



Paquette Travers & Deuschmann

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Benefit	Accidents Before Sept 1/10 O. Reg. 403/96	Accidents After Sept 1/10 and Motor Vehicle Liability Policy in effect on September 1, 2010 expired or was cancelled before the accident (i.e., policy renewed or purchased AFTER September 1, 2010) O.Reg 34/10	Accidents after Sept 1/10 BUT motor vehicle liability policy in effect on September 1, 2010 and NOT expired or cancelled before the accident (i.e, existing policy LAST renewed or purchased BEFORE September 1, 2010) O.Reg 34/10TRANSITIONAL PROVISIONS
Income Replacement Benefit	Period (s. 5): 1) not payable during first week of disability 2)payable any period that insured person suffers substantial inability to perform essential tasks of pre-mva employment – up to 104 wks 3)payable any period longer than 104 wks that person suffers complete inability to engage in any employment for which he or she is reasonably suited to by education, training or experience <i>12 weeks for an injured person suffering a Grade 1 impairment that comes within the PAF Guideline</i> <i>16 weeks for an injured person suffering a Grade 2 impairment that comes within the PAF Guideline</i> Amount (ss.6-7): 80 percent of net weekly income to a max of \$400 per week s. 3(1.4) – O. Reg 403/96 s. 2(2) – O. Reg. 34/10	Period (s. 6): 1) not payable during first week of disability 2)payable any period that insured person suffers substantial inability to perform essential tasks of pre-mva employment – up to 104 wks 3)payable any period longer than 104 wks that person suffers complete inability to engage in any employment for which he or she is reasonably suited to by education, training or experience Amount (s.7) – 70% of gross weekly employment income to mad of \$400 per wk, optional coverage exists to increase maximum to \$600, \$800, or \$1,000 per wk	See previous column (O.Reg 34/10 provisions apply)

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Non-Earner Benefit	Period (s. 12): Any period insured person suffers complete inability to carry on a normal life after the first 26 wks after the onset of complete disability -not payable for any period before person attains the age of 16 Amount (s. 12(2): \$185 per wk, increasing to \$320 per week if person continues to suffer a complete inability to carry on a normal life after more than 104 weeks have elapsed since onset of disability	No change	See previous column (provisions apply)
Caregiver Benefit	Period (s. 13(1)): Any period in which insured person suffers a substantial inability to engage in caregiving activities he or she engaged in at the time of the accident Not payable after 104 wks of disability unless person suffers a complete inability to carry on a normal life Amount (s. 13(3)): maximum of \$250 per week for first person in need of care and an additional \$50 per week for each additional person in need of care	Period (s.13) Any period in which an insured person <u>WHO SUFFERS A CATASTROPHIC IMPAIRMENT</u> suffers a substantial inability to engage in caregiving activities he or she engaged in at the time of the accident Amount (s. 13(2)): -no change	Period (read ss. 68 and 28 together): Any period in which an insured person suffers a substantial inability to engage in the caregiving activities he or she engaged in at the time of the accident if impairment is not catastrophic Not payable after 104 wks of disability unless person suffers a complete inability to carry on a normal life Amount : -no change
Medical and Rehabilitation	ss. 14(1) and 15(1) - all reasonable and necessary expenses incurred by or on behalf insured person as a result of the accident for medical, chiropractic, etc. services and for any reasonable and necessary measures undertaken by insured person to reduce or eliminate the effects of disability or to facilitate reintegration into his or her family , the rest of society or the labour market Period (s.18)	ss. 14-17 - No change	Period (read ss. 68 and 28 together): - No change

