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PRESIDENT'S MESSAGE

APRIL 2018



Hello April and Spring!

Wait – I think that Spring may have missed the memo as there is snow falling while I type up my President's Message.

Thank you to everyone who came out and attended all the events that were held in March – we had Curling, Axe Throwing and our annual monthly meeting. We've got some great events that are coming up in April, May and June. Now is the time to register for Battle of the Bands – or if you are not musically inclined show up to support those who are giving it their all on stage! May will be out tech showcase and more information will follow! We wrap up our year with our

annual Golf Tournament held in Ariss – you'll find more information in the bulletin about this and it will be up on our website shortly.

We look forward to our April Event to welcoming new board members – if you are interested in becoming a board member, please do not hesitate to reach out!

Thank you,
Charlene Ferris
President of K-W OIAA



K-W OIAA EXECUTIVE COUNCIL 2017-2018

Charlene Ferris

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If you have any questions, concerns or comments, please do not hesitate to contact any of the above committee members.

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EVENTS SCHEDULE 2017-2018

April 26, 2018 - Battle of Bands + Election Night- Jennifer Brown, Randy Henderson & Dave Bushell - MAXWELL'S CONCERTS AND EVENTS, 35 UNIVERSITY AVENUE EAST, WATERLOO

Election for positions available on the board, Members wishing to join the board must be in good standing with the K-W OIAA.

May 31, 2018 – Mini Tech Showcase- Kristin McCutcheon and Jennifer Brown

June 21, 2018 - John McHugh Memorial Golf Tournament: Ariss Valley Golf & Country Club- Charlene Ferris & Carrie Keogh

All events will be held at Golf's Steak House and Seafood unless otherwise noted.





The K-W OIAA is pleased to be hosting the John McHugh Memorial Golf Classic at Ariss Valley Golf and Country Club. Please join us for a day of golf and fun among your industry friends. Every year the K-W OIAA president chooses a charity to be the beneficiary of a generous donation that will greatly assist that organization. This year the chosen charity is [7northwest.com](http://www.7northwest.com).

PLEASE REGISTER ONLINE: <http://www.kw-oiaa.ca/>. REGISTRATION DEADLINE IS WEDNESDAY JUNE 1st, 2018.

Itinerary for Thursday June 21st, 2018 :

- 8:30am Registration Opens - Breakfast
- 10:00am Shot Gun Start
- 12:00pm Lunch on the turn
- 4:00pm Approximate time for dinner

Players Golf Package

\$155 HST inclusive per person, Fees include one round of 18 holes of golf, use of a cart, breakfast, lunch and dinner. A team of 4 will be \$620.00

Other Options:

- All Day Food Tickets: \$50 (Breakfast, lunch and dinner)
- Dinner Only Tickets: \$35

Sponsorship

A generous donation will be made to [7northwest.com](http://www.7northwest.com) from all hole sponsorships.

Hole Sponsorship (2 types) is available for \$225 A prize hole (longest drive/ closest to the pin) requires sponsors to bring both a male and female prize in addition to sponsoring the hole. A non-prize hole has no additional requirements. ****Please note:** You are responsible for providing your own tent, table and chairs.

Title Sponsorship is also available should you be interested:

- You may display your banner at this portion of the event should you sponsor these.
- Breakfast Sponsor- \$500
- Lunch Sponsor- \$1000

Door Prizes are also a welcomed and are drawn for at the dinner. If you are donating a door prize please advise Charlene Ferris (charlene_ferris@cooperators.ca) or simply bring it with you with a businesscard attached to it.

Questions? Please contact:

- Charlene Ferris (charlene_ferris@cooperators.ca) or by phone 877-682-5246 Ext 272280
- Carrie Keogh (carrie.keogh@economical.com) or by phone 519-570-8332 Ext 43220



Who wants to win a \$500 Visa Gift Card?!

From September 2017 to April 2018 we will be running a contest to increase adjuster attendance at our meetings. Not just any adjuster – adjusters who are not currently members of our Chapter! Every time you bring a new adjuster to a meeting your name is entered into the draw!

