

**Health Professions Appeal
and Review Board**

**Health Services Appeal
and Review Board**

**Ontario Hepatitis C
Assistance Plan Review
Committee**

**Commission d'appel et de révision
des professions de santé**

**Commission d'appel et de révision
des services de santé**

**Comité de révision du Programme
ontarien d'aide aux victimes
de l'hépatite C**



2021-22 Annual Report

**Health Professions Appeal
and Review Board**

**Health Services Appeal
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**Ontario Hepatitis C Assistance
Plan Review Committee**

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The Honourable Sylvia Jones
Deputy Premier and Minister of Health
Office of the Deputy Premier and Minister of Health
777 Bay Street, 5th Floor
Toronto ON M7A 1N3

Dear Minister:

RE: Health Boards Annual Report

On behalf of the Health Professions Appeal and Review Board, Health Services Appeal and Review Board, and the Ontario Hepatitis C Assistance Plan Review Committee (the Health Boards), it is my pleasure to submit the 2021-22 Annual Report.

Yours sincerely,

Christine Moss, Chair
Health Professions Appeal and Review Board
Health Services Appeal and Review Board
Ontario Hepatitis C Assistance Plan Review Committee

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Chair's Message

On behalf of the Health Professions Appeal and Review Board, Health Services Appeal and Review Board, and the Ontario Hepatitis C Assistance Plan Review Committee (the Health Boards), it is my pleasure to submit our Annual Report for the fiscal year of 2021-22.

The Health Boards are committed to providing timely, accessible and informed service delivery to the Ontario public.

As a result of the adoption of various measures in response to the COVID-19 pandemic, for the second straight year all Board work was done remotely. We continued to hold telephone, video and written reviews/hearings and ensured open lines of communication with those requiring accessibility accommodations and language interpretation as necessary. While there has been a decrease in the overall number of filed requests for reviews and appeals in 2021-22, the Health Boards remained very busy as the Health Professions Appeal and Review Board (HPARB) heard a record number of matters with 615, and issued 606 decisions, the most decisions issued in the last 4 years.

This year also saw the introduction of many new members, nine to HPARB, and two to the Health Services Appeal and Review Board (HSARB). Extensive training and onboarding have been provided for members to effectively participate in adjudicating matters.

As part of the Board's commitment to its core values of fairness, quality, transparency, and timeliness, a new Practice Direction was created: the Electronic Proceedings Practice Direction. This Practice Direction was created to aid the public in understanding the Boards' approach to electronic and written proceedings, as well as providing the circumstances in which the Board will consider conducting in-person proceedings.

The Health Boards recognize the importance of their work and acknowledge the skilled and professional members and staff who are committed to excellence in the service provided to Ontarians. I thank them for their support and steadfast commitment to the work of the Boards, particularly through this very challenging time, and look forward to working with them in 2021-22 to continue to deliver exceptional service.



Christine Moss, Chair

Health Professions Appeal and Review Board
Health Services Appeal and Review Board
Ontario Hepatitis C Assistance Plan Review Committee

Legislative Authority and Mandate

Health Professions Appeal and Review Board

The Health Professions Appeal and Review Board (HPARB) is an independent adjudicative tribunal created by the *Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998* that provides oversight to the regulated health professions of Ontario.

The HPARB functions as a quasi-judicial adjudicative and regulatory tribunal with jurisdiction respecting the regulatory activities of twenty-seven Colleges governing the following twenty-nine regulated health professions (human and animal):

- Audiology
- Acupuncture
- Chiropody
- Chiropractic
- Dental Hygiene
- Dental Technology
- Dentistry
- Denturism
- Dietetics
- Homeopathy
- Kinesiology
- Massage Therapy
- Medical Laboratory Technology
- Medical Radiation Technology
- Medicine
- Midwifery
- Naturopathy
- Nursing
- Occupational Therapy
- Opticianry
- Optometry
- Pharmacy
- Physiotherapy
- Psychology
- Psychotherapy
- Respiratory Therapy
- Speech-Language Pathology
- Traditional Chinese Medicine
- Veterinary

The HPARB also functions as a quasi-judicial adjudicative and regulatory tribunal with jurisdiction respecting the decisions of the Accreditation Committees for pharmacies and veterinarian facilities and the practice privilege decisions of the Boards of Directors of Ontario's public hospitals.

