



HEALTH LAW

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PRIVATE HEALTH INITIATIVES IN ONTARIO

TRACEY TREMAYNE-LLOYD
Certified Specialist in Health Law
ttl@grhealthlaw.com



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LEGAL FRAMEWORK FOR HEALTHCARE IN ONTARIO

- Health Insurance Act
- Commitment to the Future of Medicare Act, 2004
- Public Hospitals Act
- Private Hospitals Act
- Independent Health Facilities Act

HEALTH INSURANCE ACT

Penalties for Contravention:

- Fine
- Re-imbusement
- Compensation and/or Restitution
- Publication of Name, Description of Situation
- Imprisonment
- Revocation of license to practice medicine

COMMITMENT TO THE FUTURE OF MEDICARE ACT, 2004

Strengthens the prohibition against two-tiered medicine in Ontario. The following are the key tenets of the Act:

Extra-Billing:

Physicians May Not Charge More Than OHIP

A physician or designated practitioner shall not charge more or accept payment or other benefit for more than the amount payable under the Plan for rendering an insured service to an insured person

COMMITMENT TO THE FUTURE OF MEDICARE ACT, 2004

Queue Jumping:

- Prohibits charging or conferring a benefit in exchange for *preferential access* in obtaining an insured service
- Places a mandatory requirement on all persons to report the existence of queue jumping to the newly created Ontario Health Quality Council – failure to do so may result in a fine of up to \$1,000

EXCEPTIONS TO THE RULES

1. Uninsured Services
2. Uninsured Persons
3. Medically Unnecessary Services
4. Experimental Services

EXCEPTIONS TO THE RULES

1. Uninsured Services

De-listed Medical Services

- Vasectomies and vasectomy reversals
- Infertility treatment and procedures
- Dermatological treatments - removal of warts, moles, laser treatment

Third Party Services

- Executive Health Clinics
- Screening MRIs

Cancer Screening

- Preventive Cancer Screening Tests
- Surgical Placement services

EXCEPTIONS TO THE RULES

2. Uninsured Persons

- Patients from other provinces are uninsured persons in Ontario for purposes of legislation
- U.S. patients are uninsured persons
- WSIB (Worker's Compensation) patients

EXCEPTIONS TO THE RULES

3. Medically Unnecessary Services - Deemed Uninsured by Law

All cosmetic procedures

- Designed to improve or alter appearance
- Not to treat symptoms or disease

Health & Wellness Testing and Examinations

- Not to treat symptoms or disease

Diagnostic Screening – Peace of Mind Services

- i.e. MRIs

Telephone medical services

- Non-direct patient contact

EXCEPTIONS TO THE RULES

4. Experimental Services

Experimental, Innovative or Highly Technical services

- PVP laser procedures
- Laser gynaecological procedures
- TVT for urinary incontinence
- Back “neurosurgery” with state of-the-art technology

ONTARIO'S HEALTH TRANSFORMATION PLAN

Purpose and Progress

Speaking Notes for

The Honourable Minister of Health and Long-Term Care – Sept. 9, 2004

Transformation must begin with a new way of thinking and behaving.

That's what our government's plan to transform health care is all about: taking medicare to its necessary next step – creating a comprehensive and integrated system of care that is shaped with the active leadership of communities and driven by the needs of the patient.

IHF MODEL – KENSINGTON EYE INSTITUTE

- Recent McGuinty Government initiative
- Specializes in Cataract Surgery
- Opened doors in January 2006
- Government “sponsored” IHF
- (Independent Health Facility)
- Corporate Structure is Not-for-Profit

“an integral step towards reducing wait times for cataract surgeries in Ontario”

MINISTRY OF HEALTH NEWS RELEASE, JAN. 9, 2006

- IHF initiative (Kensington) - Supporting McGuinty plan to transform health care in Ontario
- A Not-for-Profit medical facility with no capital funding from the Ministry of Health
- Ministry of Health provides operating funds, estimated to be \$5 million annually, for insured services under OHIP
- Primarily, a Public-Professional partnership for the delivery of insured medical services

PRIVATE SURGICAL CENTRES

Perform surgical procedures, including:

- Cosmetic procedures
- Experimental procedures
- Surgical procedures not listed in Fee Guide
- May contract to perform insured surgical services (i.e. as in B.C., Manitoba)

Perform insured surgical procedures on uninsured persons:

- Foreign patients
- WSIB (Worker's Compensation) patients
- Third Party payers



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THANK YOU

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