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	O. Reg. 403/96	O.Reg 34/10	O.Reg 34/10 TRANSITIONAL PROVISIONS
Medical and Rehabilitation (cont.)	<ul style="list-style-type: none"> - 10 years from date of accident or; - Until age 25 if insured person was under age 15 at time of accident - No limit if catastrophically impaired <p>Limits s. (19)</p> <ul style="list-style-type: none"> - \$100,000 for non-catastrophic impairment; - \$1,000,000 for catastrophic impairment - Limited to amounts prescribed by Pre-Approved Framework Guidelines (approx \$2,000.00) if impairment is a WAD-I or WAD-II injury that comes within the PAF Guideline - Above limits apply unless optional coverage was purchased - s. 3(1.4) – O. Reg 403/96 - s. 2(2) (2) – O. Reg. 34/10 <p>Pre-Approved Framework Guidelines (s.37):</p> <ul style="list-style-type: none"> - Applies to WAD 1 or WAD II injuries - Applies to insured as long as health care practitioner believes that complaints/symptoms can be effectively managed within the timeframe and scope of Guideline interventions - Maximum of \$2,000 - <p>After Sept 1, 2010, references in O.Reg 34/10 to the “minor injury guideline” will be interpreted to refer to the PAF in applying the new Regulation to accidents that occurred before Sept. 1/10</p>	<p>Period (s. 20)</p> <ul style="list-style-type: none"> - No change, but new optional coverage available <p>Limits s. (18)</p> <ul style="list-style-type: none"> - \$50,000 for non-catastrophic impairment - \$1,000,000 for catastrophic impairment - <u>\$3,500 in respect of an impairment that is predominantly a minor injury</u> - Above limits apply unless optional coverage was purchased - <u>Limits INCLUDE cost of assessments (ss. 2(2)(2)(i))</u> <p><u>Minor Injury Guideline</u></p> <ul style="list-style-type: none"> - <u>Applies to “minor injuries”, defined as “one or more of a sprain, strain, whiplash associated disorder, contusion, abrasion, laceration or subluxation and any clinically associated sequelae to such an injury</u> - <u>Does not apply if insured person can present “compelling evidence” of his or her health practitioner that the insured person has a pre-existing medical condition that will prevent the insured person from achieving maximal medical recovery if she or she is limited to \$3,500 in treatment/rehabilitation</u> - 	<p>Period (s. 20)</p> <ul style="list-style-type: none"> - No change, but new optional coverage available <p>Limits s. (18)</p> <ul style="list-style-type: none"> - \$100,000 for non-catastrophic impairment; - \$1,000,000 for catastrophic impairment - <u>\$3,500 in respect of an impairment that is predominantly a minor injury</u> - Above limits apply unless optional coverage was purchased - <u>Limits INCLUDE cost of assessments</u> <p><u>Minor Injury Guideline</u> Will apply. See previous column.</p>

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Case Manager Services	s. 17 all reasonable and necessary services provided by a qualified case manager if person suffers a catastrophic impairment for accidents after Oct 1, 2003 – benefit is available if optional medical, rehabilitation and attendant care benefit referenced in s. 27 was purchased	Unchanged	See previous column (O.Reg 34/10 provisions apply)
Lost Educational Expenses	s. 20 lost educational expenses incurred by insured person who was enrolled in a program of elementary, secondary, post-secondary or continuing education and is unable to continue the program Amount: - Amount not to exceed \$15,000	s. 21 No change	See previous column (O.Reg 34/10 provisions apply)
Expenses of Visitors	s. 21 reasonable and necessary expenses incurred by relatives (as defined by section) in visiting the injured person Period: not payable for expenses incurred more than 104 wks after accident	s. 22 no change Period: 104 wk time limit does not apply if person sustained a catastrophic impairment	See previous column (O.Reg 34/10 provisions apply)

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Housekeeping and Home Maintenance	s. 22 - all reasonable and necessary additional expenses incurred by insured person if they suffer a substantial inability to perform the housekeeping and home maintenance services that they normally performed before the accident Amount: not to exceed \$100 per week Period (ss. 22(3-4)) <ul style="list-style-type: none"> - Max of 104 weeks after the onset of disability - No limit if catastrophically impaired 	s. 23 - ONLY AVAILABLE FOR CATASTROPHIC IMPAIRMENTS UNLESS OPTIONAL COVERAGE PURCHASED Amount: not to exceed \$100 per week Period: <u>No limit – but only available in cases of catastrophic impairment, unless optional coverage purchased.</u>	Period (read ss. 68 and 28 together): - all reasonable and necessary additional expenses incurred by insured person if they suffer a substantial inability to perform the housekeeping and home maintenance services that they normally performed before the accident Amount: not to exceed \$100 per week Period (ss. 22(3-4)) <ul style="list-style-type: none"> - Max of 104 weeks after the onset of disability - No limit if catastrophically impaired
Damage to Clothing, Glasses, Hearing, Aids, Etc.	- All reasonable expenses	- No change	See previous column (O.Reg 34/10 provisions apply)
Cost of Examinations	ss. 24, 42 No limit, insurer pays all “reasonable fees” Cost of conducting assessments and examinations and preparing reports is not included in medical rehabilitation benefits for accidents before Sept. 1, 2010 <ul style="list-style-type: none"> - s. 3(1.4) – O. Reg 403/96 - s. 2(2) (2) – O. Reg. 34/10 Cost of assessments and examinations is limited to \$2,000 per assessment <ul style="list-style-type: none"> - s. 3(1.4) – O. Reg 403/96 - s. 2(2) (2)(2)– O. Reg. 34/10 	<u>ss. 18 , 24 and 25</u> <u>Cost of Assessments and Examinations and Preparing Reports included in the limits to med-rehab benefits</u> <u>No in-home assessments covered for impairments that are “minor injuries”</u> <u>Cost of examination capped at \$2,000 for any one assessment or examination and for preparing report in connection with same</u>	See previous column (O.Reg 34/10 provisions apply)

