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## Report by the Québec Ombudsman (summary)

### Processing of home adaptation applications

The SAAQ must provide a more prompt response to the pressing needs of severely injured road accident victims

Québec City, December 1, 2015

## Summary

This report stems from an examination of the situation of road accident victims who were left with serious after effects, notably, spinal cord injury causing paralysis, significant brain injury or major limb injury resulting in amputation. The condition of this category of injured persons requires changes to their home. Processing of home adaptation applications is among the core components of the mission of the Société de l'assurance automobile du Québec (the SAAQ).

More precisely, section 83.7 of the *Automobile Insurance Act*<sup>1</sup> provides that the SAAQ may take any necessary measures to contribute to the rehabilitation of a victim, to lessen or cure any disability resulting from bodily injury and to facilitate the person's return to a normal life or the person's reintegration into society or, where applicable, the labour market. The SAAQ, whose power is discretionary in this respect, has a home adaptation directive.<sup>2</sup> Its purpose is to **enable injured persons, through the SAAQ, to regain a level of independence in their home as close as possible to pre-accident levels and to sustain it long term.**

**The Québec Ombudsman received complaints from road accident victims who said that they were dissatisfied with the time it took for the SAAQ to process their claim for reimbursement for the expenses incurred to adapt their home.** What emerges from analyzing these complaints is that after their stay in hospital or at a rehabilitation centre, injured persons have gone home to a place that has only been adapted temporarily pending completion of all the work to be done and which only meets their needs minimally. Note that these so-called "temporary" adaptations are used for one or two years, and sometimes longer.

Such delays have significant adverse effects on daily life and penalize the injured persons and their families, who, the day after the trauma of an automobile accident, have to grapple with and mourn the loss that the future holds.

Concretely, the temporary adaptation of a home may mean that some injured persons will not be able to clean themselves thoroughly because they cannot get to the bath or shower. For others, the SAAQ's slowness to authorize necessary equipment means more falls when they are transferring from their wheelchair to their bed. Other injured persons feel insecure as they leave or return home and have to systematically ask a family member for help. As a rule, the complaints from injured persons, who feel overwhelmed by the complexity of the process required to have their home adapted, express great helplessness.

Through the investigation it conducted based on received complaints and case sampling, the Québec Ombudsman was quick to see that above and beyond individual cases, there is a systemic problem within the SAAQ that unduly draws out the process of designing and carrying out changes to accident victims' homes. This report also brings to light the fact that for similar cases, the Commission de la santé et de la sécurité du travail (CSST) handles applications for home adaptation in an entirely different way that has contributed to reducing wait times by half, as well as to improved integration of accident victims' opinions and participation at every phase of the project. In this respect, the CSST's processing method proposes realistic potential solutions.

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<sup>1</sup> *Automobile Insurance Act*, c. A-25, section 83.7.

<sup>2</sup> *Manuel des directives – Indemnisation des dommages corporels, Réadaptation, Adaptation du domicile*, IX - 4.1 and following, July 1, 2010.

Within the framework of its formal opinions and recommendations to public authorities, the Québec Ombudsman has frequently had the opportunity to remind them that it fully endorses the rigorous management of the public purse, and the case at hand is no exception. However, it stands to reason that in depth needs analysis and rigorous management of budgets drawn from the SAAQ's funds must go hand in hand with service quality and respect for the SAAQ's client population.

### Telling figures

The processing of adaptation applications differs depending on the financial assistance required to carry out the project. This is why the SAAQ studies applications for more than \$20,000 using a different, longer and more complex process than that employed for smaller budgets. This report addresses the management of applications for more than \$20,000.

After analyzing a sample of files opened, processed or closed since June 1, 2013, **the Québec Ombudsman noted that the time that elapsed between the SAAQ's taking up an application of this kind and completion of the work done to the home was on average 823 days.**<sup>3</sup> If carrying out of the work and the attendant delays are excluded, the average wait time is 515 days. In the meantime, the SAAQ had provided temporary adaptations for the injured person. However, the more time went by, the more the stop-gap changes intended for the short term became insufficient.

