

Ministry of Health
Drugs and Devices Division

Notice: Proposal to Improve Access to Exceptional Access Program Drugs for Ontarians Living Near Manitoba and Quebec Borders

October 6, 2020

The purpose of this notice is to provide information regarding a proposed regulation under the *Ontario Drug Benefit Act* that would make Quebec and Manitoba physicians and nurses who have the authority to prescribe drugs “authorized prescribers” for the purposes of Ontario’s Exceptional Access Program (EAP).

In accordance with section 16 of the *Ontario Drug Benefit Act* (ODBA), the EAP provides funding for drugs that are not listed on the Ontario Drug Benefit (ODB) Formulary for ODB Program recipients on a case-by-case basis. In order to fund a drug product under the EAP for a specific ODB Program recipient, the Executive Officer of Ontario Public Drug Programs must receive a funding request from an “authorized prescriber”. The ODBA defines “authorized prescriber” to mean an Ontario physician, Ontario nurse practitioner, or any other person or class of persons specified in a regulation made by the Minister of Health.

Some ODB Program recipients living in Ontario near the Manitoba or Quebec borders are closer to a physician or nurse in Manitoba or Quebec, than a physician or nurse in Ontario. To facilitate these recipients’ access to a physician or nurse who can submit an EAP request, the Ministry is proposing a new regulation under the ODBA to make these Quebec and Manitoba physicians and nurses “authorized prescribers” for the purposes of the EAP.

The proposed regulation is based on an existing policy-based pilot that has allowed Quebec and Manitoba physicians to submit EAP requests for ODB Program recipients living in Ontario.

A summary of the proposal and text of the draft regulation are available on the Regulatory Registry website at:

<https://www.ontariocanada.com/registry/view.do?postingId=34687&language=en>

The content of the final regulation is at the discretion of the Minister of Health who may make the regulation with any changes that the Minister of Health considers appropriate.

Interested parties are invited to provide written comments on the proposed regulation as part of the review. The ministry will consider comments received on or before November 20, 2020 at midnight EST. Please be advised that submissions received after this date may not be considered. Please submit your written comments to:

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Statement about Comments

Unless requested and otherwise agreed to by the ministry, all materials or comments received from organizations in response to the notice will be considered public information and may be used and disclosed by the ministry as part of its review. The ministry may disclose materials or comments, or summaries of them, to other interested parties during and after the comment period.

An individual who makes a submission and who indicates an affiliation with an organization in his or her submission will be considered to have made his or her submission on behalf of the affiliated organization. The ministry will not disclose any personal information contained in a submission of an individual who does not specify an organizational affiliation in his or her submission without the individual's consent unless required by law. However, the ministry may use and disclose the content of the individual's submission to assist the ministry in its review.

If you have any questions about the collection of this information, you can contact the ministry's Freedom of Information and Privacy Coordinator at (416) 327-7040.