

The committee met at 1407 in committee room 1.

COMMITTEE BUSINESS

The Chair (Mr. Ernie Hardeman): I call the social policy committee to order. We are here today to deal with a motion that was sent to the committee under section 111 of the standing orders. With that, we have a motion here by Jane McKenna, MPP for Burlington. Ms. McKenna.

Mrs. Jane McKenna: Thank you, Chair. I move that, pursuant to standing order 111(a), the Standing Committee on Social Policy immediately initiate a study and investigation regarding recent reports where diluted chemotherapy drugs were administered to patients in Ontario, and whether or not the Ministry of Health and Long-Term Care effectively exercised its role into the oversight, monitoring and regulation of non-accredited pharmaceutical companies.

That the committee shall be able to call witnesses under oath as it sees fit to assist in the committee's investigation and shall produce a report that includes, but is not limited to:

- investigating the apparent lack of oversight, lack of standards and/or absent monitoring for companies like Marchese Hospital Solutions, by the Minister of Health and Ministry of Health and Long-Term Care;

- assessing the adequacy of the Ministry of Health's pharmaceutical regulatory regime, guidelines and drug inspection procedures and protocols;

- any impact on the nearly 1,200 cancer patients in Ontario who received a flawed or diluted drug during their cancer treatments;

- whether the steps taken by the government and/or the ministry and/or the minister were adequate in responding to this matter;

- what international best practices could have and should have been used to ensure proper checks and balances were and are put in place for companies that produce complex drugs and the hospitals that use those drugs so as to prevent a situation like this from ever happening again.

Notwithstanding the committee's meeting schedule as ordered by the House, the committee shall seek permission from the House leaders and of the House to be permitted to sit at the call of the Chair and to meet notwithstanding prorogation.

The Chair (Mr. Ernie Hardeman): Very good. You've heard the motion. Debate?

Mrs. Jane McKenna: Yes. This does not need to be a partisan issue. Patients deserve answers and immediate action, and we owe it to these families and to these patients to do the best we possibly can to get to the bottom of all that's gone on so far.

The Chair (Mr. Ernie Hardeman): Further debate?

M^{me} France Gélinas: I would say that I certainly agree with the spirit of this motion, to give this House an opportunity to report to Ontarians as to: How come it went so wrong? How come it went so wrong for such a long time? Ontarians deserve answers, and I think if we can help some people get those answers, help them turn the page, help them rebuild their trust in our health care system, then this will have been a very worthwhile endeavour. I intend to file an amendment to the motion.

The Chair (Mr. Ernie Hardeman): Very good, thank you. Ms. Jaczek.

Ms. Helena Jaczek: We also, obviously, are very concerned about what we have learned about the situation with Marchese Hospital Solutions. Just to question Ms. McKenna a little bit in terms of her first bullet point: You reference the Minister of Health and Ministry of Health and Long-Term Care. I'm assuming that you mean the Ontario Minister of Health, because we will be bringing an amendment also, an addition to what you have proposed, that will involve the federal government as well. We feel that Health Canada clearly has oversight over manufacturing of pharmaceuticals, and therefore, we will bring, in other words, a little bit of an expansion to the terms of reference here. I just wanted to clarify that you didn't mean the federal—

Mrs. Jane McKenna: Yes.

Ms. Helena Jaczek: Okay. So in fact it should be the Minister of Health and Long-Term Care and the ministry.

The Chair (Mr. Ernie Hardeman): Okay, thank you. Did you want to answer the question about whether it means the Ontario Minister of Health? I would presume so.

Mrs. Christine Elliott: Yes, the motion, as written, does reference the Ontario Minister of Health and Ministry of Health and Long-Term Care.

We have brought this forward because of the significant public concern around this issue. Over 1,200 patients have been affected by it, and I think that people across Ontario who have received a cancer diagnosis and

are undergoing chemotherapy treatment now, generally speaking, have a concern about this. So we believe that it is our responsibility as legislators to hold hearings as quickly as possible. Time is of the essence of course when you do have a cancer diagnosis, so we believe that the mechanisms that can be brought forward through this committee will allow for a timely and thorough investigation.

