

November 18, 2019

Re: Draft 2020-2021 FSRA Priorities and Budget

The Coalition of Health Professional Associations in Ontario Automobile Insurance Services (the “Coalition”) is pleased to have the opportunity to provide a submission to the Financial Services Regulatory Authority of Ontario (FSRA) regarding the Draft F2020-21 FSRA Priorities and Budget Consultation.

The Coalition represents over 40,000 regulated, front line health professionals from nine professions involved in the assessment and treatment of Ontarians. The health professions we represent are key stakeholders in the auto insurance system and advocate for timely access to needed assessment and care for claimants within a sustainable auto insurance system for all Ontarians.

The Coalition continues to support the overall direction of FSRA as set out in the 2020-21 Priorities and its move towards burden reduction and a more principle-based approach to regulation. Regulations can often become a barrier to an effective and efficient system, adding complications and restricting innovation and communication between stakeholders in the system. We see this every day, in our clinics, hospitals and home care services. Health care providers can best inform how regulations or any proposed changes will affect patients, providers and access to care. For this reason the Coalition strongly recommends that health care providers be fully engaged in the process of regulation reform, burden reduction and consumer choice so that any changes meet the needs of Ontarians.

In reviewing the priorities the following additional input is provided for consideration:

CONSUMER PROTECTION

As consumer protection is the primary goal of FSRA, it is important that the Vision statement also reflect the importance of protecting those injured and requiring insured services. Such protections are key in a no-fault insurance scheme. Balance is needed between ensuring affordability of the product and ensuring the product allows for sufficient resources for the necessary services for injured Ontarians. For this reason, we suggest that FSRA’s vision be amended to read:

“FSRA’s vision is consumer financial safety, fairness and choice for Ontarians, **while ensuring adequate protections are in place for those Ontarians once they are injured in a vehicle accident.**”

We understand that consumers of the auto insurance product may lack the full understanding of auto insurance in general and, more specifically, what their needs and the needs of their family might be in the event of an accident. As well, consumers may mistakenly believe that these needs can be met through the Ontario Health Insurance Plan (OHIP). Education and information resources in accessible language should be a priority to ensure that all Ontarians are making informed choices at each decision point that impact their benefits post-accident.

ENGAGEMENT

As a Coalition we seek to truly engage and contribute our knowledge, skills and expertise to FSRA's policy analysis and development process; we know what works at the 'bed side' and we know how the system, big picture, works for claimants. In order to achieve this engagement and collaboration the Coalition recommends that:

- a. FSRA engage the Health Service Providers Stakeholder Advisory Committee (HSP SAC) in a meaningful and timely manner during the early development process of auto insurance reform and recommendations regarding implementation;
- b. Once draft reforms have been developed, adequate time should be provided for meaningful consultation and review of the proposed changes, including allowing Coalition members adequate time to consult broadly to gain feedback from their membership. This will not only mean stronger more effective reforms but a more successful change management process in rolling out new reforms.

LICENSING

Regarding the priority to Review Health Service Provider Regulation (under 5.1, p. 17 of Draft 2020-21 FSRA Priorities and Budget Consultation Document October 18, 2019) the Coalition strongly restates that regulated health professions are already subject to a regulatory system. Our professional regulation system identifies fraud and poor billing practices as "professional misconduct" and subject to suspension or revocation of registration.

With the FSCO/FSRA licensing system, regulated health professionals are now doubly regulated, creating confusion and lack of clarity to the public regarding accountability, unnecessary levels of bureaucracy and additional costs to the system with no increase in public protection. The Coalition had previously recommended re-considering how facilities owned or operated by regulated health professionals are licensed in the auto sector, including completing a cost/benefit analysis of the current requirements of the FSRA licensing system. We request that health service professionals be fully engaged and consulted in all phases of the review and any resulting recommendations prior to any changes in the system.

COMMUNICATION TO HEALTH SERVICE PROVIDERS

Most service providers are unfamiliar with the transition to FSRA from Financial Services Commission of Ontario (FSCO), including changes to the website and complaint process.

The Coalition recommends that FSRA introduce itself and its new role to their HSP licensees. One positive way to do this would be to highlight the burden reduction for Annual Information Return (AIR) and Guidance and the positive impact this will have on reducing to some extent the administrative burden of licensing. Leading with this rather than waiting to introduce it at AIR filing time would be very positive.

FSRA would benefit in engaging health care providers in the development of communications to health service providers; the system works best when communications are clear and unambiguous.

LIFE AND HEALTH

The members of the FSRA HSP SAC have knowledge and experience that could be helpful to other cross-cutting FSRA priorities. At this time, we are unaware of any opportunity for health service providers to engage with FSRA and with insurers on issues in Life and Health Insurance that impact the delivery of needed health service through extended health benefits. Increasingly, our members are seeing that, through internal policy without transparency to the public or fair process, Life and Health Insurers are making decisions that reduce access to care, limit choice of provider and destroy small businesses without any recourse or due process. These policies ignore existing regulatory systems and prevent appropriate disciplinary processes where actual professional misconduct occurs.

For these reasons the Coalition recommends that the HSP SAC also be engaged in multi-stakeholder working or advisory working groups or sub-committees to address issues related to:

- Life and Health (L & H) Insurance Priorities (specifically 6.2, p. 29);
- Harmonizing the Treating Consumers Fairly Guidance (priority 5.3, p. 46); and
- Any other issues where HSPs can provide valuable subject matter expertise.

We thank FSRA and its Board for the opportunity to participate in FSRA's Draft F2020-21 FSRA Priorities and Budget consultation process and look forward to continued engagement and collaboration

Sincerely,

Dorianne Sauv , Coalition Co-Chair
Ontario Physiotherapy Association

Dr. Moez Rajwani, Coalition-Chair
Ontario Chiropractic Association

On behalf of the member organizations of the Coalition:

Ontario Association of Social Workers
Ontario Association of Speech-Language Pathologists and Audiologists
Ontario Chiropractic Association
Ontario Dental Association
Ontario Physiotherapy Association
Ontario Psychological Association
Ontario Society of Occupational Therapists
Ontario Speech and Language Association
Registered Massage Therapists of Ontario