

Health Advocates Education Conference April 26, 2019

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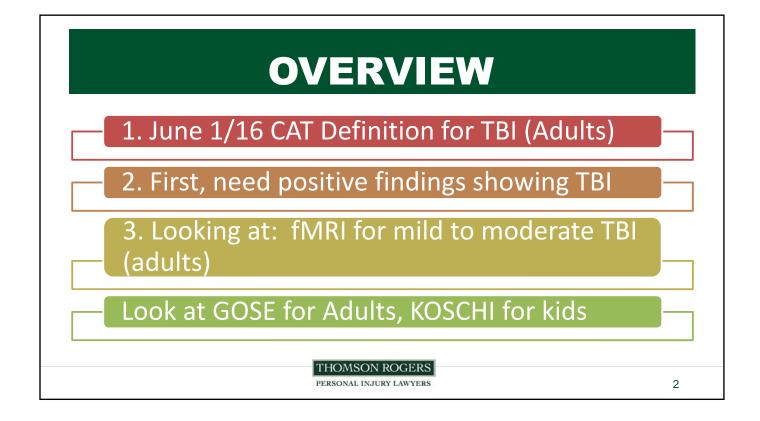
# fMRI, GOSE and RSW Notes The Keys for ABI CAT at 6 Months Post Injury

Presented by:

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PERSONAL INJURY LAWYERS

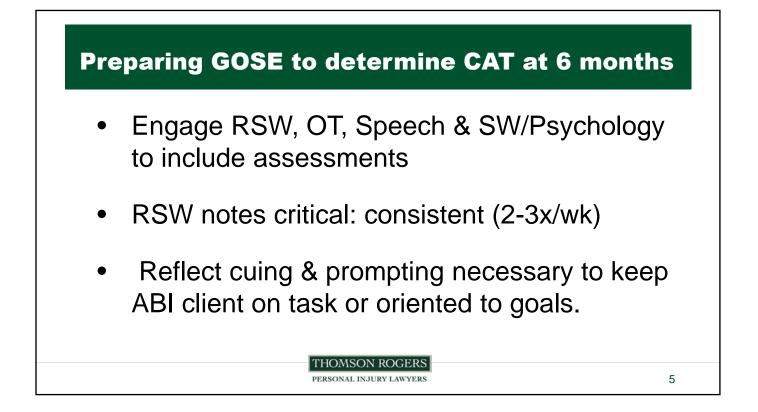


# How to access fMRI testing

Treatment plans specifying the cost of fMRI, the cost of the transportation to and from the facility providing it and the costs of a physician's requisition / referral for same are to be paid by the insurer pursuant to SABS s. 15(g), (h) and 25(1)5. and (4).

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| "Positive Findings"   |   |
|---|---|
| <ul> <li>"The injury shows positive finding on:"</li> <li>CT, MRI, or</li> <li>"any other medically recognized brain diagnostic technology indicating intracranial pathology that is a result of the accident"</li> <li>= fMRI</li> </ul> |   |
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| GOS  | E Criteria                          |   |
|--|-------------------------------------|---|
| <b>A.</b> Vegetative State (VS or Vaccident,   | /S*), one month or more after the   |   |
| <b>B.</b> Upper Severe Disability (<br>or Lower Severe Disability (<br>or more after the accident, o | Lower SD or Lower SD*), six months  |   |
| <b>C.</b> Lower Moderate Disability or more after the accident.                                      | y (Lower MD or Lower MD*), one year |   |
| WHAT DOES THE ASTERI   | <u>SK * MEAN???</u>                 |   |
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## GOSE WILSON 1998 ARTICLE POINTERS & GUIDELINES

- 1. Interview family & close friends re function and needs
- 2. If answers to one of the Dependence questions (Q2-Q4) show s/he is no longer fully independent "THEN THEY ARE SEVERELY DISABLED"
- 3. Re Q2a: if "they need to be prompted or reminded to do things . . . they are dependent". Therefore, SEVERELY DISABLED

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# **GOSE POINTERS & GUIDELINES**

Q2b patient is "in the lower category of severe if they cannot be left alone for 8 hours."

