

Back to School with Thomson, Rogers and the Toronto ABI Network  
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# Auto Insurance 5 Year Review A PARADIGM SHIFT

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Barristers and Solicitors

# The 5 Year Review Process:

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- Commenced over 12 months ago
- Stakeholder consultations held
- No decision so far due to competing stakeholder interest which the government must balance
- Decision may be rendered by late September to early October

# The 5 Year Review Process:

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In the absence of a final decision this presentation will assume that FSCO recommendations are adopted by the government in their original form.

# Business Issues:

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- Reduction in Non-Cat cap (#22)
- The “Gatekeeper” role (#15, 21)
- Optional Benefits (#29)
- Assessment fee cap (#12)
- Limitation on In-home assessments (#14)
- Revoking of rebuttals (#20)

# Case Study:

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## The Client

- 39 year old female hit as a pedestrian by an automobile
- Injuries include pelvic fracture and a brain injury. Non-Cat injuries
- Other factors – Married with, 2 children, full time employment as dental hygienist
- Discharge home from acute care in last two days

# Case Study:

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## The Referral

- A referral is received from a legal representative for an Initial In-Home OT Assessment (A/C, HK/CG, safety)
- Prior approval of the assessment by a Family Physician is required
- Does the patient have access to HK/CG benefits?
- What portion of the Assessment will the insurer pay for, and what will the legal representative pay for?

# Case Study:

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## Subsequent Findings

- Physiotherapy assessment/intervention is recommended
- The OT suspects cognitive and speech impairments – further cognitive and SLP assessments are recommended
- The family is in crisis and SW intervention is recommended
- “Gatekeeper” approvals for the above assessments are required

# Case Study:

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## Subsequent Findings...cont'd

- “Gatekeeper” approval may or may not be required for the equipment (unclear)
- Where will SLP and SW assessments be conducted (as in-home assessments are restricted to A.C. and home modifications)?
- Will Assessments exceed the \$200 - \$2,000 cap? Does the Legal representative want to also use the reports for tort purposes – who will pay for what?



# Case Study:

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## Subsequent Findings...cont'd

- Assessments result in:
  - Equipment/Home Mods recommendations – temp. ramps, improve accessibility of main floor (hospital bed, railing, rental wheel chair and stationary commode)
  - OCF 18 for 12 sessions
  - OCF 18 for 12 PT sessions
  - OCF 18 for 8 SW sessions
  - OCF 18 for 8 SLP sessions

# Case Study:

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## Subsequent Findings...cont'd

- All OCF 18's require "Gatekeeper" Approval
- SW intervention is declined and subsequently only partially approved through an I.E. Is a rebuttal necessary? Who will pay?

# Case Study:

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## Three Months Later

- The initial \$25K cap has been depleted by the initial assessments, equipment needs and initial treatment
- Client still requires ongoing intervention to address physical and cognitive recovery
- How will services be funded?

# Case Study:

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## Service Provider's Dilemma:

- The client continues to have active goals and progress is being made but funds to support ongoing treatment are unavailable from the auto insurance carrier
- Public sector services are very limited and collateral insurance has also been depleted
- Are alternative funding sources available? Would the client agree to borrow against future settlement? Is the tort case strong enough for the lender to advance funds?

# Case Study:

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## Service Provider's Dilemma:

- How to price your services
- How to make funds last (in clinic treatment option available?)
- How to proceed once lender reaches its limit? Does the Service Provider “bank” the client (consideration)?