

Report by the Québec Ombudsman (excerpts)

Billing for hospital rooms:
the obligation to inform citizens adequately

Québec City, February 12, 2018

Context of the report

The Québec Ombudsman exercises the functions laid out in the *Act respecting the Health and Social Services Ombudsman* (the Act). The Act provides that the Health and Social Services Ombudsman, by any appropriate means, must see to it that users are respected and that their rights, as defined in the *Act respecting health services and social services* and in any other Act, are enforced.¹ It examines complaints as a second level of recourse and intervenes whenever it has reasonable cause to believe that a person or group of persons has suffered or may very likely suffer prejudice as the result of an act or omission by a health and social services institution.²

In recent years, the number of complaints concerning billing for hospital rooms has increased and difficulties in applying invoicing have become evident. The Québec Ombudsman has made various recommendations to these institutions. Despite this, the fact is that difficulties remain and citizens are not adequately informed about the real choices available to them.

The report begins by examining current rules. It then goes on to analyze the difficulties observed by the Québec Ombudsman and to make recommendations aimed at ensuring that billing for semi-private and private rooms is done fairly and in such a way that the rights of health and social services network users are upheld.

Conclusion

The Québec Ombudsman is aware that hospital room billing is an income stream for the different health and social services institutions. However, this should not interfere with the right of patients to choose a room based on what is really available and on an informed decision.

The lack of information and of a real room choice in certain institutions, the disparities in the slate of choices between the various institutions, and the vulnerability of certain users demand that clear and simple rules be established.

The Québec Ombudsman feels that users should not have to pay out of pocket for a type of room that they would have been sure to get even before requesting it. If the unit where

¹. *Act respecting the Health and Social Services Ombudsman*, CQLR, c. P-31.1, sections 1 and 7.

². *Ibid.*, section 20 and following.

the person is hospitalized only has one kind of room, the person should not be billed because there was no real choice. If the unit contains semi-private and private rooms, but no ward, the person should not have to pay for a semi-private room. If a room is medically necessary, no fees should be charged. That is why the Québec Ombudsman made recommendations to that end.

Recommendations

Given the preceding, the Québec Ombudsman recommends that the Ministère de la Santé et des Services sociaux:

- R-1 By June 30, 2018, **amend** the *Regulation respecting the application of the Hospital Insurance Act* as well as the departmental bulletin entitled *Facturation pour l'occupation de chambres privées ou semi-privées et pour la disponibilité du téléphone alloué aux usagers* so as to resolve the following inequities. It must, among other things:
- Ensure that people are given complete and adequate information so they can make an informed room choice;
 - Ensure that institutions no longer bill for rooms when those rooms are the basic type of room offered in the unit where the person is hospitalized;
 - Ensure that institutions no longer bill for rooms when the room is medically necessary.
- R-2 By March 31, 2018, **transmit** the new departmental directives governing billing for rooms, pending the requested amendments, to the institutions, including a broader interpretation of section 13 of the *Regulation respecting the application of the Hospital Insurance Act* so that there is no billing for basic rooms offered in the unit where the person is admitted and for rooms that are medically necessary.
- R-3 By March 31, 2018, **take** the measures needed so that users or their representatives, as well as health and social services network staff, be adequately informed about the changes to the rules and practices governing billing.

Expected follow-up

The Québec Ombudsman asks the Ministère de la Santé et des Services sociaux to, no later than March 31, 2018, inform it of the actions it intends to undertake as a result of the recommendations made to it.