

Open Letter to Ontario Auto Insurance Stakeholders (and media),

Too often the Ontario auto insurance system treats seriously injured claimants unfairly and yet this issue still isn't getting consideration from legislators or regulators at Queen's Park. Current "fixes" are heavily tilted in favour of protecting the financial health of Ontario's private auto insurers at the expense of the health of injured claimants.

"Independent" Medical Examinations (IMEs) are essential in adjusting the injury claims of Ontario's auto accident victims. The Ontario Auto Insurance Anti-Fraud Task Force has acknowledged that there are problems in terms of the quality of these assessments and ongoing mainstream press coverage continues to chronicle examples of how shoddy insurer medico-legal assessments hurt legitimately injured claimants.

A 'three strikes' method of purging the insurance system of biased, unqualified or substandard IMEs was proposed by Alan Shanoff: *"If a judge or arbitrator has made critical or adverse comments concerning a health professional make the comments public rather than leave them buried in decisions that few read. Allow adverse comments made about a health professional to be used against the health professional in subsequent cases and disallow the use of any professional who has been the subject of three adverse comments. We can get rid of shoddy, biased independent medical examinations — but only if we want to."* <http://www.torontosun.com/2012/11/30/concern-for-professional-reps>

So far, none of the stakeholders have responded to that suggestion. And yet insurer assessors themselves acknowledge that the worth of the assessors is inextricably tied to the value the Trier of Fact attaches to their work product: *"The value of these independent assessments is directly proportionate to the independence and quality that courts and arbitrators attach to them."* <http://www.canadianunderwriter.ca/news/letter-to-the-editor-independent-medical-examinations-provide-necessary-check-and-balance/1001950950/>

FAIR would like to know what each of the stakeholders think of this "three strikes" rule as a first step toward purging the rogue assessors from the Ontario auto insurance system. This rule would apply evenly to insurer assessors and treatment provider assessors alike. Do you support this idea - or do you oppose it? If you oppose a three strikes rule - why? What alternative solution for the substandard assessment problem do you have to offer?

Seriously injured Ontario auto accident victims deserve fair assessments performed by well qualified assessors. Sadly, they can't count on getting such an assessment. They have been waiting long enough for action. So FAIR would appreciate a timely reply in order that we, together with the other stakeholders, can all move forward in a collaborative effort to clean up the Ontario IME system and make sure that auto accident victims are treated fairly and with dignity.

Rhona DesRoches
Board Chair,

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