The majority of the work conducted by the HPARB involves appeals of the decisions made by the Inquiries, Complaints and Reports Committees (ICRC) of the self-regulating health professions Colleges in Ontario under the *Regulated Health Professions Act, 1991* and decisions made by the Complaints Committee of the College of Veterinarians of Ontario under the jurisdiction of the *Veterinarians Act* ("complaint reviews"). The HPARB has the authority under these Acts to:

- Confirm or rescind all or part of the Committee's decision;
- Make recommendations to the Committee; and
- Require the Committee to take further action.

The work of the HPARB also involves appeals respecting applications for professional registration that have been refused or restricted by Registration Committees of the Colleges and the accreditation of veterinary and pharmacy facilities. The HPARB has the authority under these Acts to:

- Confirm the Registration Committee's order or proposed decision;

- Require the College to issue a certificate of registration or licence to the applicant, if they complete examinations or training required by the Registration Committee;
- Require the College to issue a certificate of registration or licence to the applicant, with any terms or limitations the Board considers appropriate, if the applicant qualifies for registration and if the Registration Committee has exercised its power improperly;
- Refer the matter back to the Registration Committee with recommendations.

In addition to the above, the work of HPARB involves appeals under the *Public Hospitals Act* with regard to the practice privilege decisions of the boards of Ontario's public hospitals. The HPARB has the authority under the Act to:

- Confirm the decision;
- Direct the hospital Board, person, or body making the decision to take such action as directed by the HPARB;
- Substitute its opinion for that of the hospital Board, person or body making the decision.

The HPARB can inquire into or make a decision concerning the constitutional validity of a provision of an Act or a regulation.

A list of the statutes under which appeals and reviews may be conducted by the HPARB can be found at www.hparb.on.ca. Regulations under the statutes that may affect proceedings before the HPARB may be found at www.e-laws.gov.on.ca.

Health Services Appeal and Review Board

The Health Services Appeal and Review Board (HSARB) is an independent adjudicative tribunal created by the *Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998* that functions as a quasi-judicial adjudicative tribunal with jurisdiction respecting decisions on disputes that arise under twelve different statutes:

- *Ambulance Act*;
- *Commitment to the Future of Medicare Act*;
- *Healing Arts Radiation Protection Act*;
- *Health Facilities Special Orders Act*;
- *Health Insurance Act*;
- *Health Protection and Promotion Act*;
- *Home Care and Community Services Act*;
- *Immunization of School Pupils Act*;
- *Independent Health Facilities Act*;
- *Laboratory and Specimen Collection Centre Licensing Act*;
- *Long-Term Care Homes Act*; and
- *Private Hospitals Act*.

The HSARB has varied authority under the twelve different statutes for which it has an appeal or review mandate. The majority of the work conducted by the HSARB falls under the jurisdiction of the *Health Insurance Act* and involves appeals where:

- An individual is entitled to be an insured person under the Ontario Health Insurance Plan (OHIP) but has received a decision from the General Manager of OHIP that OHIP does not cover the health services the person is claiming (“subscriber” appeal), such as an insured person who received treatment out of country; or
- An individual has received a decision from the General Manager of OHIP that they are not entitled to be an insured person under OHIP (“eligibility” claim).

The HSARB has the authority under *Health Insurance Act* to:

- Affirm or rescind the decision;
- Direct the General Manager to take such action as the Board considers the General Manager should take;
- Substitute its opinion for that of the General Manager.

Other examples of the work of the HSARB include appeals respecting:

- Decisions of approved agencies under the *Home Care and Community Services Act* regarding eligibility for and amount of community services;
- Orders of the Medical Officer of Health or public health inspectors under the *Health Protection and Promotion Act*;
- Orders and decisions of the Director under the *Long Term Care Homes Act*; and
- Decisions of the Director under the *Independent Health Facilities Act* with respect to licensing of independent health facilities;
- Decisions of the General Manager of OHIP under the *Health Insurance Act* related to physician billing.

The HSARB cannot inquire into or make a decision concerning the constitutional validity of a provision of an Act or a regulation. However, the courts have clarified that the HSARB is to apply “Charter values”¹ in interpreting legislation.

A list of the statutes under which appeals and reviews may be conducted by the HSARB can be found at www.hsarb.on.ca. Regulations under the statutes that may affect proceedings before the HSARB may be found at www.e-laws.gov.on.ca.

¹ *E. H. v. General Manager Ontario Health Insurance Plan* 2012 ONSC CanLII 5106.