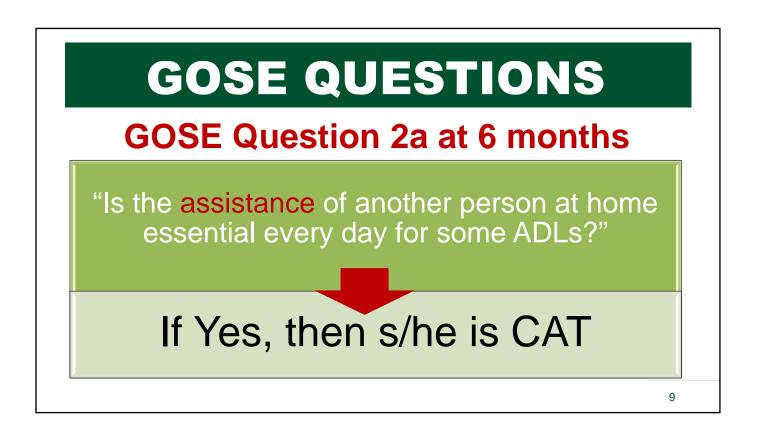
(\*) Lower SD\*, Upper SD\* and Lower MD\* are CAT

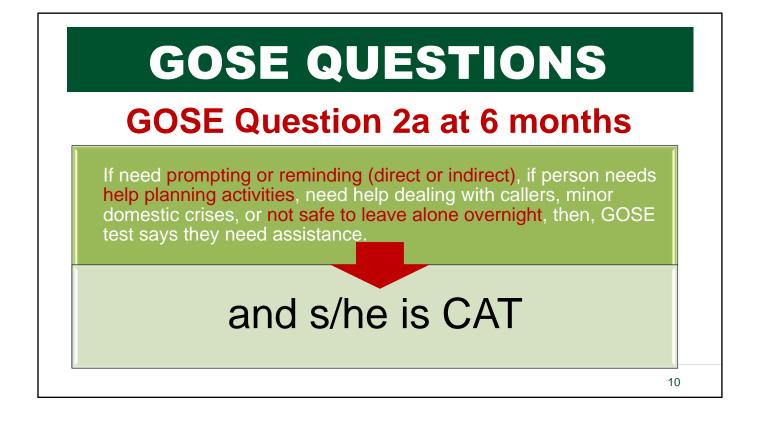
\*= patient was not fully independent before the injury

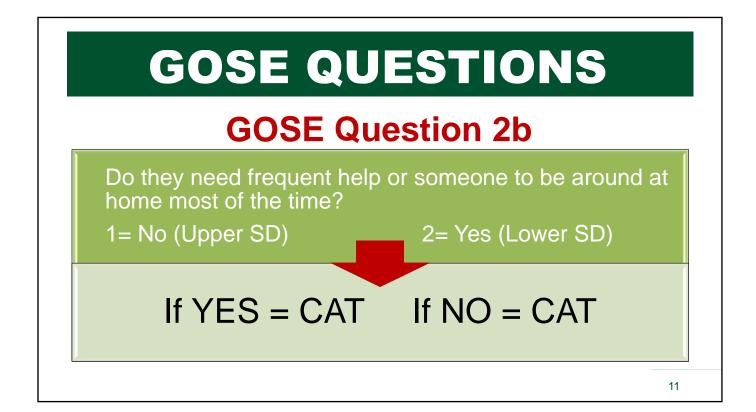
\* Accommodates both thin skulled and crumbling skull applicants as more likely to be found CAT

