



ALBERTA OMBUDSMAN
Focused on Fairness

News Release

December 2, 2008

Alberta Ombudsman launches investigation into out-of-country health services program

Edmonton . . . Alberta Ombudsman G. B. (Gord) Button will investigate the out-of-country health services program delivered by Alberta Health and Wellness. He invites Albertans who have had experiences with the program to contact his office.

Complaints from Albertans—some seeking potentially life-saving treatment—have prompted the investigation. In the complaints investigated by the Ombudsman, applicants have been denied funding by the Out-of-Country Health Services Committee or Appeal Panel without a clear explanation as to what evidence was considered and what criteria were used.

In many cases, the Committee and Panel determined services were available within Canada, but did not explain how they reached that conclusion, including what is considered a reasonable wait time for the health services in question.

“Applicants have told me this is about more than funding, it is about getting answers to their questions,” the Ombudsman said. “My investigation, which will begin immediately, will focus on the fairness of the administrative process used to review and assess applications from Albertans.”

Under the *Ombudsman Act*, the Ombudsman may initiate an investigation on a written complaint made to him or on his “own motion”. This investigation marks only the third time in the past five years the Ombudsman has initiated an investigation on his own motion.

Under the *Out-of-Country Health Services Regulation*, Albertans may apply for funding to the Out-of-Country Health Services Committee for insured health services obtained outside of Canada. If denied, they can appeal the decision of the Committee to the Out-of-Country Health Services Appeal Panel.

The scope of the Ombudsman's investigation will review:

- how Albertans are informed of the availability of funding for out-of-country health services
- how medical practitioners are informed about the requirements and availability of the program
- how out-of-country claims are reviewed by the department
- how decisions are made by the Out-of-Country Health Services Committee and the Out-of-Country Health Services Appeal Panel
- how wait times factor into the decision-making process
- how decisions are conveyed to Albertans

The Ombudsman has raised his concerns with government officials on previous occasions. In response, the review bodies state they have taken steps to better train staff and improve their decision-writing skills. However, recommendations by the Ombudsman to re-hear past applications have been rejected by the Out-of-Country Health Services Appeal Panel.

The Ombudsman expects to issue his findings in the spring of 2009.

Albertans who have experiences dealing with the out-of-country health services program should contact the Alberta Ombudsman office at 780-427-2756 or consult his website at www.ombudsman.ab.ca and click on "what's new".

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Attachment:
Questions and answers

Media inquiries may be directed to:

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To call toll-free within Alberta dial 310-0000.

News Release Backgrounder

Questions and Answers—investigation of out-of-country health services program

1. How does the government fund out-of-country health services?

Funding for out-of-country health services is largely determined by the Out-of-Country Health Services Committee established under the *Out-of-Country Health Services Regulation*, pursuant to the *Alberta Health Care Insurance Act*. According to the Committee's own information, it reviews, evaluates and makes decisions pertaining to requests for funding for the costs associated with medical, hospital and/or surgical services to be received outside of Canada. Services must be insured under the *Alberta Health Care Insurance Act*, not be available in Alberta or elsewhere in Canada, and not be considered experimental or applied research.

The Ombudsman's investigation focuses on funding for planned treatments, not funding for travel emergencies.

2. How is availability of service defined?

According to the *Out-of-Country Health Services Regulation*, a service is considered available in Canada if a resident could have obtained the service within a time "generally accepted as reasonable" by the medical profession. However, what is considered a reasonable wait time is not defined.

3. Why is the public asked to contact the Ombudsman's office?

The Ombudsman's request is directed to members of the public who have experience dealing with the out-of-country health services program. It is not directed to individuals who have experienced travel-related health emergencies. Public input will help the Ombudsman determine how applications have been handled, whether problems exist, and what measures can be taken to address them. It will help ensure administrative fairness. Members of the public can contact the Ombudsman's office at 780-427-2756 or get more information at www.ombudsman.ab.ca and click "what's new".

4. What is administrative fairness?

When the Ombudsman refers to administrative fairness, he is looking at the processes used to reach a decision. The decisions must not be arbitrary, but rather flow from established standards, criteria, guidelines and legislation. Decisions must be clearly explained by decision-makers.

5. How many complaints has the Ombudsman received about the out-of-country health services program?

Since August 2005, the Ombudsman has received 23 complaints related to the out-of-country health services program.

6. Are the Out-of-Country Health Services Committee and Appeal Panel independent bodies? Does the government have any role in their operation?

The Committee and Panel are appointed by the Minister of Health and Wellness, but they make decisions independent of the Minister. The Ombudsman is not suggesting the Minister become involved in decision-making, but he believes it is the Minister's responsibility to ensure the process is fair. The government's policy related to agencies, boards and commissions states the Minister is ultimately responsible to the public for how the work of the government is accomplished. The Minister's mandate letter from Premier Stelmach asks him to strengthen the "governance and accountability" framework for all health providers.

7. What is the role of the Alberta Ombudsman?

The Alberta Ombudsman determines administrative fairness. He investigates complaints of unfair treatment by provincial government authorities, designated professional organizations and the patient concerns resolution process of health authorities.