Rules:

1. Contest is open to current adjuster members, Industry Partners in good standing and Board Members of the K-W OIAA.
2. An adjuster can only be “brought” once to a meeting, the same adjuster cannot come every meeting with the member and qualify for the contest.
3. If current adjuster members, Industry Partners and Board Members of the K-W OIAA bring more than one new adjuster to a meeting, their name is entered into the draw equal to the amount of people they brought! (This is the equivalent of stuffing the ballot box!)
4. The adjuster member that is brought does need to have a ticket to attend.

FAQ:

1. Do I need to be in attendance to win the prize? ANSWER – if you are not able to make the May meeting when the announcement is done, you can still win the prize and arrangements will be made to get the prize to you.
2. Who keeps the list until May? ANSWER – the list of current adjuster members, Industry Partners in good standing and to Board Members of the K-W OIAA and the adjuster that they brought will be kept with the current President- (Charlene Ferris)
3. What happens if the same adjuster is brought a second time? ANSWER – the second person who brought them will not be eligible to enter the draw with that adjuster, they would need to work to bring someone else out!



BATTLE OF THE BANDS

HAVE A LOVE FOR MUSIC? ENJOY ROCKING OUT TO CRAZY FANS? BATTLE OF THE BANDS IS THE PLACE FOR YOU!
JOIN THE K-W OIAA FOR BATTLE OF THE BANDS!

DATE: THURSDAY, APRIL 26, 2018

LOCATION: MAXWELL'S CONCERTS AND EVENTS, 35 UNIVERSITY AVENUE EAST, WATERLOO

TICKETS: \$40

TIME: 5:30 TO 7:00PM IS MIX AND MINGLE, FOOD AND BEVERAGES

ELECTION SPEECHES: 7:00PM

BATTLE OF THE BANDS: 7:30PM



IN ORDER TO PARTICIPATE IN THE BATTLE OF THE BANDS:

- BAND ENTRIES **MUST** CONTAIN AT LEAST ONE OIAA ADJUSTER OR SOCIAL MEMBER (OF ANY CHAPTER)
- ENTRIES WILL BE ALLOWED FROM IBAWR AND IIC
- BAND INFORMATION IS TO BE SENT TO JEN BROWN (jennifer.brown@economical.com)

THIS NIGHT IS ALSO ELECTION NIGHT! THE CURRENT POSITIONS THAT ARE AVAILABLE ON THE BOARD ARE:

- SOCIAL DIRECTOR
- SECRETARY
- TORONTO DELEGATE
- DIRECTOR

NOMINATIONS FOR OPEN POSITIONS ARE ACCEPTED BY THE CURRENT SECRETARY, ELLIE CELESTINE.
(ellie_travis@cooperators.ca)

PLEASE PROVIDE YOUR NOMINATION TO HER ALONG WITH THE POSITION TITLE.

MAY THE BEST BAND WIN!

SOCIAL CHIT CHAT

April 2018



Our year is quickly coming to a close and I want to take this opportunity to thank all of the support we continue to receive from our members! Although we are winding down, there are still three very exciting events coming up: battle of the bands, the mini tech showcase, and the annual golf tournament.

Please continue to check our website for event registration and details.

April has not yet provided us with those showers and flowers, more like snow and wind, but let's hope nicer weather is just around the corner so we can all get outside for some much needed fresh air.

We look forward to continuing to grow our organization with your support in the coming months and year. Please remember that thoughts and contributions are always welcome.

Your Social Director,
Ashleigh Leon





PROVINCIAL DELEGATE REPORT



Provincial Executive elections took place in Toronto on March 14th. Congratulations to Kyle Case, London Delegate, who will be the incoming Secretary for the 2018/19 term and more important he will be the OIAA President for the 2022/23 term. Congratulations to the Kitchener-Waterloo Chapter's very own Michael McLeod who will assume the role of President for the 2018/19 term. I wouldn't know where to begin to speak to how much I respect Michael and appreciate our friendship. It was Michael who talked me into getting involved in the OIAA. He is a true industry leader and I am better for having worked with him in the OIAA over the past decade. It is bittersweet that I will not be pursuing re-election due to other obligations in the coming year. Bitter because I will not be a member of Michael's team and sweet because there is a hard working candidate in the race to replace me who has done, and will continue to do, great things for the OIAA. That said, I will always be on Michael's team and my plan is to stay active in the KW chapter and hit as many provincial events as possible in 2018/19.