Ontario Hepatitis C Assistance Plan Review Committee

The Management Board of Cabinet established the Ontario Hepatitis C Assistance Plan (OHCAP) Review Committee on March 1, 1999. The Review Committee is an independent administrative tribunal, which operates at arms-length from the Ministry and its OHCAP Program Office. The Review Committee, comprised of members appointed by the Minister of Health, reviews decisions of the OHCAP Program Adjudicator respecting eligibility for benefits under the Plan.

Members of the public can apply to the OHCAP Program Office for financial assistance if before January 1, 1986, or from July 2, 1990 to September 28, 1998:

- They contracted hepatitis C virus (HCV) through the blood system in Ontario;
- They were infected with HCV by a spouse, partner or mother who contracted HCV through the blood system in Ontario; or
- They are the personal representative of an estate of an individual who contracted HCV through the blood system in Ontario during the period covered by the Ontario Plan.

OHCAP applicants dissatisfied with a Program Office decision can request a review of that decision by the OHCAP Review Committee. The OHCAP Review Committee conducts a review of the initial application and Program Office decision and determines the applicants' entitlement to the specified program benefit. The OHCAP Review Committee can either confirm or reverse the initial decision of the OHCAP Program Adjudicator. The proceedings are not open to the public and decisions are confidential.

Further information on the Ontario Hepatitis C Assistance Plan can be found on the Ministry of Health website at www.health.gov.on.ca.

Mission

The Health Boards are committed to providing the highest quality service to the public, and to being valued partners in the delivery of health care in Ontario for all stakeholders.

Operational Highlights

Updated Templates

In 2021-2022, the Health Boards continued to work on updating templates used by the Boards including introducing new template letters for all physician billing matters before the HSARB. Templates for complaint review matters, which represent the largest volume of matters before the Health Boards along with consent forms, were rolled out in 2019-2020 using plain language principles, to ensure the work of the Boards is made simple and clear, and to improve the accessibility and transparency for the parties before the Boards, especially with those with no legal experience. These templates continue to be revised, and more updated forms, particularly for HSARB matters, are expected to be rolled out in the upcoming year.

Modernization Initiatives

In 2020-21, the Health Boards Secretariat staff created a digital committee that looked at ways to have all files before the Health Boards be in an electronic format. Our modernization initiative first began in 2018-2019 where all registration matters were in an electronic format. As of 2020-2021 all files before the Health Boards became electronic, and are delivered to all parties, when possible, electronically. Exceptions are made for those with accommodation requests and parties who are unable to receive materials electronically.

In 2021-2022 the Health Boards continued working with stakeholders and parties to ensure that they receive, and send, all documents and materials electronically using a safe and secure portal. The Boards continue to look at available digital platform options for future Board matters.

Legislative Changes

During the global pandemic, new legislation was introduced which temporarily affected the processes of the Health Boards.

In July 2020, *Reopening Ontario (A Flexible Response to COVID-19) Act* came into effect. Orders made under section 7.0.2 or 7.1 of the *Emergency Management and Civil Protection Act* that had not been revoked as of the day this subsection came into effect continued to be valid and effective. As a result of this Act, HSARB has seen an increase in the number of appeal requests under the *Health Protection and Promotion Act* specifically those that fall under Section 22 Orders. This continued into the 2021-22 year as the HSARB saw 60 new appeal requests under the *Health Protection Promotion Act*.

In June 2021, legislation was passed to establish the new *Health and Supportive Care Providers Oversight Authority Act*. This Act regulates Personal Support Workers (PSW) and provides a role for the HPARB in registration matters, but not in complaint/discipline matters. The Board's role, though, is different from what it is in relation to a *Regulated Health*

Profession Act (RHPA) profession. For an RHPA profession the Registrar of the appropriate College can propose to not register an applicant that is then referred to the registration committee. The Board then can hold a hearing or review of the registration committee's decision. Under this Act, if the CEO of the Health and Supportive Care Providers Oversight Authority proposes to not register an applicant, the applicant can seek a written review of the decision at HPARB. Under this Act, the HPARB is essentially fulfilling the role of a registration committee for a RHPA profession.

Public Disclosure of Adjudicative Tribunal Expense Information

The Travel, Meal and Hospitality Expenses Directive (Directive) requires that information about expenses for all appointees to provincial agencies be posted on an appropriate public website. This requirement had not been enforced due to confidentiality and security concerns raised by ministries and tribunals at the time the requirement came into effect in 2015. However, in November 2020 it was communicated that ministries must ensure that the information for expenses incurred by adjudicative appointees in Q4 2020/21 are posted no later than July 1, 2021 and expenses must continually be posted each quarter. To ensure compliance with the directive, staff participated in the working group formed for this initiative in 2021-22 and all expenses are posted publicly on the Boards' websites. There were no board member expenses incurred in 2021-22.

