Patient Care Quality Review Board Act

s. 16(1)(a) Ministerial Directive – Means by which review requests may be submitted to a review board, including submission in writing or by telephone, electronic mail, fax and internet, and the steps that must be taken and the facilities that must be provided by a review board to facilitate submission of review requests by those means

A review board must:

1. Receive verbal and written review requests;

2. Provide the means to receive written review requests by mail, fax and electronically;

3. Provide the means to receive verbal review requests by telephone, including via a toll-free telephone number and after-hours voicemail;

4. Provide reasonable assistance to complainants needing help with the submission of a written or verbal review request, including providing access to translation services;

5. Receive all review requests on a standardized review request submission form. In the case of a person submitting a verbal review request who is unable to make a written review request submission, Secretariat staff must be available to complete the form on that person's behalf and send a copy to that person for his/her review and records;

6. Provide for the following information to be recorded on the standardized review request submission form:

    a) The name/identity and contact details of the person making the review request;
    b) The name/identity and contact details of the individual to whom the health care or service relating to health care was provided or not provided (if different from the person making the review request);
    c) If the person making the review request is not the individual to whom the health care or service relating to health care was provided or not provided, the relationship of the person making the review request to that individual;
    d) Nature and description of the complaint;
    e) The location at which the service was provided or not provided;
    f) The date the health care or service relating to health care that gave rise to the care quality complaint occurred;
    g) The name of the Patient Care Quality Office that reviewed the complaint and the Patient Care Quality Office's response to the complaint;

h) Reason the person making the review request is not satisfied with the Patient Care Quality Office's response to the complaint;
i) Desired outcome, remedy or resolution the person making the review request is seeking through the review process;
j) Any other steps taken to resolve the matter so far (including whether the complaint has also been filed with any other entity or authority);
k) The consent of the individual to whom the health care or service relating to health care was delivered or not delivered for the review board to collect, use, retain and disclose his/her personal health information, or the consent of a person authorized under the common law or an enactment to make health care decisions in respect of that individual.

7. Where a review request is submitted by a third party, record the patient's consent on a separate form.

s. 16(1)(b) Ministerial Directive – Manner in which review requests are to be processed by a review board and the period within which that is to occur

After receiving a review request pursuant to section 13(1)(a):

1. The review board must acknowledge receipt of the review request within five business days and confirm whether the matter is within the jurisdiction of the review board. If the review request is not within the jurisdiction of the review board, the review board may at that time redirect the complainant to another body, if appropriate, or, as the case requires, to a Patient Care Quality Office.

2. To initiate a review, the review board must, by written notice, notify the complainant and the Patient Care Quality Office that it has received a review request, that it intends to conduct a review, and the parameters of that review.

3. Upon notification of the review, the Patient Care Quality Office must, within 10 business days, provide the review board with information relating to the complaint and any other information it deems relevant on the review board's consideration of the complaint.

4. The review board may engage or retain specialists or consultants that the review board considers necessary to carry out its powers and duties under the Act.

5. The review board will complete the review within 120 business days. If the review board will not complete the review within 120 business days, it must advise the parties to the review and provide the parties with a reasonable time frame for the completion of the review.

6. The review board may expedite the review process where it considers it appropriate to do so.

7. When the review board has completed a review, it must notify the complainant and the Patient Care Quality Office of the outcome of the review within 10 business days, including whether the complaint has been resolved, the reasons for the outcome of the review, and other matters as required by section 14(c) of the Act.

8. If the review board makes recommendations following a review, the review board must notify the complainant, the health authority board, and the Minister of the recommendations within 10 business days of the outcome of the review. The notification of recommendations to the health authority board should be copied to the health authority executive and the Patient Care Quality Office.

After receiving a review request pursuant to section 13(1)(b):

1. The review board must acknowledge receipt of the review request within five business days.

2. The review board must, before taking any action on the review request, consult with the Patient Care Quality Office to determine the status of its consideration of the complaint.

