



August 30, 2024

Mr. Glen Padassery
Executive Vice President
Policy and Auto/Insurance Products
Financial Services Regulatory Authority of Ontario (FSRA)
25 Sheppard Ave West
Suite 100
Toronto, ON M2N 6S6
cc: Huston Loke, Executive Vice President, Market Conduct

Re: Budget Auto Insurance Reforms – FSRA Reviews

Dear Glen,

Following recent announcements in the 2024 Ontario budget, we are writing on behalf of the Coalition of Health Professions in Auto Insurance (the “Coalition”), to share recommendations to help guide the modernization of auto insurance and enhance timely access to health services for Ontarians injured in motor vehicle accidents. Our recommendations address the three upcoming reform reviews of the Professional Services Guideline (PSG) and the Attendant Care Hourly Rate Guideline (ACHRG), the Health Service Provider Framework, and the Health Claims for Auto Insurance (HCAI) system.

The Coalition was formed in 1990 with a membership of eight regulated health professional associations.¹ These Associations, in turn, represent over 40,000 regulated health professionals involved in the assessment and treatment of Ontarians injured in motor vehicle accidents (MVAs). The Coalition brings an important perspective -- shared across multiple health disciplines -- on the needs of claimants and consumers in a viable and sustainable auto insurance system in Ontario. Over more than three decades, we have actively participated and engaged in meaningful developments and reforms through our work with the Financial Services Regulatory Authority of Ontario (FSRA) presently, its predecessor, the Financial Services Commission of Ontario (FSCO), and the Ministry of Finance (MOF) and the Ministry of Health.

¹The Coalition is comprised of the following member Associations: Ontario Association of Social Workers (OASW); Ontario Chiropractic Association (OCA); Ontario Dental Association (ODA); Ontario Physiotherapy Association (OPA); Ontario Psychological Association (OPA); Ontario Society of Occupational Therapists (OSOT); Registered Massage Therapist’s Association of Ontario (RMTAO); and Speech-Language & Audiology Canada (SAC).

The Coalition was pleased to see the Ontario Government respond to our long-standing calls to modernize the province's auto insurance system in the spring Budget. We are also pleased that FSRA's pending reform reviews will be underpinned by transparent, open and inclusive dialogue with stakeholders. In addition to the detailed feedback that we are looking forward to contributing as part of the formal FSRA consultations, we have outlined below our overarching insights and recommendations on the reviews of the PSG and ACHRG, the Health Services Provider Framework, and the Health Claims for Auto Insurance (HCAI) system.

Reforming the Professional Services Guideline (PSG) and the Attendant Care Hourly Rate Guideline (ACHRG)

We applaud this government's commitment to modernizing auto insurance and support the government's plan to improve claimant access to benefits, reduce red tape, and appropriately compensate health providers who care for Ontarians injured in motor vehicle accidents. With this in mind, the Coalition recommends that FSRA:

- 1) Work with provincial health professional associations to identify reasonable, fair and market competitive hourly rates for health service providers under the Statutory Accident Benefits Schedule (SABS), which would be inclusive of a retroactive cost-of-living adjustment for 2024, and, thereafter, an annual cost-of-living adjustment. We additionally recommend that the medical/rehabilitation and attendant care benefit limits under the SABS be increased, and that these should also be subject to annual cost-of-living adjustments.**

Since 2014, neither the FSRA (nor its predecessor, the FSCO) have reviewed, amended, or increased the PSG or Attendant Care Hourly Rate guidelines. As such health services providers (HSPs) working in the auto insurance system are in their 10th year without a fee increase. During this same time, the cost of operating a business and providing patient care has escalated substantially. This has made it extremely difficult for HSPs as small business owners to continue providing services to individuals injured in motor vehicle accidents. Furthermore, the lack of amendments to fees to meet inflationary pressures compromises the ability of clinics and practices to recruit and retain staff.

In a similar vein, all three benefit levels, the Minor Injury Guideline, non-Catastrophic and Catastrophic limits, under the Statutory Accident Benefits Schedule (SABS) have not changed since 2014. As a result, in today's dollars, Ontarians have substantially less coverage than they had a decade ago, and health care providers in this sector (often small to medium sized clinics) struggle to meet increased costs. Furthermore, nonessential approval processes (for care that exceeds \$2200.00), coupled with inappropriate insurer denials and partial approvals, creates barriers to care for motor vehicle accident claimants with minor injuries -- and generates backlogs at the Licence Appeal Tribunal (LAT).

Reforming the Health Services Provider Framework and HCAI

Regulated health professionals in Ontario have Colleges that regulate our professional practice including standards related to billing practices. FSRA's licensing system is a duplication that creates confusion and transparency issues regarding accountability, along with time and financial burdens. Indeed, the current over regulated, expensive and inefficient system is driving HSPs out of the industry, which in turn is limiting claimant access to highly talented and experienced HSPs.

Our recommendation is that:

- 1) FSRA licensing, including registration processes, should be significantly streamlined with lower costs for regulated health professions in recognition of existing regulatory oversight.**
- 2) FSRA retain full licensing processes and costs for business owned by non-regulated health professionals.**

Finally, we believe that operational effectiveness of the HCAI system must be improved. In this regard we recommend that:

- 1) FSRA should establish a mechanism or forum for stakeholders to improve the operational effectiveness of HCAI. This forum should include HCAI end-users along with insurance adjusters. The Forum's terms of reference should include advising FSRA on key outcome data/improvements to existing HCAI forms.**
- 2) A comprehensive review of the current HCAI system with a view to confirmation of the Health Intervention Codes which are considered reasonable/necessary Health Service Provider activities and therefore payable under the SABS**

We look forward to collaborating with you to ensure the implementation of planned reforms continues to advance the provision of care for motor vehicle accident victims across the province.

Regards,

Dr. Moez Rajwani and Ms. Kim Doogan, Coalition Co-Chairs