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## Ontario Podortho Nursing Association Inc. (a not-for-profit organization) Position Statement Regarding Private Insurance Companies Denying Nursing Care Coverage

The Ontario Podortho Nursing Association Inc. Board of Director's write to you today on behalf of all our Ontario clients and Podortho® Nurse members who have serious concerns, confusion, and feel poorly supported in our efforts to provide quality community health care to the Ontario public in our **private Nurse LED clinics**.

Nursing care claims continue to be denied by some private health insurance companies, mostly by Manulife, under the direction of *Evelyne Dufour- Group Product Director, Health & Dental, Benefits at Manulife Global and Green Shield Canada*. SunLife Health Insurance Canada has communicated to our organization that **In-Clinic Nursing Foot Care** is now available to most of their policy holders since September 2020, however some policy holders under some variations of their government health insurance plans are not covered for a Podortho® Nurses foot and lower limb care. **Sunlife policy holders under 055555 are not covered** or are limited to receiving this care in their home only or denied for any reimbursement, which is hundreds of thousands of Sunlife policy holders including retiree's that benefit from foot and lower limb care as they age. Under the **National Federation of Retirees** there is only a \$25 maximum coverage and requires a prescription, although this is not a controlled act within the RHPA. Our Board of Directors have been informed that if a client wishes to obtain foot and lower limb care at a clinic led by "**Nurses**" (**Regulated Health Care Providers**) they must first obtain a doctor's "**prescription**" (although this is not a controlled act) and it must be **reviewed by the insurer** before it is approved, which delays the provision of care delivered by competent and qualified **Regulated Health Care Providers (Nurses)**. However, these rules do not apply to "**Chiropodists**" (**also a Regulated Health Care Provider**) delivering the same care.

This is leaving many aging Ontarians with limited access to medically necessary care and has been confirmed noting excess wait times to see a Chiropractor (up to six months in some communities) even though this care can be provided competently and professionally by our Podortho® Nurse members, who own private foot health clinics, offering cost effective assessments and treatment within a Nurses scope of practice. Podortho® Nurses assess clients health care needs, initiate a plan of care, and treat foot and lower limb conditions with their core competencies and scope of practice as per the College of Nurses of Ontario approved by the Regulated Health Professions Act.

Advanced Nursing Foot and Lower Limb Care is an essential service for our entire population and a growing requirement to keep our population active, mobile, and healthy throughout the aging process. The public relies on their private insurance coverage for support to manage and treat acute and chronic disease ranging from diabetes to neurovascular diseases, to lower limb deformities, to chronic pains and aches, foot and lower limb injuries causing immobility, to nail diseases and infections and more. Serious consequences have the potential to arise due to lack of access to appropriate care including reduced mobility, increased risk of falls, polypharmacy for pain management, loss of independence and social isolation, mental health decline, reduction in functional abilities, increased risk of ulcers and infections, etc. Our growing and aging population faces health conditions that are becoming more and more complex every day. We know that our public health-care system is stretched and challenged with supporting many of these demands, therefore Ontarians significantly benefit from private health care coverage in order to obtain quality health care services through private health insurance that should not be restricted to only a few health care practitioners thus decreasing access to clients in need who have obtained and paid for health insurance. Podortho Nurses (RN's, RPN's, NP's) can competently deliver this specialized care. Podortho Nurses have obtained continued post graduate education and skilled training utilizing their entry to practice competencies as a knowledge base to build a specialized practice. Our member Podortho® Nurses have obtained these continuing post graduate education competencies and skilled hands-on training to work to their Nursing designations full scope of practice to deliver this effective and preventative foot and lower limb care.

There is a serious shortage of **foot specialists** in Ontario, Canada and an increasing demand for Nursing Foot and Lower Limb Care provided by Podortho® Nurses who have acquired multiple advanced skills in this speciality area of care in order to meet the needs of the public. The complexity of the cases our Podortho® Nurses continue to treat and prevent ensure our communities remain active, mobile, and healthy. Our clients/patients have expressed nothing but gratitude for the comprehensive quality care our Podortho® Nurse members provide. Our members deliver a whole-patient care approach considering all aspects of every client's overall health status and how their lower limb conditions relate to their overall health and wellness and provide health teaching to promote adherence to their plan of care. Access to this care is essential and supports our clients' desires to remain or become more active, mobile, independent, age with dignity, grace and in the healthiest of ways possible. Mobility promotes independence. Activity ensures one's health and wellness is supported and maintained throughout the aging process.