Professional Development

In 2021-22, the Health Boards held two All-Member Training sessions one in the spring and one in the fall for the second straight year via video conference. The training sessions included relevant and dynamic speakers. All Member Training provides an opportunity for members to be educated on issues that are relevant to the work of the Boards as well as to discuss initiatives to support improved delivery of services to parties before the Boards, stakeholders and the public.

Highlights of the 2021-2022 All-Member Training sessions included a session on a Supreme Court decision, *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 with the focus on looking at reasonableness, ensuring fairness and access to justice for self-represented parties in a remote world, as well as Indigenous Issues in Administrative Law. The session also provided additional resources and concepts to consider when Health Board panels draft reasons. The Chair also used the sessions to remind members of their ethical obligations under the *Public Service of Ontario Act*, the Health Boards' duties under the *French Language Services Act*, and a reminder on the Accessibility, Health and Safety and Respectful Workplace Policy.

With the appointment of nine new members to HPARB and two new members to HSARB, trainings took place throughout the year to train new members on the complex jurisdiction of the Boards, the disclosure process of the HPARB in particular topics related to public access to proceedings, publication ban and confidentiality orders, and other functions such as presiding over matters, facilitation of case conferences, and decision writing. These trainings ensure that

there is a succession plan in place and a transfer of knowledge from the senior adjudicators to the new members of the Boards.

Health Professions Appeal and Review Board Recommendations

In fulfilling its public interest mandate, the HPARB has power to make recommendations in complaint and registration dispositions to the Inquiries, Complaints and Reports Committees and the Registration Committees of the Colleges of the regulated health professions² and the Complaints Committee of the College of Veterinarians of Ontario³. Recommendations identify concerns in Colleges' process and/or policy and generally, the HPARB finds that the Colleges are responsive in making the recommended changes.

Dispositions issued by the Board during the last fiscal year have been outlined below and provide an example of the type of recommendations that may be included within an HPARB decision. The full Board decisions in these matters can be found on the CanLII website at www.canlii.org.

File Number	Board Recommendation
19-CRV-1065	The Board makes a general recommendation to the College for it to consider establishing standards for physicians to follow in cases where patients discharge themselves from hospital against medical advice, addressing in particular the status of the physician-patient relationship in those circumstances.

French Language Services

The Health Boards are committed to actively providing French language services and proceedings in accordance with the French Language Services Act. As a French language services initiative, the Health Boards have now included language on each of their decisions, providing the option to have a copy of the decision to be issued in either English or French upon request. For example, a decision issued by the Health Boards in English, when requested, can also be issued in French and vice versa.

² Section 35(1) of the Health Professions Procedural Code, Schedule 2 to the *Regulated Health Professions Act, 1991 Statutes of Ontario*, 1991, c.18.

³ Section 27(1) of the *Veterinarians Act*, Revised Statutes of Ontario, 1990, c. V.3.

New Practice Direction: Electronic Proceedings

The Health Boards recently released a new Practice Direction titled “Electronic Proceedings” which addresses the Boards’ approach to electronic and written proceedings. The COVID 19 pandemic has altered the way the Boards operate, ensuring that matters proceed without compromising public and personal safety. This has resulted in increased electronic and written hearings and reviews before the Health Boards.

The Health Boards will continue to monitor their processes related to electronic proceedings in the upcoming year and will make any changes related to the practice direction that are deemed necessary in order to further the principles of efficiency, transparency, and fairness.

Record of Investigation Timeliness

Under section 32(1) of the *Regulated Health Professions Act, 1991* and section 25(7) of the *Veterinarians Act*, Colleges are required to provide HPARB with a copy of the record of the investigation related to the complaint within fifteen (15) days after HPARB’s request.

In 2021-22, approximately 68% of the records of investigations were received from the Colleges to HPARB within 15 days after HPARB’s request. The Health Boards will continue to work with the Colleges to promote timely submission of records of investigations.

Judicial Review

Parties to a complaint review before the Health Professions Appeal and Review have the right to request a judicial review of the Board’s decision through the Divisional Court.

In 2021-22, the Board saw a significant increase in Judicial Review requests, receiving 22 requests for Judicial Review: an increase of 100% from the 2020-21 year and the highest total in the last 5 years. The Board anticipates that this increase in Judicial Review will continue throughout the upcoming year.

