



MINISTER'S COMMITTEE ON THE DESIGNATED ASSESSMENT CENTRE SYSTEM

INFORMATION COMMUNIQUÉ

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Information Communiqués should be circulated amongst all DAC Clinical and Administrative staff. They are intended to keep DAC staff informed on current issues and to provide information on the activities of the Minister's Committee on the Designated Assessment Centre System (DAC Committee).

This issue provides information regarding changes at the Financial Services Commission of Ontario (FSCO) and the Accident Benefit Analysis Unit (ABAU); advises on the Catastrophic Impairment (CAT) DAC Assessment Guideline; updates on ABAU site visits; reviews recent Roster activity; clarifies General Guideline 1; clarifies General Guideline 4; speaks to DAC assessor practice summaries; reviews recent arbitration decisions; speaks to the new Professional Fee Guidelines for Psychologists and Speech-Language Pathologists; and responds to questions raised via the DAC Hotline.

UPDATE FROM THE FINANCIAL SERVICES COMMISSION OF ONTARIO AND THE ACCIDENT BENEFIT ANALYSIS UNIT

FSCO has recently announced some changes within the organization that we wish to share with the DACs and system stakeholders.

Dina Palozzi, FSCO's CEO and Superintendent, has announced she will retire from her current

position and from the Public Service in July, 2001.

Her replacement has not yet been announced.

Additionally, Richard Tillmann, Senior Manager of the ABAU, has been asked to head up a new unit in FSCO titled Stakeholder Relations which will be part of the Corporate Policy and Public Affairs Division. The Automobile Insurance Policy Unit will be merged with ABAU. Willie Handler will lead this new unit as the Senior Manager.

This unit is part of the Automobile Insurance Division with Darlene Hall remaining as the Director. All of these changes become effective in July, 2001.

The DAC Committee wishes to extend its thanks to both Dina and Richard for their outstanding commitment and support.

NEW CAT DAC GUIDELINE

The DAC Committee held an information session with representatives from CAT DACs across Ontario on May 25, 2001 to discuss the recent work completed on the CAT DAC Assessment Guideline.

The significant changes to the guideline include the establishment of core assessment teams for each of the

New CAT DAC Guideline (Continued)

levels of the catastrophic impairment definition. It also establishes the requirements that DACs must meet in order to conduct catastrophic impairment assessments on paediatric claimants.

The feedback at the information seminar was very positive with some finetuning suggestions from the participants. Over the summer months, ABAU will be reviewing the CAT DAC submissions with the hope to release and implement the new CAT DAC Assessment Guideline in the fall.

A notice will be issued by FSCO once the new guideline is in effect. Until then, the current guideline will remain in place and should be followed.

ABAU STAFF SITE VISITS

Now that the new assessment guidelines have been implemented, the DAC Committee's activities will focus on monitoring and evaluating of the system. One of the objectives of monitoring is to ensure that all DACs are in compliance with the new guidelines.

As a first step to meet this compliance requirement, ABAU staff will be conducting site visits of all DACs across the province. These visits will be an opportunity for you to walk ABAU staff through your DAC process and for them to meet both your clinical and administrative staff.

RECENT ROSTER ACTIVITY

The following DAC facilities have had a change in status on the DAC Roster since the last Communiqué was issued in March, 2001:

DAC#6006 Rehab Works, a REC DAC in Sudbury, Ontario, is no longer in operation at the listed address and is listed as suspended on the Roster. In the absence of

another REC DAC within 100kms, parties should refer to the SABS for guidance on selecting another DAC facility.

DAC#5009 Work Wise, a REC and CAT DAC in Ottawa, has moved and is now located at Suite #308, 1929 Russell Road, Ottawa, Ontario. Please see the DAC roster posted on FSCO's website for further contact information.

DAC#4023 Rouge Valley Assessment, has moved from Scarborough to Ajax. This has resulted in a change of territory for this facility and its old DAC number #1026 has become inactive. Its new DAC number is #4023.

In addition, the DAC Committee has recently authorized three additional Post-104 DACs to conduct these assessments, including DAC #4005 Kawartha Regional Assessment Centre, DAC #1031 North York Rehabilitation Centre, DAC#1042 Scarborough North Multi-Disciplinary Assessment Centre.

The DAC Committee continues to monitor the system to ensure that any withdrawals/mergers do not result in any service issues. Stakeholders are reminded that, at any time, they can access an up-to-date DAC Roster from FSCO's website.

CLARIFICATION OF GENERAL GUIDELINE 1: Surveillance

The ABAU has received two complaints dealing with issues involving the review of surveillance within DAC assessments. The complainants were concerned that surveillance material

Clarification of General Guideline 1: Continued)

was reviewed during the course of an

assessment, although the DAC chose not to review the material with the claimant. DACs are reminded that all surveillance material used or reviewed in the course of an assessment should be reviewed with claimants.

Only in cases where a DAC chooses not to consider surveillance material, or in cases where the contents of the surveillance is irrelevant to the assessment, can a DAC choose not to review the material with a claimant.

If a DAC encounters a situation where it is unsure if it should be reviewing the material with a claimant, then it should call the DAC hotline at 416-590-7137 or 1-800-668-0128, extension 7137.

CLARIFICATION OF GENERAL GUIDELINE 4: Written and Verbal Communication

When General Guideline 4; Ensuring Neutrality in the Designated Assessment Centre System was first introduced in March, 1999, it was intended to address the activity of one-sided communication occurring in the field which seriously undermined the neutrality of the DAC system.

One-sided communication that excludes the other party leads to an appearance that one party is able to influence the DAC process via greater access and control.

