

***Agenda Item 5(b)(v)
January 16/18 EOC Meeting***

From: Joan Weir [mailto:JWeir@clhia.ca]
Sent: Nov 22, 2017 7:56 AM
To: Working Group on Life Claims Matters; Privacy Committee
Subject: Life Insurance RAMQ / Assurance Vie RAMQ

Dear Committee Member,

CLHIA has been approached by some members regarding a change of practice at RAMQ relating to life insurance claims. We are reaching out to you today to know if you are also dealing with this situation.

Two scenarios have been highlighted to us.

1) Some members have heard that RAMQ now requires that an insured provide written consent, while alive, in order for an insurance company to be able to check the insured's files for a life insurance claim. The consent can no longer be given (verbally or in writing) by the beneficiary or power of attorney.

2) Others have heard that RAMQ stills allows for the consent to be given by the beneficiary or the power of attorney, but that the consent needs to be given in writing and not verbally.

Here is the link to the form that an insurance company must use to request information concerning a deceased person: :

http://www.ramq.gouv.qc.ca/SiteCollectionDocuments/citoyens/fr/formulaires/3380-365-17-04_d_p.pdf

Please let us know if you are dealing with one of these scenarios, and if so, if this situation is problematic for your organization.

Thank you in advance for responding to this email by November 28.

Joan Weir
Director, Health and Disability Policy
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Toronto, Ontario M5K 1G8

From: Tavares, June
Sent: Nov 27, 2017 8:34 AM
To: 'Joan Weir'
Subject: RE: Life Insurance RAMQ / Assurance Vie RAMQ

Good Morning Joan – yes we are dealing with this and it is problematic for us. In the last 2-3 months, we were advised by XPERA that RAMQ rejected their request for provincial health records that we had asked them to obtain on our behalf. We were told that our authorization/consent was not valid for the request as they had new requirements and we needed to resubmit the request using an authorization/consent signed by the insured when he was living. Our Analyst spoke to XPERA and asked them to question RAMQ about this as our credit applications do not have an authorization/consent as part of what the applicant completes. The outcome of this is still pending as RAMQ has not responded with a solution. We have also reached out to the Legal Department at RAMQ ourselves and are still waiting for a response

Most of the claims we deal with are Creditor Insurance.

June Tavares FLHC ACS | Director Claims | TD Insurance
T: 416 983 6536 | F: 416 308 1223

From: Tavares, June
Sent: Monday, November 27, 2017 8:44 AM
To: Omaljev, Aleksandar; Fitzmaurice, Christina
Cc: Thorn, Peter; Elsinga, David
Subject: RE: Life Insurance RAMQ / Assurance Vie RAMQ

See e-mail from CLHIA and my response. Any thoughts on how to handle this for the claims in Quebec. I don't believe the Agreement and Signature section of the insurance application covers us.

June Tavares FLHC ACS | Director Claims | TD Insurance
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From: Thorn, Peter [mailto:Peter.Thorn@td.com]
Sent: Wednesday, December 20, 2017 9:09 AM
To: Brendan.wycks@cafii.com; keith.martin@cafii.com
Subject: FW: Life Insurance RAMQ / Assurance Vie RAMQ

Hi Keith and Brendan,

Our claims team brought this to my attention. RAMQ is now requiring the insured's written consent for an investigation into a life insurance claim. Because the existence of a Life Insurance Claim generally means the insured is dead... this becomes problematic for a Creditor Insurance Claim where generally we have not collected any such consents at the time of sale as we don't have an application form as such.

This would seem to be a broader issue affecting Creditor in general. Is this something you think would be appropriate to have one of our committees to look into?

Pete

From: Brendan Wycks [mailto:brendan.wycks@cafii.com]
Sent: Wednesday, December 20, 2017 9:28 AM
To: Thorn, Peter; keith.martin@cafii.com
Subject: RE: Life Insurance RAMQ / Assurance Vie RAMQ

Thanks for sharing this news, Pete.

I had never heard of RAMQ before. Based on a contextual reading of the information below, I take it that RAMQ is Quebec's equivalent of the Medical Information Bureau (MIB) in the rest of Canada. N'est-ce pas?

Yes, I would definitely agree that CAFII should definitely add this to our roster of regulatory issues and look into it.

I find it very surprising that if RAMQ has indeed decided to make such a major policy change re the release of individuals' medical information to insurers, that it would not have accompanied that decision with a formal announcement of the change to the industry.

And I wonder if the AMF is aware of this change in the RAMQ's privacy/release of information policy?

Brendan Wycks, BA, MBA, CAE
Co-Executive Director
Canadian Association of Financial Institutions in Insurance

From: Thorn, Peter [mailto:Peter.Thorn@td.com]
Sent: Thursday, December 21, 2017 11:24 AM
To: Brendan Wycks; keith.martin@cafii.com
Cc: Stuska, Andrea
Subject: RE: Life Insurance RAMQ / Assurance Vie RAMQ

Hi... Bit of an update. We had a call this morning internally with our legal and compliance people. There does not appear to have been any change communicated by RAMQ, any changes to the Act, nor any change to RAMQ's web page related to requests for information (<http://www.ramq.gouv.qc.ca/en/regie/access-information/Pages/how-apply-access-to-information.aspx>)

Apparently we started having our requests rejected in mid summer. I think reaching out to the AMF on the issue is a good start, to try and determine what the reasons behind this unannounced and undocumented change.

Thanks.

Pete