	2017-18	2018-19	2019-20	2020-21	2021-22
Requests for Judicial Reviews	7	9	14	11	22

Caseload Statistics

Health Professions Appeal and Review Board

The HPARB received 682 new requests for review or appeal in 2021-22, a decrease from last years 720 requests and a significant decrease from the record high of 1,060 received in 2019-20. However, this past year saw the HPARB conduct a record high number of hearings and reviews with 615, a significant increase from the 564 matters heard last year. In addition, the HPARB issued 606 decisions, more than any in the last 4 years.

The majority of the HPARB's activity continues to be related to reviews of the decisions of the Inquiries, Complaints and Reports Committees (ICRC)⁴ of the self-regulated health professional Colleges in Ontario. The HPARB received 639 new requests for a complaint review in 2021-22, and the majority of these requests continue to be related to decisions of the College of Physicians and Surgeons of Ontario, with 368 of the requests in 2021-22 being related to this College.

In 2021-22, approximately 91% of the HPARB's complaint review decisions confirmed the decisions of the health professions College's ICRC and approximately 9% returned or returned in part the Committee's decisions. Regarding registration decisions, in 2021-22, the HPARB confirmed about 87.5% of decisions of the health professions Colleges Registration Committees and returned or returned in part about 12.5% of the Committee's decisions.

Table 1: Summary of Activity

	2017-18	2018-19	2019-20	2020-21	2021-22
Requests for Appeal/Hearing/Review	642	964	1,060	720	682
Case Conferences Convened	635	645	614	776	721
Matters Heard	586	544	537	564	615
Matters Resolved ⁵	194	210	187	258	222
Decisions Issued	623	522	572	604	606

⁴ Includes the Complaints Committee of the College of Veterinarians of Ontario

⁵ Includes matters that were withdrawn (e.g. resolution after a case conference), frivolous & vexatious, ineligible, or dismissed and matters that were closed as a result of timeliness, no jurisdiction, and administrative closure.

Table 2: Summary of Request for Review/Hearing/Appeal by Type

Review/Appeal Type	2017-18	2018-19	2019-20	2020-21	2021-22
Complaint Review	552	820	956	664	639
Registration and Accreditation	72	115	89	48	31
Public Hospitals Act	5	7	8	3	5
Other ⁶	13	22	7	5	7
Total	642	964	1,060	720	682

Table 3: Summary of Requests for Complaint Review by College

College	2017-18	2018-19	2019-20	2020-21	2021-22
College of Physicians and Surgeons of Ontario	336	573	658	405	368
College of Nurses of Ontario	34	42	91	44	45
Royal College of Dental Surgeons of Ontario	70	47	61	31	67
College of Pharmacists of Ontario	20	38	38	45	45
College of Veterinarians of Ontario	10	28	10	9	22
College of Psychologists of Ontario	10	15	15	17	19
Other Colleges	72	77	83	113	73
Total	552	820	956	664	639

⁶ Includes Section 26 applications under the *Veterinarians Act* and Section 28 applications under the *Regulated Health Professionals Act* Procedural Code.

Table 4: Summary of Requests for Registration Review or Hearing by College

College	2017-18	2018-19	2019-20	2020-21	2021-22
College of Nurses of Ontario	17	17	13	1	3
College of Psychologists of Ontario	5	12	19	8	10
College of Physicians and Surgeons of Ontario	9	15	12	15	3
College of Registered Psychotherapists of Ontario	35	50	30	15	9
Other Colleges	6	21	15	9	6
Total	72	115	89	47	31

Table 5: Summary of Complaint Review Decisions

	2017-18	2018-19	2019-20	2020-21	2021-22
Confirmed	513	395	452	517	527
Returned or Returned in Part*	41	64	56	50	54
Total	554	459	508	567	581

*Includes matters with substituted decisions as well as decisions that were both confirmed and returned

Table 6: Summary of Registration Decisions

	2017-18	2018-19	2019-20	2020-21	2021-22
Confirmed	47	30	36	26	21
Returned or Returned in Part	12	12	18	7	3
Total	59	42	54	33	24

Health Services Appeal and Review Board

The HSARB received 190 requests for appeal in 2021-22, a slight decrease from 230 matters received in 2020-21.

