

MINUTE OF THE COMMISSION

Page 1 of 5

REVISED TERMS OF REFERENCE

ADVISORY COMMITTEE ON DIAGNOSTIC FACILITIES

Authority: *Medicare Protection Act, Section 5(1)(o)*

The Medical Services Commission (MSC) hereby continues the Advisory Committee on Diagnostic Facilities (ACDF) with the revised terms of reference set out below. This Minute supersedes any previous Terms of Reference and all previous Minutes related to the approval of diagnostic facilities.

Purpose:

The ACDF will provide advice, assistance, and recommendations to the MSC in the exercise of the MSC's powers, duties, and functions under s. 33 of the *Medicare Protection Act*.

Membership and Funding:

1.01 The ACDF will consist of 7 persons:

- (a) 3 physicians and/or alternates selected by the College of Physicians and Surgeons of British Columbia from the Diagnostic Accreditation Program;
- (b) 3 representatives, one of whom is a physician, and/or alternates selected by the Assistant Deputy Minister responsible for medical services in the Ministry of Health;
- (c) 1 public representative and/or alternate selected by the Medical Services Commission;
- (d) 1 Ministry of Health employee and/or alternate selected by the Assistant Deputy Minister responsible for acute care hospital services in the Ministry of Health.

MINUTE OF THE COMMISSION

Page 2 of 5

- 1.02 The Chair of the MSC ("the Chair") will appoint a physician employed under the *Public Service Act* in the public service of British Columbia as Presiding Member. The Presiding Member will be responsible for reporting to the MSC on behalf of the ACDF in regard to its responsibilities, duties and functions.
- 1.03 Except the ex-officio member, each member of the ACDF will have one vote.
- 1.04 A quorum consists of four members. The Presiding Member may conduct a telephone poll of voting members on important matters when there is insufficient time to convene a regular meeting.
- 1.05 Each member will serve until he or she resigns or is replaced by another appointee, or the ACDF is discharged by the MSC.
- 1.06 A person or persons named by the Assistant or Associate Deputy Minister responsible for acute care hospital services in the Ministry of Health, currently the Health Authority Division, may serve as an ex-officio member of the ACDF in order to maintain liaison and communication between the Program and the ACDF, and to inform the Program on ACDF matters of interest to the Program.

Funding and Remuneration:

- 2.01 The MSC will reimburse each member in accordance with government guidelines for his or her reasonable travelling and living expenses incurred while engaged in performing his or her duties as a member of the ACDF.
- 2.02 The MSC will also pay each member who is not an employee under the *Public Service Act* reasonable per diem remuneration equivalent to the top sessional rate for General Practice.

Applications for Approval:

- 3.01 The MSC will refer applications for approval from existing and proposed diagnostic facilities to the ACDF, and the ACDF will review the applications in accordance with the *Medicare Protection Act* ("the Act"), the *Medical and Health Care Services Regulations* ("the Regulations"), and guidelines established by the MSC. The ACDF will make a recommendation to the MSC to approve or deny the application.

MINUTE OF THE COMMISSION

Page 3 of 5

- 3.02 The ACDF will be responsible for the development of application forms to obtain information that is necessary and relevant to consideration of a diagnostic facility's request for approval.
- 3.03 Where, in the opinion of the ACDF, a diagnostic facility has provided insufficient information or documentation to permit the ACDF to make a reasonable review of the facility's application, and to determine whether approval should be granted, the ACDF may seek additional information or documentation, including but not limited to information from the diagnostic facility, in order to satisfy itself that a certificate of approval should be issued.
- 3.04 A recommendation by the ACDF for approval must be in writing and must specify the proposed diagnostic service(s) that the ACDF has recommended for approval.
- 3.05 The ACDF may recommend to the MSC that the MSC give temporary approval to a diagnostic facility and in so doing, the ACDF must provide both its reasons for the recommendation and a suggested term, not to exceed six months, for the temporary approval.

Additional Responsibilities:

- 4.01 Where a question arises concerning the quality of service performed at a diagnostic facility applying for approval or at an approved diagnostic facility:
 - (i) the ACDF may request the advice of the Diagnostic Accreditation Program of the College;
 - (ii) the ACDF may have one or more of its qualified professional members make an inspection and report to the ACDF. If the report is not sufficient for the ACDF to resolve the matter, the ACDF may request the Chair to refer the matter to an appropriate body of peers of the College for advice and recommendation; and
 - (iii) when it comes to the attention of the ACDF that a diagnostic facility may have contravened the *Act*, the Regulations, or a condition imposed on an approval under s. 33 of the *Act*, the ACDF will promptly so advise the Chair and may recommend to the Chair that the MSC amend, suspend or cancel that approval.

MINUTE OF THE COMMISSION

Page 4 of 5

- 4.02 Where a question concerning the ethical practice of medicine at a diagnostic facility arises, the ACDF will promptly so advise the Chair, with the recommendation that the matter be referred to the College.
- 4.03 Where a question concerning the financial affairs of a diagnostic facility arises which, in the ACDF's opinion, requires further investigation, the ACDF will report the matter to the Chair for his or her consideration to refer the matter for audit and inspection under s.40 of the *Act*.
- 4.04 On referral by the Chair, the ACDF will review and recommend to the Chair whether the MSC should include as a benefit of the Medical Services Plan, any diagnostic service performed by a physician for his or her own patients incidental to another benefit. In providing its recommendation to the Chair, the ACDF will consider the geographical area of the physician's practice, his or her method of performing the service and the quality of service being provided.
- 4.05 Between meetings of the full MSC, the ACDF will report to the Chair and take direction from him or her within the intent and function of the ACDF.
- 4.06 Any other responsibility, duty or function of the ACDF not specified in these terms of reference may be added from time to time by the MSC at its own initiative or at the request of the ACDF. Any such additions must be specified in writing and reported to the MSC at the next meeting of the MSC.

Conflicts of Interest:

- 5.01 Any member of the ACDF who may have a potential conflict of interest in an application for approval must state his or her interest and excuse him or herself from the ACDF's discussion of the application and waive his or her voting privileges with respect to that application. For the purpose of these Terms of Reference, a potential conflict of interest is as set out in s. 38 of the Regulations.
- 5.02 Where a diagnostic facility approval exists, but it is known that there is a potential conflict of interest as described in s.38 of the Regulations, the ACDF may only recommend expansion of the diagnostic facility under consideration when the proposed diagnostic service(s) cannot reasonably be provided by another facility for which no potential conflict of interest exists. If no reasonable alternative exists, any approval for expansion recommended will be time limited.

MINUTE OF THE COMMISSION

Page 5 of 5

General:

- 6.01 The ACDF will maintain written records of its activities and meetings and provide those records to the Chair as he or she may request from time to time.
- 6.02 Members of the ACDF must keep matters regarding the approval or non-approval of diagnostic facilities confidential in accordance with Section 49 of the *Act*.

Delegation:

- 7.01 The MSC delegates all approvals to the ACDF.
- 7.02 Certificates of Approval and correspondence will be signed by the appropriate Medical Services Branch staff or legal representation of MSC on behalf of the MSC.