

bulletin



Bulletin Number 4328	Date December 18, 1998	Direct inquiries to Ministry of Health Processing Office <i>(address below)</i>
Distribution Physicians, Hospitals, Clinics, and Laboratories		

Subject **OHIP FRAUD REPORTING**

In support of the government's "zero tolerance" policy for health fraud, the ministry has implemented a new regulation. Effective April 24, 1998, Regulation 590/94 of the **Health Insurance Act** was replaced by Regulation 173/98.

Mandatory Reporting

Regulation 590/94 required physicians, certain members of their staff, as well as certain hospital and health facility staff to report, anonymously if preferred, specific incidents of health fraud to the ministry.

With the implementation of Regulation 173/98, the number of prescribed persons who are required to report specific incidents of health fraud is now extended to include:

- registered nurses of the extended class (nurse practitioners), midwives, laboratory staff, schedule 5 physiotherapists, dentists, optometrists, podiatrists, chiropractors, and employees of these groups.

Under this new regulation, all prescribed persons listed above are:

- required by law to report specific incidents of health fraud, as per subsection 43.1 (1);
- permitted to take possession of a health card when it is surrendered voluntarily, per subsection 11.1 (2);

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Office locations

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London 217 York St., 5th FloorP. O. Box 5700 Terminal A N6A 1B7	Mississauga 201 City Centre Dr. P.O. Box 7020, Stn. A L5A 3M1	North Bay 101-447 McKeown St. P1B 9S9	Oshawa Exec. Tower, Oshawa Centre. 419 King St. W. P.O. Box 635 L1H 8L4	Ottawa Fuller Building 75 Albert Street K1P 5Y9
Owen Sound 981 2nd Avenue E. N4K 2H5	Peterborough 550 Lansdowne St. W. K9J 8J8	St. Catharines 59 Church St 3rd Floor L2R 3C3	Sarnia 452 Christina St. N. N7T 5W4	Sault Ste. Marie Roberta Bondar Place 70 Foster Dr., Ste. 100 P6A 6V4
Sudbury 199 Larch St., Suite 801 P3E 5R1	Thunder Bay 435 James St. S. , Suite 113 P7E 6T1	Timmins 38 Pine St. N., Ste. 110 P4N 6K6	Toronto 2195 Yonge St. P.O Box 1700 Stn. A M5W 1G9	Windsor 1427 Ouellette Ave. N8X 1K1
		Head Office P.O. Box 38 Kingston, ON K7L 5J2		

- protected from liability when taking possession of a health card, in accordance with subsection 11.1 (4); and,
- protected from liability when making a mandatory report of specific incidents of health fraud unless acting maliciously and the information on which the report is based is not true, as per subsection 43.1 (7).

Prescribed persons are required to report specific incidents of health fraud they have knowledge of in the course of their professional or official duties. The specific incidents are:

1. An ineligible person receives or attempts to receive an insured service as if he or she were an insured person.
2. An ineligible person obtains or attempts to obtain reimbursement by the Plan for money paid for an insured service as if he or she were an insured person.
3. An ineligible person, in an application, return or statement made to the Plan or the General Manager, gives false information about his or her residency.

An "ineligible person" means a person who is neither an insured person nor entitled to become one.

Although prescribed persons are not required by law to notify a law enforcement agency, the ministry does encourage prescribed persons to do so when they are reasonably satisfied that fraud or an attempt to defraud the health system has occurred. It is when an individual is committing or attempting to commit fraud that the occurrence can most effectively be addressed.

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Prescribed persons can also take possession of a health card that is voluntarily surrendered. These surrendered cards must be returned to the Ministry of Health.

The ministry has established a toll-free line 1 (800) 265-4230 for all providers to report suspected or detected incidents of health fraud. Please do not give this number to patients.

Voluntary Reporting

The implementation of Regulation 173/98 also expands the number of prescribed persons for voluntary reporting of any health fraud activity to include insured persons, as per subsection 43.1 (5). All prescribed persons (providers, their employees and insured persons) are now protected from liability when reporting any potential health fraud activity, in accordance with subsection 43.1 (7).

A separate dedicated fraud line has been established for the general public to report, voluntarily and anonymously, any suspected health fraud activity. The public toll-free fraud reporting line is 1(888) 781-5556.

Fraud in our health system affects us all, and it is in working together that we can eliminate it and deliver a clear message that fraud will not be tolerated.

To help clarify this regulation change and to assist you in applying it, you will find attached a list of questions and answers.

If you have any questions or comments, please do not hesitate to contact the Ministry by calling (613) 548-6270 or (613) 548-6427.

Surrendered health cards should be sent to:

Ministry of Health
Registration and Claims Branch
Verification Unit
49 Place d'Armes, 3rd Floor
P.O. Box 38
Kingston, ON K7L 5J3