

# Under the skin: How private clinics are embedding illegal user fees into our public health care system

What is covered? What is not?

What charges are allowed/not allowed?

And, importantly, what can we do about it?

[www.ontariohealthcoalition.ca](http://www.ontariohealthcoalition.ca)



It took more than a century to build our public hospital system & almost a hundred years to build public medicare.



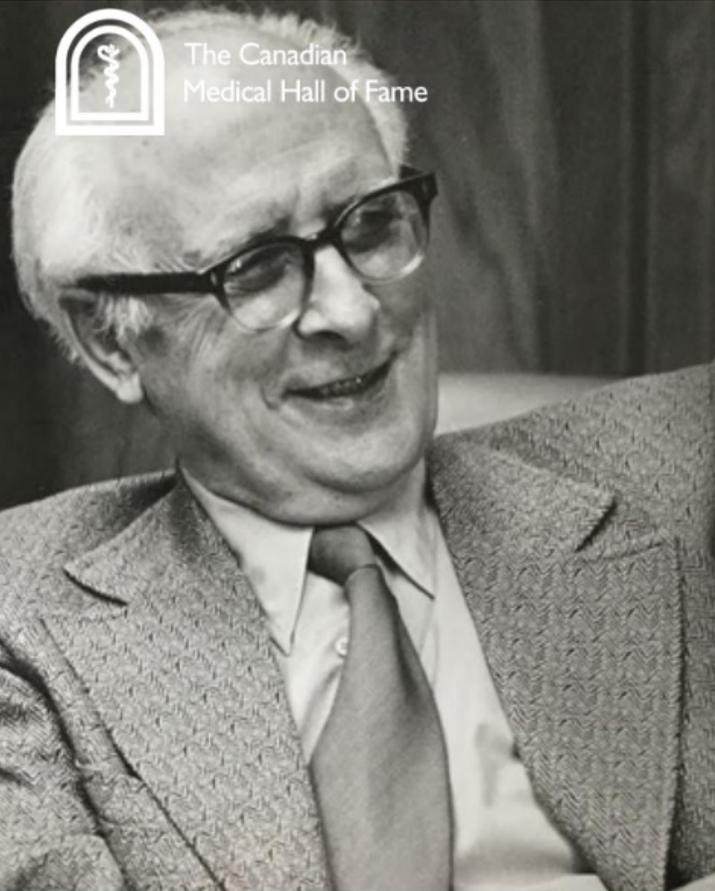
# Canadian Public Medicare

- Public Hospital Insurance was established in 1957
- Public Health Insurance (the precursor to OHIP) was established in 1966
- OHIP was formally created in 1971
- the Canada Health Act was passed in 1984





The Canadian  
Medical Hall of Fame



“The only thing more expensive than good health care is no health care.”

As a society, [we] are aware that the trauma of illness, the pain of surgery, the slow decline to death, are burdens enough for the human being to bear without the added burden of medical or hospital bills penalizing the patient at the moment of vulnerability. The Canadian people determined that they should band together to pay medical bills and hospital bills when they were well and income earning. Health services [are] a fundamental need, like education, which Canadians could meet collectively and pay for through taxes.”

Justice Emmett Hall, Chair of the National Commission on Public Health Care



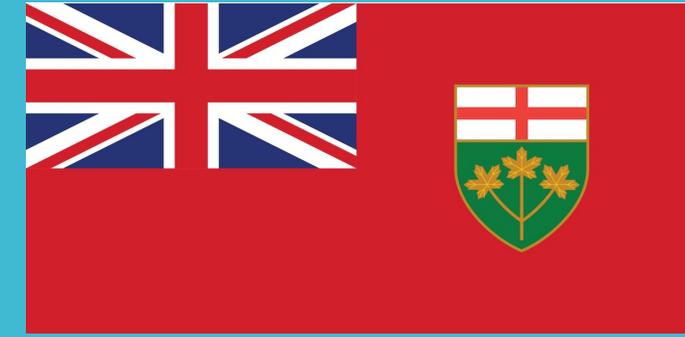
# Canada Health Act

加拿大健康法

- Everyone has the equal right to access needed health care.
- Patients will not be subject to user fees that bankrupt them, nor will they be turned away when they are in need of treatment or when they are sick or dying.
- There are five principles in the Canada Health Act:
  - Public administration
  - Public funding
  - Comprehensiveness
  - Accessibility
  - Portability

## A principled approach to providing health care

- The underlying principles of our public medicare system in Canada are **compassion** and **equity**.
- Under the Canada Health Act, all medically needed hospital care (including surgeries, lab tests, diagnostic tests, and the staff and equipment associated with these) are covered. Every Canadian has the right to them on equal terms and conditions without user fees and extra-billing. All medically needed services are to be covered under each province's health insurance plan (OHIP in Ontario).



## Commitment to the Future of Medicare Act (Ontario)

Extra-billing, user fees, and queue-jumping are **banned** under the Canada Health Act & Ontario's Commitment to the Future of Medicare Act.

This Act, passed in 2004 strengthened the protections against user fees and extra-billing. No person or entity can charge a patient for access to an OHIP-covered service. If they take payment for a covered service, they can face fines and ultimately jail time.



