



September 26, 2013

Jim Fox
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Licensing and Market Conduct Division
Financial Services Commission of Ontario
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SENT VIA EMAIL

RE: ONTARIO REHAB ALLIANCE SUBMISSION ON MODERNIZING DISCIPLINARY HEARINGS FOR INSURANCE AGENTS AND ADJUSTERS

Dear Mr. Fox:

The Ontario Rehab Alliance is pleased to have this opportunity to comment on the proposed changes to disciplinary hearings for insurance agents and adjusters.

Our association represents 90 healthcare organizations with over 4000 healthcare professionals including physicians, neuropsychologists, physiotherapists, occupational therapists, speech language pathologists, chiropractors, psychologists, social workers, rehabilitation support workers, personal support workers and case managers. It is these professionals who are the primary providers of healthcare and rehabilitation services to Ontarians who are injured in automobile accidents.

We have reviewed the proposal and have the following comments:

- The substitution of the Advisory Board with the Financial Services Tribunal process does appear to provide for a fairer and more streamlined disciplinary process for insurance agents and adjusters.
- The proposed clarification of the Superintendent's authority to issue interim orders achieves an appropriate balance between protecting consumers, and providing agents and adjusters access to justice.

However, we do have related concerns regarding the processes for raising issues and making complaints with respect to insurer and adjuster conduct. These concerns include:

- Lack of awareness on the part of consumers/policy holders about the process, resulting in a lack of accountability for poor management or bad faith with respect to the management of auto insurance accident benefits claims;
 - Lack of clarity and poor 'fit' with respect to the process as it applies to providers of auto insurance funded services. It is often the case that providers of services are directly impacted by decisions and actions taken by insurers and adjusters. Currently, lodging a complaint to the
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Market Conduct division is unduly complicated by the system's presupposition that the complainant is a consumer of, rather than a provider of, insured services.

These difficulties are significant and serve to discourage both accident victims and providers from raising concerns through the appropriate channels, and lead to a lack of faith in the system's effectiveness and fairness.

We believe that increased clarity and access for both consumers and providers is an important component of accountability and that this can and should be remedied through improved communication and streamlining of the complaints process.

We would be very appreciative of an opportunity to consult further and provide workable solutions to address these problems in order to further improve the efficacy and equity of the Market Conduct complaints processes.

Sincerely,

A handwritten signature in black ink that reads "Laurie Davis".

Laurie Davis
Executive Director
