



doctor will be sued depends on whether the lawyer believes doctors should have been aware that the equipment might fail."

The Canadian Medical Protective Association is advising members directly about steps they must take, said spokesperson Rick Martel. "We're saying doctors should notify hospitals and clinics in writing about their concerns. Essentially, hospitals are suppliers to doctors, and so doctors have to ensure that their supplier is compliant."

Hospital staff said they have been advised to seek letters of Y2K compliance from suppliers but these are often refused. Instead, they are informed that a general letter of compliance is on the supplier's or manufacturer's Web site. "From a business perspective you may be satisfied with a public document but from a legal perspective you need a specific statement to you from the vendor to have complete protection," noted lawyer Shanon Grauer.

Mann said buyers should seek explicit statements of Y2K compliance and ensure that they may extend service contacts past 2000.

The federal Medical Devices Bureau achieved a 21%

response rate following a mailing to device manufacturers; the mailing sought data on Y2K compliance and results are available on the bureau's Web site. Seventy-six percent of respondents reported that their devices are compliant, but a speaker said almost 25% of devices that were said to be compliant failed his hospital's compliance tests. Denis Roy, who heads the Y2K project at the MDB, said the bureau does no independent testing to verify company statements.

## Are you insured?

Meanwhile, insurers have waited until the last minute to act, so changes affecting policies and renewals have only recently been introduced. "A few weeks ago, a major reinsurer announced Y2K exclusions . . .," said Karen Hunter-Payne, vice-president of J & H Marsh & McLennan. "Insurers are scared that even if Y2K events are excluded, this may not prevent a cascade of claims."

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## "Walls have to come down" to defeat Y2K bug

As far as the Y2K bug is concerned, a new survey has shown that the health care sector probably should worry far more about the bug's impact on information technology than on medical devices.

The results of the survey, conducted in Ontario this fall, surprised assistant deputy minister Gail Paech, who heads up the province's health-related Y2K project. "Before the survey we kept hearing estimates and projections about the cost of making medical devices compliant. Initially we were hearing that 30% of medical devices would be affected, but it turns out that only 3% are noncompliant," she said. "The greatest [problem] was [found in] information technology involving patient care."

The province mailed more than 3000 surveys and, when laboratories and pharmacies are excluded, achieved a 31% response rate. The results indicated that hospitals have done the most to meet the Y2K challenge. At the other end of the scale is the long-term-care sector, which is still in the initial planning stages.

Only 50% of respondents had begun to form contingency plans in case

certain systems fail, she warned. "This is worrisome because with Y2K it might not be a single disaster — there could be a series of events, or a progressive event."

Last May, Ontario announced it would spend \$300 million to ensure that the province's medical equipment is Y2K compliant. In a December interview, Paech said "medical equipment" includes patient-related information technology (IT), and the \$300 million would be used to cover part of the costs of making IT and medical devices Y2K compliant. "We'll never cover the total cost, but the government recognizes there's an unprecedented need for help and we have to flow one-time assistance to the sector."

Physicians' offices and private laboratories are not eligible for assistance, but Paech said there is a federal program to help them. She said her office will be seeking additional money from the provincial cabinet to help health facilities cover costs related to telecommunications, facilities and supplies.

Paech's project plans to conduct 4 more surveys in 1999: "The situation is continually being redefined and we

have to keep up to date." In future, facilities will be eligible for funding only if the surveys are completed, she added. The project also has a \$4.25 million education fund, which will help 7 health care associations to raise awareness of Y2K issues.

When she spoke at the September conference, Paech noted that her project was working through health associations because, unlike provinces such as Quebec and Alberta that have a regional system with funding envelopes, Ontario "has a system that is not a system. Hospitals, doctors and laboratories are all separate, and there is no coordinated way to get in touch with the sector."

In a subsequent interview, she stressed that since so many inter-related sectors may be affected by Y2K, there has to be a common response. "We're exploring ways to work through district health councils and we see clearly that municipalities have to bring together all the infrastructures to ensure that the population is prepared and that vital services are provided. Walls have to come down and territoriality has to dissipate to address this issue."