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Bulletin

No. A-19/10
Property & Casualty – Auto

Revised Professional Services Guideline and Revised Transportation Expense Guideline - Effective September 1, 2010

To the attention of all insurance companies licensed to transact automobile insurance in Ontario

With this Bulletin, the Financial Services Commission of Ontario (FSCO) is releasing a revised Professional Services Guideline and a revised Transportation Expense Guideline, that both become effective on September 1, 2010.

Revised Professional Services Guideline

The revised Professional Services Guideline – Superintendent's Guideline No. 06/10 (revised Professional Services Guideline) reflects the reforms under the Statutory Accident Benefits Schedule – Effective September 1, 2010.

Consistent with the current Professional Services Guideline – Superintendent's Guideline No. 04/10, the Harmonized Sales Tax (HST) is payable in addition to the rates and fees outlined in the revised Professional Services Guideline, when applicable. The applicability of the HST falls under the jurisdiction of the federal government's Canada Revenue Agency (CRA). For additional information regarding the applicability of the HST, please visit the CRA's website at: www.cra-arc.gc.ca or contact them at: 1-800-959-5525.

The fees for the completion and submission of the forms listed in the revised Professional Services Guideline are capped at $200. These fees include all assessments and work that are required to complete and submit the forms.

Revised Transportation Expense Guideline

The revised Transportation Expense Guideline – Superintendent's Guideline No. 05/10 (revised Transportation Expense Guideline) applies to all travel that occurs on or after September 1, 2010, regardless of the date of the accident.

For travel occurring on or after September 1, 2010, the transportation expense rate has increased from $0.34/km to $0.38/km.

Authority

Both Guidelines are issued by FSCO under section 268.3 (1) of the Insurance Act.

Copies

The revised Professional Services Guideline and the revised Transportation Expense Guideline are attached for your information and can also be downloaded from the FSCO website at www.fsco.gov.on.ca. Both Guidelines will also be published in a forthcoming edition of *The Ontario Gazette*.

Philip Howell
Chief Executive Officer and
Superintendent of Financial Services

July 21, 2010

Attachments:

- Professional Services Guideline – Superintendent's Guideline No. 06/10
- Transportation Expense Guideline – Superintendent's Guideline No. 05/10

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Financial Services Commission of Ontario

Commission des services financiers de l'Ontario

Ontario

July 2010

Professional Services Guideline

Superintendent's Guideline No. 06/10

Professional Services Guideline

Introduction

This Guideline is issued pursuant to subsection 268.3 (1) of the Insurance Act for the purposes of subsections 15 (2) (b), 16 (4) (a), 17 (2) and 25 (3) of the Statutory Accident Benefits Schedule – Effective September 1, 2010 (SABS), and applies to expenses related to professional services rendered on or after September 1, 2010.

The maximum hourly rates and the maximum fees for the forms listed in this Guideline apply to services rendered on or after September 1, 2010, even if they are approved prior to September 1, 2010.

Purpose

This Guideline establishes the maximum expenses payable by automobile insurers under the SABS related to the services of any of the health care professions or health care providers listed in this Guideline. These maximums are applicable to:

- a medical benefit under clauses 15 (1) (a), (b), or (h) of the SABS;
- a rehabilitation benefit under clauses 16 (3) (a) to (g) or (l) of the SABS;
- case management services under subsection 17 (1) of the SABS; or
- conducting an examination, assessment or provision of a certificate, report or treatment plan under subsection 25 (3) of the SABS.

Insurers are not prohibited from paying above any maximum amount or hourly rate established in this Guideline.

Services provided by health care professionals/providers, unregulated providers and other occupations not listed in this Guideline are not covered by this Guideline. The amounts payable by an insurer related to services not covered by this Guideline are to be determined by the parties involved.

Maximum Hourly Rates and Fees

Automobile insurers are not liable to pay for expenses related to professional services rendered to an insured person that exceed the maximum hourly rates and fees set out in the Appendix.

Forms

The maximum fees payable for the listed forms include all examinations, assessments and expenses related to professional services (as referred to below) that are involved in such examinations and assessments, and all other activities, tasks and expenses involved in the completion and submission of the forms, whether they are made through the Health Claims for Auto Insurance (HCAI) system or otherwise. Automobile insurers are not liable to pay for any expenses related to the listed forms that exceed the maximum fees set out in the Appendix.

