

ATTENTION NEWS EDITORS: Embargoed until 1 p.m., Wednesday, Sept. 30

Ministry decision to restrict cancer drug “verges on cruelty”
Ombudsman finds cap on Avastin funding unreasonable and wrong

TORONTO (September 30, 2009) – The Ontario government’s funding cutoff for patients taking the cancer drug Avastin is unreasonable, wrong and “verges on cruelty,” Ontario Ombudsman André Marin’s latest investigation has found.

Mr. Marin’s report, *A Vast Injustice* – released today – details the stories of several colorectal cancer patients who were forced to pay for Avastin out of their own pockets or forgo treatment after they reached the “arbitrary” limit of 16 cycles of life-prolonging treatment (about eight months). The Ombudsman found that the Ministry of Health and Long-Term Care’s decision to impose the cap, regardless of how patients respond to the treatment, was not supported by medical evidence.

“The funding limit flies in the face of the acceptable standard of oncology practice in this province and beyond,” Mr. Marin says in the report. “Regrettably, this situation verges on cruelty for those already afflicted by this unrelenting illness. In the case of Avastin, it is impossible to justify the human price exacted by the current administration’s inflexible and dispassionate application of the funding limit.”

Ontario is the only province of the seven that fund Avastin to have a hard cap on the number of publicly funded treatment cycles. Despite this, the Ombudsman’s investigation also found that the Ministry could not confirm how many patients in Ontario were receiving Avastin or how much it had spent. As well, the Ministry’s communications about the funding limit at times were “blatantly misleading,” Mr. Marin said.

Government policy-makers have the right to decide that a drug is simply too expensive to fund, the Ombudsman noted. But once the decision for funding is made, any move to cap funding must take patient progress into account. “While Ministry officials thought that they had reached an acceptable balance, they failed to adequately factor in the human element and the moral obligations of the medical community,” he said.

The Ombudsman called on the government to lift the funding cap and pay for treatment on a case-by-case basis for patients who continue to do well on Avastin. He also recommended that the Ministry compensate patients who have spent thousands of dollars to continue their Avastin therapy.

The Ministry did not agree to these recommendations, but did agree to work with Cancer Care Ontario to develop a new compassionate review policy for cancer drugs. It also suggested that patients apply under the current compassionate review policy to have their funding extended – a response the Ombudsman criticized as providing no immediate or concrete solution for patients now in need.

“This is a matter of urgency for metastatic colorectal cancer sufferers,” Mr. Marin said. “I do not believe that Ontarians, for the sake of cost containment, should be left to pay for treatment with Avastin out of their own pockets or abandon a treatment that is working and that specialists consistently agree should be continued until disease progression.”

The Ombudsman will continue to monitor the Ministry’s actions as it reports back to him every six months on its progress in dealing with this issue. *A Vast Injustice* is the 22nd investigation completed by the Special Ombudsman Response Team (SORT) since it was created in 2005 to probe significant systemic issues. SORT investigations have sparked broad reforms to numerous government agencies and programs, including newborn screening, property assessment, compensation of crime victims and the lottery system.

-30-

Aussi disponible en français

Full report and backgrounders available at www.ombudsman.on.ca
Video of Mr. Marin’s conference will be posted on the website and YouTube

For further information, please contact:

Linda Williamson Director of Communications Tel: 416-586-3426 lwilliamson@ombudsman.on.ca	Elena Yunusov Communications Officer Tel: 416-586-3521 eyunusov@ombudsman.on.ca	Sara McMillen Communications Officer Tel: 416-646-8008 smcmillen@ombudsman.on.ca
---	--	--