

November 26, 2010

□Mr. Andre Marin
Ontario's Ombudsman

Re: Letter July 5, 2010

Dear Mr. Marin:

I am in receipt of your letter dated July 5 in response to my previous letter from June 18.

You state that you were investigating "Why there appeared to be significant delays in determining whether or not to broaden access to PET scans as well as lack of communication regarding the avenues for accessing Ministry-funded scans."

You then state, "The investigation focused on concerns relating to process rather than the merits of whether the province should be adopting this technology."

I would agree that the Ombudsman's Office is there to investigate process when it comes to establishing government policy. However, curiously and sadly you have completely ignored the serious concerns about process raised by provincial and national and international experts in PET. You have chosen to focus merely on side issues.

However, it is clear as you are also aware of all the serious issues and accusations made by those about process of the Liberal government in handling PET. This is best summarized by a state of Dr. Al Dreidger. He has been working with the Ministry of Health, as you know, since the late 1990's to try and introduce PET in a rational evidence-directed and economical fashion. He was then head of the Multidisciplinary Team which originally looked at the role of PET in Ontario Cancer patients.

Dr. Dreidger's state as he resigned from the PET Steering Committee and expressed regret for ever having worked with the Ministry, was the following bombshell:

"I believe that what those blocking PET in Ontario is bordering on immoral."

I would remind you that you ran an investigation which I instigated in 2006. As you know, I wrote a number of letters to various advisory committees, and more importantly, to Mr. George Smitherman, the Minister of Health at that time. Not a single question was ever answered directly to myself or my colleagues. Our concerns were entirely about the process and, in particular, the claims of scientifically

baseless and unethical experiments on cancer patients.

You concluded by saying that you believed that the Ministry had addressed all our concerns and that we should relax and trust the Ministry.

In the second investigation I was lead to believe there was a 35-page initial series of questions which was submitted to the government in December 2008. It is not clear whether the questions and issues raised in that 35-page investigation were ever actually answered. You did state that this was the most complex investigation you have ever handled. It would seem odd that a 35-page investigation would just address issues about concerns about poor communication about funding source and why the delay in the access to PET.

□ What is true is that you buried both reports and were completely satisfied with your major investigation by simply having the government now fund a small number of PET scans under OHIP and the rest still under the PET Registry Program.

What is also clear is that you are absolutely aware of all of these serious accusations and claims by national experts in medicine and science as well as people with international status. You are aware that there is an editorial in an international journal condemning Ontario's capricious use of a non-validated scientific tool to block Ontario cancer patients from access to modern diagnostic tools.

□ It is these various issues which have lead to the significant delay in access of Ontario cancer patients to PET. It is this process which has lead to Ontario having the most restrictive access policies to PET in the world.

However, obviously you are comfortable with these processes. □ □ Therefore, I am going to assume the following: □ □ 1. That you, Andre Marin, Ombudsman of Ontario, are comfortable with the Ministry of Health and Expert Advisory Committees completely stonewalling any attempts from non-governmental experts to get answers to concerns and questions that they raised. In particular, Mr. Smitherman refused to respond to the most senior member of this PET Steering Committee, Dr. Al Dreidger, who had raised serious concerns and accusations. This is a breech of the law, but clearly you are comfortable with this.

2. That you, Andre Marin, Ombudsman of Ontario, are comfortable with the fact that the government is using a scientifically baseless and non-validated research tool to establish the appropriate role of PET for Ontario cancer patients.

3. That you, Andre Marin, Ombudsman of Ontario, are comfortable with the fact that the Ontario government ran trials exposing patients to radiation that were deliberately designed to fail, in that the PET scan itself was not physically capable of detecting the vast majority of the cancers.

You have refused to answer direct questions about these manners to me. However, surely it is time that you at least admitted that you are aware of these issues and therefore see no reason for concern, in spite of the very serious and damaging concerns and statements by non-governmental experts in medicine and science.

Again, this letter will be put on the internet and your response will be posted as well. It is time the people of Ontario determine for themselves what the "Ontario's watchdog" believes is a reasonable

process for governments.

**During an exchange in parliament between the honorable Debra Matthews, the Liberal Minister of Health and Ms. Franz Gelinas, regarding PET, the Minister of Health gave the following quote:

“Let me quote from Andre Marin our Ombudsman. What Andre Marin says is “I am gratified that the Ministry of Health and Long-Term Care has taken my concerns about patient access to PET scanning in 2009 seriously and acted”.

□ Ontario, to this date, remains the most restricted access to PET beyond Quebec and outside of the rest of Canada. Clearly you are very comfortable with this.

Sincerely,

□□□D. Webster, M.D., F.R.C.P.

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