

FAIR Association of Victims for Auto Insurance Reform  
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### **Reducing Fraud with Transparency in Ontario's Independent Medical Examinations – Open Letter**

On February 19 and March 4, 2013 FAIR wrote open letters to the stakeholders in the oversight communities that govern Ontario's Independent Medical Examination practitioners.

Today we write to each of the stakeholders with a third suggestion to promote transparency in a system that everyone agrees is 'broken' – we must now move to the question of how we can fix it.

On Feb. 26, 2013 Heather Mack, the IBC's Toronto Regional Director of Government Relations, wrote a letter to the *Windsor Star* praising Ontario's private auto insurance system. On the 'transparency' issue Ms. Mack says there is a need to put the public auto insurance systems "under the microscope" and states that: *"private companies in Ontario provide more information to the government than the Manitoba Public Insurance (MPI) Corporation provides to its government"*.

The credibility of the auto insurers' preferred IME/IE vendors, whose assessments are often used to deny and delay seriously injured claimants' access to policy benefits and onto taxpayer paid systems such as welfare and OHIP, is in tatters...so much so that the President of the Canadian Society of Medical Evaluators (CSME) recently wrote that Ontario's auto insurance IME domain is at risk of "*public scandal*" due to the inferior quality of "*amateurish, biased and fraudulent*" medico-legal assessments.

One way to shine a light on auto insurer fee-for-service assessment 'mills' would be for the Ontario auto insurers to annually disclose to the public the total amount each assessor has been paid. By making this information transparent the public would be alerted to the potential for bias when medico-legal assessors become completely beholden to the private auto insurers for the lion's share of their annual income. Currently in Ontario, this information is not disclosed to the public. The bias inherent in this secretive system is obvious. British Columbia's public system has disclosed this information for years. Why aren't Ontario's private insurers doing the same?

FAIR is asking that the same disclosure of information practice be adopted here in Ontario. The benefits of greater transparency to Ontario's injured auto insurer claimants who are forced to submit to these often shoddy insurer assessments are obvious.

Far too much of the ongoing auto insurance talk consists of little more than unsubstantiated statements in which the competing stakeholders shout at one another over the heads of seriously injured auto accident victims - leaving them caught in the cross-fire. With the exception of columns in the *Toronto Sun* there has been virtually no dialogue about injured claimants and how to improve the quality of these insurer assessments.

It is within these questionable assessments that the perpetual accusations of opportunistic malingering and fraud are made by pro-insurer assessors looking to hold on to their steady stream of IME/IE insurer referrals. Those who attend the legislated medical examinations know that the wrongful denials of legitimate injury claims are justified on the basis of shoddy insurer commissioned medico-legal opinions and that this abuse is rampant.

Of late the discussion centers around simplistic insurer fixes like the continuation of the IBC/Liberal war on the alleged opportunistic fraud versus the NDP's equally simplistic demands for a 15% premium reduction. It seems to be entirely lost on the NDP that a significant chunk of the increased auto insurer profits it wants to claw back from the insurers is the result of wrongful denials of policy benefits to some of Ontario's most seriously - sometimes catastrophically - injured claimants. What about them? Don't any of the stakeholders or politicians care about injured auto accident victims? So far it doesn't look that way.

The suggestion for the annual disclosure of fees paid by auto insurers to their medico-legal assessors represents our third concrete, practical suggestion toward improving Ontario's auto injury IME/IE system together with a 'three strikes' rule regarding adverse judicial comments and the mandatory disclosure of 'secret cautions' issued to IME/IE vendors.

FAIR would like to hear from all stakeholders in the Ontario auto insurance system as to whether they agree or disagree that, in the interests of transparency and accountability, such a disclosure requirement would represent a tangible step toward improving Ontario's auto insurer assessment system.

Sincerely  
Rhona DesRoches  
FAIR, Board Chair