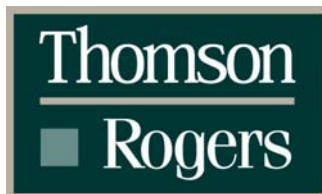


WHAT YOU SHOULD KNOW

When you are at a Trauma Hospital following a Motor Vehicle Accident

This document provides current information about obtaining assistance to meet your needs through insurance benefits and other compensation following a motor vehicle accident in Ontario.



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Am I Entitled to Benefits After a Car Accident?

YES - Anyone injured in a motor vehicle accident is automatically entitled to "Accident Benefits". Accident benefits (see chart on opposite page) are available whether you were driving, were a passenger or were a pedestrian hit by a motor vehicle. Even if the accident was your fault, you are still entitled to receive accident benefits.

Making an accident benefits claim does not affect your insurance rates.

When and How Do I Obtain Accident Benefits?

Within 7 days of the motor vehicle accident, you **must** call the motor vehicle insurer stating that you want to apply for accident benefits. The sooner you call, the better. You may need therapy, equipment, assistive devices, or other medical services upon discharge from hospital. If you call the insurer early, benefits can be coordinated so that you will have what you need when you get home.

If you do not call the insurer within 7 days, you *may* not get your benefits immediately.

An application needs to be completed. A copy of the application can be obtained from your social worker at the hospital, the insurance company or a personal injury lawyer.

To obtain compensation for time spent by your family caring for you, a qualified health care practitioner will need to complete a specific form called a Form 1. There are other forms which will likely need to be completed to obtain some of the other accident benefits.

Why are Accident Benefits Important?

Accident benefits can assist you financially with your therapy costs, the cost of caring for you in hospital and at home, and other needs while in hospital and at home.

Key Accident Benefits:

- **Medical and Rehabilitation Benefits** - to pay for your medical treatment, therapy, medication and required equipment, housing and transportation
- **Attendant Care Benefits** - to compensate those, including family members, for providing care to you while injured
- **Income Replacement Benefits** - to compensate you for some of of the income you have lost as a result of your inability to return to work due to your injuries (to a maximum of \$400 per week)
- **Caregiver Benefits** - to compensate you for being unable to care for your children or other dependants (\$250 per week for the first dependant plus \$50 per week for each additional dependant)
- **Visitation Expenses** - to reimburse immediate family members for visitation expenses including travel, parking, meals and accommodations
- **Housekeeping/Home Maintenance Expenses** - to compensate you for your inability to do your regular housekeeping chores
- **Services of a Case Manager** - to pay for a rehabilitation coordinator to immediately assist with your recovery
(this benefit is only available in "catastrophic impairment" cases, see next page)

There are also additional benefits that may be available including: lost education expenses, non-earner benefits, dependant care benefits, and damage to clothing expenses. In fatality cases, death and funeral benefits are available.

Please note that you cannot claim both income replacement benefits and caregiver benefits.

Keep All Receipts Related to Treatment

Because receipts help to prove to the insurance company what accident-related expenses you or your family have paid for, you should keep all receipts.

Catastrophic Impairment Benefits

There are monetary limits on the amount of accident benefits that are available. The maximums that are available increase significantly in cases of “catastrophic impairment”. Cases of “catastrophic impairment” generally involve serious head injuries, paralysis, complete loss of vision and certain other serious injuries. A personal injury lawyer will be able to explain this definition, and advise you whether you have sustained a “catastrophic impairment”.

In “catastrophic impairment” cases the maximum amounts of benefits available increase to:

- **\$1,000,000 for Medical and Rehabilitation Benefits**
(from a maximum of \$100,000 for a 10 year period or until age 25)
- **\$1,000,000 for Attendant Care Benefits for Life**
(from a maximum of \$72,000 for a 2 year maximum period)
- **Entitlement to a Case Manager** (from no entitlement)
- **Entitlement to Housekeeping Expenses for Life**
(from a 2 year maximum period)

Note that there are certain monthly/weekly limits that apply to some of the benefits listed above.

Which Insurer Should I Call for Accident Benefits?

