

Medical Eligibility Committee
Comité d'admissibilité médicale



Business Plan

2018-2021

Medical Eligibility Committee

151 Bloor Street West, 9th floor
Toronto ON M5S 1S4

Telephone 416-327-8512
Toll free 1-866-282-2179
TTY 416-326-7TTY (889)
TTY Toll free 1-877-301-0TTY (889)
Facsimile 416-327-8524

Comité d'admissibilité médicale

151, rue Bloor ouest, 9^e étage
Toronto ON M5S 1S4

Téléphone 416-327-8512
Sans frais 1-866-282-2179
ATS 416-326-7889
ATS sans frais 1-877-301-0889
Télécopieur 416-327-8524



The Honourable Dr. Eric Hoskins
Minister of Health and Long-Term Care
Minister's Office
Hepburn Block, 10th Floor
80 Grosvenor Street
Toronto ON M7A 2C4

December 29, 2017

Dear Minister:

RE: Medical Eligibility Committee Business Plan

On behalf of the Medical Eligibility Committee, it is my pleasure to submit the 2018-21 Business Plan.

Yours sincerely,



Dr. David Borenstein
Chair, Medical Eligibility Committee

Table of Contents

Mandate.....	1
Mission.....	1
Environmental Scan: External Factors.....	1
10-Year Limit on Appointment Terms	1
Member Gender Diversity	1
Development of Remuneration Framework	2
Mandate Review	2
Environmental Scan: Internal Factors.....	2
Quorum.....	2
Caseload	2
Strategic Directions	3
Member Recruitment	3
Professional Development and Education	3
Board Procedures.....	3
Development of Accountability Documents	3
Information Technology / Electronic Service Delivery Plan	4
Updating the Case Management System	4
Electronic Case Files	4
MEC Website.....	4
Performance Measures	4
Key Risks & Mitigation Strategies	4
Board Engagement.....	4
Human Resources.....	5
Membership.....	5
Members (December 31, 2017).....	5
Staff	5
Proposed Budget	6

Mandate

The Medical Eligibility Committee (MEC) is created under the authority of the *Health Insurance Act* and is given independence in the determination of all questions of law and fact with respect to matters within its jurisdiction.

When there is a dispute regarding a decision by the General Manager of the Ontario Health Insurance Plan (OHIP) that an insured person is not entitled to an insured service in a hospital or health facility because such services are not medically necessary, the matter may be referred to MEC.

When considered necessary by MEC, the Committee may interview the insured person and discuss the matter with him/her and/or their physician. After giving consideration to the matter, MEC shall make recommendations to the General Manager that the sum or sums claimed by the insured person should be paid, or that the General Manager refuse payment. Decisions of MEC are binding upon the General Manager of OHIP.

Mission

MEC will act with integrity to provide fair, ethical and professional review of the cases before it while complying with all applicable laws and being accountable for its decisions and actions.

Environmental Scan: External Factors

10-Year Limit on Appointment Terms

The appointment of members to MEC is subject to the Agencies and Appointments Directive which limits the term of appointment for adjudicative tribunals to 10 years. As of December 31, 2017, the Committee has 2 members. In February 2018, one of these members will reach their 10-year maximum term.

Member Gender Diversity

In 2016, the Ontario government announced new gender diversity targets to ensure that more women have the opportunity to reach top leadership positions on provincial boards and agencies. The target set was that by 2019, women would make up at least 40 per cent of all appointments to every provincial board and agency, including MEC. As of December 31, 2017, one of the two MEC members (50 per cent) is a woman.

Development of Remuneration Framework

In 2017, MEC participated in consultations on the Ontario government's work to develop a long-term fair and sustainable remuneration framework for appointees to adjudicative tribunals. According to the Ontario government, the framework will take into consideration the scope and complexity of adjudicative tribunals and will balance the need to attract and retain the necessary talent to deliver high quality public services, while managing public dollars responsibly. Increases in member remuneration have an impact on the MEC's expenditures.

Mandate Review

The *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*, requires that all adjudicative tribunals participate in a mandate review once every six years. The purpose of a mandate review is to ensure that the tribunal's mandate continues to be relevant, its governance structure and management systems continue to be appropriate to its mandate and functions, and to ensure that it is accountable, transparent, and efficient in its operations while remaining independent in its decision making. A mandate review also examines whether the functions performed by the tribunal are best performed by the tribunal, and whether they could be better performed by a ministry, another agency or entity. A mandate review of MEC began in 2017-18.

Environmental Scan: Internal Factors

Quorum

As of December 31, 2017, MEC does not have a sufficient number of members to constitute a quorum or exercise all of the functions of the Committee. One additional member is required for quorum. As a result of an insufficient number of members, MEC has not been constituted since March 19, 2016. Recruitment is currently underway to ensure that the Committee has quorum.

Caseload

The Board generally experiences a low level of appeals. With a low active caseload, opportunities for members to gain and maintain, practical adjudicative experience is limited. A low active caseload also makes forecasting activity and expenditures challenging.

Strategic Directions

Member Recruitment

As of December 31, 2017, MEC does not have a sufficient number of members to constitute a quorum or exercise all of the functions of the Committee. Three members are required for quorum but the Committee only has two members. Moreover, one of these members will reach their 10-year maximum term in February 2018.

