

FAIR Association of Victims for Accident Insurance Reform
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Minister Duncan

Now that Ontario has adopted and put into force the suggestions of the Anti-Fraud Task Force's recommendations in respect to Unfair or Deceptive Acts or Practices will FSCO finally use these UDAP penalties to protect innocent and legitimate accident victims from being preyed upon by unscrupulous IME vendors?

These penalties or sanctions have been an option available to FSCO in the past under O. Reg. 37/10 or O. Reg. 7/00 and yet for more than a decade we have seen too many legitimate accident victims left for years without adequate income or proper care based on flawed Independent Medical Exam reports. FAIR has not seen any action towards cleaning up this unsavoury practice of using flawed or unqualified IME reports to disqualify legitimate accident victims in the past so why should Ontario consumers believe that the Financial Services Commission will finally take action now?

A quick review of only two of the most recent cases on the FSCO website reveals just how unfairly Ontario's accident victims have been treated. Arbitrators describe the IMEs they review on the way to determining benefits as 'inaccurate, failed, misleading, defective, incomplete, deficient, not correct and flawed'. That's no way to treat vulnerable accident victims and nothing has been done to correct this problem. The proliferation of poor quality IMEs in the system is undoubtedly part of the core problem of the backlog of cases waiting to be heard at FSCO. Will the government finally take action? Or once again allow the 'hired guns' of the insurance industry to hijack consumers' rights to collect on the policies they have paid for?

The cost of insurance and the quality of coverage for those unfortunate enough to have been injured affects over 9 million drivers in Ontario. FAIR believes that our government can and should do a better job to ensure that all accident victims are treated fairly so that they have the best possible chances of reaching maximum recovery after an automobile accident.

FAIR is willing to meet with your office at any time to discuss the issue of fair Independent Medical Examinations. We look forward to hearing back from you.

Regards
Rhona DesRoches
FAIR, Board Chair
<http://www.fairassociation.ca/>