

Health Quality Ontario Ontario Health Technology Advisory Committee Appeals Policy

AUTHORIZED BY: HQO Board of Directors
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Background:

Health Quality Ontario (HQO) has a legislated mandate to make evidence-based recommendations to the Ministry of Health and Long-Term Care regarding the Government of Ontario's provision of funding for health care services and medical devices. Health Quality Ontario fulfills this mandate through the Ontario Health Technology Advisory Committee (OHTAC), a committee of the HQO Board of Directors. OHTAC reviews health technology assessments produced by HQO staff and makes recommendations after careful deliberation. OHTAC initially makes a draft recommendation, which is posted publicly for feedback. After considering the feedback that is received, OHTAC makes a final recommendation. These recommendations are then approved by the HQO Board of Directors and subsequently submitted to the Minister of Health and Long-Term Care.

This document sets out the process that HQO follows when considering appeals of OHTAC recommendations.

I. Appellant

Anyone can appeal a final OHTAC recommendation.

II. Possible Grounds for an Appeal:

An appeal may be process-related or content-related.

Process-related Appeals

Process-related appeals focus on adherence to processes and decision-making frameworks established by HQO and OHTAC. For example, an individual who believes that HQO has failed to post an OHTAC recommendation for public feedback, or has failed to consider its established determinants for decision-making, or has failed to adequately manage a conflict of interest, may appeal for these reasons.

Content-related Appeals

Content-related appeals focus on the content aspect of Health Technology Assessments (HTAs) that supports the OHTAC recommendations. For example, individuals who believe that HQO has seriously misinterpreted the evidence, or excluded important studies, may appeal on these grounds. (Of note, the availability of new data is not considered as a ground for appeal, but rather a reason to request a new recommendation based on an updated health technology assessment). Simply disagreeing with a recommendation, or the reasons for the recommendation, is not a ground for appeal.

III. Appeals Process

The following outlines the process involved in appealing an OHTAC recommendation:

1. Submitting an Appeal

HQO encourages appellants to communicate directly with the director of the Health Technology Assessment unit prior to filling a formal appeal (contact: HTA@hqontario.ca). Appellants must submit an

appeal within 15 business days after the posting of a final OHTAC recommendation. To file an appeal, the appellant must submit a single document (e.g., PDF) with a cover letter summarizing the grounds for the appeal, a list of all supporting documents (if appropriate), and the supporting documents themselves.

2. Screening an Appeal

Appeals will be reviewed by the chair of the HQO Board of Directors, or a member of the board delegated by the chair. The chair or delegate will screen appeals and make a decision to accept an appeal for further review or to not proceed with an appeal, based on the validity of presented grounds and relevance of supporting documents. HQO will notify the appellant on this decision within 10 business days after the appeal is received.

3. Reviewing the Appeal

If an appeal is accepted, an appeals committee will be assembled by the HQO Board of Directors. The appeals committee will be formed on a case-by-case basis and assembled as per the nature of each appeal. The board will designate a chair for this committee and assign three to five members to serve on this committee. A majority of the members of the appeals committee shall not be members of the HQO Board of Directors. None of the members of the appeals committee shall be members of OHTAC. The expertise of the assigned members shall be decided based on the nature of the appeal. None of the members of the appeals committee will be a member of OHTAC or have submitted a comment to HQO about the appraised technology. The appeals committee will work with HQO staff—and if appropriate, members of OHTAC and people outside the organization—to review the submitted material and to identify whether HQO has complied with its established process or not. The length of the review process depends on the nature of the appeal, but will be completed as expeditiously as possible, within 3-6 months. During this period, a note will be added to the website to indicate that the recommendation has been appealed, and HQO will notify the Minister of Health and Long-Term Care as well.

4. Appeal Decision

The appeals committee will report their findings and their recommendation to the chair of the HQO Board of Directors as soon as the review has been completed. The Board will review the proposed recommendation and make the final decision. The recommendation may be one of the following:

- a. Upholding the appealed OHTAC recommendation
- b. Withdrawing the original recommendation, and asking OHTAC for a new recommendation, potentially after HQO staff has revised the health technology assessment.

The recommendation of the appeals committee and the board's decision will be made public on the HQO website.

5. Keeping the Appellant Informed

HQO staff will keep the appellant informed during the appeals process, and will inform the appellant of the appeals committee's decision. If the appeal results in a change to the OHTAC recommendation, the Ministry of Health and Long-Term Care will be informed.