

- Voice of the injured accident claimants.
- Recent submissions to the Standing Committee
 - Annual disclosure of amounts paid to IME assessors / facilities.
 - Publication of the CPSO findings following the inspection of private health care clinics.
 - Publication of any cautions issued by the CPSO to physicians relating to improper behaviour.

Good afternoon, my name is Tammy Kirkwood and I am the Vice-Chair of FAIR Association of Victims for Accident Insurance Reform. While some of you may know of us, many people do not – we are a not-for-profit consumer group made up of accident victims and their supporters who are seeking positive change and better coverage for Ontario's injured accident victims.

Recently FAIR made a submission to the Standing committee asking our legislators to take an interest in how vulnerable accident victims are treated by way of 'Independent Medical Examinations' or IMEs. The quality of Ontario's IMEs is of major concern to FAIR and our many members who are now legislated to attend insurer sponsored IMEs or be fined \$500 for failing to do so.

I wanted to cover some of the points that we made during our presentation to the Standing Committee that will improve how injuries are assessed and ultimately the outcome for seriously injured innocent accident victims.

Ontario's IME providers are regulated by their overseeing colleges and while that sounds good on paper, the reality for the accident victim is that these for-hire vendors of medical opinions often produce poor quality or unqualified medical reports. These IME reports are used to decide whether or not an accident victim is entitled to benefits and they are far too often bogus reports whose only use is to deny or delay benefits because they've been produced by physicians whose income is dependent of the insurer who pays for the report. This high denial rate and Ontario's insurance industry's aggressive defence tactics has led to an extraordinary backlog of Arbitration hearings for victims who are unable to access rehab benefits.

FAIR has proposed several changes to provide transparency and honest evaluations for those who are injured on our roads. We have sent our suggestions to the various Colleges in Ontario without response.

We've proposed that the Colleges be more transparent about complaints about their members so that innocent accident victims are not put at risk when attending an IME. The reality is that some IME physicians have a long history of complaints about their unprofessional behaviour that is being hidden from public knowledge.

Public disclosure of past complaints about IME vendors would alert patients and their lawyers about potential biased or unqualified examinations and assist in weeding out those assessors whose reports have been called **“inaccurate, failed, misleading, defective, incomplete, deficient, not correct, flawed and of little value or useful purpose”** by our courts. Transparency would go a long way to cleaning up the system and accident victims would have truthful medical opinions to work with to put them on the road to recovery. Fair and accurate medical reports shouldn't be too much to ask for and neither should adequate oversight of those who write those reports.

FAIR has gone further than just looking for transparency; we believe that there should be a 3 strikes rule in place as well. A rule that after 3 adverse comments about an assessor's reports from a judge or an arbitrator means that that assessor no longer has their reports accepted in Ontario's courts.

We've also suggested that Ontario start to publish the fees paid to IME assessors and to clinics who provide assessments and treatment. The Insurance Corporation of British Columbia publishes their costs annually so that the public can see where their premium dollars are being spent.

We see the Colleges moving very slowly towards transparency when our Minister of Health recommended that they publish the names of the clinics that didn't pass inspection earlier this year. Let me give you an example, if you are researching a plastic surgeon, in Ontario's private clinics, you can find out if they've been censured by the College. But, if you're a MVA victim attending an IME, you don't have the same opportunity to check the credentials of the assessor?

Unfortunately we've never heard back from any of the twenty plus colleges we've written to with our suggestions. Accident victims and their situation seems to be of little concern to the colleges in Ontario despite that fact that thousands of IME reports are written every year.

FAIR hopes that with our collective voice of many members, we will be able to focus attention on the careless way accident victims are treated under current legislation.

I'd like to thank Thomson Rogers for having me here today and for helping us bring attention to the issue of poor quality IMEs and the harm they cause.