**DON'T FORGET**

Bring your  
OHIP card  
to all medical  
appointments

# What is OHIP & What does it cover?

Ontario Health Insurance Plan (OHIP)



## What OHIP covers

Public health insurance plan for Ontario.



- Doctors – or their equivalent (Family Health Teams, Nurse Practitioner led clinics, Community Health Centres)

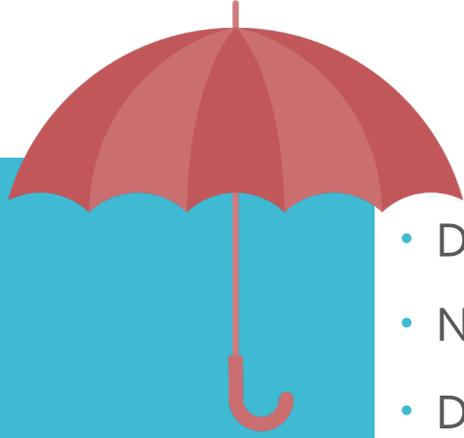


- Hospitals, including all medically necessary surgeries, all medically necessary diagnostic tests in and out of hospital
  - Lab tests, MRIs, CTs, Colonoscopies, Endoscopies



- Medications in hospital, all care necessary for your hospital stay, diagnostic test or surgery, including the nurse, taking of patient records, creams or medicines

# What OHIP Covers OHIP

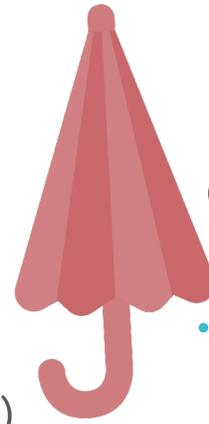


## Covered by OHIP OHIP:

- Doctors
- Needed hospital care
- Diagnostic tests (in- & outpatient)
- Physiotherapy in OHIP clinics OHIP

### Also covered:

- Drugs for seniors
- Long-term care homes are subsidized.  
Max fees are basic - \$66.95/day or \$2,036.40/month; semi-private \$80.72/day or \$2,455.24/month; private \$95.65/day or \$2,909.36/month; short stay \$43.34
- Some home care
- Speech language pathology for children
- Annual eye exams for children & seniors



## Not covered by OHIP OHIP

- Private rooms in hospital if the patient chooses them (if there are no basic rooms available then they are covered)
- Room & board for chronic care hospital stay (Note:all medical and nursing care is covered. The fee is only for room and board. Max. fee is \$66.95 per day, or \$2,036.40 per month.)
- Physiotherapy in private clinics.
- Medications outside of hospitals.
- Medically unnecessary tests and procedures such as cosmetic surgery.
- Some audiology, chiropody, speech language pathology for everyone except children, eye glasses & exams for adults

Canadian Public  
Medicare laws  
protect patients.

You cannot be  
charged for  
medically needed  
hospital and  
physician services

## NOT ALLOWED:

- **Extra billing:** is when a doctor or a clinic charge OHIP and they charge the patient out-of-pocket on top.
- **User fees:** are when a doctor or a clinic charge the patient out-of-pocket for a medically needed service.
- **Upselling:** is when a doctor or a clinic convince a patient to buy extra medically unnecessary tests and procedures, or medical equipment and supplies, to charge extra.
- **Manipulative upselling:** is when they do this without giving full information that makes it clear that the extras are not medically necessary and that the OHIP-covered services provide good, quality outcomes without the need to pay.
- **Queue-jumping:** is when doctors in private clinics or private clinic staff tell patients that the wait lists in public hospitals or in the public system are super long and if they pay they can jump the queue. Very often, they lie about the length of the wait lists.

# Patient 1.

Legal or unlawful?

- She needed an MRI for open heart surgery. She found a private clinic where she could get the MRI. They told her that she had to pay \$2000 for the MRI. When she got her bill, it said that she was charged for “contrast” (not the MRI).

**Unlawful:** The Canada Health Act bans provinces from allowing private clinics to charge patients for medically needed services. The federal government should claw back funding to Ontario for these charges until they come back in line with the Act.

**Illegal:** Under Ontario’s Commitment to the Future of Medicare Act it is illegal to take payment for an OHIP-covered service. Any person or entity doing so should be fined and the patient should be repaid.

**In addition:** We are finding that private clinics tell their patients that they have to pay for a medically needed surgery or diagnostic test but what they actually put on the receipt is that they charged for something else. In this case, contrast if medically needed is covered anyway, but regardless, the receipt did not reflect what the patient was told she was paying for.

## Patient 2.

Lawful or illegal?

- She called a private clinic to schedule cataract surgery. She asked how much it would cost. They told her that they are not covered by OHIP and the price would be approximately \$3,400+.

**Unlawful:** The Canada Health Act bans provinces from allowing private clinics to charge patients for medically needed services. The federal government should claw back funding to Ontario for these charges until they come back in line with the Act.