Processing of an adaptation application occurs in 12 steps. For every step, the SAAQ sets a maximum delay for the actions to carry out. In the majority of situations, the delays were exceeded by a very considerable margin. For example, it was noted that periods initially set at several days swelled to double that amount as the process unfolded. Since the exercise contains 12 steps, the addition of delays led to wait times of a year or two, and often longer, to the detriment of the injured persons and their families.

Another snapshot: according to available figures, the SAAQ handled 78 adaptation applications in 2014. For the same year, of a total amount of \$851,204,000<sup>4</sup> paid to road accident victims in compensation, \$5,192,000<sup>5</sup> was reimbursed for home adaptation expenses, that is, 0.61% of the total budget. In other words, even if this rehabilitation measure represented a significant outlay, it accounted for a small proportion of the overall compensation budget of the government corporation that collects drivers' contributions.

The SAAQ administers a contributory insurance plan under which each road vehicle driver pays a premium in order to receive timely compensation should he or she have an automobile accident. The investigation by the Québec Ombudsman has led it to conclude that for the numerous cases of long wait times in home adaptation files, there needs to be significant improvement in the management of home adaptation applications.

The Québec Ombudsman has therefore made eleven recommendations to the SAAQ, basically, as this report indicates, **in order to speed up processing of home adaptation applications. The well-being of citizens who are sorely tested and respect of the objectives of the public system as to the best rehabilitation possible for road accident victims are at stake.**

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<sup>3</sup> The report refers to "calendar days" instead of "working days."

<sup>4</sup> *Annual Management Report 2014*, the SAAQ, p. 78.

<sup>5</sup> This includes the honoraria of various external resources, including occupational therapists and architectural consultants.

# Recommendations

## **Recommendations by the Québec Ombudsman concerning wait time management:**

### **Whereas :**

The Act respecting administrative justice provides that the Administration shall take appropriate measures to ensure that procedures are conducted in accordance with legislative and administrative norms or standards and with other applicable rules of law, according to simple and flexible rules devoid of formalism, with respect, prudence and celerity;

The Société de l'assurance automobile du Québec (the SAAQ) has a process for handling home adaptation applications that includes a 12-month wait, excluding the carrying out of the adaptation work;

The average wait time for processing the home adaptation applications examined by the Québec Ombudsman was 17.2 months (approximately 515 days), excluding the carrying out of the adaptation work;

The lengthy wait times for permanent home adaptation may be particularly harmful to the health and stability of injured persons and their families;

### **The Québec Ombudsman recommends that the Société de l'assurance automobile du Québec:**

**R-1 Set at nine months the wait times for handling home adaptation applications in 80% of cases, and produce an action plan for achieving this objective by December 31, 2016;**

**R-2 As of December 31, 2016, evaluate its process for handling home adaptation applications so as to determine whether its objective of nine months can be reduced, notably by developing distinct targets for simple and complex home adaptation cases, and inform the Québec Ombudsman of the outcomes of this evaluation.**

## **Recommendation by the Québec Ombudsman concerning the delays attributable to the Société de l'assurance automobile du Québec**

### **Whereas :**

For each step in processing home adaptation applications, the SAAQ has set target wait times which it does not monitor;

The widest gap between fixed wait times and reality was due to the actions of the SAAQ itself, and not those of external stakeholders;

The investigation by the Québec Ombudsman revealed that the personnel of the SAAQ units assigned to processing home adaptation applications work in isolation from one another;

The Québec Ombudsman has seen problems in the processing of home adaptation applications by two units;

### **The Québec Ombudsman recommends that the Société de l'assurance automobile du Québec:**

#### **R-3 In order to ensure prompt and respectful handling of home adaptation applications:**

Review its processing methods, notably, examining whether management of applications should be entrusted to a single unit with the required expertise and means of monitoring;

Adopt methods that involve the injured persons more in the process;

Ensure vigilant monitoring of wait time targets.