Upcoming events and need to know information:

The 2018 Toronto Delegate Elections and Seminar takes place on April 11 at the Sheraton Parkway Hotel and Suites in Richmond Hill. The Seminar is a mock trial featuring Kadey Schultz and several other players, including Plaintiff and Defence Counsel, industry experts and a hand-picked jury from the audience. The case will cover both automobile and CGL exposures. Following the jury's verdict the "court room" will be open to questions from the audience.

The OIAA student bursary offers financial assistance in the form of 3 awards in the amount of \$1000.00 each to children or grandchildren of members in good standing. Selection is based on financial need, contributions at school, community involvement and/or other meaningful pursuits. More information is available on the OIAA website.

If you have not yet tuned into WP Radio it is time to check it out and see what all of the hype is about. There are now 17 different podcasts on WP Radio. You can find links to the WP Radio on the OIAA website.

Finally, a reminder that the annual OIAA Golf Tournament takes place on June 8 at the Cardinal Golf Club in Newmarket. Registration opens on April 12th at 9:00 am.

As always OIAA Provincial event details are available at oiaa.com.

Regards,

Stephen Tucker

Kitchener-Waterloo OIAA Chapter, Provincial Delegate



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The Not so Reasonable Cost of Medical Documents



Authored by:

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One of the biggest pet peeves I have working in this industry is receiving, in my opinion, ludicrous requests from practitioners relating to the cost of obtaining their medical records. For example, just the other day I received a request from a neurologist for \$200 for the luxury of obtaining eight (8), yes you read that right, eight pages of clinical notes and records.

Information is of utmost importance in insurance litigation and obtaining clinical notes and records, medical reports and other medical documentation is an everyday requirement. It is not very often that we see insurance companies pushing back on the costs associated with this necessary task. For the most part it appears that when a practitioner or facility requests an amount for the purpose of obtaining records, insurers or their counsel usually pay it because the information contained in the records is so vital to the proper management of the claim. However, the importance of the records should not dictate an overall resignation to paying whatever the practitioners and/or facilities deem to be “reasonable costs” for providing them.

In 2010, the Information and Privacy Commissioner of Ontario issued a decision dealing with the cost of obtaining medical records (Order H0-009). In this instance, the complainant sought a determination that the fee of \$125 for 34 pages of records being charged by one of her treating practitioners was unreasonable. The complaint was made pursuant to

the *Personal Health Information Protection Act* (the *Act*).

Sections 54(10) and (11) of the *Act* set out the statutory entitlement of a Custodian to charge a fee for access to records of personal health information. Those sections state:

(10) A health information custodian that makes a record of personal health information or a part of it available to an individual under this Part or provides a copy of it to an individual under clause (1) (a) may charge the individual a fee for that purpose if the custodian first gives the individual an estimate of the fee.

(11) The amount of the fee shall not exceed the prescribed amount or the amount of reasonable cost recovery, if no amount is prescribed.

The Commissioner reviewed submissions from the complainant, the responding doctor, the Ontario Medical Association and the Ontario Hospital Association. Ultimately, it was decided that he term “reasonable cost recovery” in section 54(11) of the *Act* should also be interpreted in light of the importance of the right of access. The right of access to one’s own records of personal information, including records of personal health information, is a cornerstone of fair information practices and a fundamental tenet of all privacy legislation. The right of an individual to access his or her records of personal health information is essential to the exercise of other statutory and common law rights, including the right of an individual to determine for himself or herself what shall or shall not be done with his or her own body; the right of an individual to “informational self determination,” that is, the right of an individual to control the collection, use or disclosure of his or her personal health information; and the right of an individual to require the correction or amendment of personal health information about themselves.

