

May 16, 2018

Brian Mills
CEO and Superintendent of Financial Services
Financial Services Commission of Ontario
5160 Yonge Street
16th Floor
Toronto, Ontario
M2N 6L9

Dear Mr. Mills,

Re: Updating the Professional Services Fee Guideline

On behalf of members of the Ontario Society of Occupational Therapists, I am writing to share concerns relating to the lack of proposed adjustment to the Professional Services Guideline (PSG) in 2018. Occupational therapists are regulated health professionals who serve Ontario's auto insurance system and contribute significantly to the rehabilitation of individuals injured in motor vehicle accidents. The Professional Services Guideline defines the maximum hourly rates and the maximum fees to complete forms payable by automobile insurers under the SABS as it relates to services provided by any of the health care professions named in the Guideline.

In November 2017, the Financial Services Commission of Ontario (FSCO) made known during the Superintendent's Health Advisory Committee, that the 2014 PSG had been reviewed and it was decided at that time that there would be no fee increase for health care professionals in 2018.

We wish to share the reactions of occupational therapists and the rationale for their concerns, and to advocate for a review of the Professional Services Guideline and an increase to the maximum fees that may be payable to occupational therapists.

Background

To provide some historical background and context for our concerns, we ask that you consider the following;

- between 2003 and 2009, the PSG was reviewed annually with an increase in fees during each of these years. In 2005, FSCO stated that the 2.77% increase “reflects the percentage increase applied by the Ontario Medical Association (OMA) for all uninsured services and fees for forms recommended in the OMA *Physician Guide to Third Party and Other Uninsured Services, January 2005 edition*.¹

If we refer to the OMA *Physician Guide to Third Party and Other Uninsured Services, and compare the 2003 edition with the 2018 edition, here is what we find:*

Insurance item	2003 rate	2018 rate	Percentage increase
To complete the OCF 3	\$88.80	\$139.90	58%
To complete an OCF-18	\$88.80	\$139.90	58%
To complete Certificate of Health Practitioner	\$29.03	To complete the Attending Physician’s Statement: \$139.85	400%
Back to work note	\$11.84	\$18.85	60%

- In the same 15 year period, between 2003 and 2018, occupational therapists have seen an overall 18.7% increase, an average of 1.2% per annum.
- In the Jan/Feb 2017 edition of the Ontario Medical Review,² the increase in fees for uninsured services between 2016 and 2017 was noted as follows: “*Note that the suggested fees listed in the 2017 Guide are 3.87% higher than 2016 fees, and these higher rates took effect January 1, 2017.*”
- Between 2010 and 2018, there have been annual reviews of the PSG, yet only three increases in occupational therapy fees over this 8 year period, the last one being in 2014.

The *Professional Services Guideline* No. 06/04 was released on March 3, 2004 with Bulletin N A- 05/04. Many of the maximum hourly rates and fees for the completion of forms set out in the *Professional Services Guideline* were originally established in September 2003.

The revised *Professional Services Guideline* released with this Bulletin increases the maximum hourly rates and the maximums payable for the completion of certain forms by 2.77% effective for services rendered and forms completed on or after July 1, 2005.

The 2.77% increase reflects the percentage increase applied by the Ontario Medical Association (OMA) for all uninsured services and fees for forms recommended in the OMA

¹ *Physician Guide to Third Party & Other Uninsured Services, January 2005 edition.*

² http://omr.dgtlpub.com/2017/2017-02-28/pdf/omr_2017-02-28.pdf

OSOT urges you to consider the following:

- 1) By 2019, the fees paid to occupational therapists and other health professionals covered by the PSG will be 5 years old;
- 2) Occupational therapists have not yet reached pre-2003 rates with respect to non-CAT rates, now 15 years later;
- 3) Most of the work of occupational therapists is done offsite, at the claimant's home, workplace or school, yet, OTs have lost the ability to claim an expense for mileage despite the fact that gasoline, car maintenance and insurance rates continue to climb;
- 4) In terms of level of education, while we applaud FSCO for recognizing the Masters Level education of Speech Language Pathologists and setting them apart from other professionals without the same degree, we draw to your attention to the fact that since 2009, the entry level requirement for occupational therapists in Canada is a Masters Degree. We point out that OT fees are 12-13% lower than those of SLPs and 14-35% lower than social workers who also have a Masters degree (the range differential being dependent upon on the catastrophic determination).

Professional	Non-CAT	CAT
Occupational Therapist	\$99.75/hour	119.92
Speech Language Pathologist	\$112.72	\$134.17
Social Worker	\$135/hour	\$135/hour

- 5) Most occupational therapists in the auto insurance industry work as contractors without the benefit of extended health benefits, sick days, vacation pay or payment for use of a personal vehicle.
- 6) Since the last PSG was reviewed in 2014, occupational therapists have had to absorb additional imposed fees including FSCO licensing and increases in expenses such as hydro. When examining Cost of Living statistics from Statistics Canada¹, it shows an overall increase from March 2017 to March 2018 of 2.4%. If we look at energy alone, it has risen 4.6%.

Upon review of the government's published Sunshine List of public sector employees who earned more than \$100,000 for the years 2014 to 2017, we note that two senior staff at FSCO had annual salaries adjustments which demonstrated a 4 - 4.5% increase over this 3 year period:

2014	2017
\$196,292.61	\$203,155.96 (4% over 3 years)
\$103,672.70	\$108,261.29 (4.5% over 3 years)

While others in the public and private sector continue to get their fair cost of living increases, health care professionals who rely on the Superintendent for their cost of living raises are falling further and further behind and finding it increasingly difficult to continue operating their clinics and businesses. To stem this decline, we propose that the following are critical initiatives to be addressed by FSCO;

- **Address the parity of like professions covered by the Professional Services Guideline. For example, assure equity of maximum fees for occupational therapists and speech language pathologists.**
- **Apply a cost of living adjustment to fees covered by the Professional Services Guideline. We suggest an adjustment of 2.4%.**

The Society is vested in assuring a vibrant, experienced, competent capacity of occupational therapists to meet the needs of claimants injured in motor vehicle accidents. Occupational therapists in the auto insurance system work predominantly with those most severely injured, with complex needs which are best served by those who bring experience and expertise to the sector. We believe that attention to fair increases to health professional fees is critical to attract and maintain the workforce that serves to support claimants' effective rehabilitation.

We would be pleased to meet with you to discuss these recommendations more fully. Please contact us at the address below.

Sincerely,



Christie Brenchley
Executive Director



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ⁱ <http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/cpis01g-eng.htm>