To claim Accident Benefits, either you or a personal injury lawyer should call the first insurer that applies to you, from the list below:

- the insurer of your motor vehicle
- the insurer of the motor vehicle in which you were a passenger
- the insurer of the at-fault driver or owner
- the insurer of any other motor vehicle involved in the accident
- the Motor Vehicle Accident Claims Fund (in Canada, call 1-800-268-7188)

When you call the insurer, tell them that you want to start an accident benefits claim. The insurer will ask you for some basic information, including the following:

- name and age of the injured person;
- the nature of the injuries;
- your insurance policy number and motor vehicle information; and
- basic details about the accident.

Warning When Speaking to The Insurer

Be careful: something you may mention to an insurance representative may have a negative impact on your rights. Most personal injury lawyers recommend that you do not go into great detail when initially speaking with the insurance representative. You may want to consult with a personal injury lawyer before getting into specific details with the insurance representative.

After You Have Spoken to The Insurer

Once you have talked with the insurer, if you have not yet received one, the insurer will send you an application for accident benefits. An adjuster will be assigned to your file. The adjuster will be your main contact at the insurance company, and will provide you with a claim number for your file. A personal injury lawyer can deal directly with the adjuster to ensure payment of appropriate accident benefits.

Within 30 days of getting an application for accident benefits, you **must** send the completed application to the accident benefit insurer. If the form is not filled out and sent in, you will not get any compensation. You may not get certain benefits like attendant care benefits before the date you submit the application.

The application for accident benefits will include a disability certificate. Wherever possible, an accident benefit application and a completed disability certificate should be given to the insurer as soon as possible in order that benefits can start being paid.

What Happens If I have a Private Health Plan?

You should apply for accident benefits regardless of whether you have a health plan that may cover some of your medical expenses and/or income loss. Private health plans are often more limited than accident benefits in the types of coverage and amounts available to be paid.

If you are eligible for medical or disability benefits through a private or work-related health plan, that health plan will be the first insurance company in line to pay for certain expenses, before the accident benefits insurer. However, you should apply to both insurance companies to access coverage for all your needs.

Getting Help at The Hospital

Most hospitals employ social workers who are trained to help patients injured in motor vehicle accidents with insurance matters. Ask about getting help from a social worker to fill out the forms and certificates that you will need to make a claim.

Right to Obtain Compensation from At-Fault Persons

Speak with a personal injury lawyer about your rights and that of your family to obtain compensation from anyone potentially responsible for the accident. These claims are over and above any accident benefits you may be entitled to receive.

Injuries must be considered 'permanent' and 'serious' before you can be compensated in a motor vehicle accident claim for your pain and suffering. In addition, compensation for pain and suffering is subject to a deductible of \$30,000, unless the award exceeds \$100,000.

Other family members may obtain compensation for their loss of care, guidance and companionship, but these claims are subject to a deductible of \$15,000, unless the award exceeds \$50,000.

In a claim, family members may, among other things, recover income they have lost while caring for you, as well as other out-of-pocket expenses that have not otherwise been reimbursed.

In some cases, claims against at-fault persons will include claims for:

- Future income loss or loss of opportunity that you suffer as a result of your injuries; and
- Future medical and rehabilitation expenses.

In almost all cases you only have two years from the date of a motor vehicle accident to issue a lawsuit. You should speak with a personal injury lawyer about the deadlines that apply in your case.

Getting a Personal Injury Lawyer

Gaining access to the benefits that you are entitled to is complicated. You and your family may want to ask a personal injury lawyer to assist you with the accident benefit process. Most lawyers who specialize in personal injury law will meet with you, free of charge.

Key Facts

Background

Date of Accident:

Injured Person's Full Name:

Injured Person's Date of Birth:

Insurance Information

Insurance Company:

Tel. No. for Insurance Company: ()

Insurance Policy No.:

Accident Benefit Adjuster:

Tel. No. of Accident Benefit Adjuster: ()

Accident Benefit Claim No.:

Accident Investigation Details

Location of Accident

Investigating Police Officer Name:

Badge No., Tel. No.:

Personal Injury Lawyer Information

Law Firm's Name:

Lawyer's Name:

Lawyer's Telephone No.: ()

Call Thomson, Rogers at 416-868-3100 or toll-free at 1-888-223-0448 for a free no obligation consultation.



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Notes *(Names and telephone numbers of Health Care Professionals)*

Hospital Physician:	
Social Worker:	

The accuracy of the information contained in this brochure has been confirmed by the personal injury lawyers at Thomson, Rogers and is current as of November 1, 2008.