

Physician Payment Review Board
Commission de révision des
paiements effectués aux médecins



Annual Report

2018-19

**Physician Payment
Review Board**

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Ontario

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

June 28, 2019

Dear Minister:

RE: Physician Payment Review Board Annual Report

On behalf of the Physician Payment Review Board, it is my pleasure to submit the 2018-19 Annual Report.

Yours sincerely,

Catherine Egerton*
Vice-Chair, Physician Payment Review Board

*The appointment of the Chair, Dr. Ross Male, expired on December 31, 2018

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Vice-Chair's Message

On behalf of the Physician Payment Review Board (PPRB), it is my pleasure to submit our Annual Report for the fiscal year of 2018-19.

The PPRB is mandated to conduct hearings regarding payment disputes between physicians and the General Manager of the Ontario Health Insurance Plan (OHIP). The role of the PPRB is not to advocate for changes to the physician billing model in Ontario, but to adjudicate the appeals that are brought to it in accordance with the *Health Insurance Act*.

The number of requests for appeal received by the Board in 2018-19 was 14 and over 93% of the matters resolved this year were by way of withdrawal or settlement prior to a hearing. There was one hearing held in 2018-19 that was related to a request for appeal received in a previous fiscal year.

The PPRB is supported by physician and public members and staff who are committed to excellence in the service we provide to Ontarians. I look forward to the year ahead and leading the ongoing work of the Board as an important part of an accountable and transparent physician payment audit framework in Ontario.

A handwritten signature in dark ink, appearing to read 'Catherine Egerton', with a stylized, cursive script.

Catherine Egerton, Vice-Chair
Physician Payment Review Board

Legislative Authority and Mandate

The Physician Payment Review Board (PPRB) is an independent adjudicative agency established in Section 5.1 of the *Health Insurance Act* (HIA). The Board exercises its powers and responsibilities in accordance with the HIA and Schedule 1 to the HIA, as well as under the *Statutory Powers and Procedures Act* and delegated authority under the *Public Service of Ontario Act*.

The PPRB conducts hearings regarding payment disputes between physicians and the General Manager of the Ontario Health Insurance Plan (OHIP). Where a billing dispute between a physician and the General Manager cannot be resolved through the provision of education and other assistance, the PPRB provides an appeal process that is at arm's length from the Ministry of Health.

Mission

The Physician Payment Review Board is 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 in accordance with the Board's mandate above.

Operational Highlights

Board Election

An election for the Chair position, two Vice-Chair positions and other positions on the Executive Committee was held during the PPRB's 2018 Annual General Meeting. The outcome of the election resulted in Dr. Ross Male being elected for a third term as Chair of the Board, the election of three Vice-Chairs (two public members and one physician member) and five Executive Committee members (including public and physician members).

Professional Development

The PPRB's 2018 Annual General Meeting provided an opportunity to educate and inform the membership about Board activity and Board expectations as it relates to adjudicative practices, member obligations, responsibilities and best practices. The general meeting was also used to remind members of their ethical obligations under the *Public Service of Ontario Act*.

In addition, panel member training was conducted prior to the adjudication of one matter in 2018-19. Training is always provided to PPRB panels prior to adjudicating a matter due to the Board's low active caseload and minimal adjudicative experience of the Board's members.

Updated Expense Framework

In 2018-19, the PPRB worked on revising their remuneration and expenses framework for their appointed Physician and Public members. The framework focused on clarifying the parameters for reimbursement of member claims for work-related travel, meal and hospitality expenses. The framework was prepared in accordance with Ministry policies and directives established for the expenses and per diems of public appointees and is consistent with the provisions of the *Travel, Meal and Hospitality Expenses Directive*.

Caseload Statistics

Summary of Activity

The PPRB received 14 requests for appeal in 2018-19.

The Board generally experiences fluctuating levels of active appeals, and the requests received in 2018-19 were much lower than the requests received in the previous fiscal year. The onus is on a physician or the General Manager of OHIP to initiate an appeal of an OHIP decision with the PPRB.

Please note in regard to the statistics provided below, a physician may submit several appeals to the PPRB dealing with the same billing issue and these appeals may be grouped for the purposes of a case conference or hearing. For example, the higher than average total caseload experienced in 2014-15 was a result of multiple requests for appeal from a single physician relating to a service(s) provided to multiple patients.

Please also note that the Board may conduct multiple pre-hearing case conferences in the same matter when narrowing down the issues before the hearing, or while resolving the billing dispute.

	2014-15	2015-16	2016-17	2017-18	2018-19
Appeals Received	53	13	10	32	14
Case Conferences Convened	93	17	3	41	10
Matters Heard ¹	0	1	2	1	1
Matters Resolved ²	33	15	25	32	15
Decisions Issued	0	1	2	1	1

¹ Includes both motion hearings (e.g. in regard to the jurisdiction of the PPRB) and appeal hearings.

