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PRESIDENT'S MESSAGE

2008 has seen the CSME continue to build towards its goals. This has been a year of organizational growth with the appointment of Rebecca Sudsbury as our executive director. Our financial situation is excellent, with 5% membership growth over 2007 reinforcing the CSME's position as the National organization representing Medicolegal and Clinicolegal assessors. As we move into 2009, we look forward to expanding our horizons with our WAD conference planned for the end of January in Vancouver.

2009 will likely see some change in Ontario with the mandated regulatory review of auto insurance benefits. We have provided input to the process with the CSME's emphasis being on professionalism, maintenance of quality in assessments, practicality, and support for the use of the 6th edition of the Guides to the Evaluation of Permanent Impairment (AMA).

Last year I wrote to the membership of our attempts at increasing our National presence. To this end, our Board now includes, Dr. Keith Christian from BC and Dr. Francois Sestier from Quebec; we are planning to mount the conference on WAD in Vancouver this coming January.

We recognize the core value of accreditation through the CSME and the Board decided that working with the University of Montreal (U of M) is the best way to achieve this. Thus we have formalized our affiliation with the U of M by Board motion in September 2008 as part of our formal commitment to accreditation. Several countries already have mandatory certification and jurisdictions in North America may not be far behind. To this end the CSME Board has committed to offering one U of M lecture per year in addition to the regular CSME Seminars. In September 2008 we hosted the first part of our valued added process to members by giving them the opportunity to complete one of 6 modules in the U of M DESS course live in Toronto and at a significant discount from usual cost.

Such partnerships may become more common for the CSME as over the past year or so we have also liaised and presented conferences with OEMAC and Zarek Taylor Grossman for the AMA guides.

Further in 2008, the CSME updated the fee schedules for IMEs and finalized guidelines for IME recording with the CSME Statement on the use of Electronic Recording of IMEs.

I would like to remind everyone that an organization gains its strength from its membership. Members are encouraged to contribute to the CSME and to urge their non-member colleagues to join. If you feel you have something to offer, we'd love to hear from you.

Finally I wish to thank our hard working Board, welcome Dr. Sestier as editor of the CSME News and I would also like to thank you, our membership. We hope you enjoy this issue of the CSME News.

Sincerely,
Robert Notkin MD, CM, FRCPC
President, CSME

BECOME A CSME MEMBER!

The benefits to becoming a CSME Member are numerous and include:

- Special membership pricing for all CSME seminars
- Greater visibility via CSME marketing efforts
- Ability to use the CSME logo or otherwise convey affiliation with CSME
- Members may choose at no cost to have their name and practice listed on the CSME website for those seeking expertise
- Provides immediate recognition of acceptance to the standards and guidelines of CSME, qualities sought by third party organizations
- Voting privileges
- Access to Members-Only area of the CSME website
- Current publication of the CSME News and all current Standards, Guidelines and Positions

To obtain an Associate or General Membership Application, visit our website at www.csme.org. Already a member? We want to hear from you. We will be sending out a link to our 2008 members through email to participate in a quick, 10 question survey. We would like to assess where CSME is going, what you would like to see more of, and what we can do better.

UPCOMING EVENT

Whiplash Associated Disorders

NEW DATE! January 30, 2009

Hyatt Regency Vancouver, Vancouver, BC

This one-day seminar will focus on the findings of the Bone and Joint Decade (2000 – 2010) Task Force on Neck Pain, the methodology behind this ground-breaking research and present the best available evidence on the onset, course, prognosis, assessment and management of neck pain. In the afternoon, join Litigation of ST Injuries to the Neck and a panel discussion regarding Non-Surgical interventions. Please visit our website at www.csme.org to view the complete agenda, registration information, and for the accreditation statement.

The Conference Committee is in the process of determining the line up of topics for our 2009 seminar schedule. If you have a suggestion, please email us at: info@csme.org.

Please check our website regularly as more information becomes available.

SEMINAR DVD AVAILABLE!

The June 20/08 seminar: **Insurers' Examination: Successful Rebuttals** is now available on DVD for \$200. This DVD has over seven hours of recorded lectures covering topics such as:

- Argumentation, Fallacies & Rhetoric
- Being Tactful without Losing Effectiveness
- The Insurers' Examination: An Insurers' Perspective
- The Insurers' Examination: An Advocate's Perspective
- Pain and Work Disability
- Depression and Disability
- WAD and Disability
- Defining "Reasonable & Necessary"
- Ontario Automobile Insurance: Tort Threshold
- Catastrophic Impairment Rebuttals

Order today! Call 1-888-672-9999 or e-mail info@csme.org.

AMA GUIDES SIXTH EDITION AVAILABLE!

The AMA Guides Sixth Edition became available in January, 2008.

