

Cancer Care Ontario

Action Cancer Ontario

APPEALS POLICY

CASE-BY-CASE REVIEW PROGRAM (CBCRP)

Version: 3.0

Effective Date: July 21, 2014

Replaces Policy: Appeals Policy, November 8, 2011.

Policy Owner: Provincial Drug Reimbursement Programs

A. PURPOSE

The purpose of the CBCRP Appeals Policy (**Appeals Policy**) is to:

- I. ensure that Cancer Care Ontario (**CCO**) clearly defines the requirements of an Eligible Appeal (as defined herein in Section E) to a negative funding decision to a CBCRP request; and
- II. outline the adjudication process for an Eligible Appeal.

B. DEFINITIONS

Defined terms not otherwise defined in this Appeals Policy have the meanings set out in the Case-by-Case Review Policy for Cancer Drugs (**CBCRP Policy**).

C. APPLICANT NOTIFICATION

- I. When a decision is made not to approve a CBCRP request, the CBCRP will inform the Applicant, in writing, of the rationale for rejection.

D. ELIGIBLE APPLICANTS

- I. In order to be eligible to appeal a negative funding decision by the CBCRP, the Applicant for the appeal must be the same individual who applied to the CBCRP initially (i.e., the treating oncologist who submitted the initial CBCRP request).
- II. Patients cannot appeal a negative funding decision by the CBCRP.

E. ELIGIBLE APPEAL

- I. The Applicant may appeal a negative funding decision rendered by the CBCRP if he/she believes the CBCRP Policy was wrongfully applied to the applicable request by submitting an Appeal Form to CBCRP (**Appeal Form**) within 30 days of notification of the negative funding decision by the CBCRP.

Note: The appeal process is not intended to be used in cases where Applicants would like to introduce new evidence that was not available at the time of the initial funding request. An Applicant who has additional evidence pursuant to the application and funding criteria set out in the CBCRP Policy which responds to the CBCRP's rationale for rejection should file a resubmission via a "**Resubmission Form**" pursuant to Section K of the CBCRP Policy.

- II. The appeal must clearly:
 - i. list all of the application and/or funding criteria in Section E and F of the CBCRP Policy that the request failed to satisfy;
 - ii. describe how the CBCRP Policy was incorrectly applied or interpreted; and
 - iii. comprehensively refute the grounds for rejection.

F. FILING APPEALS

- I. The Applicant must file an appeal electronically using the Appeal Form provided by CBCRP.
- II. CBCRP will provide the Applicant with instructions on how to file an appeal via the Appeal Form using CBCRP's secure online upload tool.

G. ASSESSMENT

- I. Upon receipt of an Appeal Form, CCO will review the appeal to determine if it meets the criteria set out in Section E.
- II. CCO will forward eligible appeals for independent external review by clinical experts:
 - i. Clinical experts may be either oncologists or hematologists as appropriate with an understanding of the disease condition for which the appeal is being submitted.
 - ii. CCO will select clinical experts that did not assess the initial CBCRP request.
 - iii. Appeals that definitively do not meet any of the application criteria may not be forwarded for external review.
- III. The assessment will include:
 - i. a review of the a request against the CBCRP Policy
 - ii. a determine whether the grounds for appeal are reasonable and just, given the evidence and the application/funding criteria; and
 - iii. a recommendation to approve or reject funding.

H. FINAL FUNDING DECISION

- I. The Executive Officer will review each appeal and make the final decision to either uphold or overturn the initial negative funding decision.
- II. The CBCRP will inform the Applicant, in writing, of the Executive Officer's final decision.
- III. When a decision is made to reject an appeal (i.e., uphold the initial negative funding decision) by the Executive Officer, the CBCRP will inform the Applicant, in writing, of the rationale for rejection.

I. TIMELINES FOR REVIEW

- I. The CBCRP will aim to provide a decision on an appeal as soon as possible. Due to the complexity of these cases and the need for external review, a final decision may take up to three weeks. An incomplete Appeal Form may result in longer turnaround times.