



FAIR Association of Victims for Accident Insurance Reform
579A Lakeshore Rd. E., Box 39522
Mississauga, ON, L5G 4S6
<http://www.fairassociation.ca/>
fairautoinsurance@gmail.com

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Sent by email to :

Hon. Christine Elliott christine.elliott@pc.ola.org

CC: Minister of Finance and Ontario MPPs

College of Physicians and Surgeons of Ontario feedback@cpsy.on.ca

Has Ontario given up protecting vulnerable patients? Or just patients who have insurance claims?

Why is the Regulator having a public consultation about Third Party medical reports and stating:

“Physicians must act with the same high level of integrity and professionalism when participating in third party processes, as they would when delivering health care” on their public website [1] while telling patients who complain about a negative experience and the medical harm: **“The College does not regulate the quality control of third-party IME for the province of Ontario and the insurance industry.”** Signed by C. LEET, MD – Acting Chair, ICR Committee #1111896, Sept 1, 2020 [2]

Why is the Regulator only pretending to protect vulnerable patients? Does the Regulator get to pick and choose who they’ll protect, who gets harmed and who doesn’t?

More importantly, has the Minister of Finance been informed of this huge regulatory gap and ongoing harm since they have the auto insurance file under their purview and have some responsibility to Ontario drivers?

Is it any wonder that the fallout from this lack of care and illusory regulation has cost patients their recovery and deeply affected the quality of life for accident victims in great need of resources? Their experience with **“inappropriate or unfair questioning from insurers, examiners, and insurer-hired medical professionals; duplicative and unnecessary, yet mandatory, insurer examinations; and insinuations that non-injury related life circumstance or history was responsible for their deficits or rehabilitation needs”** has surely affected their outcomes in a negative way. It should be concerning that **“this lack of confidence in insurer assessors may stem from the sense that these professionals are trying to discredit their claim, rather than provide an objective evaluation”** and patients are left **“feeling that they were being assessed for the purpose of finding a reason to deny the claims, and being manipulated and further traumatized.”** [3]

Why is the College of Physicians and Surgeons of Ontario misleading the public when it comes to this sub-set of doctors and why are Third Party ‘expert’ doctors not policed in the same way as other physicians are?

We ask your office to investigate the CPSO’s failure to regulate ALL of their members and not just the ones they want to. Ask why there are no sanctions on the CPSO website in relation to a multitude of complaints made by Ontario’s seriously injured motor vehicle accident (MVA) victims and ask why the CPSO is asking for input on what appears to be a sham consultation.

I look forward to hearing back from your office on this very important public safety issue and what action your office will take to protect Ontario patients.

Rhona DesRoches
FAIR, Chair



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1. **Current draft** of CPSO's [Third Party Reports](#) and [Medical Expert: Reports and Testimony](#) policies as it sets out expectations for all physicians (including medical experts) who participate in third party processes
http://policyconsult.cpso.on.ca/wp-content/uploads/2020/08/Third-Party-Medical-Reports_Draft_Policy.pdf

2. Concerns raised in the **INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE DECISION AND REASONS College of Physicians and Surgeons of Ontario's Complaint # 1111896, Sept 1, 2020**

"The Complainant is concerned that Respondent #1's report contained "false and/or misleading information" and that Respondent #1 shared information with a third party without her consent. The Complainant is concerned that Respondent #2 did not comply with the College's *Third Party Reports* policy and that Respondent #2 shared information with a third party without her consent."

- The investigative file includes a letter from an advocacy organization, FAIR, that is critical of the College's *Third Party Reports* policy. **The complaints process is not the appropriate forum for addressing concerns about College policy.**
- Similarly, **the College is not the correct forum to dispute the interpretation and application of the guidelines regarding chronic pain and disability.** The Respondents' comments about terminology are not covered by the Personal Information Protection and Electronic Documents Act (PIPEDA).
- **The College does not regulate the quality control of third-party IME for the province of Ontario and the insurance industry.** The ICR Committee is not the appropriate forum for the Complainant, her legal counsel and FAIR to air concerns about the legal system.

3. **McMaster/ABISS Survey of Auto Insurance Claims Process for Individuals with Communication Disorders After Traumatic Brain Injury, July 26, 2020** <https://www.abiss.ca/brain-injury-auto-insurance-study>

"Acquired Brain Injury Survivor Solutions (ABISS) is a group of Ontarians who have sustained a brain injury from a MVC. Through conversation, they discovered a number of common experiences with insurance claims processes that seemed to have a significant impact on their recovery. Many of the members experienced breaches of privacy; a sense that insurers were starting from a basic premise of mistrust (i.e., that they were lying about their injury until proven truthful); **inappropriate or unfair questioning from insurers, examiners, and insurer-hired medical professionals; duplicative and unnecessary, yet mandatory, insurer examinations; and insinuations that non-injury related life circumstance or history was responsible for their deficits or rehabilitation needs.**"

"The current survey reported similar findings, with participants indicating general dissatisfaction with these assessors. Input from the ABISS group suggests that this **lack of confidence in insurer assessors may stem from the sense that these professionals are trying to discredit their claim, rather than provide an objective evaluation.** These experiences were echoed in the qualitative results, which outlined feelings of being taken advantage of while vulnerable, **feeling that they were being assessed for the purpose of finding a reason to deny the claims, and being manipulated and further traumatized.**"

4. <http://policyconsult.cpso.on.ca/wp-content/uploads/2020/02/FAIR-submission-to-CPSO-Third-Party-Expert-Reports-and-Testimony-Feb-2020.pdf> and http://policyconsult.cpso.on.ca/?page_id=12360