



HEALTH LAW

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FOREWARNED IS FOREARMED

Past, Present & Future Medical Billing Accountability -
Overview of MRC Process and Making the Most of the Proposed Changes and Gains

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Evening Overview

- Review of past, present and future legal and ethical billing accountability
- Outline of new Audit “process” – how it works if you are selected
- Other legislative health law amendments (thrown in for good measure)
- Audits, Peer Reviews, Quality Assurance Directive (Preparation is key to survival)
- Health informatics – Medical necessity and legal specialty
- Strict compliance with law and medicine “Anyone will not do”

HEALTH LAW GROUP AT GARDINER ROBERTS

Who We Are

- Mid-sized full service law firm
- Special expertise and experience in promoting the rights and interests of health professionals



HEALTH LAW GROUP AT GARDINER ROBERTS

Why You Can Trust Us

- We speak your language
- We understand the rules/regulations that govern your “lives”
- One stop “shopping” for all legal needs from complaints – privileges – house purchases – estate planning – public/private business opportunities

What Makes Us Different

- 24/7 “on call” responsiveness – Always reach someone and receive “straight” answers
- The right advice at the right time
- Don’t be afraid to ask – one hour complementary consultation
- We want to be your personal lawyers in all respects

PREVIOUS OHIP ACCOUNTABILITY

“MRC Experience”

- Health Insurance Act provisions
- Random selections
- Onsite inspections
- MRC interviews
- Penmanship over Performance
- Paying for the privilege of prosecution
- Appeal provisions meaningless

UNFORTUNATE MRC EXPERIENCES

Doctor's widow lashes out at his “deplorable” treatment

Suicide followed audit of Welland pediatrician – Province eyeing changes to medical review process.

Irene Hsu choked back tears as she told a Queen's Park news conference yesterday how her husband, Anthony, sank into a deep depression after an audit of his 7,000-patient practice by the province's Medical Review Committee led to an order to reimburse OHIP \$108,000.

THE PROFESSION WAKES UP

Doctors have Power – When they Elect to Use It

(Demise of the MRC - Timeline)

1. Dec 2002: Red Tape Committee

Tracey Tremayne-Lloyd makes submission to “Red Tape Committee” re changes required to MRC process

2. 2003

Dalton McGuinty Campaign Pledge to halt MRC Audits and bring in a new system

3. Oct 2003

Liberal Election Victory

4. April 2004

Minister of Health Smitherman appoints Justice Peter Cory (retired from SCC) to conduct independent Review of MRC Process

THE PROFESSION WAKES UP

Doctors have Power – When they Elect to Use It

(Demise of the MRC - Timeline)

5. Sept 2004

MOHLTC suspends MRC while they await Cory Report

6. Apr 2005

Justice Cory releases report on the Ontario Medical Audit System, making numerous recommendations for change

7. Dec 2006

1st Reading of Bill 171 (*Health System Improvements Act, 2006*)

THE PROFESSION WAKES UP

Doctors have Power – When they Elect to Use It (Demise of the MRC - Timeline)

7. Apr 2007

Bill 171 – 2nd Reading and referred to Standing Committee

8. Summer 2007(?)

Bill 171 Enacted

NEW PRESCRIPTION

- Audit Period restricted to 12 months
- Removing the threat of public humiliation for administrative errors
- No more sampling of billing practice
- No more sleeping at the switch

NATURAL JUSTICE RETURNS FOR ONTARIO PHYSICIANS

The Good News

- No Repayment pending Appeal
- Fair Hearings with Rules of Natural Justice
- Witnesses / Certified Transcripts / Right to Appeal
- Legislation has meaningful provisions

The Bad News

- Will require guidance from an experienced lawyer
- Process will not be inexpensive
- Why do you need an experienced lawyer:
How you start is how you finish

WIN SOME / LOSE SOME

- Referring physicians could be made to pay for unnecessary specialist referrals
- Will a previous Order for reimbursement be considered a “History” within the legislation?
- Auditors become Arbiters of the physician's physical and mental health
- Review Board has power to suspend a physician’s right to earn a livelihood and practice their profession
- Other legislative health law amendments – thrown in for good measure

USE IT OR LOSE IT

There is no such thing as your inability to afford, access and utilize your legal rights
(You cannot afford not to).

Paying money you do not owe will:

- Create a quote “history”
- Forever govern your future billing - *modus operandi*
- Make you an easy target