Obtain your copy online at: www.ama-assn.org.

Corrections are available at: www.ama-assn.org/ama1/pub/upload/mm/477/guidesclarifications.pdf.

These websites will help you master the new Guide:

www.6thedition.com and www.impairment.com/default.htm.

MEETINGS OF INTEREST

American Council of Life Insurers

February 21 - 24, 2009 • St. Petersburg, Florida

The First Life Underwriters, Claims and Insurance Doctors (LUCID)

April 26 - 29, 2009 • Stratford-upon-Avon, England

2009 CLIMOA Annual Scientific Meeting

May 10 - 13, 2009 • Toronto, Ontario

XXI Congress of the International Academy of Legal Medicine

May 28 - 30, 2009 • Lisbon, Portugal

The 31st Congress of the International Academy of Law and Mental Health

June 28 - July 4, 2009 • New York, New York

4th Mediterranean Academy of Forensic Sciences Meeting

October 14 - 18, 2009 • Antalya, Turkey

23rd ICLAM Conference International Committee for Insurance Medicine

February 7 - 10, 2010 • Cape Town, South Africa



The Canadian Society of Medical Evaluators (CSME) exists to serve Canadian healthcare professionals who perform medical and medicolegal evaluations as a professional service to employers, workplace safety and insurance or workers compensation boards or CSST, lawyers and the insurance industry, using evidence-based medicine, best clinical practices and practice guidelines. Member clinicians have the opportunity to contribute to the development, advancement and publication of ethical standards and guidelines for medical evaluators; to advise and offer expert consultation to the medical and other professions, organizations, and government agencies on all matters concerning independent medical evaluations in Canada; and to assist those hoping to locate available clinicians with suitable expertise.

250 Consumers Road, Suite 301, Toronto, Ontario M2J 4V6 Tel: 416-487-4040 Toll Free: 1-888-672-9999 Fax: 416-495-8723 info@csme.org www.csme.org

Clarification on Accident Benefit claim Forms and FSCO Oversight of SABS Representatives

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

The purpose of this Bulletin is to provide clarification on two matters: the usage of accident benefit claims forms related to the Health Claims for Auto Insurance system and; the role of the Financial Services Commission of Ontario in the oversight of Statutory Accident Benefit Schedule representatives.

Accident Benefit Claims Forms and HCAI

The Financial Services Commission of Ontario (FSCO) has received inquiries that indicate there is some confusion about the correct version of OCF forms 18, 21, 22 and 23 that should be used on and after August 1, 2008.

In December 2007, FSCP released Bulletin No. A-08/07 – Health Claims for Auto Insurance Guideline and Changes to Certain Accident Benefit Claim Forms – along with the HCAI Guideline and revised OCF forms 18, 21, 22 and 23. These revised forms are essentially the same as previous versions. The main difference is that certain fields are highlighted and must be completed in order for the data entry centre (DEC) to process the submission.

Health care providers were informed that they could use the revised forms as of January 7, 2008 or continue to use their existing stock of forms until July 31, 2008. After this date, the revised versions of these forms would be required for all paper submissions to the DEC.

With the temporary suspension of the HCAI Guideline on March 12, 2008, health care providers have returned to submitting documents in paper format directly to the insurance company.

As the revised forms were developed to facilitate DEC submissions and are essentially unchanged from their previous versions, the current and previous version of each form continues to be approved for use and must therefore continue to be accepted by insurers, until further notice or reinstatement of the HCAI Guideline.

The OCF forms below are posted on FSCO's website at www.fSCO.gov.on.ca:

OCF – 18: Treatment Plan

- Effective as of January 7, 2008
- Effective as of May 1, 2007

OCF – 21: Auto Insurance Standard Invoice

- Effective as of January 7, 2008
- Effective as of April 2, 2007

OCF – 22: Application for Approval of an Assessment or Examination

- Effective as of January 7, 2008
- Effective as of May 1, 2007

OCF – 23: Pre-approved Framework Treatment Confirmation Form

- Effective as of January 7, 2008
- Effective as of March 1, 2006

Health care providers who use existing stock or earlier versions of these forms are reminded to properly complete all fields that are highlighted in the revised forms.

FSCO Oversight of SABS Representatives

On May 1, 2008, under the provisions of Access to Justice Act, 2006, the Law Society of Upper Canada (Law Society) assumed responsibility for the regulation of paralegals, including SABS Representatives.

Following the release of Bulletin No. A-04/08, FSCO received inquiries about the scope of the Law Society's oversight and whether complaints about Insurance Act contraventions should continue to be addressed to FSCO.

Although the Law Society now regulates paralegals and SABS representatives, complaints regarding contraventions of the Insurance Act and regulations, including unfair or deceptive acts or practices, should still be directed to FSCO's attention.

