

Minister of Health



Ministre de la Santé

Ottawa, Canada K1A 0K9

Bill Casey, P.C., M.P.
Chair of the House of Commons Standing Committee on Health
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. Casey,

Thank you for your letter of March 9, 2017, on behalf of the House of Commons Standing Committee on Health, requesting information on the development of the 2015 Thalidomide Survivors Contribution Program (TSCP), including how the eligibility criteria were determined, and details about applicants to the Program.

As both a physician and the Minister of Health, I share the Committee's views on the need to provide support to confirmed Canadian thalidomide survivors so that they may age with dignity.

In 1991, the Government of Canada established an Extraordinary Assistance Plan (EAP) of \$8.5M for persons born with disabilities as a result of thalidomide. The EAP funds were distributed in the early 90s after which the program was closed. Today, there are 97 known living Canadian thalidomide survivors who received support through the EAP.

As you are aware, on December 1, 2014, the House of Commons unanimously adopted a motion offering support to Canadian survivors of thalidomide. In the absence of a legal obligation to provide support to thalidomide survivors, it was agreed that there was a moral obligation to help meet their changing needs. Accordingly, in spring 2015, the Government of Canada announced a support package for Canadian thalidomide survivors. The package included a lump sum, tax-free payment of \$125,000; ongoing yearly support payments; and an Extraordinary Medical Assistance Fund.

Although the impetus for the TSCP originated with the needs of survivors who received payment under the 1991 EAP, the Program also provided an opportunity and a process to assess unconfirmed individuals to determine whether they are Canadian thalidomide survivors.

Sadly, each year, a certain number of children are born with spontaneous or otherwise unaccountable malformations. According to the World Health Organization (WHO), approximately half of all birth defects cannot be linked to a specific cause. There are multiple other conditions which cause defects akin to those within the spectrum caused by thalidomide. This makes identifying thalidomide survivors a complex issue. Moreover, accurate identification of survivors is important in order to be able to monitor and examine the lasting effects of the drug on affected individuals.

Canada

In designing the TSCP, it was decided and subsequently announced on May 22, 2015, that the eligibility criteria would be determined based upon the 1991 EAP. This approach was felt to provide an objective process to assess unconfirmed individuals to determine if they are thalidomide survivors. It also provided consistency between the 1991 EAP criteria and the criteria used to assess new applicants.

To be considered eligible for support, individuals who believed they are survivors of thalidomide needed to satisfy one of the three 1991 EAP eligibility criteria which recognized survivors had previously met:

1. Verifiable information of the receipt of a settlement from the drug company;
2. Documentary proof (e.g., medical or pharmacy records) of the maternal use of Thalidomide (brand names Kevadon or Talimol) in Canada during the first trimester of pregnancy; or
3. Listing on an existing government registry of Thalidomide victims.

The 1991 EAP eligibility criteria were determined using a rigorous process that was developed through consultation with representatives of approximately 400 persons who identified themselves as thalidomide victims. Among those who contributed to the discussions were the Thalidomide Victims Association of Canada (TVAC) and the War Amps. The same criteria are being applied under the TSCP for those who could not, or did not, come forward in the early 1990s to be considered for financial support.

On November 30, 2015, Health Canada announced that Crawford & Company (Canada) Inc., a well-established provider of claims services, had been selected to act as the independent third-party administrator of the TSCP. In addition to administering the ongoing support payment and the Extraordinary Medical Assistance Fund, Crawford is responsible for assessing the eligibility of all new claimants under the Program.

Since 2015, 337 individuals have contacted Health Canada about financial support for Canadian thalidomide survivors, all of whom were subsequently informed of how to contact Crawford or who had already been in contact with the administrator. Many of these individuals have shared their personal stories of living with and overcoming various physical disabilities and injuries. The resilience and strength of these Canadians are inspiring.

As of the May 31, 2016, application deadline, 193 individuals submitted qualification applications to Crawford. Crawford undertook a review of each application, engaging qualified medical and legal expertise as applicable, according to the nature of the application.

To support applicants who could not be immediately confirmed as survivors, Crawford provided individuals with 60 days to address deficiencies and/or provide additional information.

A thorough review of each application and supporting information was completed by a medical assessor. All applications were subjected to a secondary review to ensure all of the information provided to Crawford was fully taken into consideration, before coming to an evidence-based decision. Crawford consulted legal experts where applicable.

As of March 27, 2017, Crawford has confirmed 25 new survivors, who along with the 97 survivors identified in the early 90s, bring the total number of living survivors to 122. Of the 25 new individuals confirmed, all of whom have received their ex-gratia payment of \$125,000 and their ongoing annual support payments:

- 3 provided proof of settlement (criteria #1);
- 16 submitted documentary proof of maternal ingestion (criteria #2);
- 6 were listed on the government registry (criteria #3).

Since mid-August 2016, Crawford has issued formal letters to 167 individuals to inform them that they were unable to meet the eligibility criteria. Subsequently, 16 individuals have written to me and/or Health Canada officials regarding the outcome of their application to Crawford. I would like to remind the Committee that Crawford is an independent third party responsible for assessing the eligibility of all applicants.

It is my understanding that four individuals have filed requests for judicial review of the Administrator's decision, citing the Crown as a respondent. As these matters are before the court, it would be inappropriate for me to comment.

I hope that the above information is helpful to you. Should you require anything else, please don't hesitate to contact me.

Sincerely,



The Honourable Jane Philpott, P.C., M.P.