The Chair (Mr. Ernie Hardeman): For clarification, I would point out that the—what shall we say?—guidelines for the committee are, in fact, to look into matters of provincial jurisdiction. So if the committee deems in other factors that may be involved during the process of your deliberations, if you wish to look beyond the Ontario Minister of Health, you would have the ability to do that, but the resolution would not be appropriate to reference another Minister of Health other than the provincial Minister of Health.

Ms. Helena Jaczek: It would be simply, obviously, to potentially call witnesses and investigate the roles of other jurisdictions beyond the provincial ministry.

The Chair (Mr. Ernie Hardeman): Yes, that would be true. Yes, Ms. DiNovo?

Ms. Cheri DiNovo: This is an amendment; our health critic, France, will move that amendment. But I just wanted to raise a concern that some folks in the New Democratic Party had. I know that this committee cannot compel anyone to testify—only the House can do that—but just to ask for sensitivity where calling victims is concerned. We would hate to see victims called; I just wanted to put that on record.

The Chair (Mr. Ernie Hardeman): Has everybody got their first word in? Ms. Gélinas, you have an amendment?

M^{me} France Gélinas: I'm hoping mine will be sort of a friendly amendment, as it only deals with adding a few words.

The Chair (Mr. Ernie Hardeman): Okay, just hold it for a minute. We are distributing your copies so everyone will have it.

Carry on.

M^{me} France Gélinas: Basically, if you look at the motion the way the member from Burlington has read it into the record, there's a series of points. My amendment would be to the second bullet point, which starts with "assessing the adequacy of the Ministry of Health's"—we all know where we are? Okay. I would add to this, basically, "assessing the adequacy of the Ministry of Health's outsourcing strategy, pharmaceutical regulatory regime, and guidelines and drug inspection procedures and protocols;"

So within this, we would look at outsourcing, as we all know by now that those drugs used to be mixed in the hospital. A decision was made to outsource those two chemotherapy drugs—so just to make it clear that we also look at this.

I don't know if it's considered a friendly amendment or if we have to vote, but I'm open to any or both.

The Chair (Mr. Ernie Hardeman): Okay. Debate on the amendment? Yes?

Ms. Helena Jaczek: I'm sure the government will have no difficulty whatsoever in including the words "outsourcing strategy" to that second bullet.

The Chair (Mr. Ernie Hardeman): Okay. Further debate?

Mrs. Christine Elliott: We don't have any problem with the amendment either. I think that it is very helpful.

The Chair (Mr. Ernie Hardeman): Okay. With that, if there's no further debate on the amendment, we'd call the vote on the amendment. All those in favour of the amendment? Opposed? The motion is carried.

Back to the main motion, as amended. Further debate?

Ms. Helena Jaczek: So, if I may move an amendment, which is in essence an addition, as a second bullet what we would like to have—and we feel that this would really improve the full scope of what we're looking at and be extremely helpful to getting to some answers on this very sad situation. So what we want to add is, and I will move that the motion be amended to include, the following: "investigating the roles, respectively, of the Ministry of Health and Long-Term Care, the Ontario College of Pharmacists, Health Canada, and any other organizations the committee might identify in overseeing, providing standards for, and monitoring companies like Marchese Hospital Solutions." In other words, we want to get a full picture of any regulatory regime that might be out there. I would like a recorded vote for that amendment, please, Mr. Chair.

The Chair (Mr. Ernie Hardeman): Okay. You've heard the motion. Discussion?

M^{me} France Gélinas: I think your amendment is very much in line as to what we are trying to do; it just spells it out more. I have no problem supporting such an amendment. It's going in the direction that we need to go.

The Chair (Mr. Ernie Hardeman): Any further debate on the amendment? Yes, Ms. Elliott?

Mrs. Christine Elliott: We would agree that it does clarify. There is going to be an issue, no question, of jurisdictional issues, so we would agree with this amendment.

The Chair (Mr. Ernie Hardeman): Okay. Any further debate on the amendment? If not, the recorded vote has been requested. So we'll call the vote.

Ayes

Berardinetti, DiNovo, Elliott, Gélinas, Jaczek, Mangat, McKenna, McNeely.

The Chair (Mr. Ernie Hardeman): The motion is carried.

