

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

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Sent by email

Communications Dept, Transparency Project
College of Physicians and Surgeons of Ontario
80 College St., Toronto, ON, M5G 2E2

RE: Transparency Project Phase 2

Thank you for the opportunity to comment on the CPSO's proposed Transparency by-law changes. FAIR speaks for many of Ontario's motor vehicle accident (MVA) victims who are especially vulnerable to medical abuse. Unlike ordinary citizens, Ontario's accident victims are examined an alarming number of times by third party for-hire medical opinion vendors as well as their own treating physicians.

FAIR posts links to many Health Professions Appeal and Review Board (HPARB) decisions and Financial Services Commission of Ontario (FSCO) arbitration decisions about Ontario's 'independent' medical opinion providers on our website. It is clear that MVA victims are often re-victimized by Ontario physicians whose bias favours the insurance company on whom they depend to make a very handsome pay check. The anonymity of the physicians within these decisions has caused yet another layer of harm by way of failing to protect the public and in the bargain harming the reputation of all good physicians.

Greater transparency would go a long way toward instilling confidence that CPSO really is providing oversight and enforcement of the regulations and not just going about the business of protecting an elite group of doctors whose volume of questionable work product saves Ontario's insurers millions of dollars every year. This creates medical havoc for treating physicians who must deal with the fallout of the abuse to their patients and the roadblocks to treatment that these poor quality reports generate.

Regarding Cautions-in-person and SCERPs

CPSO has a long history of ignoring complaints. There is a concern that those who have abused Ontario's MVA victims in the past and who have a history of prior complaints will be starting out fresh as if their record of complaints never existed and doesn't matter.

CPSO has often cloaked multiple offenders in secrecy and protected the physician's interests over that of very vulnerable patients. Some years ago a College investigator recorded that a well-known Insurer Medical Examination (IME) provider said that "in his view, there are three types of patients:

1. *Patients with nothing wrong with them who are "pulling the wool over everyone's eyes"*
2. *Patients with no problem who think they have a problem. These patients actually believe that there is something wrong with them, even though there is not.*
3. *Patients with minor problem who have exaggerated this problem into something much bigger than it is."*

Ultimately the physician who had revealed his bias and potential to stand in the way of treatments for Ontario's MVA victims was only sent for a private and confidential oral caution. CPSO, at that time, was investigating multiple complaints about the bias and poor quality medical reports this vendor of medical opinions was churning out by the thousands. That same IME physician went on to provide flawed medical reports for many years for many thousands of auto accident victims in more than one Canadian province as well as Ontario's WSIB claimants. Not once did CPSO do anything to protect the public and the physician assessor was ultimately celebrated by his peers for his contributions to the assessment industry.

This type of secrecy costs the treating physicians who are actually trying to assist their patients' recovery and the honest medical assessors who are doing a good job. The cost to the victims of the medical abuse is evident in the almost 100,000 cases of unpaid MVA claims in our courts right now. Many of those people eventually end up on our public supports because their claims were derailed on the basis of some bogus and biased expert medical report. When Ontario's wealthy insurers use the medical profession to bolster their denials, it costs us all.

There is a concern that going forward many of the third party physician assessors will fight the exposure of a more open policy and because of their greater wealth will be able to mount even more appeals from College censures. We hope that Ontario's treating physicians whose patients are harmed will be taking a more active role in protecting their patients from medical predatory practices and that the College will now be listening to those members as well.

CPSO should reach back into their past records of the thousands of complaints made by auto accident victims. Those CPSO members that have had multiple complaints and secret cautions in the past decade should have them posted on the public register. It is not at all unusual for a MVA victim to have to wait 10 years or more to have their case heard in a court where the biased or unqualified report will be thrown out by a judge at a hearing. Those people wouldn't be there if not for these shoddy and biased reports and the College should make every effort to protect the public as well as undo the harm that they've caused with what has been an empty promise of regulation and oversight.

Regarding Criminal Charges

We agree with the proposed amendment. We also agree with the submission from the Information and Privacy Commissioner of Ontario that, in addition to including convictions and charges under the

Criminal Code and Health Insurance Act, the CPSO should include charges for offences under PHIPA on the public register going forward.

Regarding Licences in other jurisdictions and Discipline findings in other jurisdictions

We agree that this information should be posted on the CPSO public register. Unfortunately many of those physicians who work for Ontario's insurers also export their bias and shoddy work outside of Ontario.

FAIR appreciates the open nature of this consultation process and that progress is and will continue to be made to protect the public.

Rhona DesRoches
Board Chair, Fair Association of Victims for Accident Insurance Reform