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## **Ontario Psychological Association (OPA) Response Re: Health Service Providers (HSP) Framework (FSRA Licensing)**

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## KEY MESSAGES:

- FSRA describes the role of the Health Service Providers (HSP) Framework (FSRA Licensing) as follows:
  - monitor the conduct of regulated entities, with oversight of the business and billing practices of licensees. Notably, FSRA's role does not include overseeing standards of practice nor quality of care provided by regulated health professionals. The latter falls under the supervision of the Regulatory Health Colleges ("RHC").*
- FSRA is an essential tool to provide accountability regarding health service provider (HSPs) billing practices for FSRA, insurers, and consumers.
  - It must be retained and improved.
  - It provides quality assurance regarding HSPs billing practices.
  - Only HSPs included on the roster FSRA vetted licensed health service providers can bill insurers directly through HCAI.
- A key objective in developing and implementing the licensing scheme was to reduce fraud in the system
  - FSRA licensing has reduced fraud in the system, but it is not possible to quantify the reduction.
  - We do not know the volume or pattern of fraud in the system. The FSRA Fraud Event Reporting Rule is a positive step to address this information gap.
- Modernization and effective use of digital technology for FSRA license registration and processing will reduce administrative burden and duplication.
  - This will improve efficiency and reduce costs.
- Improve the FSRA supervision process and increase accountability through more effective use of digital technology and integration of multiple sources of data
  - This will make it possible to include additional information regarding the individual HSPs on each facility roster.
- Modernizing and publicizing the list of FSRA licensed health professionals will help to address the barrier consumers face when they attempt to find available, appropriate, licensed providers publicizing the list of FSRA licensed health professionals.
  - Make fuller use of digital technology for consumers to easily search by type of provider, type of service, name, geographical area, etc.
- Utilize improvements in digital technology to better coordinate FSRA licensing and the College of Psychologists and Applied Behavioural Analysis (CPBAO), as well as other Health Professional Regulatory Colleges. (RHCs).
  - Confusion and duplication of the goals, requirements, authority and roles of FSRA licensing and health regulatory bodies requires clarification.
  - Better collaboration to improve efficiency will reduce duplication, administrative burden and costs by facilitating an expedited licensing process for facilities directed by Regulated Health Professionals.
  - Consider improving accountability by requiring every facility to be directed by a health professional.

## INTRODUCTION:

The Ontario Psychological Association (OPA) welcomes the opportunity to participate in the FSRA consultations on the Statutory Accident Benefits Schedule (SABS) Guidelines, the Health Service Providers (HSP) Framework (FSRA Licensing), and the Health Claims for Auto Insurance (HCAI) System.

This OPA response on the Health Service Providers (HSP) Framework, FSRA Licensing, for psychologists focuses on how it is working to further FSRA's goals, where it is failing and causing harm in order to provide recommendations to improve the system.

The OPA recommendations will make FSRA licensing a more effective tool to achieve FSRA's goals. Many of the OPA critiques and recommendations are very specific and can be readily implemented. These changes will significantly improve the system. Ongoing monitoring, evaluation, development, and implementation will be required.

We are happy to provide further details and recommendations and to work with FSRA and other stakeholders to improve the system.

This response first offers a discussion of the purposes of the HSP, FSRA Licensing and how well they are being realized. We then address FSRA's questions and initiatives.

## PURPOSES AND ARE THEY BEING REALIZED:

FSRA licensing is an essential tool to provide accountability regarding health service billing practices for FSRA, insurers, and consumers. Only those included on the roster of FSRA vetted, licensed health service providers can bill insurers directly through HCAI providing quality assurance regarding their billing practices. It must be retained and improved.

The stated purpose of FSRA Licensing is:

*To monitor the conduct of regulated entities, with oversight of the business and billing practices of licensees. Notably, FSRA's role does not include overseeing standards of practice nor quality of care provided by regulated health professionals. The latter falls under the supervision of the Regulatory Health Colleges ("RHC").*

FSRA further describes its role in this sector as follows:

- *Regulating and supervising HSPs to ensure financial safety and fairness for Ontarians;*
- *Engaging in dynamic principles-based and outcomes-focused regulation by monitoring and evaluating developments and trends;*
- *Promoting honesty and credibility in the industry by deterring deceptive or fraudulent conduct, practices, and activities.*

Reduction of fraud is a key objective in development and implementation of FSRA licensing, as fraudulent billing for health services harms all consumers. FSRA states, *"By licensing HSPs, FSRA can better detect and address fraud in the sector and identify and address billing fraud and any potential conflicts of interest."*

FSRA defined fraud in the Fraud Reporting Rule. Subsection 1(1) of the FSRA Rule defines a "fraud event" as follows:

