

MEDICAL SERVICES COMMISSION (MSC)
Record of Decisions
January 20, 2021

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Members Present: Dr. Robert Halpenny (Chair), Dr. Alan Ruddiman, Dr. Bill Cavers, Dr. Sam Bugis, Ellen Godfrey, Kenneth Werker, Dr. Jillianne Code, Colin Kinsley, Heather Davidson

Officials Present: Ross Alexander, Legal Counsel (Ministry of Attorney General)
(for routine business) Stephanie Power, Executive Director (Beneficiary and Diagnostic Services, Ministry of Health)

MSC Secretariat: Chantelle Jones

Guests: Woody Turnquist, Director (Diagnostic Services, Ministry of Health) – Item 3.0: Advisory Committee on Diagnostic Facilities

The January 20, 2021, MSC meeting was held via video conference. Dr. Robert Halpenny, Chair, called the meeting to order at 10:00am.

1.0 General/Chair's Report:

- The MSC reviewed the agenda and no additions were made.
- In the Chair's report, Dr. Halpenny updated that he is following-up on issues raised by plastic surgery and ophthalmology regarding allowable charges for procedures which have a combination of medically required and not medically required services. These procedures are being done in public and private facilities.
- Dr. Halpenny advised that it has been brought to attention of the MSC that^{s.22} is setting up clinics in Vancouver and Victoria. These clinics charge patients for an initial \$4,650 for their^{s.22} program and \$3,650 for subsequent years. Follow-up is required to ensure that the provisions in the *Medicare Protection Act* are being adhered to.
- Dr. Halpenny advised that it has come to the attention of the MSC that^{s.22}
s.22

Action: Dr. Robert Halpenny

Action: Dr. Robert Halpenny

Action: Dr. Robert Halpenny

- Dr. Halpenny informed the MSC about s.22 s.22

Action: Dr. Robert Halpenny

- Dr. Halpenny advised that a family physician in Victoria and colleagues are receiving patient requests for COVID antibody testing. These tests are advertised by LifeLabs as private pay. The patient pre-pays for the test and the physicians are asked to sign the requisition. Follow-up is required related to MSP coverage for post-test visits.
- Dr. Halpenny attended the following meetings by video or teleconference:
 - December 16 – Joint Collaborative Committee Integrated Council where updates were provided on the following:
 - First Nations Health Authority launched the First Nations Virtual Doctor of the Day and the First Nations Virtual Substance Use and Psychiatry Services.
 - Presentation by Dr. Kendall Ho regarding HealthLink BC Emergency iDoctor-in-assistance (HEiDi). Virtual HEiDi physicians provide decision support to the 8-1-1 nurses on calls with patients to determine how best to address the patients concerns, whether to go to emergency/urgent care centres or be safely followed-up by the patient's family physician. Goals include seamless and integrated patient journey. They will be launching a shared EMR to support continuity of information.

Action: Dr. Robert Halpenny

s.14

- December 17 – meeting with Ted Patterson, Assistant Deputy Minister of Primary Care, regarding episodic virtual care to ensure alignment between Ministry of Health and MSC related compensation and out-of-province provision of service.

2.0 Record of Decisions:

- A **motion** to accept the MSC Record of Decisions for December 9, 2020 was approved.

3.0 Advisory Committee on Diagnostic Facilities (ACDF)

s.13 **– Requirements of Compliance with Canadian and BC Law Policy**

s.13

- A **motion** to support ACDF's recommendation was approved.

s.13

X-Ray Capacity Report/Plan

s.13

- A **motion** to accept the report was approved. s.13
s.13

Action:
Woody Turnquist

ACDF December 16, 2020, report of Committee and Chair approvals

- The ACDF provided the MSC with the December 16, 2020 report of the Committee, and Chair approvals, for general information.

4.0

s.13

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s.13

- Dr. Halpenny to meet with Stephen Brown, Deputy Minister of Health, to discuss this issue.

Action: Dr. Robert Halpenny

5.0

Letter to Tariff re: s.13

s.13

- Ms. Power to follow-up with Ms. Ty and report back to MSC. Ms. Power to also confirm if the Primary Care Division has touched base with the BC Family Doctors.