Having regard to the importance of an individual's right of access to his or her records of personal health information, once again it is my opinion that any interpretation of the term "reasonable cost recovery" in section 54(11) of the Act that has the effect of imposing a financial barrier or has the effect of acting as a deterrent to an individual exercising his or her right of access to records of personal health information must be avoided. The doctor argued that "reasonable cost recovery" allows the practitioner to recover the actual or total cost incurred in providing the records but this was explicitly rejected by the Commissioner. Instead, he relied on a Proposed Regulation from the Minister which was publicly circulated but not adopted which limited the amount recoverable by a Custodian to a flat fee of \$30 dollars for the photocopying or printing of records up to the first 20 pages and then 25 cents per page thereafter. The flat fee includes an allotment of 15 minutes for review by the Custodian, which was found to be reasonable in this case for the 34 pages of documents.

This case has been cited a few more recent ones. Two 2015 decisions follow the HO-009 framework in terms of costs chargeable for medical documents. These cases are London Health Sciences Centre (Re), 2015 CanLII 13169 (ON IPC) and Mackenzie Health (re) CanLII 73815.

London Health Sciences Centre (Re) specifically explained that the "reasonable cost recovery" based on the framework for "access" adopted in Order HO-009 should apply the same whether or not the request comes from individuals or third parties. This case went on to also explain that although HO-009 was decided in the context of an access request its framework is fully applicable to both access and disclosure requests. This case also agreed with the statement in Order HO-009 that the Regulation proposed by the Minister on March 11, 2016 in The Ontario Gazette, which prescribed the maximum amount of fees that a health information custodian could charge an individual for access to records for personal health information provides the best framework for determining the amount of reasonable cost recovery.

The March 11, 2016 Ontario Gazette sets out the same fee of \$30 for the first 20 pages and 25 cents per page thereafter.

Applying the "reasonable cost recovery" found in these cases to our every day requests for medical records could in the end eliminate a substantial amount of costs to insurers. Using my previous example, instead of paying \$200 for the neurological clinical notes and records as requested, we will agree

to pay the flat fee of \$30 and nothing more, saving \$170 in one request. The insurance industry is expensive enough as it is, when we can find ways to save some expenses I say we should do so!

Ashleigh Leon is a partner in the Guelph office of Miller Thomson. She is a litigator with industry expertise in insurance and personal injury. She also specializes in catastrophic impairment and brain injury related cases.

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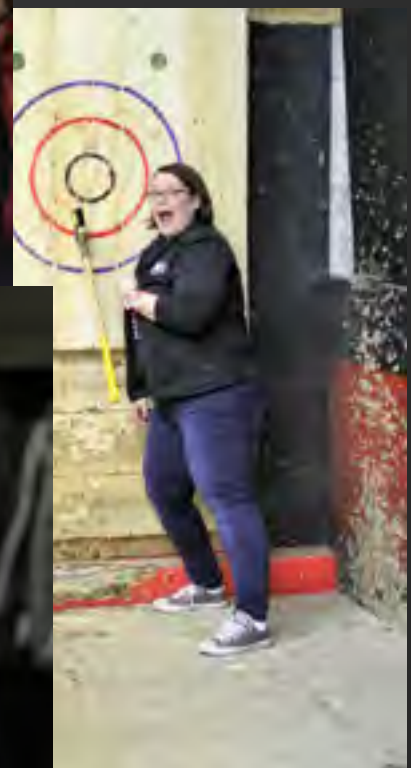
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Look for next year's information to come out!





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Another successful Ontario General Insurance Hockey Tournament took place at the beginning of March in Kitchener! Over 2 days, 32 hockey teams were vying for the top spots in their division, but there could only be 4 winners!

Here are how the divisions turned out:

Servicemaster Division (A) – After a nail biting game of back and forth scoring, FirstOnSite won over CBI Health Group, with a score of 5-4.

Economical Division (B) – Golden Triangle had remained undefeated in their games and won the finals when the opposing team forfeited.

Travelers Division (C) – Trisura 1 beat out Heartland to win with a score of 5-2.

Aviva Division (D) – Aviva beat out Intact to win with a score of 3-2.



All of the money raised goes to support Camp McGovern and Lutherwood Childrens Mental Health. Don't forget that next year, the tournament moves back to Niagara!