## **Recommendations by the Québec Ombudsman concerning the delays attributable to external occupational therapy and architectural resources**

### **Whereas :**

The SAAQ's home adaptation processing delays are due in part to the time needed to obtain information or documents from external resources (occupational therapy and architectural resources);

The files examined by the Québec Ombudsman showed that there were significant delays related to the awarding of occupational therapy and architectural mandates and the production of reports by these consultants;

The shortage of external resources results in a work overload for these professionals and the SAAQ must therefore prioritize certain applications to the detriment of others;

The SAAQ's home adaptation directive is not understood or is not applied uniformly by all occupational therapists and architectural consultants;

The SAAQ does not follow up as necessary with external resources in terms of information requests and reports;

**The Québec Ombudsman recommends that the Société de l'assurance automobile du Québec:**

**R-4** Take all necessary measures to ensure close follow-up regarding the external resources involved in the file and to accurately determine the expectations for each of the mandates awarded;

**R-5** Take all necessary measures so that its home adaptation directive is applied uniformly and adequately by the occupational therapists and architectural consultants enlisted;

**R-6** Take all necessary measures to reduce delays in awarding mandates to external resources and in the production of their reports.

**Recommendations by the Québec Ombudsman concerning delays related to the Société de l'assurance automobile du Québec directive**

**Whereas :**

The "most appropriate and least expensive solution" as well as the implementation framework are not defined in the SAAQ's home adaptation directive;

The files analyzed by the Québec Ombudsman shed light on instances of rigid application of this condition, with harmful effects on the injured person and such assessments cause delays;

The SAAQ's home adaptation directive specifies that the injured person must provide two bids but, in fact, sometimes as many as four bids are required;

In the case of a rental unit, the SAAQ does not issue reimbursement for the cost of refitting the dwelling when the injured person moves out, except for the cost of removing equipment transferred to the new dwelling;

**The Québec Ombudsman recommends that the Société de l'assurance automobile du Québec:**

**R-7** Modify its home adaptation directive so as to:

Define "most appropriate and least expensive solution" and its implementation framework;

Provide for situations in which the injured person may be required to provide more than two bids.

**R-8** Evaluate the possibility of issuing reimbursement for the cost of refitting a rental unit, whether or not equipment is transferred to the new dwelling, and submit its analysis and its decision to the Québec Ombudsman.

## **Recommendations by the Québec Ombudsman concerning information to injured persons**

### **Whereas :**

There is a lack of uniformity from one file to another as to the information sent to injured persons as the home adaptation process unfolds;

All useful information is important if injured persons are to make the adaptation project their own and monitor how the project is progressing;

### **The Québec Ombudsman recommends that the Société de l'assurance automobile du Québec:**

**R-9 Take all necessary measures so that the information sent to injured persons meets specific standards;**

**R-10 Take all necessary measures to provide to the injured persons who request it follow-up on how their adaptation application is progressing.**

## **Recommendation by the Québec Ombudsman concerning information the delays attributable to the injured persons**

### **Whereas :**

The home adaptation applications examined by the Québec Ombudsman showed that there were delays attributable to the injured person at the project coverage approval phase and the bid reception phase;

The SAAQ does not systematically monitor these steps and the attendant delays;

### **The Québec Ombudsman recommends that the Société de l'assurance automobile du Québec:**

**R-11 Take all necessary measures to support injured persons by closely monitoring the requests by stakeholders in the file.**

## **Follow-up to recommendations**

Concerning the implementation of each of these recommendations, the Québec Ombudsman has asked the Société de l'assurance automobile du Québec to send it an action plan by December 15, 2015, and, on March 31 and December 31, 2016, report on how the plan is progressing.

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