Action: Stephanie Power

6.0

s.13

Action: Dr. Robert Halpenny

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7.0 Legal Update [CONFIDENTIAL and PRIVILEGED]

- s.14

*The January 20, 2021 meeting was adjourned at 11:50am.
The next meeting of the Medical Services Commission is scheduled for
February 24, 2021*

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February 24, 2021

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Members Present: Dr. Robert Halpenny (Chair), Dr. Alan Ruddiman, Dr. Bill Cavers, Dr. Sam Bugis, Ellen Godfrey, Kenneth Werker, Dr. Jillianne Code, Colin Kinsley, Heather Davidson

Officials Present: Ross Alexander, Legal Counsel (Ministry of Attorney General)
(for routine business) Stephanie Power, Executive Director (Beneficiary and Diagnostic Services, Ministry of Health)

MSC Secretariat: Chantelle Jones

Guests: Kaitlyn Shaw, Manager, Jennifer May, Senior Manager and Alana Godin, Director (Doctors Technology Office) – Item 5.0: Doctors Technology Office Presentation
Woody Turnquist, Director (Diagnostic Services, Ministry of Health) – Item 6.0: Advisory Committee on Diagnostic Facilities
Kate Puckett, Director (Beneficiary and Diagnostic Services Branch, Ministry of Health – Item 8.0: Service Location Code Project
Eric Larson, Executive Director (Health Sector Information, Analysis and Reporting, Ministry of Health) – Item 9.0: Expenditure Report

***The February 24, 2021, MSC meeting was held via video conference.
Dr. Robert Halpenny, Chair, called the meeting to order at 9:00am.***

1.0 General/Chair's Report:

- The MSC reviewed the agenda and one addition was made:
 - Payment for forms - issues related to the Plan G Form. Dr. Halpenny will write to Tariff Committee and Compensation Policy and Programs Branch requesting clarity on MSP coverage of this form.
- Dr. Halpenny made note to the Commission Members of the letters included in the meeting package:
 - A letter to private clinics in response to the injunction imposed by Justice Hunter. The Intent of the letter is to inform the private clinics that the MSC is requesting data outlined in the Injunction, what data sets are required, and how the data will be collected and analyzed.
 - A letter was received from Dr. Gregory in response to the MSC letter on s.13

s.13

Action: Dr. Robert Halpenny

- Dr. Halpenny advised that a response has been received from the orthopedic surgeon who had questions related to enrollment and practicing in BC. Further follow-up by Dr. Halpenny is required.

Action: Dr. Robert Halpenny

s.14

Action: Dr. Robert Halpenny

- Dr. Halpenny had a conversation with the Medical Director of Teledoc. This company is new to BC. It provides platforms to organizations, which include Provincial Health Services Authority and Vancouver Island Health Authority. They are a large telemedicine provider in the USA.
- Dr. Halpenny had a discussion with Ministry of Health staff regarding the use of Handheld Ultra-Sound and provided previous communications on this issue with specific recommendation to connect with Health Technology and the Compensation Policy and Programs Branch.
- Dr. Halpenny attended the Physician Services Committee meeting on February 1, 2021. The 2021/22 work plans and budgets for the Joint Standing Committee on Rural Issues, General Practice Services Committee, Shared Care Committee and Specialist Services Committee were reviewed with a focus on:
 - clinical appropriateness of virtual care;
 - cultural safety and humility for First Nations and Indigenous Peoples in BC; and
 - long-term planning and alignment across the Joint Collaborative Committees.
- Dr. Halpenny attended the Virtual ReBoot Privacy and Security Conference on February 4 and 5, 2021. Conference highlights included:
 - Concerns raised about what happens to our information without us knowing.
 - Privacy legislation is confusing between Federal/Provincial and public/private entities, as there is lack of continuity and it creates silos.
 - The importance of having the balance that allows the collection and movement of information to support business locally and globally while protecting privacy.

- Going forward with the concept of “privacy by design”, which is a pro-active model of considering privacy from the beginning of development of IT systems and operations to prevent privacy issues, rather than waiting for enforcement after a breach.

s.13

- BC Privacy Commissioner- Michael McEvoy alerted attendees to the powers of big tech and their lack of transparency. Dr. Halpenny noted his comment on the collaboration between the Privacy Commissioner and the Ombudsperson on providing guidance on the use of AI for public bodies.

- Dr. Halpenny advised that the MSC received a response from s.22

Action: Dr. Robert Halpenny

- Dr. Halpenny is following-up on s.22 s.22

- Dr. Halpenny attended the Joint Collaborative Committee Integration Council meeting on February 23, 2021. Discussion was mainly around the appropriate use of virtual care. It was mentioned during the meeting that the Ministry of Health is working on Virtual Care Compensation Policy.

Action: Dr. Robert Halpenny

- Dr. Halpenny advised he is going to s.13 s.13

2.0 Record of Decisions:

- A **motion** to accept the MSC Record of Decisions for January 20, 2021 was approved.

3.0 Legal Update [CONFIDENTIAL AND PRIVILEGED]

FOI Inquiry

s.14

s.14

4.0 s.13

Action: Dr. Robert Halpenny

5.0 Doctors Technology Office Presentation

- Kaitlin Shaw, Manager, Jennifer May, Senior Manager and Alana Godin, Director from the Doctors Technology Office (DTO) provided and overview of their EMR and Virtual Care Services. The DTO's priority areas include:
 1. Virtual Care Enablement Supports:
 - guides and toolkits
 - webinars, training and learning opportunities
 - tool subsidies
 - support network
 2. Clinic-level Privacy & Security Supports & Learning Opportunities

3. EMR Supports: Enablement, Escalations, Migrations & Mergers
4. Physician Engagement Opportunities in Health Technology

- MSC inquired about potential issues they could assist with and impediments they face. The DTO raised the issue of virtual care services and supports not tied to longitudinal care.