*"fraud event" means a deceptive act or omission, or series of deceptive acts or omissions intentionally committed by a person(s) to obtain advantage, financial gain, or benefits from an insurer beyond that to which one is entitled to in with regard to any policy, claim, provision of goods or services or other occurrence related to automobile insurance*

FSRA licensing has deterred and reduced fraud and can be improved to further reduce fraud in a number of ways:

- Licensing dissuades those who would commit fraud from operating in this sphere. Licensing requirements and verification processes, including criminal back ground checks, limit access.
  - Some fraudsters likely did not apply for FSRA licensing and others were not allowed.
  - Excluding providers who are not in good standing with their respective regulatory bodies or who do not pass criminal background checks provides an additional layer of protection against fraud.
- FSRA licensing has identified and imposed sanctions on instances of fraud through: ongoing audits; a complaint mechanism; the authority to investigate; monetary penalties; and the suspension and removal of licenses.

- Improving the use of digital technology to better identify patterns of billing outliers that can be flagged for further investigation.
- Improving digital technology to coordinate with the CPBAO and other health professional regulatory bodies to facilitate the timely removal from the roster of individuals falsely claiming good standing with the College or engaging in "professional identity theft". Removal of these fraudsters is needed to avoid undermining the credibility of the FSRA licensed provider network, bogus costs, and harm to accident victims.
- The FSRA fraud definition and the Fraud Event Reporting Rule are positive steps to quantify and identify patterns of fraud to develop targeted and effective solutions.

As psychologists trying to work within the system, we have a 'system wide' view that allows us see the harm done when the FSRA goals for FSRA licensing are not fully achieved. Examples of the harms we see include:

- Psychologists are choosing to practice in other spheres due to the costs and administrative burden of inefficient FSRA licensing in addition to the attraction of work in other spheres with better fee for service compensation for their time.
- Accident victims are harmed when they cannot get timely services they require from treating psychologists licensed by FSRA or when they must pay themselves to obtain their care from treating psychologists who are not FSRA licensed.
- Fraudulent billing for health services harms accident victims, psychologists, the credibility of FSRA licensing, and adds costs to the system.

## **FSRA INITIATIVES:**

Initiative A. Modernize HSP Licensing through FSRA Process and System Improvements

Initiative B. Modernize Supervisory Approach with a New HSP Supervisory Tool

Initiative C. Enhance Cooperation and Collaboration with Regulatory Health Colleges (RHC)

## FSRA QUESTIONS:

1. What features should a HSP licensing system focus on to have better user functionality?
2. Are there any concerns/considerations FSRA should keep in mind when developing and implementing the new centralized HSP Supervisory Tool?
3. What areas of licensing and supervision can Regulatory Health Colleges (RHCs) and FSRA work together on to better alleviate issues in the sector?
4. What are the key implementation considerations that must be taken into account for each initiative (i.e., timing, communication, education, etc.)?
5. How can FSRA help to ensure that prioritized initiatives / changes are communicated to HSPs and other stakeholders?
6. Are there any considerations which have been missed that should be considered as part of the HSP review and/or the proposed initiatives?

## OPA RESPONSE TO QUESTIONS:

### QUESTION 1: *What features should an HSP licensing system focus on to have better user functionality?*

- The high level description of the new licensing software implies making fuller use of digital technology. This is an important focus to reinforce, as it offers the promise of greater efficiency and reduced administrative burden for both Health Service Providers and processing by FSRA.
- There needs to be greater specificity regarding the proposed content and processes to be aware of what features are omitted from the current plan and to suggest improvements.
- There should be an opportunity to test the conceptual model and early versions of the software to be aware of what features are omitted from the current plan and to suggest improvements.
- There should be a multi-stakeholder working group looking at the specific details of the proposed software. Such a working group should be tasked with reviewing of the software's functionality and providing concrete input.
- The functionality of licensing software will be dependent upon the interface with practice management systems utilized by psychologists and other health service providers and by insurers. This will require development of appropriate "tool kits" to ensure a smooth interface, and will necessitate working with the IT developers of these systems.
- Inclusion of more complete information regarding the individual psychologists, and other HSPs professionals on each facility roster, is required. Criminal record checks and documentation of status with their regulatory college will improve user functionality to:
  - Prevent and identify instances of misrepresentation of status; questionable fees and billing practices; and professional identity fraud by HSPs for further investigation.
  - Utilize FSRA licensing authority to audit, investigate, and impose sanctions on individual HSPs including removal from licensed rosters.
  - Rely on the FSRA licensing process to verify credentials and follow up when there is reason to suspect a problematic HSPs fees or billing practices.
  - A single, centralized FSRA licensing process can replace the current inefficient, costly and disruptive practice of multiple insurance companies routinely verifying HSP credentials as well as their fees and billing.
    - These excessive insurer requirements include frequent demands to provide verification of college registration, complete provider confirmation forms, and complete attestations.
    - The unreasonable and excessive administrative burden disrupts and delays normal billing processes and adds costs.



