

MANITOBA HEALTH APPEAL BOARD POLICIES

DATE REVISED: MARCH 1, 2018

POLICY TITLE

BOARD QUORUMS/PANELS

POLICY STATEMENT #3

BACKGROUND

The Health Services Insurance Act states:

Section 9(6) **Quorum**

Except where provided otherwise in this or any other Act of the Legislature or any regulation respecting the board, any three members of the board constitute a quorum and are sufficient for the performance of all functions and duties of the Board.

Section 9(7) **Panels**

The board may sit in panels of at least three members.

Section 9(9) **Decision of the Board**

A decision or action of the majority of the members of the panel or of the majority of the members of the board constituting a quorum is a decision or action of the board.

SCOPE and Purpose

This policy will set out the types of panels that the Board will sit for different appeals and the procedure to follow in the event that there is a tie in the panel's vote for an appeal decision.

POLICY

Quorums/Panel Members

Section 9(7) of the Health Services Insurance Act stipulates that the Board may sit in panels of at least three members. The Board will sit in quorums/panels as follows:

Authorized Charge Appeals	3 members
Home Care Program Appeals	3 members

Insured Benefits Appeals	3 members
Hepatitis C Appeals	3 members

Complex appeals involving jurisdictional issues or complex medical issues require a five-member appeal panel and the inclusion of a physician for complex medical issue appeal and a lawyer for jurisdictional appeals.

The Board Chairperson or Vice Chairperson will chair appeal panels unless direction has been given to staff for another Board member to chair an appeal panel.

Even Number of Members on Panel

In situations where there is a 5 member panel and one member withdraws from participating at an appeal hearing (for example, a member is ill or attends the hearing and recognizes that he/she has a conflict of interest), and there is insufficient time to obtain another member for the panel, one of the remaining 4 board members can withdraw; or, if no one wishes to withdraw then the panel will sit as 4 but the Chair does not vote, except to break a tie.