*Bob Christie
Chief Executive Officer and
Superintendent of Financial Services
September 10, 2008*

WHY GET A MEDICOLEGAL DIPLOMA?

By Dr Rehan Dost, MD, FRCPC

Based on lecture given September 20, 2008.

Rehan Dost is my name, neurology is my game. I am a neurologist in Paris - that is Paris, Ontario! I would like to take this opportunity to discuss how I got into Insurance medicine and medicolegal expertise program and how beneficial it has been.

One day I received a call from an IME company. My first question was: "What's an IME?" They responded: "We are an Independent Medical Examination Company..." but that definition did not help, so I asked: "What is entailed in an examination?" ... "Oh just take a history, do a physical and answer a couple of questions..." So my next question, naturally, was: "Well how much are you going to pay me for this?" They told me as I was looking through the OHIP schedule of servitude; I thought: "Wow this is a good deal!" ... little did I know...

When the forklift arrived carrying all the medical documents I knew I was in trouble. I thought: "Well, I will ignore all these documents and I will just see the client first." So I saw the client. Normally a patient will come in with one complaint, but this patient had about 25 complaints. I found it a bit odd that the client had so many complaints, so I started reading through the medical documentation.

The first thing I see in the documentation is: Consent Form. And then I see something about a chaperone; typically we do not deal with these issues in the community of neurology and therefore I was unsure about the above. Most of the individuals we do deal with are not malingerers, they are not out to sue us; they just have a neurological problem and they want it solved. As I go through the forms that were sent to me, I see OCF3, OCF25... and one called PAF.

In Medical School, we have had 5 minutes during one lecture in third year that discusses what an impairment is and what a disability is. Most of the terminology used in the forms and documentation, I had to research to find out the meaning, and even now I do not completely understand terms like: substantial inability, essential tasks... After 5 or 6 years of doing performing IME's, I thought I had a handle on the process involved.

Then, I got a phone call the Royal College telling me that I have been selected for an audit. They wanted to verify that I had completed the required number of CME credits. This prompted me to look online. I stumbled upon the University of Montreal website. When I read the course description, I thought I knew everything there was to know about about conducting IME's, so I thought I would take the online course (worth 60 credits) as it is really convenient; I can do it at my own time anywhere I want. But, as I started taking the course, I started to realize this isn't going to be easy - I don't know everything!

Just to give you a brief example: if you want to know about scientific causation: can it, did it, does it, or in more formalized terms the Bradford Hill's causation analysis; if you want to know about scientific admissibility: the Daubert criteria; if you want to know about all these different terminologies; how to prepare for a cross examination (who does not want to know how to prepare for a cross examination !); who doesn't want to know how to bullet-proof their IME? I would suggest you take the course.

UNIVERSITY OF MONTRÉAL: THE FIRST NORTH AMERICAN INSURANCE MEDICINE AND MEDICOLEGAL EXPERTISE PROGRAM

In 1999, the University of Montréal launched the first program in insurance medicine and medicolegal expertise in North America. This web-based program, which was available initially in French only, provides formal and comprehensive training for health and insurance professionals practicing or interested in medico-legal assessment and insurance medicine. The successful French-based program also offers master's- and PhD-level training in medico-legal assessment and insurance medicine.

The University of Montréal launched an English program in January 2007, offering a two-year, four-semester, 12-credit microprogram. In 2009, a three-year, six-semester, 30-credit diploma program will be offered. The optional third year, which leads to the diploma program, requires more lectures and a term paper. Each semester will consist of 15 web-based lectures; each lecture lasts two hours and requires one hour of homework a week. The program's faculty members are highly respected and accomplished Canadian and American lawyers, justices, physicians, academics and insurance experts. CSME, SEEMLQ and the Medical Legal Society of Toronto are closely involved with curriculum development.

Given the 2005 amendments to the Ontario Unfair or Deceptive Acts or Practices regulations, this program provides health care practitioners an exceptional and timely opportunity to become formally qualified in medicolegal assessment and insurance medicine. In December 2008, 25 Canadian medical experts will become the first graduates of this English microprogram. It is time to join the program; training and certification is already requested for medical experts throughout most of Europe and South America. The deadline to register for the January 2009 trimester is December 15th, 2008. For more information visit <http://www.mae.umontreal.ca> or contact:

Mrs. Catherine Verschelden
Program Co-ordinator
catherine.verschelden@umontreal.ca
Tel.: 1-877-343-7606

Dr. François Sestier
Program Director
francois.sestier@umontreal.ca
Tel.: 1-877-343-7606

Dr. Michel Lacerte
Associate Program Director
mlacerte@uwo.ca
Tel.: 1-866-221-6630, ext. 31