- These duplicative and disruptive insurer practices contribute to treating psychologists leaving the auto sector.

**QUESTION 2: Are there any concerns/considerations FSRA should keep in mind when developing and implementing the new centralized HSP Supervisory Tool?**

- The high level description of the new centralized HSP Supervisory Tool suggests a move towards more effective and efficient supervision of HSPs as well as improved detection and prevention of fraud. Utilization of developments in digital technology will improve the ability of FSRA licensing to integrate disparate sources of data to facilitate achieving FSRA's goals.
- It is essential to provide clarity to all stakeholders regarding the role and responsibilities of FSRA licensing in order to avoid duplication and confusion between the CPABO and other regulatory bodies and FSRA licensing.
- Specific information regarding the criteria and processes for establishing “risk ratings” and identifying “bad actors”, are required. Due process is essential to ensure that HSPs are not prematurely, unfairly or inaccurately labelled as “high risk” or “bad actors”.
- Due process must be protected to ensure that legitimate activities are not mislabelled as fraud. It is essential that due process, as well as fair investigations and findings by the appropriate regulatory or legal body, take place prior to confirming a suspicion of fraud based on a pattern of activity.

**QUESTION 3: What areas of licensing and supervision can Regulatory Health Colleges (RHCs) and FSRA work together on to better alleviate issues in the sector?**

- Clarity regarding the complementary but different roles and responsibilities of the CPBAO and other regulatory colleges and the FSRA licensing body is essential. With this clarity, greater communication and coordination can increase efficiency, reduce redundancy, and protect due process.
- The agreements for information exchange between the CPBAO and FSRA are important to provide necessary communication, improve coordination, reduce duplication and increase efficiency. These agreements must also protect privacy and due process for psychologists.
- Psychologists are accountable to the CPBAO with respect to adhering to professional standards for financial and billing practices. The College has powers to investigate and impose sanctions including suspensions and removal from the register – the register is required to practice.
  - To reduce redundancy FSRA should acknowledge this College role and create an expedited licensing process for members of the CPABO. This should be applicable to other disciplines where the regulatory colleges have standards and processes for addressing financial and

billing practices.

- The FSRA licensing body is not making full use of the public information that is already available from the CPBAO.
  - Improved use of digital technology to routinize the updating of information regarding College status of rostered psychologists is needed.
- A streamlined and expedited licensing process can and should be implemented for facilities where the director is a member of a the CPBAO. This would reduce duplication and take advantage of the rigorous College registration process.
  - CPBAO quality assurance processes reduce the need for audits of facilities where the director is a member.
- Requiring all health service facilities to be directed by a regulated health professional would provide another level of accountability, increase efficiency, and reduce duplication and costs.
  - Consideration should be given to requiring all facilities to be under the direction of a regulated health professional.
- Psychologists and other HSPs compliance with FSRA licensing requirements can be improved through ongoing education. This education can be facilitated through coordination and collaboration between FSRA licensing and OPA and the other professional organizations.

**QUESTION 4: What are the key implementation considerations that must be taken into account for each initiative (i.e., timing, communication, education, etc.)?**

Comments and recommendations to address implementation considerations are addressed above in our responses to the first three questions.

**QUESTION 5: How can FSRA help to ensure that prioritized initiatives / changes are communicated to HSPs and other stakeholders?**

- We recommend creating an ongoing multi-stakeholder working group to work with FSRA to develop, implement, and modify educational materials and other engagement initiatives to communicate any changes to HSPs and other stakeholders.
- Educational materials and other engagement initiatives must be multi-modal and multi-channel and take into consideration the vast range in the types of health service providers as well as the diversity of facility types.
- The OPA is always happy to work with FSRA and other stakeholders to ensure that the prioritized initiatives and other changes are communicated to psychologists.

**QUESTION 6: Are there any considerations which have been missed that should be considered as part of the HSP review and/or the proposed initiatives?**

- Comments and recommendations regarding considerations which have been missed and should be considered as part of the review and initiatives are addressed above in our responses to the previous questions.

## CONCLUSION:

Psychologists are keenly aware of the potential value of the Health Service Providers (HSP) Framework. The above recommendations will reduce the risk of harm and improve the effectiveness of FSRA licensing.

Thank you for the opportunity to provide recommendations for changes needed in the HSP Framework, FSRA licensing to make it more effective.

We welcome an opportunity to provide further details and to work with government and other stakeholders to improve FSRA licensing.

Thank you for your consideration and please feel free to contact me for any further clarification,  
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