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Mr. Paul Dubé
Ombudsman of Ontario
Bell Trinity Square
483 Bay Street, 10th Floor, South Tower
Toronto, ON
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Ms. Barbara Finlay
Deputy Ombudsman of Ontario

RE:SECOND REGISTERED NOTICE OF REFUSAL TO ACKNOWLEDGE OR
RESPOND TO MY REQUEST FOR CLARIFICATIONS ON YOUR RULING ON MY
COMPLAINT.

Dear Mr. Dube

You will no doubt be familiar with the recent investigation by Ms. Christine Elliott Ontario's Patient Ombudsman. She is fully aware that to date you and Ms. Finlay have refused to respond to my requests to provide backing documents and statements with respect to your ruling on the investigation I asked you to do on the former Ombudsman, Mr. Andre Marin. The Registered letter was dated November 2016.

- ***Consider this 'official notice by Registered Mail' number two.***

Your ruling was to agree with Mr. Marin that my colleagues and I had asked you to review what was already established government policy with respect to PET in Ontario. Our position was that what we asked you to review was the various 'tools and methodologies' that were used to come up with recommendations to the government. It would then be the government's appropriate role to determine what they could fund based on other factors such as impact on the provincial budget thus establishing official government policies with respect to PET in Ontario.

- We would agree that if what we asked Mr. Marin to assess was the policies once in place, that this would not be the appropriate role for the Ombudsman.

However, it remains the position of my colleagues and me that **there were NO established government policies on PET in place at the time Mr. Marin was asked to consider the issues we raised. The first policies involving what if any PET would be funded, did not come until 2009.**

- **Therefore the onus remains on you to not just state that you believe we were asking you to review was policy and not process, with all the appropriate backing evidence and documentation to justify your ruling.**

In addition, since this review was requested by me I am entitled to have my questions and concerns about your ruling acknowledged and responded to.

POINTS OF CLARIFICATION:

1. If there were policies already in place that we asked Mr. Marin to rule on that we were unaware of, **then please provide a copy of the official established policies.**
2. If such policies were in place at the time Mr. Marin was reviewing the issues regarding the introduction of PET scanning in Ontario, **then please document specific examples of where these policies apply to the questions and concerns we submitted to Mr. Marin to review.**
3. If it is the 'official position' of Ontario's Ombudsman that issues such as the fundamental design of experiments on Ontario patients, subsequently declared officially "unethical and bordering on immoral"; the analysis of the resultant data; and for example the methodology by which the Ontario government's 'experts determined the quality of evidence of the world published medical literature with respect to PET':
 - a. **IS ALL ABOUT POLICIES ALREADY ESTABLISHED AND NOT ABOUT THE PROCESS BY WHICH THE GOVERNMENT SUBSEQUENTLY CREATED POLICIES ON PET, THEN PLEASE MAKE CLEAR HOW THE ISSUES WE PRESENTED ARE TRULY ABOUT POLICY AND NOT ABOUT PROCESS TO ESTABLISH GOVERNMENT POLICY.**

- i. As a specific example please make clear how using what everyone agrees is a scientifically baseless process to assess imaging devices such as PET, health technology assessment [HTA] to design and then perform and subsequently analyze the data from the PET PREDICT Trial. This trial was used by Ontario government experts to determine potential roles for PET in women with early stage breast cancer.
- ii. To remind you, this was the specific 'experiment' that lead to motions declaring the Ontario government PET Trials on cancer patients as "unethical", and for Dr. Al Driedger to resign from the PET Steering Committee and declare that what the government experts were doing to block PET in Ontario "bordered on immoral."

Given that you would have gone through this in dealing with the ongoing review by Ms Elliott, it should take you no time to come up with the required statements, facts, documents, and established policies, so that we can resolve these issues critically affecting Ontario patients on a daily basis.

Respectfully Submitted.

Dr Dave Webster