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*Thank
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On behalf of the K-W OIAA we would like to thank all of our Industry Partners for their continued support of the events held throughout the year.

In recognition of all that you do for the K-W OIAA Chapter, for the 2017-2018 we are waiving the social membership fee for all of our industry partners. We would ask that you still register through the website so that you receive emails notifying you of the upcoming meetings and events.

*please note that the monthly meeting charges will still apply

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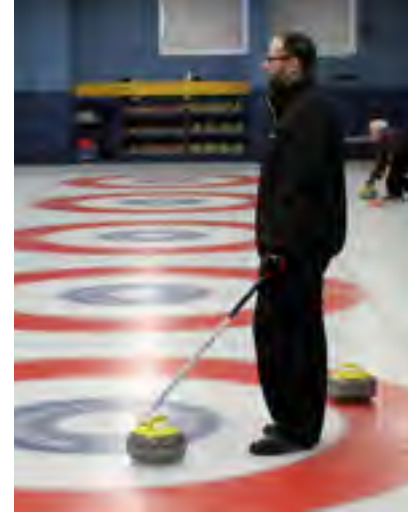
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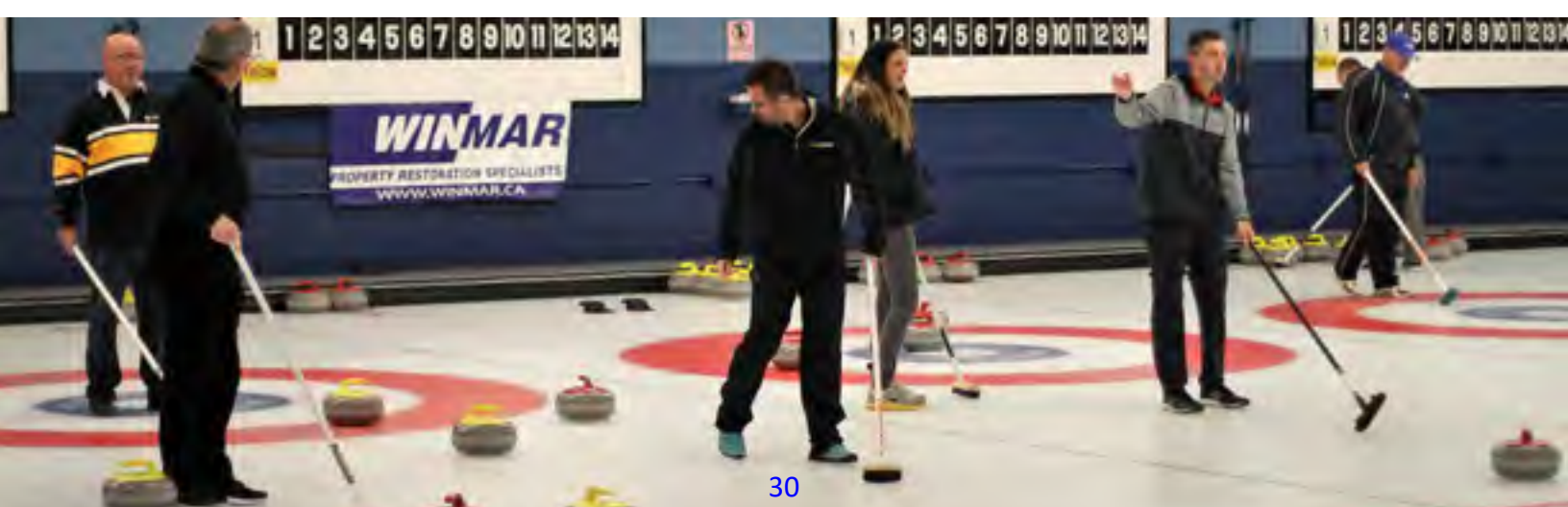
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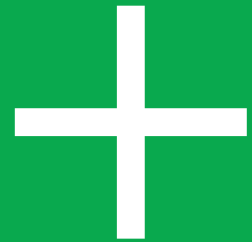
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