The majority of HSARB's activity continues to be related to appeals under the *Health Insurance Act* and the majority of these continue to be related to subscribers (i.e., an individual is an insured person under OHIP but has received a decision from the General Manager of OHIP that OHIP does not cover the health services the person is seeking). This appeal type has decreased compared to previous years with a decrease also in matters relating to eligibility (i.e., an individual has received a decision from the General Manager of OHIP that they are not entitled to be an insured person under OHIP). Uncommon to previous years and as result of the ongoing provincial restrictions and guidelines surrounding the pandemic, the number of appeals filed under the *Health Protection and Promotion Act* has risen steeply to 60 new requests, and notwithstanding the 2020-21 year, this is a massive increase from the average of 10 files received in the previous 4 years.

In 2021-22, the HSARB denied 100% of appeals for *Health Insurance Act* subscriber matters as well as denying 100% of appeals for *Health Insurance Act* eligibility matters.

Table 1: Summary of Activity

	2017-18	2018-19	2019-20	2020-21	2021-22
Appeals Received	206	195	213	230	190
Case Conferences Convened	214	203	198	144	178
Matters Heard	58	63	49	38	27
Matters Resolved ⁷	151	173	185	170	172
Decisions Issued	62	64	49	46	34

Table 2: Summary of Request for Appeal by Type

Appeal Type	2017-18	2018-19	2019-20	2020-21	2021-22
<i>Health Insurance Act</i>	159	146	171	130	124
<i>Home Care and Community Services Act</i>	7	9	11	5	2

⁷ Includes matters that were withdrawn (e.g. resolution after a case conference), frivolous & vexatious, abandoned, ineligible, or dismissed and matters that were closed as a result of timeliness, no jurisdiction, and administrative closure.

Appeal Type	2017-18	2018-19	2019-20	2020-21	2021-22
<i>Health Protection and Promotion Act</i>	15	10	9	90	60
<i>Independent Health Facilities Act</i>	7	12	7	4	0
<i>Long-Term Care Homes Act</i>	4	6	3	1	3
<i>Other Acts</i>	14	12	12	0	1
Total	206	195	213	230	190

Table 3: Summary of *Health Insurance Act* Appeals by Type

Appeal Type	2017-18	2018-19	2019-20	2020-21	2021-22
Subscriber	115	103	111	76	59
Eligibility	44	43	59	21	33
Physician Billing	-	-	1	33	32
Total	159	146	171	130	124

Table 4: Summary of *Health Insurance Act* Subscriber Dispositions

Appeal Type	2017-18	2018-19	2019-20	2020-21	2021-22
Granted or Granted in Part	5	3	2	3	0
Denied	39	39	27	30	18
Total	44	42	29	33	18

Table 5: Summary of *Health Insurance Act* Eligibility Dispositions

Appeal Type	2017-18	2018-19	2018-19	2020-21	2021-22
Granted or Granted in Part	2	2	0	0	0
Denied	13	11	9	5	8
Total	15	13	9	5	8

Ontario Hepatitis C Assistance Plan Review Committee

The OHCAP Review Committee did not receive any appeal requests in 2021-22. This number is a vast decrease from previous years.

Table 1: Summary of Activity

	2017-18	2018-19	2019-20	2020-21	2021-22
Appeals Received	8	5	12	1	0
Matters Resolved ⁸	2	2	3	1	0
Decisions Issued	6	4	2	8	2

Service Standards

Health Professions Appeal and Review Board

Service Standards	Achievement for 2021-22
80% of complaint review matters will be resolved within 12 months of the Board receiving the request for review	The average length of a complaint review matter was just over 14 months
80% of decisions in application for registration matters were issued in less than 12 months from the date the request for hearing or review was made	The average length of a registration matter was just over 11 months

Health Services Appeal and Review Board

Service Standard	Achievement for 2021-22
85% of Health Insurance Act eligibility for OHIP coverage matters will be resolved within 9 months	The average length of a <i>Health Insurance Act</i> eligibility matter was just over 6 months

⁸ Includes matters that were withdrawn and abandoned

Membership

The HPARB is made up of members of the public, appointed by the Government of Ontario, none of whom can be or ever have been a member of any of the regulated health Colleges.

The HSARB is made up of members of the public, appointed by the Government of Ontario, three of whom must be members of the College of Physicians and Surgeons of Ontario.

As of March 31, 2022, there were 35 members appointed to the HPARB, 27 members appointed to the HSARB, and four members appointed to the OHCAP Review Committee. Of those members appointed to the HPARB and HSARB, 21 are cross appointed to both Boards. These cross appointed members are noted with an asterisk (*) in the tables below. All three OHCAP members are also cross appointed to HPARB, and HSARB.

