



Ontario Health Ontario Health Technology Advisory Committee Appeals Policy

AUTHORIZED BY: Ontario Health Senior Management
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Background

Ontario Health has a legislated mandate to manage health service needs across Ontario, consistent with the Ministry of Health's health system strategies, to ensure the quality and sustainability of the Ontario health system. Ontario Health partially fulfills its mandate through the Ontario Health Technology Advisory Committee (OHTAC), a committee of Ontario Health management that reports to the senior executive leadership of Ontario Health ("senior management"). OHTAC reviews health technology assessments produced by Ontario Health staff. These assessments represent the best available evidence on the provision of funding for health care services and medical devices in Ontario. After careful deliberation of the evidence, OHTAC makes funding recommendations, which are then posted publicly for feedback. After considering the feedback received, OHTAC finalizes its recommendations. Recommendations then receive approval from Ontario Health senior management and are submitted to the Ministry of Health.

This document sets out the process that Ontario Health 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 or content related.

Process-Related Appeals

Process-related appeals focus on adherence to processes and decision-making frameworks established by Ontario Health and OHTAC. For example, an individual who believes that Ontario Health has failed to post an OHTAC recommendation for public feedback, has failed to consider the 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 of health technology assessments that support the OHTAC recommendations. For example, individuals who believe that Ontario Health has seriously misinterpreted the evidence or excluded important studies may appeal on these grounds. (Of note, the availability of new data is not considered 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 of appealing an OHTAC recommendation:

1. Submitting an Appeal

Ontario Health encourages appellants to communicate directly with the director of the health technology assessment program prior to filing a formal appeal (contact: oh-hgo_hqa@ontariohealth.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 consisting of a cover letter summarizing the grounds for the appeal, a list of supporting documents (as appropriate), and the supporting documents themselves (if a list is provided).

2. Screening an Appeal

Ontario Health senior management reviews all appeals and makes a decision to accept an appeal for further review or not to proceed with an appeal, based on the validity of the presented grounds and the relevance of any supporting documents provided. Ontario Health notifies the appellant of its 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 Ontario Health senior management. The appeals committee will be formed on a case-by-case basis and assembled as per the nature of each appeal. Ontario Health senior management will designate a chair for this committee and assign three to five committee members. Most members of the appeals committee shall not be members of Ontario Health senior management. No member of the appeals committee shall be a member of OHTAC or have submitted a comment to Ontario Health regarding the appraised technology. The expertise of the assigned committee members shall be decided based on the nature of the appeal. The appeals committee will work with Ontario Health staff—and, as appropriate, members of OHTAC and people outside the organization—to review the submitted material and to determine whether Ontario Health has complied with its established process. The length of the review process depends on the nature of the appeal but will be completed as expeditiously as possible, within 3 to 6 months. During this period, a note will be posted to the Ontario Health website stating that the recommendation has been appealed, and Ontario Health will notify the Ministry of Health of the appeal.

4. Appeal Decision

The appeals committee will report its findings and recommendation to Ontario Health senior management once the review has been completed. Ontario Health senior management will

review the proposed recommendation and make a final decision. The recommendation may be one of the following:

- To uphold the appealed OHTAC recommendation
- To withdraw the original recommendation and ask OHTAC for a new recommendation, potentially after Ontario Health staff have revised the health technology assessment upon which the recommendation is based

The recommendation of the appeals committee and the final decision of Ontario Health senior management will be made public on the Ontario Health website.

5. Keeping the Appellant Informed

Ontario Health 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 will be informed.