

FACT SHEET: ODSP Medical Reviews

If you are receiving benefits from the Ontario Disability Support Program (ODSP) you may get a notice that your disability status is being reviewed.

Reviews of disability status – or “medical reviews” – are a normal part of the ODSP system. Many people are given a “review date” when they are found eligible for ODSP because their condition is expected to improve. However, medical reviews have not been done on a regular basis for many years.

ODSP has recently started doing medical reviews again. Only 100 people per month will be reviewed, and they will be selected randomly.

Some people will not be selected – people who were transferred from the old Family Benefits program and people who were never given a review date. These people will not be included in the medical reviews taking place now.

There are currently more than 250,000 individuals getting ODSP for themselves and their families, so very few people will be selected for review at any given time. However, if you are selected, you must take active steps to respond.

What is the process for the review?

While few medical reviews will be conducted, ISAC and others in the community legal clinic system are concerned with the way the reviews are being done.

The review process will require people to fill out **another** Disability Determination Package (DDP).

This means that people who are having their file reviewed will have to go through the entire ODSP application and disability assessment process all over again.

What can be done about this?

ISAC and a community legal clinic committee are working to convince ODSP that this is the wrong process to use.

The issue that the medical review process should focus on is *not* whether or not a person on ODSP has a disability. That was determined through the original disability determination process.

The issue is whether or not a person has seen an improvement in their disability status that would make them ineligible for ODSP on medical grounds.

ISAC and our community legal clinic system partners have met with ODSP staff to suggest different ways that they could do the medical reviews to make sure the right issue is being addressed.

These alternate ways of doing the reviews would only identify whether or not a person's disability status has changed – whether or not they have had any improvement in their condition.

This would prevent people from having to go through the entire DDP application and assessment process all over again. It would save people on ODSP the time, stress and difficulty of this process. And it would save the government, doctors, and the legal system time and resources.

For now the medical review process has not changed. But we will continue our discussions with ODSP staff. We will share more information as it becomes available.

What should I do now?

If you get a notice that your medical status is being reviewed:

► Contact your local Community Legal Clinic for help.

- To find your local clinic, go to www.legalaid.on.ca/en/locate/default.asp.

ODSP will give you 90 days to complete the entire Disability Determination Package – this is the same amount of time you would have been given when you first applied.

- This means that you will have to get all the required forms and letters completed and submitted within that time.
- You will also have to notify ODSP of any delays in getting the paperwork done, as per the usual process.

If you are reviewed and they decide you are no longer eligible for ODSP:

- Get advice from your local Community Legal Clinic on whether or not to appeal the decision.
- You should be able to stay on ODSP benefits until your appeal is heard.
- If you lose the appeal, however, you may be required to pay back all the benefits you got while you were waiting for your appeal.

If you do not appeal or your appeal is denied, you will be allowed to stay on benefits for three months in order to “aid transition” off ODSP. You may be able to go on Ontario Works, but because OW has different asset and other eligibility rules, you may not qualify.

► Watch for more information from ISAC as it becomes available.