

FAIR Association of Victims for Auto Insurance Reform  
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February 28, 2013

Hi Mr. Sousa

It was said in last week's mainstream press that, as the new Minister of Finance, you would be open to hearing about the problems and issues surrounding the auto insurance industry.

My name is Rhona DesRoches and I am the Board Chair of FAIR Association of Victims for Accident Insurance Reform. We are a not-for-profit consumer organization comprised of accident victims, their family members and supporters.

FAIR is very concerned with the proposed changes to catastrophic injury guidelines as set out in the Superintendent's Report on the Definition of Catastrophic Impairment in the Statutory Accident Benefits Schedule released on June 12, 2012. FAIR did submit a response to that report that went over our concerns that the recommendations made by the 8 member panel were done in haste. Some of the panel member's qualifications did not include the treatment of catastrophically injured patients and some of the members have close ties to the IBC, an institution whose mandate is to advance the interests of Ontario's insurers.

The very small size of the CAT Panel itself may have led to an inadequate resource of knowledge or limited the discussion and the Superintendent noted that "The Panel had trouble understanding" when it came to combining physical and psychiatric impairments. Ultimately this led to flawed recommendations that favour insurers over the interests of injured citizens and it is taxpayers who will ultimately shoulder the expense.

If you truly do believe that "a good idea is a good idea and I don't care where it comes from." (Globe and Mail Feb. 13 2013) then perhaps you would also be willing to see that a bad idea is a bad idea no matter where it comes from.

The panel's reports (April and September 2011) reflect that their understanding of catastrophic injury was very limited. Some of the Panel members did not agree on two very important questions. When asked about paraplegia and quadriplegia, two of the eight member panel members did not agree that those injuries met the criteria of 'catastrophic'. It is our understanding that the questions themselves were crafted by the Panel members. The lumping together of two serious injuries reveals a flawed approach – paraplegia and quadriplegia are not the same injuries, treatment, care, and the outcomes for these injuries would be vastly different.

For Ontario's catastrophically injured accident victims these Panel responses to two simple questions is not acceptable and it calls into question every/any other recommendation this panel has made or could make in the future. See below.

If the CAT Panel recommendations are to be adopted 'as is' then it would be fair to say that if you or perhaps the Premier would be so unfortunate as to lose the use of your arms and legs, that these CAT Panel members would be divided as to whether you had suffered catastrophic injury and whether you deserved a fair level of coverage for such a devastating injury.

I look forward to hearing back from you on this issue.

Regards

Rhona DesRoches

FAIR, Board Chair

FAIR Association of Victims for Accident Insurance Reform

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**Recommendations for Changes to the Definition of Catastrophic Impairment, Final Report of the Catastrophic Impairment Expert Panel to the Superintendent, April 8, 2011 (Version 2 with Erratum)**

**Questions put to the CAT Panel on pages 27 and 28:**

A.1.3 Question 3. The current definition of "catastrophic impairment" includes paraplegia or quadriplegia. Do you agree that an individual who is injured in a traffic collision and becomes paraplegic or quadriplegic is catastrophically impaired?

The Expert Panel reached consensus (75%) and agreed that paraplegia or quadriplegia are catastrophic impairments.

A.1.7 Question 4. The current definition of "catastrophic impairment" includes the amputation of an arm or leg or another impairment causing the total and permanent loss of use of an arm or a leg. Do you agree that an individual who is injured in a traffic collision and suffers arm or leg amputation or another impairment causing the total and permanent loss of use of an arm or a leg is catastrophically impaired?

The Expert Panel reached consensus (75%) and agreed that the amputation of an arm or leg or another impairment causing the total and permanent loss of use of an arm or a leg is a catastrophic impairment.