

Health Service Provider Webinar on Compliance Requirements

FSRA

Financial Services Regulatory
Authority of Ontario

Date: Wednesday March 1, 2023
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Ontario



Agenda

- Overview of the Health Service Provider Sector
- Scope of Webinar
- Regulatory Requirements:
 - ✓ Reporting
 - ✓ Business Practices
 - ✓ Compliance
- Resources Available
- Questions

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Overview of the Health Service Provider Sector

- The Financial Services Regulatory Authority of Ontario (FSRA) licenses Service Providers, allowing them to receive direct payment from auto insurers for benefits claimed under the Statutory Accident Benefits Schedule (SABS).
- As of February 2023, there were 4,974 active Service Providers licensed in Ontario.
- Approximately 99% of all invoices processed through the Health Claims for Auto Insurance (HCAI) system are from Service Providers who are licensed with FSRA.
- The billing volume and number of new claimants reported annually in the HCAI system signify the importance of effective supervision in this sector.
- The outcomes of FSRA's 2021-2022 reviews and input from stakeholders, point to a need for better understanding of regulatory requirements.
- The goal of this webinar is to increase awareness of compliance obligations.
- A more compliant sector will help to ensure fair treatment for claimants who access SABS benefits following a motor vehicle accident.



Scope of Webinar

- FSRA published the “Health Service Provider *Quick Guide* to Compliance” in November 2022
- The *Quick Guide* summarizes key legal requirements related to the most common areas of non-compliance
- This webinar will be focused on reviewing the *Quick Guide* to help new and existing licensees understand their duties, responsibilities and regulatory requirements

REPORTING

- Report business changes to FSRA within five business days
- Calculate and report an accurate Statutory Accident Benefits Schedule (SABS) claimant count to FSRA

BUSINESS PRACTICES

- Establish and implement policies and procedures

COMPLIANCE

- Maintain an accurate Health Claims for Auto Insurance (HCAI) roster
- Ensure the Regulated Healthcare Professional (RHP) and claimant sign Treatment and Assessment Plans (OCF-18s) and Treatment Confirmation Forms (OCF-23s)
- Ensure Auto Insurance Standard Invoices (OCF-21s) are signed
- Verify the claimant’s identity

Reporting

Reporting

Report business changes to FSRA within five business days

- Section 20 of O. Reg. 90/14 stipulates that a licensed Service Provider shall provide updated information to the Chief Executive Officer of FSRA within five business days after the day the relevant change occurs.
- This includes changes to its mailing address, email address, telephone number, principal place of business location, or any facility, branch, office or location in Ontario.
- Make sure all information is up to date in your FSRA Account.



Reporting

Calculate and report an accurate Statutory Accident Benefits Schedule (SABS) claimant count to FSRA

- Service Providers must ensure that all information reported in their Annual Information Return (AIR) and any other information provided to FSRA is correct, complete and not misleading, including the total number of SABS claimants.
- The total number of SABS claimants is the total number of persons for which payment has been received for one or more listed expenses (calculated per accident) during the prior calendar year.
- The total number of SABS claimants reported in the AIR must adhere to the calculation method prescribed in the Fee Rule.
- Service Providers should review section 4.3 of the Fee Rule for further information related to how fees are calculated.

Business Practices



Business Practices

❑ Establish and implement policies and procedures

- Service Providers are required to establish and implement policies and procedures that are appropriate to the nature and volume of their business related to SABS.
- Policies and procedures must be designed to comply with all applicable laws.
- The policies and procedures must include:
 - ✓ policies and procedures designed to avoid the preparation or submission to an insurer of false, misleading or deceptive forms, plans, invoices, documents and other information by the service provider or any other person related to a claim for statutory accident benefits or related to listed expenses; and
 - ✓ policies and procedures designed to prevent the service provider from facilitating, directly or indirectly, the activities mentioned above
- Service Providers are required to establish a process for addressing and resolving complaints from insurers in respect of the Service Provider's business systems and practices related to listed expenses.
- Service Providers should review section 17 of O. Reg. 90/14 and create specific policies and procedures to address its requirements.

Compliance

Compliance

Maintain an accurate Health Claims for Auto Insurance (HCAI) roster

- Service Providers must keep their HCAI roster current.
- Within 10 days of an employee leaving the Participating Facility, or upon receiving a request from a Rostered Health Professional to be removed in HCAI, the Service Provider must add an “end date” to the Rostered Health Professional’s record.
- Service Providers should review Superintendent's Guideline No. 02/18 for further details related to the requirement to maintain an accurate HCAI roster.

Compliance

- ❑ **Ensure the Regulated Healthcare Professional (RHP) and claimant sign Treatment and Assessment Plans (OCF-18s) and Treatment Confirmation Forms (OCF-23s)**
 - All OCF-18s and OCF-23s must be signed by the RHP and the claimant (unless the insurer waives this requirement).
 - The only compliant practice for the submission of OCF-18s and OCF-23s is to complete the form, obtain the claimant signature, and then submit the form via HCAI.
 - Service Providers should review sections 38 and 40 of O. Reg. 34/10 which detail the requirements for the completion of OCF-18s and OCF-23s.

Compliance

❑ **Ensure Auto Insurance Standard Invoices (OCF-21s) are signed**

- OCF-21s must be signed by the RHP who is providing treatment to the claimant.
- The RHP can also designate an “authorized signatory” to sign the OCF-21 on their behalf if the RHP has provided his or her consent.
- Service Providers must keep a copy of the signed OCF-21 on file. This can be either the original paper version, or an electronic copy saved in PDF format.
- Service Providers should review Superintendent's Guideline No. 02/18 for further information related to recordkeeping.

Compliance

❑ Verify the claimant's identity

- Service Providers must take all reasonable steps to verify the identity of SABS claimants.
- Service Providers must verify that goods and services are being provided to the person who was involved in the motor vehicle accident.
- Service Providers should review section 5 of O. Reg. 90/14 for further details related to the verification of identity.



Resources Available

Health Service Provider Licensing Toolkit

- The purpose of this document is to provide licensees with information about the duties, responsibilities and regulatory compliance requirements expected of a licensed Service Provider.
- Link: [Health Service Provider licensing toolkit, understanding your FSRA licensing obligations](#)

Health Service Provider *Quick Guide* to Compliance

- This Quick Guide provides a brief overview of some of the obligations of a Service Provider under the Insurance Act, its regulations and applicable FSRA Rules.
- Link: [Health Service Provider Quick Guide to Compliance](#)

Annual Information Return and Annual Regulatory Fee FAQ

- This webpage provides detailed information related to the Annual Information Return and Annual Regulatory Fee.
- Link: [AIR and Annual Regulatory Fee FAQ](#)

Health Service Provider Supervision Plan (2022-2024)

- This supervision plan provides stakeholders and licensees with an overview of FSRA's supervision plans for the Health Service Provider sector in 2022-2024.
- Link: [2022-2024 Health Service Provider Supervision Plan](#)

Health Service Provider Annual Compliance Report (2021-2022)

- This annual Health Service Provider Market Conduct Compliance Report provides the results of the supervisory work conducted in this sector over the last fiscal year (April 1, 2021 - March 31, 2022).
- Link: [Health Service Provider 2021-2022 Market Conduct Compliance Annual Report](#)



Thank you for attending.

This webinar is being recorded and will be available on FSRA's website.

Questions?

Please submit any questions by pressing the Q&A button.