Chair and Vice Chairs (March 31, 2022)

Name	First Appointed	Term Ends	2021-22 Remuneration
Christine Moss Chair, HPARB, HSARB, OHCAP Review Committee*	February 2016 (HPARB) February 1999 (HSARB) June 2019 (OHCAP RC)	December 2023 (HPARB) December 2023 (HSARB) December 2023 (OHCAP)	\$173,587.96
Trina Morissette Full-Time Vice Chair, HPARB*	January 2021 (HPARB) February 2021 (HSARB)	January 2023 (HPARB) February 2023 (HSARB)	\$124,040.11
Mitchell Toker Full-Time Vice Chair, HSARB*	February 2021 (HPARB) January 2021 (HSARB)	February 2024 (HPARB) January 2024 (HSARB)	\$124,040.11
Thomas Kelly Part-Time Vice Chair, HSARB*	July 2012 (HSARB)	July 2024 (HSARB)	\$36,437.50
James Minns Part-Time Vice Chair, HPARB	March 2022	March 2024	\$0.00

HPARB Members (March 31, 2022)

Name	First Appointed	Term Ends	2021-22 Remuneration
Timothy Bates*	July 2010	July 2023	\$85,648.50
Jean Bedard*	November 2021	May 2023	\$3,304.00
Maria Capulong*	September 2017	September 2022	\$111,462

Name	First Appointed	Term Ends	2021-22 Remuneration
Anna-Marie Castrodale*	November 2019	November 2024	\$106,432.50
Beth Downing*	December 2009	December 2022	\$115,906.00
Kathleen Elliott*	March 2007	March 2024	\$91,767.50
Lisa Freeman	March 2022	March 2024	\$0.00
Sonia Gaal*	October 2019	October 2024	\$86,873.00
François Giroux	November 2012	November 2022	\$0.00
Bonnie Goldberg*	February 2008	March 2024	\$89,344.81
Mark Gordon	October 2021	October 2023	\$8,232.00
Mason Greenaway*	November 2017	November 2022	\$78,436.90
Greg Kanargelidis	February 2022	February 2024	\$0.00
Thomas Kelly*	December 2005	December 2024	\$162,199.00
Catherine Loik	March 2020	March 2025	\$72,813.60
Michelle Mann-Rempel*	February 2022	May 2023	\$0.00
Barbara Mellman*	September 2017	November 2022	\$24,898.00
Shawn Ouimet	February 2022	February 2024	\$0.00
Valerie Samson	January 2020	January 2025	\$60,997.00
Yasmeen Siddiqui*	May 2010	May 2023	\$65,996.00
David Scrimshaw*	June 2012	June 2022	\$127,121.75
Diana Smith	October 2021	October 2023	\$5,997.00
Robert Steele	October 2008	January 2023	\$115,004.50
Kayla Stephenson	November 2021	November 2023	\$0.00
Stephane Thiffeault*	October 2019	October 2024	\$81,755.00
Bonita Thornton*	October 2019	October 2024	\$94,338.75
Karina Vilner	January 2020	January 2025	\$90,024.50
Teresa Walsh	March 2022	March 2024	\$0.00
Carla Whillier*	December 2016	March 2023	\$75,892.00

Name	First Appointed	Term Ends	2021-22 Remuneration
Dale Wright*	November 2017	November 2022	\$84,153.10
Barry Yellin	March 2022	March 2024	\$0.00

HSARB Members (March 31, 2022)

Name	First Appointed	Term Ends	2021-22 Remuneration
Carmen Abel	March 2020	March 2025	\$2,360.00
Timothy Bates*	July 2010	July 2023	\$708.00
Jean Bedard*	May 2021	May 2023	\$9,676.00
Maria Capulong*	September 2017	September 2022	\$708.00
Anna-Marie Castrodale*	November 2019	November 2024	\$0.00
Beth Downing*	July 2015	December 2022	\$29,150.00
Tina Elahipanah	April 2020	April 2025	\$5,664.00
Kathleen Elliott*	March 2011	March 2024	\$29,441.50
Sonia Gaal*	October 2019	October 2024	\$2,124.00
Bonnie Goldberg*	March 2011	March 2024	\$291.50
Mason Greenaway*	November 2017	November 2022	\$291.50
Michelle Mann-Rempel*	May 2021	May 2023	\$5,192.00
Barbara Mellman*	September 2017	November 2022	\$0.00
Charles Peniston	June 2021	June 2023	\$0.00
Jennifer Sarjeant	April 2022	April 2025	\$2,360.00
Yasmeen Siddiqui*	May 2010	May 2023	\$0.00
David Scrimshaw*	June 2012	June 2022	\$2,623.50
Debbie Snow	October 2015	October 2025	\$4,720.00
Stephane Thiffeault*	May 2022	May 2025	\$2,040.50
Bonita Thornton*	May 2022	May 2025	\$0.00