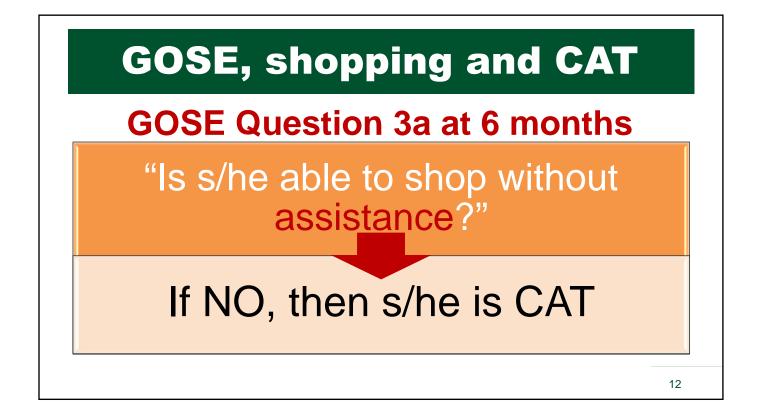
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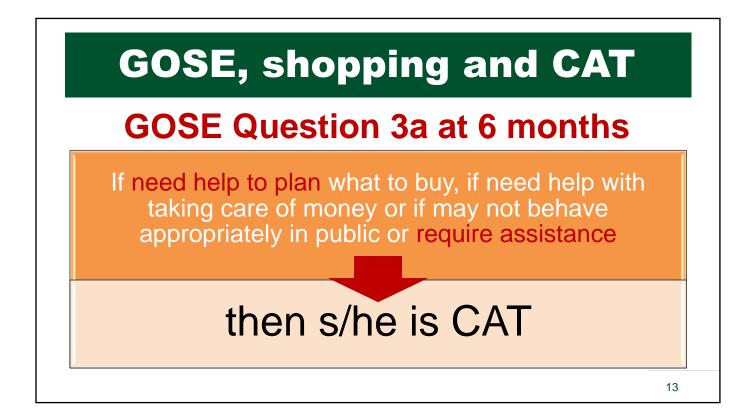
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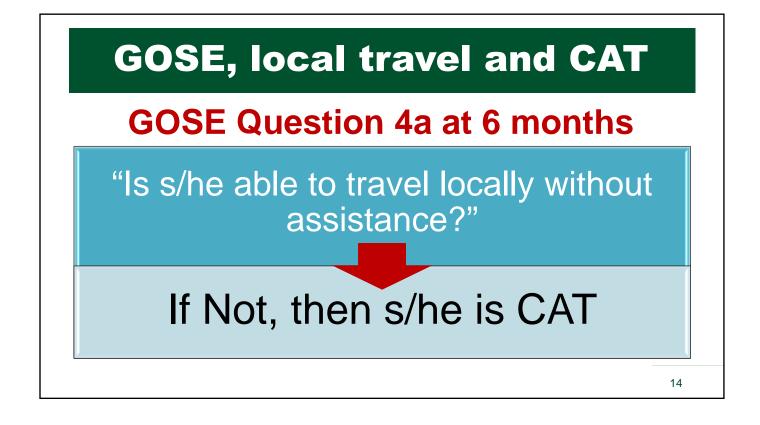