6.0 Advisory Committee on Diagnostic Facilities (ACDF)

Appointment of New Government Member

- The ACDF brought forward a request for decision recommending that MSC appoint Shana Hall as the third government representative to the ACDF.
- A **motion** to appoint Shana Hall as third government representative was approved.

s.13

**Action: Woody
Turnquist**

**Action: Woody
Turnquist**

7.0 Follow-up re: Lifelabs Serology Testing

- As part of the meeting package, a copy of an email sent to Laboratory Services Branch from Lifelabs regarding serology testing was distributed. Lifelabs communicated that since they have started COVID serology testing, they have been clear in their communications to patients and physicians that services related to the testing are not reimbursable by MSP. Dr. Halpenny to follow-up with the Laboratory Services Branch.

**Action: Dr. Robert
Halpenny**

8.0 Service Location Codes Project

- Kate Puckett, Director of the Beneficiary and Diagnostic Services Branch, provided an update on the s.13

9.0 Expenditure Report

- Eric Larson presented the expenditure report. The following statistics were presented:
 - Medical fee-for-service (FFS) payments and Available Amount for 2020/21. Mr. Larson noted that there is an error in the Available Amount and will provide an updated report.
 - Year-over-year expenditure growth
 - Budgeted vs. actual expenditure for medical FFS
 - Medical FFS cost drivers
 - Top ten specialties by percent growth of amount paid
 - Top and bottom ten fee items by dollar increase/decrease.
 - Episodic virtual care providers

Action: Eric Larson

*The February 24, 2021 meeting was adjourned at 12:35pm.
The next meeting of the Medical Services Commission is scheduled for
May 26, 2021*

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Members Present: Dr. Robert Halpenny (Chair), Dr. Alan Ruddiman, Dr. Bill Cavers, Dr. Sam Bugis, Ellen Godfrey, Kenneth Werker, Dr. Jillianne Code, Colin Kinsley, Heather Davidson,

Officials Present: Ross Alexander, Legal Counsel (Ministry of Attorney General)
(for routine business) Sarah Bryanton, A/Sr. Manager (Beneficiary and Diagnostic Services, Ministry of Health)

A/MSC Secretariat: Jamie Walden

Guests: Woody Turnquist, Director (Diagnostic Services, Ministry of Health) –
Item 4.0: Advisory Committee on Diagnostic Facilities
Eric Larson, Executive Director (HSIAR, Integrated Analytics) –
Item 5.0: Expenditure Report
Dr. Vern Davis, Chair, Audits and Inspection Committee; Tamra McQuitty, Sr. Audits Director (Billing Integrity Program (BIP), Ministry of Health);
Dr. Shiroy Dadachanji, Medical Consultant (BIP, Ministry of Health);
Nick Bystedt, Audit Data Analyst (BIP, Ministry of Health);
Jordan Monteiro, Audit Manager (BIP, Ministry of Health),
Cristal Scheer, Legal Counsel (Legal Services Branch, Ministry of Health)
– **Item 6.0: Audit and Inspection Committee**

The April 14, 2021, MSC meeting was held via video conference.
Dr. Robert Halpenny, Chair, called the meeting to order at 9:05 a.m.

1.0 General/Chair's Report:

- The MSC reviewed the Agenda and no additions were made. A request was made for a future presentation regarding the process for new fee items. Dr. Halpenny indicated the process is laid out in the Physician Master Agreement (PMA), and that the MSC Secretariat would circulate that section of the PMA for members' information.
- In the Chair's report, Dr. Halpenny advised that he sent a letter to the Medical Services Plan (Compensation Policy and Programs Branch, Marie Ty) and Tariff Committee (Dr. Gregory) s.13; s.17 s.13; s.17
- Dr. Halpenny mentioned an email sent to the Tariff Committee and MSP regarding charges for completion of Plan G forms. The MSC understood that the Special Authority Forms are included in a patient visit and are not chargeable to a patient.

Action:
MSC Secretariat

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The MSC is requesting clarification on the interpretation of Introduction the General Preamble section VI.

