
DATE: March 28, 2011

REPORT TITLE: **NON-EMERGENCY INTER-FACILITY PATIENT TRANSPORTATION SERVICES IN ONTARIO**

FROM: Janette Smith, Commissioner of Health Services

RECOMMENDATION

That Regional Council requests the Province of Ontario to provincially regulate non-emergency patient transfer services;

And further, that the Regional Chair, on behalf of Council, write to the Premier, the Minister of Health and Long-Term Care, and the Minister of Transportation to advocate for provincial-wide standards for non-emergency inter-facility patient transportation services in Ontario;

And further, that a copy of the report of the Commissioner of Health Services, dated March 28, 2011, titled "Non-emergency Inter-facility Patient Transportation Services in Ontario" be sent to Peel area MPPs, the Chief Executive Officers of the Mississauga-Halton and Central West Local Health Integration Networks, Ontario Medical Association, Ontario Hospital Association and Association of Municipalities of Ontario.

REPORT HIGHLIGHTS

- Non-emergency inter-facility patient transportation services are privately operated services providing scheduled, non-urgent transfers of medically stable patients.
- Concerns about the lack of regulations and lack of statistics collected centrally to monitor or flag safety concerns of this private industry was brought to the attention of Region of Peel staff by a Peel constituent.
- Studies by the Auditor General and Standing Committee on Public Accounts in recent years point to the need to set standards by regulating these "Medical Transportation Services" in the province of Ontario.
- The Auditor General has recommended the Ministry of Health and Long-Term Care (MOHLTC) develop and put in place standards for Non-Ambulance Medical Transportation Services to address patient safety.
- In January 2011, Ontario's Ombudsman launched a 90-day investigation into the Medical Transportation Services industry following concerns.

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DISCUSSION

1. Background

Non-emergency inter-facility patient transportation services are privately operated services providing scheduled, non-ambulance transfers of those patients who are medically stable as defined by their physician or can be booked by a family member for a fee. Unlike Ambulance Services that operate under the *Ambulance Act*, this private industry is unregulated with no provincial government oversight or accountability.

Non-emergency transfers of patients between health care facilities and residential settings are becoming more common in Ontario's health system. It is estimated that approximately 500,000 transfers of patients take place each year in Ontario, moving patients to and from hospitals, long term care homes, residences and other institutions.

Concerns about patient safety, equipment maintenance, staff training and the lack of a standard in this unregulated sector was brought to the attention of Region of Peel staff by a Peel constituent.

2. Findings

In response to this inquiry, staff including the Regional Solicitor, have reviewed statutes pertaining to the regulation of the Medical Transportation Services sector, and existing policy recommendations to regulate this sector.

a) Lack of Clear Authority to Regulate Non-Emergency Patient Transportation Services

Representatives of the Province state that the *Highway Traffic Act* (the "Act") provides municipalities with the power to set standards for the operation of non-emergency medical transportation services. There is indeed a provision in the *Act* dealing with municipal authority to set standards. However, Legal Services advises that the Region does not have authority to set legally binding standards. This is because the *Act* requires that a provincial regulation first designate types of medical transportation services for the purposes of the *Act* before municipalities may set such standards. To date no such designating regulation exists. Furthermore, because there is a specific provision in the *Act* which first requires the provincial designating regulation, municipalities also cannot set the standards through the exercise of their broad general powers under the *Municipal Act, 2001*, including their powers regarding health, safety and well being of persons. The bottom line is that the Province has not laid the necessary legal ground work for municipalities to set legally binding standards for the operation of medical transportation systems.

In addition to the above, in practical terms, staff believe that any efforts to introduce regulations at the local level would need to consider several potential problematic issues, specifically:

- Many of these patient transports occur across multiple municipal borders and are not restricted to one municipality. This raises issues of maintaining consistency with

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other municipalities that also choose to regulate these private transfer services, or not;

- There are multiple providers which the Region would have to manage and regulate;
- If the province directs that designated land ambulance agencies provide this service the Region would require 100 per cent funding for the ongoing operational and capital costs; and
- There is no Communication Centre in place to coordinate the booking of the transfers and the deployment of the resources.

b) Inter-Facility Coordination of Patients

The coordination of inter-facility (e.g. one hospital to another) patient movements in the non-acute setting is dependent upon the contract awarded to the private operator. The disposition of patients is left to the sending hospital's discretion as to what mode of transport is used and can be accommodated through their budget.

The contracts between the hospitals and private transfer service(s) are not part of the public record so it is not clear to what level the contract holds the operator accountable for patient safety, training, maintenance of equipment, etc.

c) Recommendations Supporting Provincial-wide Regulation

There have been several studies in recent years pointing to the need to set standards by regulating the privately operated non-emergency transfer services in the Province of Ontario.

i) Auditor General of Ontario

In its 2005 Annual Report, the Office of the Auditor General of Ontario highlighted many key issues related to scheduled non-emergency patient transfers. The report stated "As recommended in our previous audit of Emergency Health Services published in our "2000 Special Report on Accountability and Value for Money", the Ministry should work jointly with municipalities and the hospital community to:

- Develop and put in place standards for non-ambulance medical transport services to address passenger safety; and
- Take steps that will encourage the use of the most cost-effective resources for the scheduled transfer of non-emergency patients.

There is no reference at all in the Auditor's Report to any Ministry of Transportation role or history with this issue. The Auditor's Report frequently refers to the MOHLTC role in monitoring the volume of all patient transfers, and pointed out that in 1997 the MOHLTC issued guidelines for hospitals on transferring patients and that these guidelines referred to "stretcher-capable private medical transport services".

ii) Standing Committee of Legislature

In 2006, the Ontario Legislature's 'Standing Committee on Public Accounts' held hearings on the Auditor General's recommendations concerning non-emergency patient transfers. This Committee's final report requested that the MOHLTC report to the Committee on the development of standards for Non-Ambulance Medical Transportation Services.

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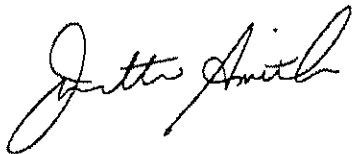
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In January 2011, Ontario's Ombudsman launched a 90-day investigation into the Medical Transportation Services industry following concerns and complaints voiced over patient safety issues, including inadequate staff training, and vehicle maintenance and cleanliness. This investigation will look into whether adequate measures are in place to protect the public in light of these serious concerns.

3. Proposed Direction

Several reports spanning the past ten years have recommended that the provincial government regulate the privately operated non-emergency patient transfer services across Ontario. Furthermore, an upcoming report from the Ombudsman may provide new evidence that supports the need for provincial government action to set minimum standards for this sector.

Staff share the concerns of Peel residents who have been adversely affected by quality and/or safety issues when receiving these services and believes the MOHLTC and Ministry of Transportation need to take action that would be for all Ontarians. Moreover, if the province sees a role for municipalities to provide non-emergency patient transfers it will need to be 100 per cent funded by the province.



Janette Smith
Commissioner of Health Services

Approved for Submission:



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