



What Ontario Doctors Can Do to Make the Provincial Government Treat Them Fairly

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pro·ce·dur·al fair·ness

noun

1. the duty to act fairly when making decisions that affect people's rights
2. the legitimate expectation that decisions affecting your rights will be made using a fair, impartial, and open process
3. what the Government of Ontario is *not* demonstrating in its current dealings with the province's physicians

The Ontario Government has made unilateral and significant cuts to the fees that doctors are allowed to charge for the services they provide. Despite protestations by the province's physicians and their request to put the matter to binding arbitration, the province remains unwilling to budge on its position.

Doctors are not being treated fairly and adding insult to injury, there is very little they can do about it. The Ontario Medical Association (OMA), the organization that represents Ontario doctors, is doing its best but the OMA is not a union but a professional association and therefore they cannot take the same kind of action that a union can. Physicians can't strike because they are considered an essential service but even if they weren't, the high ethical standard they hold themselves to would stop them from taking that step. Nor can doctors extra-bill patients to make up for the drop in their incomes; pursuant to the laws that prohibit extra-billing, physicians are not

allowed to charge over and above what their fee schedule, the one that has been unilaterally cut by the province, dictates.

So what can doctors do?

If we lived in a different world, a world where doctors band together and decide the time for action has come, they might, hypothetically speaking, wage a campaign that asserts their right to be treated fairly when it comes to decisions that affect them and their livelihood.

Such a campaign, hypothetically speaking, might look something like this:

- Beginning January 4th, 2016 and continuing until the provincial government agrees to come to the table by agreeing to binding arbitration, every Ontario doctors will extra-bill patients \$2 for each visit. (Patients might want to view this additional fee as something akin to the (more expensive) pharmacy **dispensing fees** they currently pay.)

While extra-billing is prohibited, in this hypothetical scenario, if all of the province's doctors do this en masse for the purpose of making a statement and calling attention to their plight, the Ontario public may very well be supportive.

- To make the process simple, doctors can place a **Support Procedural Fairness for Your Doctor** collection box – similar to the orange UNICEF boxes children used to carry at Halloween – in their office reception area.
- At the end of each month, the money collected will be sent to the association that represents the medical discipline of each doctor.



These organizations in turn will donate the money to a charity or research initiative of their choosing.

Would a campaign like this be effective? That is anyone's guess but we *do* know that bullies – which is how the Ontario government is currently acting in this matter – don't like it when groups of people organize because when they do, those people have power.

Would extra-billing patients \$2 per visit make up for the income taken away by the province? Not by a longshot but it would send the message that it has become too expensive to maintain our health care system in its current form and the time has come to stop making doctors bear the brunt of increased costs.

Will such a hypothetical campaign become a reality? That will depend on whether doctors and their professional associations and grassroots organizations recognize that maybe the time has come to think outside of the box and come up with an innovative way to claim their right to be treated fairly.

<http://www.ttlhealthlaw.com/resources/health-law-blog/details/health-law-blog/2016/01/19/what-ontario-doctors-can-do-to-make-the-provincial-government-treat-them-fairly>