

<b>Referral Source:</b>  <b>Client:</b> <b>DOL:</b> <b>File Number:</b>			
		<b>1. Clarify query or fact situation at hand</b>	
<b>Fact/Situation:</b> <ul style="list-style-type: none"> <li>Dental injury causes removal from MIG</li> <li>MIG based denials - \$6000 of physical treatment plans</li> <li>Physical complaints lead to Chronic Pain Assessment proposed by Dr. Robertus, which was denied</li> <li>Initial treatment plans were not revisited</li> </ul>			
		<b>2. Determine an appropriate search target and use inHEALTH's LAT Compendium to filter your search</b>	
<b>Target Search criteria:</b> MIG-Chronic Pain, MED-Chronic Pain, Special Award, "ongoing duty to adjust", "Robertus"			
<b>Results:</b>  <b>1. MIG-Chronic Pain/MED-Chronic Pain</b>		<b>3. We provide you with the most relevant cases broken down by favour of decision</b>	
FOR APPLICANT		AGAINST APPLICANT	
Case #	Outcome	Case #	Outcome
17-002907 v Aviva*	The Tribunal concluded that the Applicant's injuries fall outside of the MIG, as the evidence overwhelming support that the Applicant sustained disc bulges, central canal stenosis, degenerative changes and a chronic pain disorder. Chronic pain assessment and treatment recommended by Dr. Robertus totalling \$15k both found to be payable.  *decision upheld upon reconsideration	17-006927 v Co-operators	The Tribunal found that the Applicant's impairments were subject to the MIG. "Considering the accident took place in October 2015, this relatively short timeline is not consistent with Dr. Robertus' findings, nor is it in line with Dr. Pilowsky's comments about the applicant's ability to manage pain."
17-008304 v Aviva	The Tribunal found that the Applicant is entitled to a chronic pain Treatment Plan proposed by Dr. Robertus in the amount of \$10,600.00 in accepting the Applicant's medical evidence that the chronic pain treatment was not a duplication of treatment and that the objectives of the Treatment Plan, specifically "pain reduction, increased range of motion and a return to her pre-accident activities" were reasonable and necessary.	18-006755 v Aviva	The Tribunal found that the Applicant was not entitled to three Treatment Plans for physiotherapy, multidisciplinary chronic pain program and an orthopedic assessment totaling \$17556.94. While it was evident that the Applicant had an extensive pre-existing medical history, the Tribunal found no documentary medical evidence to support the claim that her current impairments were as a result of the subject accident rather than the progression of her pre-existing conditions.

# Outcome Analysis Report

## 2. Special Award ("ongoing duty to adjust")

FOR APPLICANT		AGAINST APPLICANT	
Case#	Outcome	Case #	Outcome
18-009541 v Aviva	The Tribunal, in granting an award of 25% of the subject Treatment Plans, found that it unreasonable on the part of the Respondent to continue to deny the plans based on the Applicant's physical injuries being in the MIG when clearly according to its IE psychologist, the applicant has injuries not within the definition of the MIG. "For the respondent to ignore this evidence, it runs counter to the respondent's ongoing duty to continuously adjust an insured's file based on relevant medical information."	18-001808 v Aviva	The Applicant is not entitled to an award. While the Applicant submitted that the Respondent acted in bad faith by failing to remove him from the MIG in January 2016 after Dr. Sharma's diagnosis of post-concussive headaches and unfairly denying the Treatment Plans, the Tribunal found that the findings of Dr. Sharma in his January 2016 report were insufficient to remove the Applicant from the MIG.
18-006624 v Aviva	The Tribunal granted a lump sum award of \$1,500. While the Applicant was removed from the MIG on April 26, 2018 based on the IE diagnosis of adjustment disorder, the Respondent maintained its denials until November 12, 2018, days before the scheduled Case Conference, without any explanation of the approval. The Tribunal found the continued denial between April and November 2018 to be unreasonable, given that effective April 26, 2018, the Respondent had an obligation to determine whether any treatment plans, relating to physical or psychological injuries, were reasonable and necessary.	18-000643 v RBC	The Applicant requested a special award on the basis that the Respondent's MIG determination and subsequent denial of the Treatment Plans was based on outdated medical reports with opinions that were based on insufficient relevant medical documentation. The Tribunal found that it was reasonable for the Respondent to rely on its IE reports until the Applicant's alleged new medical documentation had been provided, as well as no information of when this new evidence was provided to the Respondent.
18-001359 v Aviva	Due to the Respondent's disregard of the claim and failure to continue to adjust the file, the Tribunal granted an award of 20% of the outstanding payment. The Tribunal noted, "An insurer's obligation to continue to adjust a file in good faith does not end when they request and receive documents, which was the case here..."		

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