3. Following consultation with the Patient Care Quality Office, the review board should, if satisfied that the Patient Care Quality Office is appropriately processing the complaint, provide the Patient Care Quality Office with additional time to respond to the complaint, and advise the complainant.

4. If the review board determines that it is not appropriate to give the Patient Care Quality Office additional time to process the complaint, or the Patient Care Quality Office fails to provide a response to the complainant within the extended time period, the review board should process the review request in accordance with the procedure outlined above for review requests made pursuant to section 13(1)(a).

After receiving a direction from the Minister pursuant to section 13(2) or section 13(3)(b) to review a complaint:

1. The review board must obtain consent from the complainant to consider the matter prior to undertaking a review of the individual's complaint. The consent must take the form prescribed by ministerial directive issued under section 16(1)(c).

2. If the complainant consents to the review board taking action on the complaint, the review board must process the complaint in accordance with the procedure set out above for review requests made pursuant to section 13(1)(a).

3. If the complainant does **not** consent to the review board taking action on the complaint, the review board should not review the individual's complaint and must advise the Minister.

After receiving a direction from the Minister to undertake a review of any situation or manner pursuant to section 13(3)(c):

1. The review board must notify the Patient Care Quality Office and the health authority board that it has received direction from the Minister to review the matter or situation and the parameters of the review.

2. The review board may engage or retain specialists or consultants that the review board considers necessary to carry out its review.

3. The review board will complete the review and report its findings and recommendations, if any, to the Minister within the timeframe required by the Minister, and to the health authority as the review board deems appropriate.

s. 16(1)(c) Ministerial Directive – Circumstances in which a review board may or must obtain a complainant's consent relating to the review board's collection, use, retention and disclosure of information relating to a review request submitted to it, and the form and content of a consent

A review board must:

1. Obtain consent from a complainant:

    i. On receipt of a review request made pursuant to section 13(1)(a) or section 13(1)(b) to allow for the collection, use, retention and disclosure of personal and health information necessary for the purposes of assessing, reviewing and reporting on that review request.
    ii. On receipt of a direction to review a matter from the Minister pursuant to section 13(2) to allow for the collection, use, retention and disclosure of personal and health information necessary for the purposes of assessing, reviewing and reporting on that matter.
    iii. Prior to the collection, use, retention or disclosure of information not anticipated or provided for in the original consent (i.e. a non-routine use.)

2. Where an individual has revoked consent verbally or in writing, cease to collect, use, retain or disclose information except to the extent that the review board has taken action in reliance on the consent.

3. Record consent as follows:

    i. Where a review request is made in writing pursuant to section 13(1)(a) or 13(1)(b):

        a. By the individual to whom the review request relates or by a person having authority under the common law or an enactment to make health care decisions in respect of that individual, consent must be recorded on the standardized review request submission form, as per section 16(1)(a).
        b. By a third party, the consent of the individual to whom the review request relates or person having authority under the common law or an enactment to make health care decisions in respect of that individual must be recorded on the separate consent form.

    ii. Where a review request is made verbally pursuant to section 13(1)(a) or 13(1)(b):

        a. By the individual to whom the review request relates or by a person having authority under the common law or an enactment to make health care decisions in respect of that individual, consent must be recorded by review board staff.
        b. By a third party, the consent of the individual to whom the review request relates or person having authority under the common law or an enactment to make health care decisions in respect of that individual must be recorded on the separate consent form.

    iii. Where the Minister directs a review board to conduct a review pursuant to section 13(2), the consent of the individual to whom the review relates or person having authority under the common law or an enactment to make health care decisions in respect of that individual must be recorded as above.