- Dr. Halpenny provided follow up on previous items:
s.22
 - As well, it is noted that the issue of the CBT skills program charging for the workbook has changed, so that a participant can choose to purchase a hard copy for \$35 at the time of registration or access an on-line copy. If there is a financial burden to purchasing the hardcopy coupons are available.
- Dr. Halpenny advised that he sent an email to the Tariff Committee and MSP in support of the Rural Urgent Doctors In-Aid (RUDI) program. The RUDI program provides support for patients of vulnerable populations and isolated service providers.
- Dr. Halpenny indicated that he has s.22
s.22
Dr. Halpenny will respond indicating that hearing panels are authorized to make decisions and recommendations on behalf of the MSC.
s.22
- Injunction letters were delivered to 50 clinics. s.22
s.22

Action:
Dr. Robert Halpenny

s.22 An on-site visit is being arranged. As well, the MSC is clarifying the coverage for RCMP members requiring surgery for an injury not related to work but causing impact on the ability for a member to work.

Action:
Dr. Robert Halpenny

- Dr. Halpenny discussed a s.22
s.22

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s.22

- Dr. Halpenny advised that he attended the JCC Integration Committee on March 25, 2021. The Committee discussed s.13

s.13

Action:
Dr. Robert Halpenny
MSC Secretariat

- In follow up to the DoBC presentation to the MSC [Feb 24, 2021], a request was made to see if they had any data on the number of physicians using telephone vs video. DoBC responded they do not have that information but noted that they have provided 1000 Zoom for Healthcare licenses in collaboration with PHSA.

- s.13

- Dr. Halpenny indicated the MSC will follow up with Mr. Kyle Stamm on the 2021/22 Strategic Plan meeting, with a copy of the plan being brought forward to the May meeting.

Action:
Dr. Robert Halpenny

2.0

Record of Decisions:

- A **motion** to accept the MSC Record of Decisions for February 2021 was **deferred**, to be brought forward for review at the May 2021 meeting.

3.0

Legal Update [CONFIDENTIAL and PRIVILEGED]

s.14

4.0

Advisory Committee on Diagnostic Facilities (ACDF)

**For Decision – s.13
ultrasound moratorium**

- Request for exception to

s.13

Action:
Dr. Robert Halpenny

Action:
Dr. Robert Halpenny

Action:
Woody Turnquist

**For Decision – s.13; s.22
to ultrasound moratorium**

- request for exception

- The ACDF brought forward a request for decision recommending the MSC consider an exception to the ultrasound moratorium at the office of s.13; s.22
- A **motion** to accept the recommendation to grant an exception for s.13; s.22 was **approved**.

For Discussion – Obstructive Sleep Apnea (OSA) research summaries

- The ACDF provided a summary of the research into the prevalence and impacts of OSA. The ACDF research outlined the linkages between OSA and the following:
 - motor vehicle accidents, cardiovascular disease and stroke, Coronary Obstructive Pulmonary Disease and Asthma, Insulin Resistance and Type 2 Diabetes, occupational injury,

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surgical/anesthesia concerns, and overall quality of life for BC citizens.

- The ACDF research provided information on the BC Lifetime Prevention Schedule's review of OSA, slated for completion in 2021.
- s.13
- The MSC requested time to review the research and recommendations. The MSC asked for time on the May 26, 2021 MSC agenda to review the options. Follow up items include:
 - s.14; s.17
 - s.14; s.17

Action:
MSC Secretariat

Woody Turnquist

Dr. Robert Halpenny
Woody Turnquist
Ross Alexander

Expenditure Report

- 5.0**
- Mr. Eric Larson presented the expenditure report. The following statistics were presented:
 - Fiscal Year 2020/2021: Forecast
 - Medical FFS Cost Drivers: April 1-February 28, 2021
 - Top Ten Specialties: April 1 – February 28, 2021
 - Top Ten Medical FFS Fee Items
 - Bottom Ten Medical FFS Fee Items
 - Follow up: Episodic Virtual Care (VC) Providers
 - Demographics of VC Users
 - Health Status of VC Users
 - Episodic VC Users: Other Care
 - Mr. Larson will provide further data on surgical growth statistics.
 - Mr. Larson will provide data on whether we are seeing substitution of in-person treatment by for virtual care treatment.

Action:
Mr. Eric Larson

Audit and Inspection Committee (AIC)

- 6.0**
- The Billing Integrity Program (BIP) and AIC members provided an update on the Health Sector Financial Assurance Framework, including the re-design of the working structure of the BIP with the creation of an Intelligence Team and an expanded Audit team.
 - The AIC outlined the changes made to Audit procedures due to the COVID-19 pandemic.

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- The AIC presented the MSC with the BIP updates and Fiscal Statistics for 2020/21, including a review of a physician Audit Case file. The AIC fiscal review outlined amounts overbilled and recovered, as well as providing statistics on patient correspondence, audits, reports, and on-site reviews conducted.

s.13

7.0

Action:
Dr. Robert Halpenny

***The April 14, 2021 meeting was adjourned at 2:06 p.m.
The next meeting of the Medical Services Commission
is scheduled for May 26, 2021.***