



FAIR Association of Victims for Accident Insurance Reform
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To:
Registrar of the College of Physicians and Surgeons of Ontario (CPSO)
80 College Street, Toronto, Ontario M5G 2E2
Sent by Email: feedback@cpso.on.ca ATT: **Dr. Nancy Whitmore**

December 4, 2024

Dear Ms. Whitmore,

I am writing to you today in my capacity as the Chair of FAIR Association of Victims for Accident Insurance Reform and my concern about the ongoing risk to Ontario's vulnerable injured car crash survivors who are legislated to attend insurer medical examinations. In particular it is the concerning behavior of Dr. Alborz Oshidari, (CPSO#: **64671**), whose examinations, reports and testimony, is undermining the recovery of Ontario patients.

This is a request that you investigate Dr. Alborz Oshidari and restrict him from performing insurer medical examinations, and the resulting written reports and testimony stemming from those examinations going forward.

CPSO states their mandate is "Serving the people of Ontario through effective regulation of medical doctors" and we interpret this to mean ALL doctors and not just select professionals regulated by CPSO. We would assert that much of the behavior of Dr. Oshidari qualifies as acts of professional misconduct as described in O. Reg. 856/93: PROFESSIONAL MISCONDUCT under [Medicine Act, 1991, S.O. 1991, c. 30](#) .

The promise of Ontario's auto insurance system is to ensure injured claimants have access to necessary rehabilitation and supports to facilitate their recovery. This is only possible if the various regulators, tasked with protecting the health and safety of patients along the path of their recovery journey, are functioning.

FSRA's Initiative C in their recent public consultation suggests there is an opportunity to enhance cooperation and collaboration with Regulatory Health Colleges (RHC). It is a good idea to take this idea forward but Ontario's auto insurance claimants, who are also vulnerable patients, cannot wait for a system that 'maybe' will protect them better than we currently see every day.

Dr. Oshidari's work product has been described as "flawed", "not fair, objective, and non-partisan, and outside of his area of expertise" and various triers-of-fact noted "omissions and lack of thoroughness" over the course of 43 legal decisions [1] involving injured Ontario patients. It was also noted by multiple arbitrators that after "he reviews his report, he shreds his notes" and "avoided conducting tests" that may have supported another doctor's determinations, and that Dr Oshidari ignores the AMA Guides with some regularity in order to deflate the seriousness of Ontario's car crash claimant's injuries.

The CPSO's failure to protect the public safety was in the spotlight in a recent **CBC GO PUBLIC** article entitled *Insurers fighting injury claims hire doctors slammed for shoddy work as key medical experts* [2].

In Dr. Oshidari's statement to **GO PUBLIC** he says "*In regard to any negative findings from the CPSO regarding myself and my practice, I reconfirm that none exist*" [3] and we note that the CPSO has sanitized Dr. Oshidari's registration [4] to remove any reference to any of the four College complaints that ended up at the Health Professions Appeal and Review Board (HPARB) we've identified in the public record [1].

CPSO's self-regulating oversight model has amounted to literally no consequences for the shoddy handiwork of medical professionals whose bias and ineptitude has the potential to cause real and long term harm to claimants. A College complaint in Ontario is seen as a futile exercise for those who bring complaints forward in an effort to protect other claimants who are mandated to attend these medical assessments. That shouldn't be happening and every claimant is someone's patient.

When **GO PUBLIC** asked the College of Physicians and Surgeons of Ontario (CPSO) about the qualifications of Third Party experts, the College punted the obligation to protect claimants to the Attorney General's office and stated "it's up to courts to decide if an expert is qualified to testify" as if it doesn't matter about the quality of CPSO members' medical reports prepared before any legal action is taken or any testimony is offered. Is CPSO aware that the majority of the medical assessment (IME/IE) reports crafted by their members are used as a tool of intimidation and claim suppression and they will likely never be seen by a judge? CPSO's inaction is implied approval and it is a choice to avoid looking at this problem.

While the CPSO does have an extensive page devoted to Third Party Policy it is abundantly clear to claimants that there is no intention to stand in the way of a steady stream of dollars flowing from insurers into the pockets of some less than ideal medical 'experts'. We see little action to police the privately paid Drs who are beholden to rich auto insurers who are more than happy to pay more for assessing (IME) Ontario claimants than they spend treating their injuries.

The CPSO policy boldly states the only time the “College will consider individuals who are the subject of an IME, third party medical report, or testimony to be patients for the purposes of the sexual abuse provisions set out in the *Health Professions Procedural Code*, Schedule 2 of the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18.” [5] So unless you are sexually assaulted during an Insurer Medical Examination (IME), you are on your own, you are a client or individual, and not a patient. This isn’t right. It is a policy that results from ignoring the needs of claimants and it denies them the standard of care offered to all other Ontarians. CPSO should not just be looking at billing practices because this is about patient/claimant personal safety and the integrity of CPSO and ALL Ontario doctors’ reputations.

There are good medical assessors and experts in this field but there are far too many assessors with poor report writing skills and biases that cause chaos for claimants. Action is needed to protect Ontarians, because a bad medical report leads to denials of claims and that leads to poverty and restrictions on access to rehabilitation and care.

I look forward to hearing back from you about what action your office will take in regards to Dr. Oshidari in order to better protect this vulnerable group of patients who have been side-lined to protect auto insurers’ third-party doctors at the expense of their health and well-being.

Sincerely,

Rhona DesRoches
FAIR, Chair

[1] <http://www.fairassociation.ca/wp-content/uploads/2024/09/Oshidari-Alborz-Physiatrist.pdf>

[2] **GO PUBLIC: Insurers fighting injury claims hire doctors slammed for shoddy work as key medical experts** CBC News : Nov 18, 2024

The College of Physicians and Surgeons of Ontario (CPSO) does have a policy that requires doctors working as medical experts to be "comprehensive and relevant; fair, objective and non-partisan; and transparent, accurate and clear," but the college says it's up to courts to decide if an expert is qualified to testify.

<https://www.cbc.ca/news/health/insurance-medical-legal-experts-injury-1.7382872>

[3] **Statement from Dr. Alborz Oshidari to CBC GO PUBLIC**

<https://s3.documentcloud.org/documents/25318906/full-statement-from-dr-oshidari.pdf>

[4] **Dr. Alborz Oshidari** <https://register.cpso.on.ca/physician-info/?cpsonum=64671>

[5] **CPSO THIRD PARTY MEDICAL REPORTS Endnotes**

¹. The College will consider individuals who are the subject of an IME, third party medical report, or testimony to be patients for the purposes of the sexual abuse provisions set out in the *Health Professions Procedural Code*, Schedule 2 of the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18.

<https://www.cpso.on.ca/Physicians/Policies-Guidance/Policies/Third-Party-Medical-Reports>