As stipulated in section 25 (1) 3 of the SABS, the fee for the Treatment and Assessment Plan (OCF-18) is payable only if any one or more of the goods, services, assessments or examinations described in OCF-18 have been:

i. approved by the insurer,
ii. deemed by the SABS to be payable by the insurer, or
iii. determined to be payable by the insurer on the resolution of a dispute in accordance with sections 279 to 283 of the Insurance Act*.*

Collateral Benefits

In respect of any expense referenced in this Guideline or in previous Superintendent's Professional Services Guidelines, the amount that an insurer would otherwise be liable to pay is subject to a reduction by that portion of the expense for which payment is reasonably available under any insurance plan or law, or under any other plan or law.

Expenses Related to Professional Services

"Expenses related to professional services" as referred to in the SABS and this Guideline include all administration and other costs, overhead, and all related costs, fees, expenses, charges and surcharges. Insurers are not liable for any administration or other costs, overhead, fees, expenses, charges or surcharges that have the result of increasing the effective hourly rates, or the maximum fees payable for completing forms, beyond what is permitted under this Guideline.

Harmonized Sales Tax (HST)

The applicability of the HST to the services of any health care professionals or health care providers listed in this Guideline falls under the jurisdiction of the Canada Revenue Agency (CRA). If the HST is considered by the CRA to be applicable to any of the services or fees listed in this Guideline, then the HST is payable by an insurer in addition to the fees payable as set out in this Guideline.

APPENDIX – RATES AND FEES

Health Care Profession or Provider	Maximum Hourly Rate *except catastrophic impairments*	Maximum Hourly Rate *catastrophic impairments**
Chiropractors	$106.73	$128.07
Massage Therapists	$55.05	$84.27
Occupational Therapists	$94.37	$113.46
Physiotherapists	$94.37	$113.46
Podiatrists	$94.37	$113.46
Psychologists and Psychological Associates	$141.55	$169.63
Speech Language Pathologists	$106.18	$126.94
Registered Nurses, Registered Practical Nurses and Nurse Practitioners	$86.50	$103.36
Unregulated Providers		
Case Managers	$55.05	$84.27
Kinesiologists	$55.05	$84.27
Family Counsellors	$55.05	$84.27
Psychometrists	$55.05	$84.27
Rehabilitation Counsellors	$55.05	$84.27
Vocational Counsellors	$55.05	$84.27

*This rate applies to all services rendered on or after September 1, 2010 to an insured person whose impairment is determined to be a catastrophic impairment as defined in SABS s. 3 (2) whether such services are rendered before or after such determination is made.

Form	Maximum Payable
Disability Certificate (OCF-3)	$200.00
Treatment and Assessment Plan (OCF-18)	$200.00
Auto Insurance Standard Invoice (OCF-21)	$0.00

Financial Services Commission of Ontario
Commission des services financiers de l'Ontario

July 2010

Transportation Expense Guideline

Superintendent's Guideline No. 05/10

Transportation Expense Guideline

Introduction

This Guideline is issued pursuant to section 268.3 of the Insurance Act for the purposes of:

- subsections 14 (5), 15 (11) and 24 (3) of the Statutory Accident Benefits Schedule – Accidents on or After November 1, 1996 (Old SABS), and
- subsections 3 (1), 15 (2) (c), 16 (4) (f), 19 (1) (b) and 25 (4) of the Statutory Accident Benefits Schedule – Effective September 1, 2010 (New SABS).

This Guideline replaces the old Transportation Expense Guideline – Superintendent's Guideline No. 03/06 and is effective September 1, 2010.

Purpose

The purpose of this Guideline is to provide a framework for insurers and insured persons to determine the circumstances under which expenses related to the transportation of an insured person, and his/her aide or attendant, to and from treatment sessions, counselling sessions, training sessions, assessments and examinations, must be paid by an insurer. This Guideline sets out authorized expenses and applicable rates for the purpose of subsections 14 (5), 15 (11) and 24 (3) of the Old SABS and 15 (2) (c), 16 (4) (f), 19 (1) (b) and 25 (4) of the New SABS.