Name	First Appointed	Term Ends	2021-22 Remuneration
Carla Whillier*	December 2016	March 2023	\$0.00
Heather Willis	March 2020	March 2025	\$7,552.00
Dale Wright*	November 2017	November 2022	\$0.00

OHCAP Review Committee Members

Name	First Appointed	Term Ends	2021-22 Remuneration
Anna-Marie Castrodale*	March 2021	November 2024	\$0.00
Beth Downing*	December 2019	December 2024	\$0.00
Bonita Thornton*	March 2021	May 2025	\$0.00

Staff

The Health Boards are supported by 20 staff in the Health Boards Secretariat (HBS) of the Ministry of Health. The HBS is led by a Registrar and includes an executive support team, case management team, administrative support team, and information technology team.

The HBS also processes per diem and expense claims to public members of the health regulatory Colleges and fee-for-service claims and assessment order invoices related to matters before the Consent and Capacity Board and Ontario Review Board.

The shared resource structure provides financial and operational efficiencies, including the ability to shift resources in line with what can be a variable appeal volume to the adjudicative bodies. This shared resourcing model is consistent with recent trends in the administrative justice sector in Ontario towards clustering of agencies.

Financials

The below financial information does not include salary and wages for Health Boards Secretariat staff or facilities as these expenditures are shared between the HPARB, HSARB and OHCAP Review Committee and also support HBS's paymaster function. Salary and wage

information for the full-time Chair and Vice Chairs of the HPARB and HSARB are also not included in the below financial information as they are funded out of the HBS budget.

With the continued loss of many senior adjudicators on both Health Boards, training was conducted remotely with the newer members of the Boards on the more senior tasks of adjudication such as disclosure training, effectively presiding on matters, facilitating case conferences, and decision writing. The decreased expenditures for the HSARB in 2021-22 is largely due to the loss of senior members, as well as a decrease in caseload. Given the pandemic, and the Boards shift to electronic hearings and reviews, no travel expenses were incurred for any of the Boards. Anticipated increases in expenditure are expected in the upcoming year, as travel restrictions ease and an anticipated increase in the Health Board's intake levels.

Health Professions Appeal and Review Board

Expenditure Category	2017-18	2018-19	2019-20	2020-21	2021-22
Part-Time Per Diem Payments	1,993,471	2,158,524	1,952,435	2,355,256	1,938,105
Travel ⁹	90,846	107,710	94,462	3,405	0
Legal Services	176,930	199,326	220,344	157,167	166,264
Other Services ¹⁰	101,735	112,045	64,872	48,856	86,738
Supplies and Equipment ¹¹	3,826	3,684	6,137	4,589	1,884
Total	2,366,808	2,581,289	2,338,250	2,569,272	2,192,991

Health Services Appeal and Review Board

Expenditure Category	2017-18	2018-19	2019-20	2020-21	2021-22
Part-Time Per Diem Payments	279,574	376,158	381,505	237,198	154,583
Travel ¹²	4,317	13,230	16,457	75	0
Legal Services	115,500	143,692	55,420	33,972	22,750
Other Services ¹³	33,673	32,184	26,776	26,173	32,732
Supplies and Equipment ¹⁴	1,023	1,247	3,794	4,631	1,971
Total	434,087	566,512	483,952	302,020	212,036

⁹ Includes travel for full-time and part-time appointees (e.g. air, rail, taxi, parking, etc.).

¹⁰ Includes costs such as audio conferencing charges, translation services, court reporter fees, etc.

¹¹ Includes costs such as those for office machines, stationary and office supplies, etc.

¹² Includes travel for full-time and part-time appointees (e.g. air, rail, taxi, parking, etc.).

¹³ Includes costs such as audio conferencing charges, translation services, court reporter fees, etc.

¹⁴ Includes costs such as those for office machines, stationary and office supplies, etc.

Ontario Hepatitis C Assistance Plan Review Committee

Expenditure Category	2017-18	2018-19	2019-20	2020-21	2021-22
Part-Time Per Diem Payments	10,075	4,920	0	0	0
Travel ¹⁵	0	0	0	0	0
Other Services	83	92	0	80	88
Total	10,158	5,012	0	80	88

¹⁵ Includes travel for full-time and part-time appointees (e.g. air, rail, taxi, parking, etc.).