

For immediate release

News Release

**Auto Accident Victims at Risk When Attending Clinics and Assessments**

*FAIR Calls for Better Oversight of Ontario's For-hire Physicians and Medical Assessors*

**TORONTO – September 25, 2014 – FAIR**, the Association of Victims For Accident Insurance Reform, urges the Ontario government to fix the province's broken auto insurance system and provide better oversight to protect vulnerable auto accident victims.

FAIR Association of Victims for Accident Insurance Reform is a grassroots not-for-profit organization of MVA (Motor Vehicle Accident) victims who have been injured in motor vehicle collisions and who have struggled with the current auto insurance system in Ontario.

FAIR is concerned that the victims and survivors of car accidents are exposed to significant risk when attending medical assessments and treatment clinics when regulatory oversight and enforcement is virtually non-existent.

According to the [Health Claims for Auto Insurance Processing report](#) released last month Ontario's auto insurers spent over \$242 million dollars for 89,826 visits by MVA victims at private clinics, assessment facilities and medical offices for medical opinions or treatment in 2013.

[Theresa Boyle's Toronto Star story](#) this past weekend exposed the dangers facing Ontarians who are treated in a for-hire medical system. The risks exist because of the lack of transparency at the College of Physicians and Surgeons in respect to the oversight of these privately run facilities. The disregard for the health and safety of Ontarians was highlighted again on Tuesday when another [Toronto Star article](#) exposed another College failure to advise other patients or even those whom they knew had been harmed.

It is a major concern for vulnerable and injured accident victims who are legislated to attend assessments at private facilities. Court documents reveal that accident victims as well as [WSIB claimants have been treated](#) at Rothbart Pain Clinic in the past and possibly even during this crisis at the clinic where there were infection control deficiencies.

It is worth noting that only after the Star coverage that highlighted the lack of regulatory oversight and transparency that a [Notice of Hearing appeared](#) on the College's website.

The [Insurance Bureau of Canada acknowledges](#) that IMEs are used "to control overall costs for the millions of consumers who buy auto insurance in Ontario. Everyone knows there is a fraud problem. Insurance companies use IMEs to combat fraud."

It is one thing to suffer harm in the course of an auto accident and another to suffer harm at the hands of those who are [supposed to be assisting you](#) as a tactic to fight 'fraud'. Many of our members have made [complaints to the CPSO](#) about their experiences at medical assessments with the intent of protecting others from abuses. The reality is that CPSO has consistently relied on remedial cautions that are private and confidential in order to hide the past history of physician complaints. In protecting their members, whose flawed medical reports and testimony are routinely used to disqualify legitimate claimants, the CPSO has abdicated their responsibility to the public.

While considering [changes to auto insurance](#) with the intent to fine claimants \$500 for failing to appear at insurer ordered assessments, our legislators ought to consider just what the risks are. Current fraud "fixes" favor protecting the financial health of Ontario's private auto insurers and their medical assessors at the expense of the physical health of injured claimants.

FAIR Association of Victims for Accident Insurance Reform has contacted the CPSO on many occasions in regards to the lack of transparency but our [repeated requests](#) for greater transparency to protect the public's interests and safety have fallen on deaf ears.

Ontario's Ministry of Health, through the Health Professions Appeal and Review Board (HPARB), is compounding that failure to inform the public by providing [only the initials of the physicians](#) whose cases come before them by way of the HPARB appeal process.

FAIR wants [MPPs from all political parties](#) to look more closely at auto insurance in Ontario when Bill 15 is considered.

Bill 15 includes the recommendation from the final [Anti-Fraud Task Force Report](#) that FSCO continue to rely on the CPSO and Ontario's regulatory colleges to oversee Ontario's third-party for-hire medical opinion providers. These practitioners provide the medical opinions on which claimants and insurers rely on to decide access to benefits. The entire system, from the claims process to court hearings, is dependent on these medical reports and opinions to be fair, objective and non-partisan to function.

The [Anti-Fraud Task Force](#) acknowledged that "Health regulatory colleges should work together to develop professional standards, guidelines and best practices to improve the quality of independent medical assessments of auto insurance claimants conducted by their members". FAIR has not yet seen any action on protecting accident victims since this recommendation in 2012.

FAIR believes that the poor quality of the medical opinions in the system and poor performance of adjusters is one of the root causes of our present court backlog. Justice Cunningham in the [Dispute Resolution DRS Final Report](#) recognized the problem with the quality of IMEs as "obvious" and acknowledged that "IE assessors working in the auto insurance system have no standard assessment protocols, report formats or timelines, and I imagine it must be a challenge to insulate themselves from outside influence"

The problem exists because we continue to rely on the CPSO and other regulatory colleges whose lack of transparency and regulation enforcement has allowed the 'independent' for-hire assessors to ignore the College regulations while [pursuing profits from insurers](#).

The wrongful denial of policy benefits to injured claimants based on shoddy insurer assessments has [overloaded our public support systems](#) such as ODSP and CPP Disability. These questionable 'independent' opinions often deny or delay victims getting the help they need and [drive up costs to both the injured victim and the taxpayer](#) who must shoulder the financial burden when insurers fail to do so.

We hope that our government and legislators will put public health and safety first and foremost, demand transparency and accountability, and take action to ensure that we have adequate oversight and regulations that protect the public.

FAIR Association of Victims for Accident Insurance Reform

***'FAIR – supporting auto accident victims through advocacy and education'***

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