**Foot Care Specialists** are essential; however doctors and other specialists in this field have decreased significantly. The increase in demand for Nursing Foot and Lower Limb Care, provided by Podortho® Nurses, is well documented. Podortho® Nursing care plans deliver a whole-patient care approach promoting healthy lower limbs and feet, preventing foot and lower limb complications, and reducing **the increased burden these complications have on our entire health care system in Ontario.** <sup>1</sup>

We have appealed to the *Canadian Health & Life Insurance Association (CHLIA) in 2020* by delivering a presentation outlining the quality of care our member Podortho® Nurses have been providing in our communities for decades across Ontario, Canada. We have been met with significant resistance. Insurance companies continue to deny our clients/patients claims and have stated verbally to our mutual clients and in writing that;

1. "Nursing care is only eligible when rendered in the patient's home" – "Nursing Care is not covered when offered at a clinic"
2. "Foot care is only covered when provided by a **Podiatrist or a Chiropodist**" (**Podiatrists are phasing out in Ontario as there are no longer education programs available in Ontario to train**

**Podiatrists. Podiatrists focus on bone and soft tissue surgeries, working in more of a surgical role rather than maintenance and preventative care role which differs from the care Podortho® Nurses and Chiropodists deliver).** This leaves less available practitioners for the public to access.”

3. “Charges for services which could be provided by a person **who is not an RN, RPN,**”: “Specifically, your claims were declined because the RN, RPN services were not services which require the speciality of an RN, RPN.”
4. “Nurses are **“not qualified”** to provide foot and lower limb care, or products related to this care.”
- 5) “Podortho® Nurses are princesses and we are not covering their care” (Manulife representative 2022-03-04, communicated on the phone to a retired Nurse client and clinic receptionist was on the call overhearing the insurance representative speak to the client).” <sup>2</sup>

The statements above reflect a serious degree of misinformation circulating about our profession that degrades the Nursing profession. Podortho® Nurses (RN’s, RPN’s, NP’s) are **Regulated Health Care Professionals, and Independent Practitioners**, of which many own their own clinics and deliver quality patient care safely, effectively, and competently. The College of Nurses of Ontario (CNO) recognizes our members have obtained the knowledge, skill, and judgement consistent with their entry to practice competencies with their designation and have engaged in post graduate studies to obtain the skills and education necessary to provide skilled advanced foot and lower limb care respectively. The Ontario Podortho Nursing Association<sup>3</sup> Directors have engaged in discussions with CNO practice consultants who have approved our organization<sup>4</sup> and the education initiatives and core competencies set by our association. Our College of Nurses of Ontario promotes their **quality assurance program**<sup>5</sup> which encourages Nurses to engage in learning outcomes through channels that include continued post graduate education and training in many speciality areas of health care. Our association works with educators and educational programs to support our members in continuing education initiatives in order to deliver competent and quality foot and lower limb care in our communities across Ontario. Podortho® Nurse’s Core Competencies are listed on our website ([www.opnassociation.ca](http://www.opnassociation.ca)) and can be accessed through our link.<sup>6</sup>

Insurance denials targeting our Podortho® Nurse members are arbitrary in nature, and **DO NOT** align with our provinces commitments to ensuring Ontarians have access to the essential health care they require. Priority for **“home-care”** is given to patients with a medical condition requiring exclusive and extensive in-home assistance. Our clinics offer a professional environment that meets all the occupational health and safety requirements and regulated infection control measures set by our provincial and municipal public health advisors. Some **Insurance companies** have communicated that Nurses are **“not qualified”** to provide foot and lower limb care. As previously noted, The College of Nurses of Ontario (CNO) regulates the nursing profession in the public interest within the province and holds the statement that insurance companies **are not permitted to inform the public of what Nurses can or cannot perform**; these communications are **dangerous to the public, defamatory and create a negative and false impression of the nursing profession and limits accessible community care**. The limitations and barriers that these claim denials are placing on our clients puts them at a significant disadvantage and at a MUCH HIGHER risk for developing serious complications affecting both individual and population health for Ontarians.

Our association, OPNA, is advocating for our patients to have better access to private health care services from the health practitioner of their choice, as mentioned by the **Duty of the Minister** from the following article: *Regulated Health Professions Act, 1991, S.O. 1991, c. 18*. Our Ontario population has the right to access health care services by the *health care professional of their choice*. Nurses have identified the unmet needs of our aging and active population and have embraced the opportunity to start their own independent and advanced skilled practices in a Nurse LED model of care. Our Nurses are bridging the gaps to better support our population’s health related quality of life while decreasing the strain on our publicly funded health care system by preventing costly foot and lower limb complications.