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Death Benefit	s. 25 - payable if insured person dies as a result of the accident within 180 days after the accident or within 156 wks after the accident if the person was continuously disabled during that period Payment to spouse of \$25,000 Payment of \$10,000 to each dependent Payment of \$10,000 to each former spouse whom the insured person was obligated to by virtue of domestic contract or court order Payment of \$10,000 to anyone insured person was dependent on at time of accident (e.g., parent)	s. 26 -no change	See previous column (O.Reg 34/10 provisions apply)
Funeral Benefit	s. 26 - \$6,000 unless optional coverage purchased	s. 27 -no change	See previous column (O.Reg 34/10 provisions apply)
Rebuttal Examinations	s. 42.1 pays for an assessment or examination of insured person and preparation of report when insured denies a benefit and relies on the report of an insurer's examination (s.42 exam) in doing so Limits - \$900 if assessment or examination is conducted by one or more members of a health profession and at least one of them is a physician with a sub-specialty other than family medicine \$775 for assessment or examination conducted by family doctor or non-physician Unlimited for assessment related to determining if person suffers from a catastrophic impairment	NO COVERAGE EXISTS	See previous column (O.Reg 34/10 provisions apply)

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Definition of “incurred expenses” (i.e, housekeeping and Attendant Care)	<p>N.B. New Definition of “incurred expenses” DOES NOT apply with respect to accidents that occurred before Sept 1, 2010</p> <p>(s.2(2)(2) of O. Reg. 34/10 and s. 3(1.4) of O. Reg 403/96</p>	<p>New definition of “incurred expense” (s. 3(7)(e)</p> <p>(i) the insured person has received the goods or services to which the expense relates,</p> <p>(ii) the insured person has paid the expense, has promised to pay the expense or is otherwise legally obligated to pay the expense, and</p> <p>(iii) the person who provided the goods or services,</p> <p>(A) did so in the course of the employment, occupation or profession in which he or she would ordinarily have been engaged, but for the accident, or</p> <p>(B) sustained an economic loss as a result of providing the goods or services to the insured person;</p>	See previous column (O.Reg 34/10 provisions apply)
Interest on Overdue Benefits	<p>Interest on amounts that BECOME OVERDUE BEFORE SEPT 1, 2010 will accrue at NEW RATE OF 1% PER MONTH</p> <p>Interest on amounts that BECOME OVERDUE ON OR AFTER SEPT 1, 2010 will accrue at NEW RATE OF 1% PER MONTH</p> <ul style="list-style-type: none"> - s. 3(1.4) – O. Reg 403/96 - s. 2(2) (2)– O. Reg. 34/10 	Interest on overdue amounts will accrue at the rate of 1% per month.	See previous column (O.Reg 34/10 provisions apply)

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Determination of Catastrophic Impairment	Application for Determination of Catastrophic Impairment (OCF-19) must be prepared by a physician, or by a physician or neuropsychologist if the impairment is only a brain impairment O.Reg. 403/96, ss. 3(1.2), (1.5) and (1.6)	Application for Determination of Catastrophic Impairment (OCF-19) must be prepared by a physician, or by a physician or neuropsychologist if the impairment is only a brain impairment O.Reg. 34/10 ss. 2(2), 45(3) O.Reg. 403/96, ss. 3(1.2), (1.5) and (1.6)	See previous column (O.Reg 34/10 provisions apply)
Re-electing Benefits (IRB, Non-earner, caregiver)	A Claimant who makes an election after September 1, 2010 cannot later change choice except in limited circumstances (i.e. determined to have suffered a catastrophic impairment and re-election is made within 10 days of receiving insurer's confirmation of same). <ul style="list-style-type: none"> - s. 3(1.2) – O. Reg 403/96 - ss. 2(2) (2) and 35– O. Reg. 34/10 	A Claimant who makes an election after cannot later change choice except in limited (i.e. determined to have suffered a catastrophic impairment and re-election is made within 10 days of receiving insurer's confirmation of same). <ul style="list-style-type: none"> - s. 3(1.2) – O. Reg 403/96 - ss. 2(2) (2) and 35– O. Reg. 34/10 	See previous column (O.Reg 34/10 provisions apply)
S. 42 Insurer Exams	-no longer automatically required with denial of treatment plans, housekeeping benefits or attendant care benefits <ul style="list-style-type: none"> - s. 3(1.2) – O. Reg 403/96 - ss. 2(2) (2) and 35– O. Reg. 34/10 	-no longer automatically required with denial of <ul style="list-style-type: none"> - s. 3(1.2) – O. Reg 403/96 - ss. 2(2) (2) and 35– O. Reg. 34/10 	See previous column (O.Reg 34/10 provisions apply)