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Sent by email to:

Hon. Christine Elliott, Minister of Health
CC: Hon. Rod Phillips, Minister of Finance
Stuart Wilkinson, FSRA

April 29, 2020

Good afternoon

FAIR is a not-for-profit organization of accident victims and their supporters who advocate for better access to treatments and recovery resources. I am writing on behalf of Ontario's vulnerable car accident survivors who are currently being left behind in the Covid19 pandemic.

There are many problems with our auto insurance and access to treatment is only one of those issues but the Covid19 pandemic has made that access much more difficult for this vulnerable patient group.

We had hoped that Ontario's auto insurers would step up as an industry with a solid policy for all insurers to follow regarding the care of Ontario's traumatically injured MVA victims but this doesn't appear to be the case. Some insurers are being very accommodating and making every effort to see that their customers' rehabilitation needs are being addressed while others are not and some may well be using the Covid19 as an excuse to provide zero recovery resources to their injured customers. There's been no direction on this issue as best we can see coming from the industry.

These are Ontario's vulnerable patients who are suddenly and traumatically injured at a time of great uncertainty. It appears that there is a wall between the accident victim and the therapies they need to recover and the industry has not been able to unblock this on their own. There has to be a patient first approach for these victims whose quality of life may be affected for the rest of their lives if government cannot come up with a policy that ensures they get what treatment is possible in these uncertain times.

We recognize that insurers are facing uncertainty on how to best manage customer care when much of the direction comes from regulatory Colleges, it is incumbent upon them to facilitate their customers' recoveries. It's the coverage promised and that needs to be delivered even in these challenging times. What that treatment is should stem from the recommendations of treating practitioners based on what is and isn't possible or acceptable to the injured person and to accommodate to the Covid19 pandemic restrictions. That includes virtual treatments when possible and insurers need to be encouraged to put recovery first by following treating practitioner recommendations first.

Poorer care equals poorer outcomes that translate into bigger costs to taxpayers down the road. Right now medically unqualified insurer adjusters are questioning clinical decisions for Ontario's patients based on company policies that put profits before recovery. This includes treatments previously approved. To be clear - it is not up to an adjuster to make medical decisions or to decide what is or isn't appropriate care. This is a decision made by qualified medical practitioners and patients and is outside an adjuster's qualifications. Auto insurers need to be reminded of this especially at a time when it is not possible to have in-person insurer medical examinations.

Adjusters are also posing often irrelevant lists of questions in front of treatment providers before even considering recommended virtual treatments. Many insurers do not yet have a 'code' that applies to virtual treatments and are using that as an excuse to delay and deny rehabilitation.

We recognize that some MVA patients may not be set up for virtual treatments or may not want them during the pandemic for a variety of reasons but it's important that the option be there. Insurers need to recognize that many therapists are an essential part of a larger team effort to address and mitigate injuries and for many MVA victims their rehabilitation is their only contact with others during recovery.

There continues to be a lot of problems around signatures and record keeping required by insurers so the delays and problems are many and the solutions can only come from greater collaboration between the rehab community and insurers.

Surely we would all agree that a client who has been rehabilitated is a client that costs less in the long run. The Province needs to take an interest because it is the taxpayer who pays when the insurer closes their files. Accident victims don't just go away, they end up on social supports so getting them on the road to recovery is important to all of us. This could very easily be a boon for insurers who get fully on board with on-line treatments as many individuals who are highly motivated might even prefer this service delivery when the pandemic is over. Or it could be a high-profit cycle for insurers who don't pay for treatments and that leads to a huge healthcare and/or social supports deficit in the future for Ontario taxpayers. Imagine what an injured shoulder would look like without treatment to keep mobile in a year. In two years. Now imagine multiple injuries and how a lack of treatment would play out for many people who might be denied the basic option of virtual treatments. We shouldn't allow that to happen when we've paid for coverage and have a need for rehab.

Ontario already has far too many car accident survivors dumped onto our public supports system. These vulnerable individuals are struggling to survive the pandemic while subsisting on funds so far below the poverty line it is routinely pointed out in the press how the lack of care to these disabled and ill patients may cost lives. This is the time to provide instruction to auto insurers that they must pay for all recommended treatments and put MVA victims first – Ontario cannot afford to subsidize more patients. This vulnerable population is in danger of being sidelined and that can only have a negative effect on the long term outcome for them while improving insurer profit margins.

We are asking you to remind Ontario's auto insurers of their contractual obligations to Ontario's MVA victims and to ensure the costs associated with the delivery of care, including the PPE required to deliver that in-person care and making sure that virtual on-line treatments are available to those in need.

Thank you for your time and the consideration of these issues. And especially thank you for all of your efforts during the pandemic to address all of the many concerns of Ontarians in these troubled times.

Sincerely,
Rhona DesRoches
FAIR, Chair