Further debate on the motion, as amended? No further debate? We'll call the vote on the main motion, as amended. All those in favour? Opposed? The motion is carried.

The Clerk of the Committee (Mr. William Short): As amended.

The Chair (Mr. Ernie Hardeman): The motion is carried, as amended. I think that was obvious. That was the vote I called. You only have to say it so many times.

Yes, Ms. Gélinas?

M^{me} France Gélinas: Chair, I want to be absolutely certain that as we start this process we're all on the right page. There are over a thousand families right now that have lived through a really difficult couple of days, really difficult news, and they still have to deal with it—probably for many days, weeks and months to come. I know that it is within our power to compel witnesses to come—

Ms. Cheri DiNovo: No, we can't.

M^{me} France Gélinas: —and testify—

Ms. Cheri DiNovo: Not at this committee level.

M^{me} France Gélinas: Okay. Apparently, it's not within our power to compel witnesses. I would ask for the different parties' understanding that we could do a lot of harm to a lot of people and families by asking people directly affected to come and testify. I would encourage my colleagues on this committee to really think long and hard when you select the list of witnesses that you want to come and testify, when you look at this, to really try to protect people who have suffered enough. We could not protect the care that they were getting; we can at least respect them and protect their dignity. That means not calling them to this committee. I want to make absolutely sure that the members that we will be working with from the three parties understand where we stand.

The Chair (Mr. Ernie Hardeman): I appreciate the comment very well. I think that would be universal on the committee.

I would just point out that the committee does not have the power to demand that anyone come. Only the House has that power, and the committee would have to request it to do it. If that should happen, there would be an opportunity as a committee to oppose that request, to not let that happen.

Having said that, I think we would all be very cautious. As you pick what we need to know as to what went wrong, I think it's reasonable to assume that none of what went wrong was the patients' fault. I think the people who were impacted by this would not and should not be considered as part of a group that should be invited to see whether we can get to the bottom of this. It's how it happened, not who it happened to, that I hope the committee will be looking at.

Hopefully, we do respect those people with enough consideration that we would not infer in any way that

they had to be part of this process if they deemed that they would rather not. At the same time, I don't want to eliminate them, to suggest that their position is not important in what we're doing here.

Ms. Helena Jaczek: The government would have no intention of calling anyone—a patient—that might have been impacted by this. This is not something we would do.

The Chair (Mr. Ernie Hardeman): Okay. Does that cover it?

M^{me} France Gélinas: I take it we will have a subcommittee at some point that will decide on the list of witnesses, but I want to put on the record that we will be asking the Ombudsman to come and appear before our committee.

The Chair (Mr. Ernie Hardeman): I think that's the next order of business, if that's where we're going. The committee has a choice then. They have the ability as a full committee to start that process today, as to how you want to proceed with this. The normal course of events would be that we agree to appoint a subcommittee to make recommendations as to the type of witness and who you would want and then report back to this committee. I would hope that we could have that subcommittee report reasonably quickly after this meeting, not necessarily now but this week, so we would be ready to deal with that report next Monday when we meet, if that's the wish of the committee. Any comments on that or any questions? You look like you have something, Ms. McKenna.

Mrs. Jane McKenna: I was just going to say as soon as possible, because time is of the essence. So hopefully everybody will be on the same page with that.

The Chair (Mr. Ernie Hardeman): Ms. Gélinas.

M^{me} France Gélinas: If I can be so bold as to say, if we already know who will be on the subcommittee, could we just stick around right after this meeting and meet for the first time?

The Chair (Mr. Ernie Hardeman): I have no problem with that. I think it will be Ms. Elliott and—there we go. We have an agreement. We will meet right after this meeting for our first subcommittee meeting.

You know what they say, any other comments for the good of Rotary? If not, thank you very much for coming out this afternoon. We look forward to moving expeditiously through this process to get answers for the people who are waiting.

The committee stands adjourned.

The committee adjourned at 1423.

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Mr. Michael Mantha (Algoma-Manitoulin ND)

Ms. Jane McKenna (Burlington PC)

Substitutions / Membres remplaçants

Mrs. Christine Elliott (Whitby-Oshawa PC)

M^{me} France Gélinas (Nickel Belt ND)

Mr. Phil McNeely (Ottawa-Orléans L)

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