The ABAU continues to receive complaints where DAC system stakeholders believe that there is an ultimate prohibition on any verbal or written communication with a DAC facility that is one-sided.

The reality of the DAC system is that a complete prohibition on one-sided communication is unattainable, and that often telephone conversations are required to re-book appointments or satisfy minor enquiries.

DACs are reminded, however, that this reality does not relieve them of their responsibility to confirm the contents of any one-sided verbal communication in writing to both parties.

In addition, if DACs receive a piece of written correspondence that was not copied to the other party, they should ensure that their reply is copied to both parties and a copy of the original correspondence is attached to their reply.

DAC ASSESSOR PRACTICE SUMMARIES

It has been previously communicated that DACs must ensure they are using the DAC Assessor Practice Summary form that contains the Statement of Acknowledgement below the assessor's signature.

Practice Summaries which do not contain this statement will no longer be accepted.

Practice Summaries must be updated every two years. *If DACs do not have a current Practice Summary on file for any one of their assessors, that assessor is prohibited from conducting DAC assessments.* This includes anyone who is seeing a claimant for clinical assessment purposes, such as psychometrists and other clinical assistants.

When submitting DAC Assessor Practice Summaries, DACs are further directed to indicate whether the assessor is being submitted for the core or on-call teams, and whether they

DAC Practice Summaries (Continued)

wish to have the assessor considered for

extended authorizations.

If you require an electronic copy of this form, it is available by calling the DAC Hotline at 416-590-7137 or 1-800-668-0128.

ARBITRATION & APPEAL DECISIONS

The DAC Committee believes that DACs will better understand the important role they play in the dispute resolution process by reviewing examples of how arbitrators have used DAC reports in the decision-making process. DAC assessors should be aware of these decisions and follow best practices as outlined in the DAC Guidelines in conducting and completing their assessments.

Copies of FSCO's arbitration and appeal decisions are available on the FSCO website.

To access these decisions, users are required to obtain a user name and password from the Arbitrations Unit at (416) 590-7202. There is no cost for this service.

Arbitration Decision A00-000433

The Authority under the OCF-14/49: Permission to Disclose to a Designated Assessment Centre System

Arbitrator Palmer issued a decision on a case where a claimant did not provide a DAC with a completed OCF-14. She found that, in failing to complete an OCF-14 and providing it to a DAC centre, as required by the DAC guidelines, that the claimant was ineligible to commence a mediation.

The authority under the OCF-14 is not found in the SABS but is required under the standards, procedures and guidelines established under the authority of the DAC Committee.

When reviewing the referral package, DACs should be careful to ensure that they are being provided with a properly executed

and un-altered OCF-14.

Arbitration Decision A99-000392

Decision on the importance of having a clear understanding of the essential tasks and nature of employment

Arbitrator Novick's decision includes a comprehensive analysis of a claimant's essential tasks of employment and whether the medical evidence in the case truly reflects the nature of the claimant's occupation when assessing disability.

The arbitrator dismissed many medical opinions on disability in this case on the basis that, while most of the assessors had a job description for the claimant's employment, they failed to adequately address the nature and environment within which the claimant worked.

The arbitrator found that, by failing to consider the nature of the employment environment, the assessors did not have a adequate picture of the claimant's essential tasks of employment and their opinions with regard to disability were questionable.

Arbitration Decision A00-000471

Multiple Treatment Plan Submissions and Medical Rehabilitation DACs

This decision provides system stakeholders with an understanding of the role and impact a medical/rehabilitation DAC plays on a claim with multiple treatment plans. Arbitrator Leitch also discusses the applicability of a medical/rehabilitation DAC report on subsequently filed treatment plans.

Arbitration Decision A99-000957

Analysis of the Post-104

Disability Test

Arbitrator Sampliner provides a concise analysis of the Post-104 disability test and discusses what constitutes a "complete inability to engage in any employment"

This decision provides excellent insight into an arbitrator's analysis of this strict disability test and should be read by all assessors who are involved with Post-104 Disability assessments.

PROFESSIONAL FEE GUIDELINES FOR PSYCHOLOGISTS & SPEECH- LANGUAGE PATHOLOGISTS

FSCO released the Professional Fee Guideline-Psychology, the Psychological Assessment and Treatment Guideline, and the Professional Fee Guideline-Speech Language Pathologists in May, 2001.

These professional fee guidelines identify assessment and treatment fees as they pertain to automobile insurance accident claimants and set out maximum hourly rates. They present an improved co-ordinated approach by the parties to ensure better management of the services provided to claimants.

All DAC assessors should be familiar with the professional fee guidelines and utilization guidelines. These can be found on FSCO's website at <www.fSCO.gov.on.ca>, under publications/ bulletins.

WE'VE HAD QUESTIONS:

Can you clarify what a DAC's responsibilities are if a DAC assessment cannot be set up within 14 days of the receipt of a completed referral package?

Pursuant to the DAC guidelines, a DAC can book an assessment once the referral package is deemed to be complete. A complete referral package includes the information necessary to begin the assessment, a properly completed OCF-14, and the claimant and the insurer have

agreed to the assessment plan.

The DAC should then arrange the dates for the assessments. These dates must begin within 14 days of the receipt of the completed package.

If a DAC is unable to book the assessment within the 14 days, they must notify the parties of their inability to do so. In these cases, the SABS may allow the parties to request that the assessment to be conducted at the next-closest DAC facility qualified to conduct the assessment. This does not apply to those cases where the parties have waived the 14 day period or agree to the scheduled dates.

July, 2001

