



ONTARIO'S WATCHDOG
CHIEN DE GARDE DE L'ONTARIO

The LHIN Spin – Ombudsman’s Remarks ***André Marin***

Everyone here is familiar with the high stakes of health care decision-making. Even though governments put billions of tax dollars into hospital services, there is always a need for more. Everyone wants top-quality care as close to home as possible, and people expect to have a say in how that care is provided.

When the Ontario government created Local Health Integration Networks, or LHINs, it didn’t just promise that LHINs would consult the public, it put “community engagement” right into the LHIN legislation. The minister at the time, Mr. Smitherman, said this would make it “very clear that decisions must be made on the basis of public interest and in the full view of the public.”

The investigation I’m reporting on today found that the Hamilton Niagara Haldimand Brant LHIN failed to live up to that spin. It made some very controversial decisions on hospital restructuring – which it had every right to do – but it didn’t adequately engage the community, and didn’t always meet in the full view of the public.

People complained to our office about the lack of community engagement in two restructuring decisions, involving Hamilton Health Sciences and the Niagara Health System. Our investigation revealed that, despite the strong language in the legislation, the reality of “community engagement” is that it’s in a wishy-washy grey zone – and this particular LHIN took advantage of that to render it almost meaningless.

Let me give you four quick examples:

First, we learned that LHIN board members actually counted conversations that they had on the golf course or at the grocery store as “community engagement.” One member told us that’s how he concluded that most local people were in favour of the restructuring plan. But what about those not fortunate enough to golf or shop with him?

Second, we found the LHIN board didn’t document these informal consultations. So its members could cherry-pick anecdotes about what they heard from local citizens – in the grocery line, at the golf course or at a town-hall meeting.

Third, the LHIN relied on consultation done by the health service provider rather than doing its own – even though the documentation of these meetings was sadly lacking. In

Hamilton, the LHIN board viewed a slide presentation on the restructuring plan just before it gave it the green light; of 51 slides, only 2 referred to community concerns.

Fourth, we determined that the LHIN board members adopted an illegal bylaw, allowing them to meet behind closed doors for so-called “educational” purposes. They then used these secret meetings – seven for the Niagara plan, four for the Hamilton one – to discuss the restructuring plans with the key players, away from public view.

I found this very troubling – especially because this same bylaw was adopted by LHINs across the province. Even though the LHIN said no decisions were taken at these meetings, they clearly furthered the decision-making process. Members of the public are left to wonder if the meetings they are allowed to attend are just a rubber stamp – with the real engagement going on in private, inside the LHIN’s boardroom.

Unfortunately, the LHIN’s response to my recommendations throughout this process was defensive and recalcitrant – its attitude was essentially, “We did nothing wrong and we won’t change.”

The Ministry, however, agreed to work with all the LHINs to establish standards for community engagement, as I recommended. And yesterday – a full year after it first received the preliminary draft of my report – the Ministry ordered all LHINs to rescind their illegal bylaws and stop holding closed “education” meetings. I welcome this late development from the Ministry, as it will bring LHINs in compliance with the law and will increase transparency and accountability in their decision-making. I will keep a close eye on this issue as the Ministry reports back to me on its progress.

As I say in my report, LHINs must make difficult and sometimes unpopular decisions about health services. They will never please everyone. But people will be left confused, dissatisfied and distrustful unless the process is open and transparent. The integrity of the LHIN system across the province depends on it.