

# NEINSTEIN & ASSOCIATES

LLP

## PERSONAL INJURY LAWYERS

### ACCIDENT BENEFITS SCHEDULE

SABS SECTION	BENEFIT / TOPIC	HOW MUCH	HOW SOON	HOW OFTEN	\$ LIMIT	TIME LIMIT	MEDICAL REQUIRED	COLLATERALS	DEFINITION, DESCRIPTION
I	General								<ul style="list-style-type: none"> <li>Title: Definitions &amp; Interpretation; Application</li> </ul>
II	Income Replacement Benefit	80% of Net Income	Within 14 Days	Every 2 Weeks	\$400 per Week	104 Weeks Then Stricter Test	Yes	Yes	<ul style="list-style-type: none"> <li>Test: <i>Substantial</i> inability to perform essential tasks of employment</li> <li>Employed at the time of MVA or employed for a minimum of 26 weeks in the last 52 weeks</li> <li>Rules change at age 65</li> <li>Optional Income Replacement Benefits may be purchased (\$600, \$800, \$1000)</li> <li>Short-term Disability/Long-term Disability is primary</li> </ul>
III	Non-Earner Benefit	\$185 per Week	After 26 Weeks	Every 2 Weeks	\$185 per Week	N/A	Yes	Yes	<ul style="list-style-type: none"> <li>Test: Person 16 years or older with <i>Complete</i> inability to carry on a normal life</li> <li>Student limit increases to \$320 after 104 weeks</li> </ul>
IV	Caregiver Benefit	Reasonable & Necessary, Incurred	Within 14 Days	As Incurred	Up to \$250 for First Person \$50 for Each Additional	104 Weeks Then Stricter Test	Yes	No	<ul style="list-style-type: none"> <li>Pre-104 weeks test: <i>Substantial</i> inability to engage in caregiving activities</li> <li>Post-104 weeks test: Complete inability to carry on a normal life</li> <li>Optional additional Caregiver benefits may be purchased (\$325 first person and \$75 for each additional person)</li> </ul>
V	Medical Benefit	Reasonable & Necessary	Within 30 Days	If Required & As Necessary	\$100,000 or \$1,000,000 if Catastrophic Impairment	10 Years; or until monetary limit has been reached	Yes	Yes	<ul style="list-style-type: none"> <li>Broad range of benefits available under this section</li> <li>Time limit is removed for catastrophic impairment</li> <li>Optional Medical benefits may be purchased (\$1,100,000) Total Medical &amp; Rehabilitation Limit for Catastrophic is \$2,000,000.</li> </ul>
	Rehabilitation Benefit	Reasonable & Necessary	Within 30 Days	If Required & As Necessary			Yes	Yes	<ul style="list-style-type: none"> <li>Provides Training, counseling, assessments, modifications, transportation</li> <li>Optional Rehabilitation benefits may be purchased (\$1,100,000) Total Medical &amp; Rehabilitation Limit for Catastrophic is \$2,000,000.</li> </ul>
	Attendant Care	Reasonable & Necessary	Within 30 Days	If Required & As Necessary	\$3000 per Month or \$6000 per Month if Catastrophic Impairment	104 Weeks if non-Catastrophic	Yes	Yes	<ul style="list-style-type: none"> <li>Non-Catastrophic Impairment: Maximum payable is \$72,000</li> <li>Catastrophic Impairment: Maximum payable is \$1,000,000 – time limit does not apply</li> <li>Optional Attendant Care benefits may be purchased (\$1,072,000) Total Attendant Care Limit for Catastrophic is \$2,000,000.</li> </ul>
	Case Manager Services	Reasonable & Necessary	Within 30 Days	If Required	As Per Fee Guide	No Limit	Yes	No	<ul style="list-style-type: none"> <li>For persons with Catastrophic Impairment</li> </ul>
VI	Education Expenses lost	Reasonably Incurred Pre-MVA	Within 30 Days	Once	Maximum of \$15,000	N/A	Yes	No	<ul style="list-style-type: none"> <li>Applies to students who have incurred expenses (tuition, books, room &amp; Board) prior to the MVA</li> <li>Student must be enrolled in educational program and unable to continue program due to impairment</li> </ul>