² Refers to those matters closed due to decision issuance or that did not proceed due to appeal withdrawal, no jurisdiction or administrative closure.

Service Standards

The PPRB's goal is to meet the below service standards 80% of the time. One of the service standards was met more than 80% of the time in 2018-19. The PPRB will focus on ensuring that both service standards are met in the upcoming fiscal year.

Service Standard	Achievement for 2018-19
New requests for appeal will be acknowledged within 10 business days	71% of appeals were acknowledged within 10 business days upon receipt of the request to appeal and the decision being appealed³
The average length of time for appeals from intake to final disposition will be less than 10 months, unless the Board allows additional time on request of a party	80% of appeals closed in 2018-19 were resolved within less than 10 months - The average length of time for appeals from intake to final disposition was less than 7 months

Membership

The PPRB is made up of physician and public members, appointed by the Government of Ontario.

The PPRB must be composed of no fewer than 26 and no more than 40 members who shall be appointed by the Lieutenant Governor in Council on the recommendation of the Minister, as follows:

- No fewer than 20 and no more than 30 members who are physicians, one-half of whom are to be selected by the Minister for the Minister's recommendation, and one-half of whom are to be selected by the Ontario Medical Association for the Minister's recommendation. If there are not sufficient nominees put forward by that Association to permit the minimum number of 20 physicians to be appointed, the Minister may recommend sufficient physicians to meet or exceed the minimum requirement.
- No fewer than six and not more than 10 members who are not physicians and who are selected from the public.

³ Acknowledgement of an appeal requires that the PPRB has received a copy of the decision of the General Manager of OHIP. Where there is a delay in receiving this decision, the PPRB's acknowledgement may be delayed. The service standard achievement is calculated based on the date that the PPRB has both a request for an appeal and a copy of the decision of the General Manager of OHIP.

As of March 31, 2019, there were 7 physician members and 5 public members. In 2018-19, the PPRB will focus on recruiting to ensure that the Board is constituted.

All PPRB members are part-time appointees.

Physician Members (March 31, 2019)

Name	Practice	First Appointed	Term Ends
Melanie Beaton	Internal Medicine, Gastroenterology	April 2010	April 2020
Shawn Kao	Pediatric Medicine	April 2010	April 2020
Robert Lane	General Surgeon	July 2012	July 2022
Naveed Mohammad	Emergency Medicine, Trauma	April 2010	April 2020
Anthony Naassan	Hematology & Oncology	October 2014	October 2019
Michael Nicolle	Neuromuscular & Electrodynamic Medicine	April 2010	April 2020
Navdeep Nijhawan	Ophthalmology	January 2013	January 2023

Public Members (March 31, 2019)

Name	First Appointed	Term Ends
Tammy Balitsky	April 2010	April 2020
Louise Belanger-Hardy	February 2018	February 2020
Suzanne Craig (Vice-Chair)	April 2014	April 2019
Catherine Egerton (Vice Chair)	April 2010	April 2020
Sonia Ouellet	February 2018	February 2020

Staff

The PPRB is supported by 21 staff in the Health Boards Secretariat of the Ministry of Health. The Health Boards Secretariat is led by a Registrar and includes an executive support team, case management team, administrative support team, and information technology team.

The Health Boards Secretariat's staff also provides support to four other adjudicative bodies – the Health Professions Appeal and Review Board, Health Services Appeal and Review Board, Ontario Hepatitis C Assistance Plan Review Committee, and the Medical Eligibility Committee. The PPRB's office space and Toronto hearing rooms are also shared with the other adjudicative bodies. The Health Boards Secretariat also processes per diem and expense claims to public members of the health regulatory colleges.

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 PPRB, Health Professions Appeal and Review Board, Health Services Appeal and Review Board, Ontario Hepatitis C Assistance Plan Review Committee, and the Medical Eligibility Committee and also support the Health Boards Secretariat's function of processing per diem and expense claims to public members of the health regulatory colleges.

Expenditure Category	2014-15	2015-16	2016-17	2017-18	2018-19
Part-Time Per Diem Payments	16,465	21,128	27,502	15,805	17,626
Travel ⁴	2,315	1,991	2,643	374	2,434
Legal Services	34,900	14,436	8,486	12,230	33,043
Other Services, Supplies, etc. ⁵	4,006	3,246	12,189	13,755	8,337
Total	57,686	40,801	50,820	42,164	61,440

⁴ May include transportation, accommodation and/or meals.

⁵ May include translation services, services to convert public documents into an accessibility compliant format, access to a legal database, signage etc.