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November 11, 2019

**BY EMAIL**

Dr. Sohail Gandhi  
Dr. Timothy Nicholas  
Ontario Medical Association  
150 Bloor St. West, Suite 900  
Toronto, Ontario M5S 3C1

Dear Drs. Gandhi and Nicholas:

**Medical Services Payment Committee (“MSPC”)**

We are counsel to the Ontario Specialists’ Association (the “**OSA**”). We write in respect of recent correspondence from Dr. Laurie Colman, the OMA’s co-Chair of the MSPC, to representatives of many specialist sections of the OMA, requiring those sections to identify reductions to their fee codes to facilitate increases to other sections’ fees.

As you are aware, the Phase One Arbitral Award dated February 18, 2019 (the “**Award**”) expressly provided on pages 17-19 that the fee increases awarded by the Kaplan Board of Arbitration (the “**Arbitral Panel**”) are “across-the-board” fee increases that, among other things, are intended to redress the Ministry’s unilateral fee cuts in prior years.

The Arbitral Panel also provided on page 20 that it would not direct that fees or compensation paid to some groups should be reduced in order to increase the fees or compensation paid to other groups, whether on relativity grounds or otherwise.

The MSPC has breached the Award by refusing to allocate any fee increase to certain sections and by compelling specialist sections to reduce their fees to allow fee increases for other sections. This is exactly the unilateral redistributive exercise the Arbitral Panel refused to allow.

We also have serious concerns about the speed with which the MSPC has purported to impose these unilateral decisions. In addition to the clear want of authority, this approach has all the features of a railroad.

The OMA claims to have turned over a new leaf, embraced the process lessons of its past, and that it is now an open and transparent organization. These demonstrate the OMA continues to act unilaterally in a manner that prejudices the interests of thousands of stakeholders.

The OSA does not accept that the MSPC can unilaterally impose fee cuts on its specialist sections and will resolutely oppose all efforts to breach or disregard the Arbitral Panel's Award and the statutory and common law duties of the OMA to its members.

Yours truly,

A handwritten signature in black ink, appearing to read 'Jonathan C. Lissus', with a stylized flourish at the end.

Jonathan C. Lissus

copy to: Andrew Winton (Lax O'Sullivan Lissus Gottlieb LLP)  
Allan O'Dette, CEO, Ontario Medical Association  
Dr. David Jacobs, OSA Chair  
Dr. James Swan, Cardiology  
Dr. Baseer Khan, EPSO  
Dr. Michael Gould, Gastroenterology  
Dr. Joseph Noora, Cardiovascular Surgery  
Dr. Mark Prieditis, Diagnostic Imaging  
Dr. Mark Benaroia, Nephrology  
Dr. Christopher O'Brien, Nuclear Medicine  
Dr. Aditya Bharatha, Neuroradiology