

January 25, 2019

COR/2019/076885

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: HCS/007/2018]

On January 11, 2019, the Department of Health and Community Services (the Department) received your request for access to the following records:

“Records detailing ministerial orders related to audits of MCP billings as outlined in the flows charts "11.11.8 Alternate Dispute Resolution (ADR)" and "11.11.9 Hearing by Audit Review Board" of the Medical Care Plan (MCP) Physician Information Manual. Request also includes records detailing provider response (acceptance or rejection) as described in the flow chart "11.11.10 Ministerial Order" and records detailing disposition of cases as described in the flow chart "11.11.11 Appeal to the Supreme Court Trial Division." Request covers the fiscal years 2015-16, 2016-17, 2017-18 and 2018-19. Link to manual: https://www.health.gov.nl.ca/health/mcp/providers/pim_audit_of_claims.pdf”

I am pleased to inform you that a decision has been made by the Department to provide access to the requested information. Audit files may be settled in Alternate Dispute Resolution (ADR) at the formal request of a physician.

Flow chart 11.11.8 Alternate Dispute Resolution (ADR) results are as follows:

Fiscal Year	Formal ADR Request	Ministerial Order Issued
2018-19	4	0
2017-18	5	0
2016-17	5	0
2015-16	4	0

There were no audit review boards convened in these fiscal years as described in Flow chart 11.11.9 Hearing by Review Board.

Ministerial Orders: Flow Chart 11.11.10 Ministerial Order results are as follows:

Fiscal Year	Ministerial Order Requested	Ministerial Order Issued Signed	Ministerial Order in Process
2018-19	5	4	1
2017-18	1	1	0
2016-17	5	5	0
2015-16	4	4	0

These Ministerial Orders were not used to enforce payments. The physicians involved had either verbally agreed to the audit results or had not disputed the audit results. There were no appeals to the Supreme Court in these fiscal years as described in Flow Chart 11.11.11.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the *Access to Information and Protection of Privacy Act* (the *Act*). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8
Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the *Act*.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information

Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact the undersigned by telephone at 709-729-7010 or by email at MichaelCook@gov.nl.ca.

Sincerely,



Michael Cook
ATIPP Coordinator
/Enclosures

Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21 ;

(b) a decision respecting an extension of time under section 23 ;

(c) a variation of a procedure under section 24 ; or

(d) an estimate of costs or a decision not to waive a cost under section 26 .

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42 , the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45 (2).