

# THOMPSON'S WORLD INSURANCE NEWS

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### DRS report too weak: FAIR

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Sweeping reforms recommended for Ontario's auto injury dispute resolution system don't go far enough, according to an accident victims' group.

FAIR, the Association of Victims for Accident Insurance Reform, said the final report by former judge Douglas Cunningham was thoughtful, but it didn't address the value and the quality of medical evidence used at dispute hearings.

"The medical evidence and medical opinions in respect to Ontario's vulnerable and often cognitively impaired accident victims should be of the utmost importance and of the highest quality to satisfy our courts, who must decide whether or not an injured person is entitled to benefits," FAIR chair Rhona DesRoches told *Thompson's*.

"There is no more important evidence than that in a case."

Ms. DesRoches said there are references in the report to the quality and the lack of regulatory oversight for medical assessors, but no remedy is offered.

"Yet this issue is central to the very reason for the recent mediation backlog — too many cases indiscriminately turned down by insurers based on questionable medical reports. The possible recourse that 'the expert should not receive compensation for appearing as a witness' if their evidence is not 'fair, objective or non-partisan' does nothing to protect accident victims."

FAIR took issue with a recommendation that experts "should be required to certify their duty to the tribunal and to provide fair, objective and non-partisan evidence," that expert witnesses whose evidence is deemed biased should be disregarded and denied payment.

"That vendor, without any real sanctions, will simply move on, do it again, and hope not to be caught by the next arbitrator."

But FAIR is encouraged that from a claimant's perspective, "these recommendations to stream or triage claims according to type and the level of injury are promising."

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