**Illegal:** Under Ontario's Commitment to the Future of Medicare Act it is illegal to take payment for an OHIP-covered service. All clinics are covered under OHIP and the Commitment to the Future of Medicare Act – it is the law in Ontario. Any person or entity taking money for medically needed surgeries should be fined and if the patient paid for the service, she should get her money back.

## Patient 3

Lawful or illegal?

- He made an appointment for cataract surgery at a private clinic and was told that he would have to pay \$1,200 per eye for a total of \$2,400. He was told the clinic only did special lenses and if he wanted the surgery without them he would have to wait a year for the surgery somewhere else.

**Unlawful:** The Canada Health Act bans provinces from allowing private clinics to charge patients for medically needed services. The federal government should claw back funding to Ontario for these charges until they come back in line with the Act.

**Illegal:** Under Ontario's Commitment to the Future of Medicare Act it is illegal to take payment for an OHIP-covered service. Any person or entity doing so should be fined and the patient should be repaid. Furthermore, the clinic cannot require a patient pay for a medically unneeded service – in this case a special lens – in order to get a covered service (cataract surgery).

# Patient 4

Lawful or illegal?

- She needed cataract surgery and was referred to a private clinic where she met with a surgeon briefly who gave her information about the surgery. She was given a 15-page booklet of options for different types of lenses and options. She was charged \$600 for this appointment.

**Unlawful:** The Canada Health Act bans provinces from allowing private clinics to charge patients for medically needed services. That includes a consult with a doctor. The federal government should claw back funding to Ontario for these charges until they come back in line with the Act.

**Illegal:** Under Ontario's Commitment to the Future of Medicare Act it is illegal to take payment for an OHIP-covered service – and that includes a consult with a surgeon. Any person or entity doing so should be fined and the patient should be repaid.

# Patient 5

Lawful or illegal?

- This patient needed cataract surgery. He contacted his doctor at a private clinic and was told to come in for an eye measurement exam. He was told that paying for an upgraded exam would yield better results. He paid \$250 for the "upgraded" exam.

**Unethical/Illegal:** Patients have the right to informed consent. They cannot manipulate a patient by telling them that medically unnecessary services are necessary or that the OHIP-covered eye measurement test is inadequate or provides poorer outcomes.

## Patient 6

Lawful or illegal?

- He needed cataract surgery and opted to go to an eye clinic in Toronto. He was informed that the surgery would cost \$2,440 (laser) or \$2,190 (Keratome), plus a COVID-19 charge of \$10. The clinic later tried to persuade him to buy eye drops to use after the surgery for \$50. The clinic then told him the first check-up was free, but any following check-ups would cost \$75 per visit.

**Unlawful:** The Canada Health Act bans provinces from allowing private clinics to charge patients for medically needed services. The federal government should claw back funding to Ontario for these charges until they come back in line with the Act.

**Illegal:** Cataract surgery is a medically necessary surgery and is covered by OHIP no matter whether it is done by laser or not. Eye drops are necessary for the surgery and are covered. Follow up visits after surgery are covered. Any person or entity doing so should be fined and the patient should be repaid.

# Patient 7

Lawful or illegal?

- This patient was charged \$580 per eye for his cataract surgery, \$350 per eye for special measurement tests, and \$141 for eye drops. He is 71 years old is working in his retirement because he was not able to afford the surgery.

**Unlawful:** The Canada Health Act bans provinces from allowing private clinics to charge patients for medically needed services. They cannot add on medically unnecessary services (unnecessary eye measurement tests) to charge a patient. The federal government should claw back funding to Ontario for these charges until they come back in line with the Act.

**Illegal:** Under Ontario's Commitment to the Future of Medicare Act it is illegal to take payment for an OHIP-covered service – and that includes the surgery and the eye drops. They cannot require a patient to pay for a medically unnecessary service (extra eye measurement) in order to get a medically necessary surgery. Patients have the right to full and accurate information and informed consent without manipulation and false information. Any person or entity charging a patient like this should be fined and the patient should be repaid.

# Patient 8

Lawful or illegal?

- This patient had to pay out of pocket for laser cataract surgery on both eyes. The surgeon informed her that if she were to go through the public system, she would face a long wait time of possibly over two years. The patient was also told that the laser eye surgery was only performed at the private clinic, not the public hospital.

**Unlawful:** The Canada Health Act bans provinces from allowing private clinics to charge patients for medically needed services. The federal government should claw back funding to Ontario for these charges until they come back in line with the Act.

**Illegal:** Cataract surgery is a medically necessary surgery and is covered by OHIP no matter whether it is done by laser or not. Follow up visits after surgery are covered. Any person or entity doing so should be fined and the patient should be repaid.

**In addition:** Private clinics often tell patients that wait times are much longer than they actually are in public hospitals. Patients can go to the Ontario Wait Times website here:

<https://www.ontario.ca/page/wait-times-ontario> and look up their surgery to see the real wait times.

Private clinics:  
create a crisis....  
and then  
privatize



*Anyone in Ontario can make a  
complaint or ask questions by calling  
toll-free at 1-888-662-6613  
or by emailing  
[protectpublichealthcare@ontario.ca](mailto:protectpublichealthcare@ontario.ca).*

Ontario Health  
Coalition:  
working to  
safeguard & expand  
public medicare for  
all