To further our frustrations, our association has learned that the **College of Chiropodists of Ontario (COCOO)** is lobbying against Podortho® Nurses and our supporting association, OPNA, to the detriment of community public health. Further to this, the COCOO invaded one of our member’s clinics unannounced, with force (police escorted), demanding access to Personal

Health Information (governed by PHIPA laws), including client files, and dismissed all patients in the clinic mid-care, noting the Podortho® Nurses would be **“arrested”** if they did not comply with the production of client files. Not a single Chiropractors member was practicing, or had ever practiced, at the clinic location they attended that could simply be confirmed by their own registry. This created an unsafe environment for clients and employees (Nurses) for a non-urgent matter that could have been addressed at a more appropriate time, where it did not interfere with patient care that was in progress.

The **Regulated Health Professions Act** states that the powers to attend a practice site of a member are extraordinary. They must be used pursuant to the authority of the **RHPA and with discretion**. Specifically, s. 76(2) empowers an investigator to “enter at any reasonable time the place of practice of the member and may examine anything found there that is relevant to the investigation”. In this case the COCOO demanded patient files by a non-member (a Nurse). The attempted misuse of section 76(2) powers of the *RHPA* at the Clinic of a non member’s premises is prohibited. Breach of the standard of section 76(1.1) and continuing abuse of the *RHPA Procedural Code* and/or potential fraud is illegal. This action initiated by the COCOO against our member was a blatant disregard of the RHPA and its purpose. Based on events that occurred at our member’s practice and the direction provided by the College of Chiropractors of Ontario, suggests the organization is attempting to harass, limit, interfere with our members functioning practices and compromises client care and disregards PHIPA laws with respect to not obtaining permission from the client first prior to taking their private and personal health information that was not authored by any of their members.

Our association and Directors have been made aware the COCOO is misinforming the public and insurance industry leaders and falsely communicating that Podortho® Nurses (RN’s, RPN’s, NP’s) are **“not qualified”** to perform foot and lower limb care motivated by nonprofessional attitudes, and not for the wellbeing and health of our communities.

Under proposed rules, by the Financial Service Regulatory Authority of Ontario (FSRA), it recognizes that the **insurance industry** has also been lacking in this area, with most **coverage decisions made on arbitrary information**, rather than focusing on **research and proven best practices in health care**. The FSRA recognizes that barriers for innovation need to be removed to ensure decisions are not against the best interest of consumers, and that **insurance decisions are not unfairly discriminatory, anti-competitive, or not considering best outcomes for consumers**.

Our association and Director's would ask that the regulatory body that governs the insurance industry would consider;

- 1) Investigating the purpose of the insurers denying claims submitted by our mutual clients that limits access to Podortho® Nursing care and unfairly discriminates against our members who are more than qualified to perform this specialized care
- 2) Recommend Podortho® Nurses be included in all paramedical insurance claims relevant to our scope of practice in foot and lower limb care including products such as orthotics, off loading devices, laser therapy, shockwave therapy, nail bracing and compression therapy to support the therapeutic nurses plan of care.
- 3) We ask that all insurance companies cover Podortho® Nursing care in every location it is delivered whether that be in the client's home, in a clinic setting, hospital or long-term care facility.
- 4) Remove the barriers in care delivery (pre-authorization) which causes a delay in care and remove the pre-approval process prior to obtaining care with a Podortho® Nurse which is consistent with the insurance regulations for care delivered by a Chiropractor performing the same care.
- 5) We ask insurance companies recognize and update their policies to reflect the continuing changes and advancements in the nursing profession ensuring the needs of the public is placed first recognizing they have the right to choose the health care provider of their choice.
- 6) Advise insurers to refrain from derogatory and defamatory comments towards Nurses and the Podortho® Nurse profession.

- 7) acknowledge Nursing roles have diversified and continue to evolve to meet the needs of the public for the betterment of the population health. Nurse LED models of care in clinic settings are forming across Ontario. Nurses have recognized this need and provide a safe, sanitary, and effective environment in clinical setting in order to deliver care in an efficient and effective manner promoting quality care.

We would be pleased to have the continued support from our governing body, The College of Nurses of Ontario (CNO), and all Nursing Associations (WeRPN, RNAO, NPAO). OPNA members possess the knowledge, skill and judgement when providing specialized foot and lower limb care obtained through our post graduate education and skilled training that continues to meet our learning objectives thus supporting the needs of the public in our communities across Ontario. We ask that our college, CNO to continue to collaborate with OPNA Directors recognizing our work delivered at point of care appreciating the practice-to-practice concepts that are often misunderstood so we can formulate a collaborative approach to provide more of a detailed model of care provincially in this speciality area of nursing. This will eliminate practitioner barriers and confusion with the public and allied health care providers so we may work together for the greatest good of the public in our province. We wish to encourage strong collaboration through professional channels to circumvent misinformation being communicated to eliminate negative behaviors towards our Podortho® Nurse members who are well qualified to work within the RHCP in the circle of foot and lower limb care to encompass a common goal to provide quality care within our legal scope of practices.