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VI	Expenses of Visitors	Reasonably Incurred	Within 30 Days	As Presented & As Incurred	None	During Treatment or Recovery 104 Weeks Except Catastrophic	Yes	No	<ul style="list-style-type: none"> <li>Expense incurred by <i>specific</i> person to visit insured during treatment or recovery per SABS</li> </ul>
	Housekeeping & Home Maintenance	Reasonable & Necessary, Incurred	Within 30 Days	As Presented & As Incurred	\$100 per Week	104 Weeks Except Catastrophic Impairment	Yes	No	<ul style="list-style-type: none"> <li>Test: Substantial inability to perform housekeeping and home maintenance services normally performed before the accident</li> <li>Applies to <i>additional</i> expenses only</li> </ul>
	Damage to Clothing, Glasses Etc..	Reasonable Incurred	Within 30 Days	As Presented & As Incurred	Repair or Replacement Cost	None	No	No	<ul style="list-style-type: none"> <li>Lost or damaged clothing worn at the time of the accident</li> <li>Included prescription eyewear, dentures, hearing aids, prostheses and other medical or dental devices</li> </ul>
	Cost of Examination	Reasonable Incurred	Within 30 Days	As Presented & As Incurred	As per SABS Under \$180.00 no approval needed – over \$180.00 request pre-approval	None	No	Yes	<ul style="list-style-type: none"> <li>Cost of obtaining a certificate, a report or a treatment plan</li> <li>Cost of obtaining and attending an examination or assessment</li> <li>If cost of report is over \$180.00 an OCF-22 must be submitted and the insurer has 5 days to respond (if under \$180.00 insurer has 2 days to respond)</li> </ul>
VII	Death Benefit	Specified in SABS	Within 30 Days	Once	\$25,000 – Spouse \$10,000 – Depend.	N/A	Coroner's report and death certificate	No	<ul style="list-style-type: none"> <li>Provide to a spouse, dependants, former spouse and other persons</li> <li>Optional death benefits may be purchased to double the benefits</li> </ul>
	Funeral Benefit	Incurred	Within 30 Days	Once	\$6,000	N/A	Coroner's report and death certificate	No	<ul style="list-style-type: none"> <li>Optional funeral benefits may be purchased (\$8,000)</li> </ul>
VIII	Optional Benefits	<ul style="list-style-type: none"> <li>Options increase amount for Income Replacement Benefit (IRB), Caregiver Benefit (CB), Medical, Rehabilitation &amp; Attendant Care Benefit (MR ACB), Death, Funeral Benefit (DFB), and to add Dependant Care benefit (DCB)</li> <li>Indexation of IRB, Non-earner Benefits (NEB), CB, ACB, and the Optional Medical &amp; Rehabilitation Benefits</li> </ul>							<ul style="list-style-type: none"> <li>Overall total of MR for one accident cannot exceed \$100,000 (for Non-Catastrophic Impairment) or \$1,000,000 (for Catastrophic Impairment)</li> <li>Overall total of AC for one accident cannot exceed \$72,000 (for Non-Catastrophic Impairment) or \$1,000,000 (for Catastrophic Impairment)</li> <li>These are optional benefits including indexation that can be purchased</li> </ul>
IX	General Exclusions	<ul style="list-style-type: none"> <li>Exclusion of Five Classes of Benefits to certain persons (driver, occupant, any person) if certain illegal or criminal acts are committed (per SABS)</li> </ul>							<ul style="list-style-type: none"> <li>General Exclusions – In SABS</li> </ul>
X	Procedures	<ul style="list-style-type: none"> <li>Must notify insurer of accident within 7 days</li> <li>Person to submit initial and subsequent applications as required within 30 days</li> <li>Insurer to provide forms, explanations, assistance and information</li> </ul>							<ul style="list-style-type: none"> <li>Requirements to be met by Insured and Insurer</li> </ul>
XI	Designated Assessment Centres	<ul style="list-style-type: none"> <li>Committee appointed by the Minister, or prescribed by the Regulations (SABS)</li> <li>Amendments to be made in Jan. 2006</li> </ul>							<ul style="list-style-type: none"> <li>Designated Assessment Centres are appointed by Financial Services Commission of Ontario (FSCO)</li> </ul>
XII	Responsibility; Treatment / Rehabilitation / Employment	<ul style="list-style-type: none"> <li>Criteria for those receiving IRB, CB or NEB to follow or have benefits terminated</li> </ul>							<ul style="list-style-type: none"> <li>Responsibility to obtain treatment, to participate in rehabilitation and to seek employment as required of an injured person</li> </ul>
XIII	Interaction With Other Systems	<ol style="list-style-type: none"> <li>Accidents outside Ontario</li> <li>Worker's Compensation Board (or WSIB) Benefits</li> <li>Social Assistance Payments</li> <li>Other Collateral Benefits</li> </ol>							<ul style="list-style-type: none"> <li>Certain other systems interact with SABS</li> </ul>
XIV	Income Calculation	Formula: $\frac{A-B-C-D-E}{52}$ A= Person's net weekly income      B= Person's gross annual income      C= Person's annual Premium Under Employment Insurance Act D= Person's annual contribution to Canada Pension Plan      E= Person's income tax payable, Canada and Ontario							
XV	Miscellaneous	<ul style="list-style-type: none"> <li>Method of payment, assignment of benefits, copies of regulation company auto and rental auto's explained. Notices; Forms; Transition;</li> </ul>							<ul style="list-style-type: none"> <li>Miscellaneous instructions and approved forms</li> </ul>