

ODSP Medical Reviews: What to do if you get a review letter

If you get benefits from the Ontario Disability Support Program (ODSP), you might get a letter in the mail saying they want to review your disability status by doing a “medical review”.

This means they will be deciding whether or not you continue to be eligible for benefits from ODSP (see more on this on page 2). The letter will come with a package of forms. Some forms are green and some are pink. Instructions and a consent form are white.

If you get this letter and package of forms (or work with someone who does) here is some information on what to do.

► **Don't ignore it! You must respond – in some way – within 90 days**

It's very important that you take action to get the medical review package completed. If you don't respond, you risk having your ODSP benefits cut off.

You have 90 days to complete the forms and return them to the Disability Adjudication Unit (DAU). See below for more information about how to get the forms filled out. Instructions on where to return the completed forms are in the letter they sent you.

If you have any problems getting the forms filled out before the 90 day deadline, ask for an extension right away – for example, if you're waiting for a doctor's appointment or it is taking a long time to get medical reports or other documents. The Ministry says that extensions for reasons like this will be relatively easy to get, as long as you're making an effort to get the forms filled out. You may be able to get a second extension (i.e., after 180 days), but that will depend on your individual situation.

You can ask for an extension by calling the DAU at 416-326-5079 (Toronto) or 1-888-256-6758 (toll-free). Make sure to keep track of your contact with them by writing down the date you talked to them, the name of the person you talked to, and what they said.

► **Contact your local Community Legal Clinic for advice**

To find your local legal clinic, go to www.legalaid.on.ca/en/locate/default.asp or call 1-800-668-8258 or 416-979-1446 during regular business hours. The clinic may not be able to help you through the medical review process, but they may be able to refer you to someone who can, or give you helpful advice on what to do.

► **Get the package of forms completed**

Make an appointment to see your health care provider to have them fill out the forms. A “health care provider” is any of the medical professionals listed on the white form in the package – for example: a family doctor, specialist, psychologist, optometrist, nurse practitioner, etc. People often get their family doctor to fill out the forms.

One of the biggest problems people have is making sure their health care provider fills out the forms correctly. Your local legal clinic may be able to give you resources to take

to your health care provider to help them do this. One good resource is a pamphlet called “ODSP Applications: Information for Health Professionals” from Community Legal Education Ontario (CLEO). This pamphlet is available online at <http://www.cleo.on.ca/en/publications/ods-prof#full> or by calling 416-408-4420.

It is important to tell your health care provider about all of your health problems, to help make sure the forms are filled out completely and in detail. Be sure to ask them to include copies of test results or specialists’ reports that apply in your case. Make sure they say whether or not your medical condition has improved and/or whether you have developed another medical condition since you first got on ODSP.

If you don’t have a health care provider, “Health Care Connect” can help you find a family doctor or nurse practitioner. Call 1-800-445-1822 or go online at <http://www.health.gov.on.ca/en/ms/healthcareconnect/public/>.

What is a medical review?

A medical review is when ODSP reviews your medical / disability status to decide if you are still eligible to receive benefits. This applies to people whose medical condition / disability might improve over time.

When someone first gets on ODSP and they have a medical condition / disability that might improve, they are given a “medical review date”. The date is usually two to five years after they first got on ODSP. That’s when that person’s medical review is supposed to be done.

Currently, ODSP requires you to fill out the same set of forms for a medical review that you filled out when you first applied.

Not everyone on ODSP has to go through this process. People who were never given a medical review date and people who were transferred from the old Family Benefits program will not have to have a medical review.

What if I get reviewed and they say I’m no longer eligible for ODSP?

If ODSP says you are “not disabled” you will not get cut off right away – you will continue to get ODSP benefits for three months after the decision. If you disagree with the decision and think you should still qualify, you can appeal. But you have to start the process within 30 days of getting their decision letter. Don’t wait until your ODSP income is cut off. Contact your local legal clinic for help right away.

The first step is to ask for an “internal review” of the decision by writing a simple letter to the DAU address on the ODSP letter of denial. The letter should say that you disagree with the decision. If the internal review is denied, you can appeal to the Social Benefits Tribunal (SBT).

If you appeal to the SBT, you can ask them to order “interim assistance”. That means you would be able to stay on ODSP benefits until your appeal is finished. But if you lose the appeal, you may have to pay back all or part of the money you got while you were waiting for the appeal to be heard. If you would have been eligible for Ontario Works (OW) while you were waiting for your appeal, you might be able to get the amount you owe reduced to the difference between what you got on ODSP and what you would have got on OW.

If you do not appeal or your appeal is denied, you might be able to go on OW, but you might not qualify since OW has different eligibility rules.

Why am I getting a medical review now?

The Ministry of Community and Social Services has just significantly increased the number of medical reviews that they do each month in order to get rid of a big backlog in the system.

Medical reviews have always been part of ODSP, since it's a program that provides support to people with disabilities even if their disability is temporary. But for a long time the Ministry didn't do them. This means many people are on ODSP who were given a medical review date, but their review was never done. Right now there is a backlog of 60,000 people whose reviews have not been done. Most of these people will continue to be eligible for ODSP benefits, but some will not.

The Ministry started doing regular medical reviews again in January 2013. The number of people being reviewed each month is going up. As of this month (April 2015), the Ministry has started a process to do 1,900 reviews each month to get through the backlog.

The Ministry says some people who get selected will have medical review dates that are very old and some will have medical review dates that are current.

I don't remember if I was given a medical review date. How do I find out?

Because the Ministry didn't do medical reviews for many years, a lot of people may have forgotten if they are supposed to have one.

You can find out if you were ever given a medical review date by contacting your caseworker or by phoning the Disability Adjudication Unit at 416-326-5079 (Toronto) or 1-888-256-6758 (toll-free). If you were given a medical review date, you will likely get a medical review package in the mail. It's difficult to say when that will happen. It may not happen right away.

Why do I have to fill out the same forms all over again?

The way that the medical review process works is essentially the same as the process for applying to ODSP in the first place.

We at ISAC think that making people go through the whole process all over again is the wrong way to do medical reviews. It will mean a lot of unnecessary stress and hardship for a lot of people on ODSP. It will also mean a lot of resources will be needlessly spent by government, doctors, the legal clinic system, and the tribunal that hears appeals.

ISAC and others in the community legal clinic system are currently talking with our partners and advocating with the Ministry to suggest a different process. For now, the process has not changed. We will continue our advocacy on this issue and will share information as it becomes available.

Please share this fact sheet with people who are on ODSP

Share it on social media (like Facebook or Twitter); post it in the lobby or information area of your agency; print several copies and give them to people on ODSP; email it to people on ODSP or people who work with them; reproduce or refer to it in your newsletter; hold an information session for people on ODSP and talk to them about what this information sheet says, etc. The online link to this fact sheet, which is also available in French, is: http://incomesecurity.org/medical_reviews_odsp.htm.