(a) *Accidents Occurring Before April 15, 2004*

Authorized Expenses

The insurer is liable to pay for all reasonable and necessary transportation expenses for each trip that the insured person makes to and from treatment sessions, counselling sessions, training sessions, assessments and examinations. The insurer is also liable to pay for all reasonable and necessary transportation expenses of the insured person's aide or attendant. Transportation expenses are calculated based on the most direct route and include incurred parking fees.

The selected mode of transportation should be the most economical and practical for the distance to be travelled, and be appropriate under the specific circumstances.

Use of Automobiles

The insurer is liable to pay a mileage expense for transportation of the insured person and his/her aide or attendant, to and from treatment sessions, counselling sessions, training sessions, assessments and examinations, using the insured person's automobile, excluding the first 50 kilometres of each round-trip. The 50 kilometre "deductible" is only applicable once in any round-trip. This also applies to minors who are driven to treatment sessions, counselling sessions, training sessions, examinations or assessments.

For the purpose of this Guideline, the "insured person's automobile" includes any automobile that is owned or leased by the insured person, or any other automobile that the insured person has access to.

For travel that takes place before September 1, 2010, the rate that is to be used to calculate transportation expenses for the use of the insured person's automobile is $0.34 per kilometre travelled.

For travel that takes place on or after September 1, 2010, the rate that is to be used to calculate transportation expenses for the use of the insured person's automobile is $0.38 per kilometre travelled.

Use of Taxis

The insurer is liable to pay for reasonable and necessary taxi fare(s) incurred by an insured person and his/her aide or attendant, provided that:

- the insured person does not own or have access to an automobile; or
- the insured person is unable to operate an automobile; or
- it is reasonable and practical in the circumstances to take a taxi.

Other Modes of Transportation

Insurers are liable to pay for reasonable and necessary expenses for other modes of transportation where circumstances warrant. An insured person should discuss the matter with his/her insurer before incurring expenses for air, rail and bus transportation services.

(b) Accidents Occurring On or After April 15, 2004

Authorized Expenses

Subject to the 50 kilometre "deductible" referred to below, the insurer is liable to pay for all reasonable and necessary transportation expenses for each trip that the insured person makes to and from treatment sessions, counselling sessions, training sessions, assessments or examinations. The insurer is also liable to pay for all reasonable and necessary transportation expenses of the insured person's aide or attendant. Transportation expenses are calculated based on the most direct route and include incurred parking fees.

The selected mode of transportation should be the most economical and practical for the distance to be travelled, and be appropriate under the specific circumstances.

Use of Automobiles

For the purpose of this Guideline, the "insured person's automobile" includes any automobile that is owned or leased by the insured person, or any other automobile that the insured person has access to.

Subject to the 50 kilometre “deductible” referred to below:

- for travel that takes place before September 1, 2010, the rate that is to be used to calculate transportation expenses for the use of the insured person’s automobile is $0.34 per kilometre travelled; and
- for travel that takes place on or after September 1, 2010, the rate that is to be used to calculate transportation expenses for the use of the insured person’s automobile is $0.38 per kilometre travelled.

Use of Taxis

Subject to the 50 kilometre “deductible” referred to below, the insurer is liable to pay for reasonable and necessary taxi fare(s) incurred by an insured person and his/her aide or attendant, provided that:

- the insured person does not own or have access to an automobile; or
- the insured person is unable to operate an automobile; or
- it is reasonable and practical in the circumstances to take a taxi.

This provision also applies to all transportation expenses of the insured person’s aide or attendant.

Other Modes of Transportation

Subject to the 50 kilometre “deductible” referred to below, the insurer is liable to pay for reasonable and necessary expenses for other modes of transportation where circumstances warrant. An insured person should discuss the matter with his/her insurer before incurring expenses for air, rail and bus transportation services.

50 Kilometre “Deductible”

As set out in clauses 14 (6) (b), 15 (12) (b) and 24 (4) (b) of the Old SABS, and in the definition of “authorized transportation expense” in section 3 (1) of the New SABS, the insurer is not liable to pay for the first 50 kilometres of transportation (whether or not in the insured person’s automobile) to and from treatment sessions, counselling sessions, training sessions, assessments and examinations, unless the insured person sustained a catastrophic impairment as a result of the accident. The 50 kilometre “deductible” is only applicable once in any round-trip. These provisions also apply to minors who are driven to treatment sessions, counselling sessions, training sessions, assessments and examinations, and to transportation expenses of the insured person’s aide or attendant.