4. As part of the consent process, provide an explanation of how the review board will collect, use, retain and disclose a complainant's information in exercising its duties under the Act.

s. 16(1)(d) Ministerial Directive – Information about each review request received by a review board that is to be recorded by the review board, including, without limitation,

(i) the nature of the care quality complaint underlying the review request, and
(ii) the date the review request was received by the review board

A review board must record the following information about each review request received:

1. The date the review request is received;

2. Whether the review request is made verbally or in writing;

3. Whether the review request is made pursuant to section 13(1)(a) or (b) or was directed by the Minister pursuant to section 13(2);

4. Where a review request is made pursuant to section 13(1), the origin of that review request (i.e. whether the review request is made by the individual to which the health care or service relating to health care was provided, a person having authority under the common law or an enactment to make health care decisions in respect of that individual, or a third party);

5. If the review request is inside or outside of the review board's jurisdiction;

6. The nature of the care quality complaint underlying the review request, including, but without limitation:

    (a) The Patient Care Quality Office that processed the care quality complaint;
    (b) The health care or service relating to health care to which the care quality complaint relates;
    (c) The facility(s) the health care or service relating to health care that is the subject of the care quality complaint was provided, or not provided;
    (d) The name of any individual service providers involved in the health care or service relating to health care that is the subject-matter of the care quality complaint;
    (e) The date the health care or service relating to health care that gave rise to the care quality complaint occurred;

7. Any action taken by the health authority in response to the care quality complaint;

8. Key dates and steps taken in reviewing the complaint;

9. Whether the care quality complaint has been lodged with any other authorities;

10. The reason the person submitting the review request is not satisfied with the outcome of the Patient Care Quality Office's review of the complaint;

11. The outcome the person submitting the review request is seeking from the review process;

12. Any applicable policies/ procedures of the entities involved in the matter under review; and

13. Any recommendations the review board has made on the matter under review, as well as the health authority's response and implementation plans, if any.

14. Any other information relevant to the matter under review.

s. 16(1)(f) Ministerial Directive – Information about care quality complaints and the review process that is to be maintained by a review board and made accessible,

(i) in the case of a care quality complaint that has been made public, including by the complainant disclosing the care quality complaint to any person, to the minister for the purposes of
(A) his or her powers and duties under section 13 or 15, or
(B) allowing him or her to assess the extent to which any information about the care quality complaint should and can be disclosed under section 19, and

(ii) in the case of any other care quality complaint, to the minister, in a manner that does not disclose the complainant's identity, for the purposes of the minister's powers and duties under section 15

A review board must:

1. Collect and retain information in accordance with the Ministerial Directive issued under section 16(1)(d); and

2. Make that information available to the minister at the minister's request and within the timeframe required by the minister.

s. 16(1)(h) Ministerial Directive – Information and reports to be provided by a review board to a complainant and, if different, the individual who submitted a review request on the complainant's behalf, including the information to be provided and the form and timing in which that information and those reports may or must be provided

A review board must:

1. Manage information in a fair and transparent manner, allowing relevant facts and decisions to be openly communicated while protecting confidentiality and personal privacy;

2. Within 10 business days of the outcome of the board's review, report to the complainant in writing the information required under section 14(c) of the Act, and provide the complainant with:

    i. A list of the information considered in the course of the review; and
    ii. The reasoning behind the review boards' findings and recommendations, if recommendations are made.

s. 16(1)(i) Ministerial Directive – Reports and recommendations that may or must be provided by a review board to the Minister, including the information to be provided and the form and timing of those reports and recommendations

A review board must:

1. Submit to the Minister an annual report that includes the following information:

    (a) The number of review requests received;
    (b) The category of complaint to which the review requests relate;
    (c) The number and type of review requests that did not result in recommendations because they were outside the review board's jurisdiction;
    (d) The number of review requests in which the review board determines the related complaint was appropriately responded to by the Patient Care Quality Office;
    (e) The number of review requests that resulted in recommendations, and the categories of recommendations made;
    (f) The average and median time taken to review a matter;
    (g) The average and median time taken to report a decision or recommendation following the completion of the review;

(h) The number of cases in which the health authority's response to the review board's recommendations was not received within the required timeframe;
(i) Any recommendations as required by section 15(2) of the Act.

2. Submit to the Minister a quarterly report which must include, but is not limited to, the following information:

(a) The number of review requests received;
(b) The number of reviews completed;
(c) The number of reviews that resulted in recommendations;
(d) The number and type of review requests that did not result in recommendations.