

**Simcoe Muskoka District Health Unit**  
**Board of Health Bylaw**

<b>Bylaw</b>	<b>To Provide for the Appointment and Duties of the Medical Officer of Health, the Associate Medical Officer(s) of Health and the Acting Medical Officer of Health</b>	<b>Bylaw No.</b>	2005-08
<b>Revision History</b>	2005-04-01: Amended From SCDHU Bylaw 00-2  Amended November 2012		

- 1) Pursuant to Subsection 56 (2) of the Health Protection and Promotion Act, the Board of Health may pass a bylaw on any other matter necessary or advisable for the management of the affairs of the Board of Health, and:
  - a) The Act specifies terms and conditions specific to the appointment of a Medical Officer of Health, including:
    - i) Pursuant to Subsection 62 (1) of the Act, a Board of Health shall appoint a full-time Medical Officer of Health.
    - ii) Pursuant to Section 64 of the Act, no person is eligible for appointment as a Medical Officer of Health or an Associate Medical Officer of Health unless he or she is a physician; he or she possesses the qualifications and requirements prescribed by the regulations for the position; and the Minister approves the proposed appointment.
    - iii) Pursuant to Subsection 67 (1) of the Act, the Medical Officer of Health of a Board of Health reports directly to the Board of Health on issues relating to public health concerns and to public health programs and services.
    - iv) Pursuant to subsection 67 (2) of the Act, The employees of and the persons whose services are engaged by 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 under this or any other Act.
    - v) Pursuant to subsection 67 (3) of the Act, The Medical Officer of Health of a Board of Health is responsible to the Board for the management of the public health programs and services.
    - vi) Pursuant to section 70 of the Act, the Medical Officer of Health of a Board of Health is entitled to notice of and to attend each meeting of the Board and every committee of the Board, but the Board may require the Medical Officer of Health to withdraw from any part of a meeting at which the Board or a Committee of the Board intends to consider a matter related to the remuneration or the performance of the duties of the Medical Officer of Health.
  - b) The Act specifies terms and conditions specific to the appointment of an Associate Medical Officer of Health, including:
    - i) Pursuant to Subsection 62 (1) of the Act, a Board of Health may appoint one or more Associate Medical Officers of Health.
    - ii) Pursuant to subsection 68 (1) of the Act, the Associate Medical Officer of Health of a Board of Health, under the direction of the Medical Officer of Health of the Board, shall assist in the performance of the duties of the Medical Officer of Health and, for the purpose, has all the powers of the Medical Officer of Health.
    - iii) Pursuant to subsection 68 (2) of the Act, where the office of Medical Officer of Health of a Board of Health is vacant or the Medical Officer of Health is absent or unable to act, the Associate Medical Officer of Health of the Board shall act as and has all the powers of the Medical Officer of Health.
  - c) The Act specifies terms and conditions specific to the appointment of an Acting Medical Officer of Health, including:

- i) Pursuant to subsection 69 (1) of the Act, where the office of Medical Officer of Health of a Board of Health is vacant or the Medical Officer of Health is absent or unable to act; and there is no Associate Medical Officer of Health of the Board or the Associate Medical Officer of Health of the Board is also absent or unable to act, the Board of Health shall appoint forthwith a physician as Acting Medical Officer of Health.
  - ii) Pursuant to subsection 69 (2) of the Act, an Acting Medical Officer of Health of a Board of Health shall perform the duties and has authority to exercise the powers of the Medical Officer of Health of the Board.
- 2) In this by-law:
  - a) "Act" means the Health Protection and Promotion Act; R.S.O. 1990.
  - b) Acting MOH means Acting Medical Officer of Health.
  - c) "Board" means the Board of Health for the Simcoe Muskoka District Health Unit.
  - d) "Health Unit" means the Simcoe Muskoka District Health Unit.
  - e) "MOH" means Medical Officer of Health.
- 3) The Board exercises its duty under section 62 (1) (a) of the Act and shall appoint a full time MOH:
  - a) Prior to appointment, qualifications will be reviewed for compliance with the requirements for appointment specified in the Act and regulations, and the proposed appointment is submitted to the Minister for approval.
  - b) The MOH is the Chief Executive Officer of the Board.
  - c) The MOH reports directly to the Board of Health on issues relating to public health concerns and to public health programs and services
  - d) The employees of and the persons whose services are engaged by the Board 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.
  - e) The MOH is responsible to the Board for the management of the public health programs and services
  - f) The MOH is entitled to notice of and to attend each meeting of the Board and every Committee of the Board, but the Board may require the MOH to withdraw from any part of a meeting at which the Board or a Committee of the Board intends to consider a matter related to the remuneration or the performance of the duties of the MOH.
- 4) The Board may appoint one or more AMOHs:
  - i) The AMOH(s) is/are under the direction of the MOH, shall assist in the performance of the duties of the MOH and, for this purpose, has/have all the powers of the MOH.
  - ii) Where the office of the MOH is vacant or the MOH is absent or unable to act, the AMOH shall act as and has all the powers of the MOH.
- 5) Where necessary, the Board may appoint an Acting MOH, as follows:
  - a) In accordance with section 69(1) of the Act, the Medical Officers of Health and Associate Medical Officers of Health of all neighbouring health units may serve as Acting Medical Officer of Health in the short term absence of the MOH and AMOH(s):
    - i) Grey-Bruce Health Unit,
    - ii) Durham Regional Health Department,
    - iii) Haliburton, Kawartha, Pine Ridge District Health Unit,
    - iv) North Bay Parry Sound District Health Unit,
    - v) Peel Regional Health Department,
    - vi) Wellington-Dufferin-Guelph Health Unit,
    - vii) York Regional Health Department.
  - b) The Board of Health shall pass a motion naming and updating the roster of Acting MOHs of the health units specified in Paragraph 5a as necessary.

- c) The Medical Officer of Health and/or the Director, Corporate Services shall establish an Acting MOH coverage schedule for any absence of the MOH and AMOH(s). The schedule shall be provided to:
  - i) the Chair and Vice-Chair of the Board of Health
  - ii) the Acting MOH(s)
  - iii) all Directors
  - iv) all Managers
  - v) all On-call staff.
- d) Where the office of the MOH is vacant, and there are no AMOHs, an Acting MOH shall be appointed from:
  - i) a neighbouring health unit if the MOH/AMOH of that neighbouring health unit is willing to serve; or,
  - ii) a licensed and practicing physician from the community.

Bylaw 2005-08 read a first, second and third time and finally passed this 21<sup>st</sup> day of November, 2012.

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Chair, Board of Health  
Simcoe Muskoka District Health Unit

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Medical Officer of Health  
Simcoe Muskoka District Health Unit