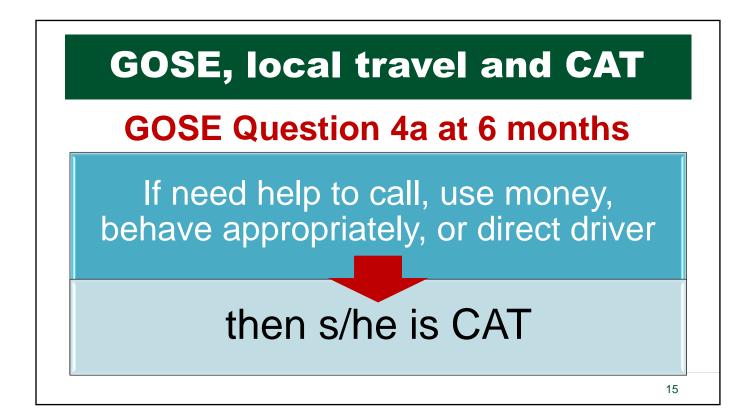


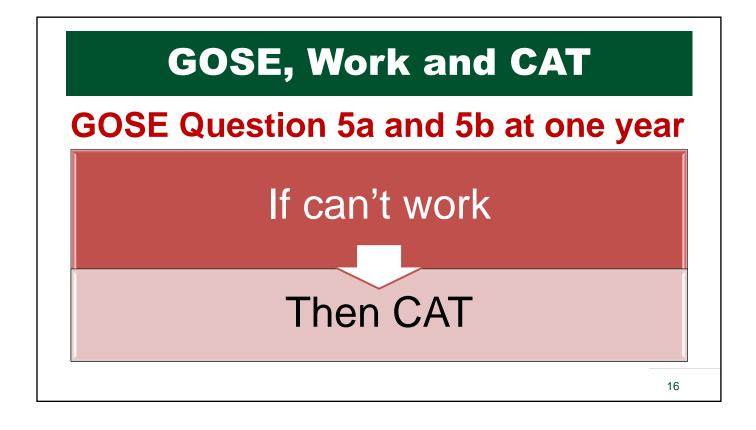


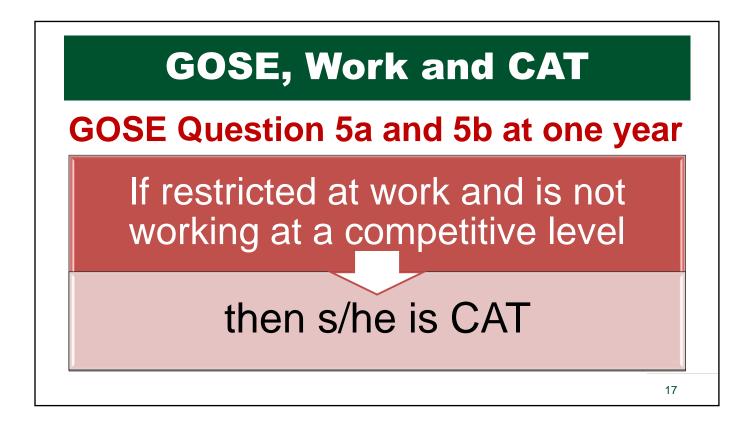


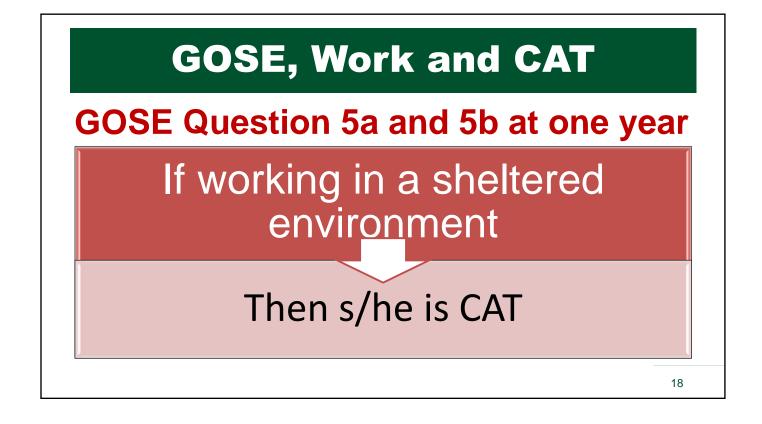


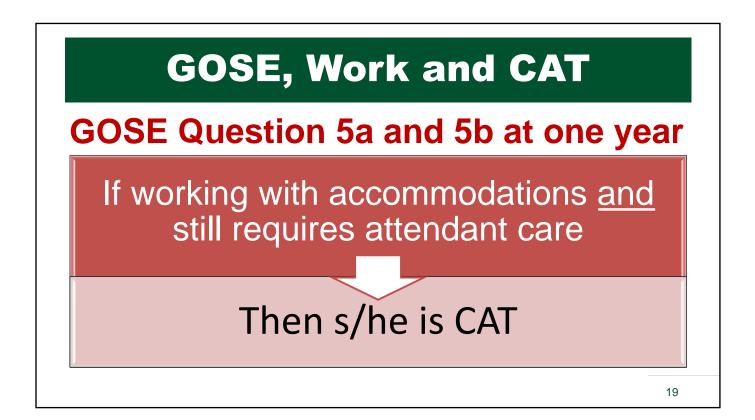


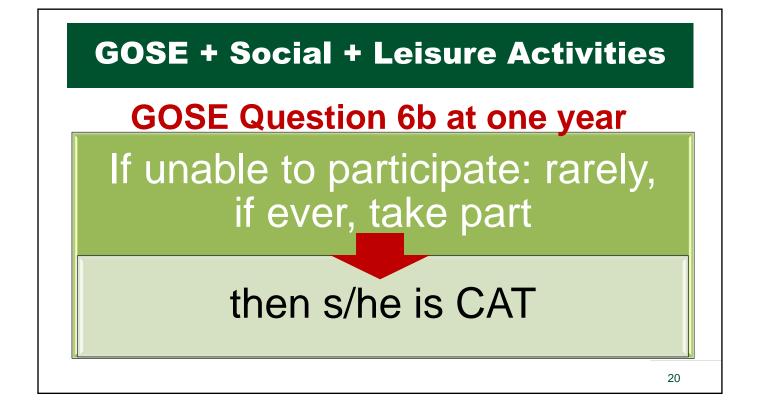


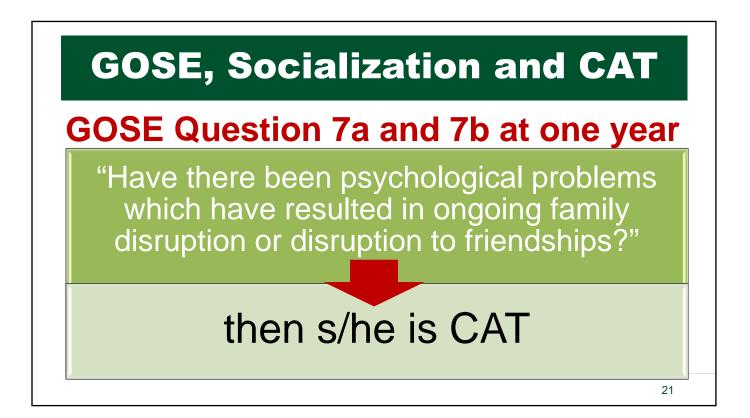












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## DAVID MACDONALD PARTNER



**LEXPERT**RANKED



David has been practising personal injury litigation and helping car accident victims who have suffered catastrophic injuries for over twenty five years. He is Certified as a Specialist in Civil Litigation by the Law Society of Upper Canada, recognized by Lexpert<sup>®</sup> as consistently recommended for Personal Injury Litigation by Ontario's personal injury lawyers, and acknowledged as a Best Lawyer in Civil Litigation practice by Best Lawyers Canada. David has advocated to the government on behalf of car accident victims for fair laws for accident benefits and compensation. He has worked as a board member of Peel, Halton, Toronto and Hamilton Brain Injury Associations. In 2003 the Minister of Finance chose David from all personal injury lawyers in the province, and appointed him a member of Executive Committee to the Superintendent of Insurance for Ontario's Auto Reforms Implementation Committee.

Cont'd.

For more information on David MacDonald, please visit: thomsonrogers.com/david-macdonald

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David publishes and lectures to lawyers, adjusters and health care practitioners on Catastrophic Injury Determination quarterly. Annually, he is Guest Lecturer on Litigation Experts at The University of Western Ontario Faculty of Law. David has conducted and won several arbitrations and many personal injury trials arising from car accidents and Municipal Liability. David provides, without expense, in-person initial consultations at hospital or home and is available by cell at 647-290-7291.