Member recruitment will continue to be a priority for MEC in 2018-19 and beyond with the goals of ensuring that the Committee has sufficient members to ensure continuity of operations, reflects the cultural diversity of the province's population, and continues to meet the 40 per cent target for women on the Committee.

Professional Development and Education

With a new MEC Chair appointed in May 2017 and new members expected to be appointed, professional development and education will be a priority for the Committee. A professional development and education plan will be developed and implemented by the Chair in consultation with MEC's legal counsel and the Health Boards Secretariat, which provides administrative support to the Committee.

Board Procedures

The new MEC Chair, in consultation with the Committee's legal counsel and the Health Boards Secretariat, will develop new Committee rules of practice and procedures, as well as templates for communications with parties.

Reducing Time from Appeal to Decision

As previously mentioned, as of December 31, 2017, MEC does not have a sufficient number of members for quorum. The Committee has not been constituted since March 19, 2016. Once recruitment is complete and the Committee has quorum, it will quickly proceed to consider the matters that accumulated while the board was not constituted. As of December 31, 2017, there are 19 matters waiting to be considered by MEC.

Development of Accountability Documents

In 2018-19, MEC will develop the Committee's accountability documents, including its Mandate and Mission Statement, Consultation Policy, Service Standard Policy, Public Complaints Policy, Ethics Plan, Conflict of Interest Rules, Political Activity Rules, Code of Conduct, Position Descriptions, and Member Core Competencies.

Information Technology / Electronic Service Delivery Plan

Updating the Case Management System

The current case management system used to track the progress of matters before MEC requires an update to support improved case management, including electronic processes and enhanced reporting. The Health Boards Secretariat, which provides administrative support to MEC, will begin looking at the business requirements for an updated case management system in 2018-19.

Electronic Case Files

In 2016-17, the Health Boards Secretariat developed a pilot to make case files electronic for matters before another board that the Secretariat supports. If the pilot is successful, the Secretariat will examine the opportunity to make all of MEC's case files electronic.

MEC Website

Information on MEC is currently posted on the Ministry of Health and Long-Term Care website. As an independent adjudicative tribunal, a priority for MEC is the development of an independent Committee website which is informative to the public, stakeholders and membership. The website would be available in French and English and meet the requirements of the *Accessibility for Ontarians with Disabilities Act, 2005*.

Performance Measures

MEC is committed to providing high quality service to the public and parties before the Committee and will develop a new service standard in 2018-19.

Key Risks & Mitigation Strategies

Board Engagement

MEC's low volume of appeals results in minimal opportunity for Committee member engagement. This may lead to an increase in members choosing not to be reappointed to the Committee.

Limited MEC activity also results in a need to provide training to the members prior to each adjudication, as they may have lost vital institutional knowledge since they were last involved in adjudicating a matter.

The opportunity for cross-appointments of members to and from other adjudicative tribunals may support a more engaged Committee with greater adjudicative experience.

Human Resources

Membership

The Minister of Health and Long-Term Care can appoint up to fifteen physician members to MEC. As per the *Health Insurance Act*, any three members constitute a quorum and are sufficient for the exercise of all functions of MEC.

As of December 31, 2017, there were two MEC members, one of which is the Chair of MEC.

All MEC members are part-time appointees.

Members (December 31, 2017)

Name	First Appointed	Term Ends
David Borenstein (Chair)	May 2017	May 2019
Susan Au	February 2008	February 2018

Staff

MEC is supported by 21 staff in the Health Boards Secretariat of the Ministry of Health and Long-Term Care. 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 (HPARB), Health Services Appeal and Review Board (HSARB), Ontario Hepatitis C Action Plan (OHCAP) Review Committee, and Physician Payment Review Board (PPRB). MEC's office space and Toronto hearing rooms are 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.

Proposed Budget

The below financial information does not include salary and wages for Health Boards Secretariat staff or facilities as these expenditures are shared between MEC, HPARB, HSARB, OHCAP Review Committee, and PPRB 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	2016-17¹	2017-18²	2018-19	2019-20	2020-21
Part-Time Per Diem Payments	739	15,000	15,000	10,000	10,000
Travel ³	135	1,000	1,000	500	500
Legal Services	0	10,000	15,000	5,000	5,000
Other Services, Supplies, etc. ⁴	1,360	3,000	3,000	3,000	3,000
Total	2,234	29,000	34,000	18,500	18,500

The expenditures of MEC in 2017-18 and 2018-19 are expected to increase, relative to previous years, as the result of the following factors:

- The appointment of a new Chair in May 2017;
- The establishment of a retainer with independent legal counsel to support MEC;
- Work by the Chair and MEC legal counsel to establish new Committee rules of practice and procedures, templates for communications with parties, and accountability documents;
- Work to clear up the files accumulated when the board was not constituted as a result of an insufficient number of MEC members for quorum (subject to the appointment of a third member to reach quorum); and
- An 8 per cent increase in member remuneration announced by the Ontario government in December 2017.

MEC's proposed budget for 2019-20 and beyond has been maintained at \$18,500 per year but may decrease or increase based on caseload and potential increases to member remuneration. Even with a decrease in caseload, additional costs may be required for priorities such as the establishment of a MEC website.

¹ Actuals. The MEC was not constituted in 2016/17 and did not consider any matters in that year.

² Forecast.

³ May include transportation, accommodation and/or meals.

⁴ May include translation services, services to convert public documents into an accessibility compliant format, access to a legal database, signage etc.