Changes to the Statutory Accident Benefits Schedule – Effective September 1, 2010, Unfair or Deceptive Acts or Practices Regulation, and Disputes Between Insurers Regulation

Bulletin

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Property & Casualty
Auto

To the attention of all insurance companies licensed to transact auto insurance in Ontario and all health care providers

With this Bulletin the Financial Services Commission of Ontario (FSCO) is highlighting regulation amendments announced by the Ministry of Finance (MOF) on January 21, 2013 focussing on preventing fraud and protecting consumers.

Amendments have been made to the:

- Statutory Accident Benefits Schedule – Effective September 1, 2010 (O.Reg 34/10)
- Unfair or Deceptive Acts or Practices regulation (O.Reg 7/00)
- Disputes Between Insurers regulation (O.Reg 283/95)

The regulation changes will be published in the February 9, 2013 edition of The Ontario Gazette. The in-force date of the changes is June 1, 2013.

NOTE: The bulletins that are posted on this website are provided for historical reference purposes. The information in these bulletins is accurate on the date the information is published, but is subject to change and may be replaced by more recent bulletins.

An order that is made regarding a licence holder reflects a situation at a particular point in time. The status of a licence holder can change. Readers should check the current status of a person's or entity's licence on the **Licensing Link** section of FSCO's website. Readers may also wish to contact the person or entity directly to get additional information or clarification about the events that resulted in the order.

These bulletins may include forms that are no longer up-to-date or accurate. Readers should visit the **forms** section of the FSCO website, to ensure they are using the most recent version of a FSCO form.

Summary of Changes

These amendments implement a number of the recommendations made by the Auto Insurance Anti-Fraud Task Force. The changes to each regulation are summarized below:

Amendments to Statutory Accident Benefits Schedule – Effective September 1, 2010 (SABS)

The amendments to the SABS include: a requirement for insurers to provide all reasons when denying claims; providing FSCO with authority to stipulate additional information that insurers must provide in bi-monthly benefit statements to claimants; giving insurers authority to require claimant confirmation of receipt of goods and services that have been billed; and providing FSCO with authority to stipulate by Guideline the maximum payable by insurers for goods as well as services.

This regulation has been amended by Ontario Regulation 14/13.

Unfair or Deceptive Acts or Practices (UDAP) Regulation

The changes to the UDAP regulation include an offence to request, require or permit a claimant to sign an incomplete claim form and clarifying the exemption for lawyers and paralegals to ensure the regulation applies to lawyers and paralegals when not acting in a legal capacity.

This regulation has been amended by Ontario Regulation 15/13.

Disputes Between Insurers (DBI) Regulation

The amendment to the DBI regulation allows for the insurer that receives the initial application for benefits to request one examination of the claimant under oath to assist in the determination of priority issues.

This regulation has been amended by Ontario Regulation 16/13.

More Information

The amended regulations can be found at **www.e-laws.gov.on.ca**.

Philip Howell
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Superintendent of Financial Services

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