# TESTIMONIALS

"Over a year and a half ago I entered into a boardroom and cast eyes with a humble gentleman, for lack of a better word. He seemed somewhat unassuming, but, he was the ONLY ONE who showed up from the list of names that was presented to me. I was quite torn, sick, crying, etc., with every sign of broken parts and patches of ALL SORTS. That was convincing enough for me to say — without a shadow of a doubt — please represent me.

To date, I am 100% satisfied that I made the right choice. David, you did a wonderful job! I can't find the words to describe my level of satisfaction. You could not have done a better job. It is remarkable and I would recommend ANYONE to trust you – and they would NOT regret their decision.

Thank you David from the bottom of my heart.

God bless you and keep up the excellent job you are doing.

Also, your staff have been amazing."

- Yvonne

"Dear David MacDonald and the staff at Thomson Rogers,

It has been a great support to Dave and myself to have You, and the team at Thomson Rogers represent us in Dave's recovery, and the claim for insurance. With his brain injury, he needed so much support and daily therapy. You quickly put a team of great therapists together to meet his needs. Your involvement managed a successful settlement of the benefits he was entitled to. It gave me the time to attend to his needs, without worrying about the legal and financial end of things. This has allowed Dave to come so much further than was ever expected. When you brought him to the Acquired Brain Injury Art show, you brought back his will to draw. You are so aware of the needs of people with brain injury, you were able to put all the right tools for his recovery in place. From unpaid wages to housing, you took care of it all. You were able to prove Dave's needs for re-education. You put us in decent housing after being placed in housing that could not meet my son's needs. You made sure all his needs were met and then some. I could not have managed all the issues that came up throughout my son's recovery without you and the staff and clerks at Thomson Rogers. You are a special team of people.

Thank you for all your help."

- F. Rose – Dave's Mom

For more information on David MacDonald, please visit: thomsonrogers.com/david-macdonald

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YOUR ADVANTAGE, in and out of the courtroom