Our OPNA Directors would be more than willing to partake in a collaboration with stakeholders to put an end to this discrimination and misinformation being communicated to the public that undermine the work our qualified Podortho Nurse members provide to best support our clients in their quest to keep their feet and lower limbs healthy.

Warmest Regards,

**Directors of the Ontario Podortho Nursing Association Inc. (Non-Profit Organization)**



ADVANCING • PROMOTING • SUPPORTING

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## REFERENCES

- 1) **CNO's Statement regarding Nurses practicing in Foot & Lower Limb Care.**  
*"Registered Nurses (RNs), Registered Practical Nurses (RPNs) and Nurse Practitioners (NPs) (collectively referred to as "Nurses") are regulated health care professionals who provide foot care in a variety of care settings, long term care homes, hospitals, CCDC's, FHTs, physician offices, and in the community in patients home or in private health clinics. Nurses assess patients, provide preventative care, and educate and refer patients to other practitioners where necessary. Nurses also provide non-invasive foot care services, such as clipping nails, paring calluses and corns, debriding morbid tissue, treating ulcers, providing wound care, monitoring conditions of the foot, prescribing and dispensing orthotics, and wrapping and bandaging the feet." (College of Nurses of Ontario 2014). HPRAC, stakeholder Feedback on the Chiropody/Podiatry Referral: The current Model of Foot Care in Ontario. Part II(b); Other submissions, 54.*
- 2) *Manulife representative 2022-03-04, communicated on the phone to a retired Nurse client and clinic receptionist was on the call overhearing the insurance representative speak to her). Attached please see documents of claim denials to support the above points for review.*
- 3) **OPNA's Practice Statement** <http://www.opnassociation.ca/>  
*"Podortho® Nurse's are Registered Nurses (Registered Practical Nurse, Registered Nurse or Nurse Practitioner (s) who are regulated health care providers that specialize in the field of Advanced Medical Foot and Lower Limb Care. The primary objective of a Podortho® Nurse is to optimize foot and lower limb health, improve client mobility and overall health related quality of life. This is achieved by performing lower leg and foot assessments, which has been known to detect early signs of life-threatening diseases or disabling conditions. In conjunction, Podortho® Nurses use the nursing process to diagnose, develop and implement a plan of care, and evaluate patient outcomes, while working as part of an interdisciplinary health care team or independently to provide quality client care."  
(Ontario Podortho Nursing Association Inc. 2018, practice statement; model of Foot Care for the practice of Podortho® Nurses in Ontario).*
- 4) *Nursing links on the College of Nurses of Ontario website (cno.org). <https://www.cno.org/en/learn-about-standards-guidelines/nursing-links/>*
- 5) *Quality Assurance Program on the College of Nurses of Ontario website (cno.org). <https://www.cno.org/globalassets/4-learnaboutstandardsandguidelines/prac/learn/teleconferences/qa-program-2014---nnr-series-october-1-2014---final.pdf>*
- 6) *Core Competencies of Podortho Nurses on the Ontario Podortho Nursing Association website. (opnassociation.ca). <https://www.opnassociation.ca/wp-content/uploads/2020/12/Core-Competencies-Podortho-Nurse.pdf>*
- 7) **OPNA APPEAL:** <https://www.opnassociation.ca/wp-content/uploads/2021/02/CHLIA-OPNA-Presentation-FINAL.pdf>
- 8) *Stakeholder Feedback on the Chiropody/Podiatry Referral: The current Model of Foot Care in Ontario. [https://www.hprac.org/en/projects/Chiropody\\_Podiatry.asp](https://www.hprac.org/en/projects/Chiropody_Podiatry.asp) Part II(b); Other submissions, 54.*
- 9) **Financial Services Regulatory Authority or Ontario; "Unfair or Deceptive Acts or Practice, Proposed Rule"**  
<https://www.fsrao.ca/media/2521/download>

## Delivery of Care Practitioner Comparison Chart

PRACTITIONER	CHIROPODIST	PODIATRIST	RN/RPN/ PODORTHO NURSE	PROSTHETISTS/ ORTHOTISTS	PEDORTHIST
Regulated Health Care Providers					
Unregulated Health Care Providers					
Basic Foot Care					
High Risk Foot Care					
Surgical treatment of soft tissue					
Wound Care					
Laser/photo Therapy					
Nail Reconstruction/Bracing					
Surgical treatment of the bone					
Prescribing Medication			RN(Ec)		
Communicating a medical diagnosis			RN(Ec)		
Communicating a nursing diagnosis					
Compression Therapy Fitting & dispensing					
Dispensing Orthotics					
Dispensing Orthopedic Footwear					
Dispensing Prosthetics					
Padding & Strapping					
Fitting Braces					