



DEFINITION OF CATASTROPHIC IMPAIRMENT

By Adam K. Wagman, Partner

"Catastrophic Impairment", for the purposes of the *Insurance Act* and the *Statutory Accident Benefits Schedule*, with respect to motor vehicle accidents occurring on or after November 1, 1996, means,

- (a) paraplegia or quadriplegia;
- (b) amputation or other impairment causing the total and permanent loss of use of both arms;
- (c) amputation or other impairment causing the total and permanent loss of use of both an arm and a leg;
- (d) total loss of vision in both eyes;
- (e) brain impairment that, in respect of an accident, results in,
 - (i) a score of 9 or less on the Glasgow Coma Scale; or
 - (ii) a score of 2 (vegetative) or 3 (severe disability) on the Glasgow Outcome Scale;
- (f) any impairment or combination of impairments that results in a 55 percent or more impairment of the whole person, in accordance with the A.M.A. Guide; or
- (g) any impairment that results in a class 4 impairment (marked impairment) or class 5 impairment (extreme impairment) due to mental or behavioural disorder, in accordance with the A.M.A. Guide.

Clauses (f) and (g) above do not apply unless... doctors state... condition has stabilized and is not likely to improve... or three years have elapsed since the accident.

CATASTROPHIC IMPAIRMENT

WHAT DOES IT REALLY MEAN TO THE INJURED PERSON

Accident Benefits - *The Statutory Accident Benefits Schedule*

1) Attendant Care Benefits - Sections 16, 18 and 19

Non-Catastrophic Impairment - a maximum of \$3,000.00 per month for no more than 104 weeks after the accident. The maximum limit is \$72,000.00.

Catastrophic Impairment - a maximum of \$6,000.00 per month for life. The maximum limit is \$1,000,000.00.

2) Medical and Rehabilitation Benefits - Sections 18 and 19

Non-Catastrophic Impairment - a maximum of \$100,000.00, for 10 years after the accident or until age 25, whichever is longer.

Catastrophic Impairment - a maximum of \$1,000,000.00, for life.

3) Case Manager Services - Sections 15(5)(l) and 17

Non-Catastrophic Impairment - services of a case manager are not covered.

Catastrophic Impairment - services of a qualified case manager are covered, and are included in the \$1,000,000.00 limit for medical and rehabilitation benefits.

4) Housekeeping and Home Maintenance - Section 22

Non-Catastrophic Impairment - a maximum of \$100.00 per week, for 104 weeks after the accident.

Catastrophic Impairment - a maximum of \$100.00 per week, for life.

CATASTROPHIC IMPAIRMENT

WHAT DOES IT REALLY MEAN TO THE INJURED PERSON

Court proceedings against the at-fault parties - *The Insurance Act*

1) Health Care Expenses - Section 267.5

Non-Catastrophic Impairment - the injured person cannot recover health care expenses from the at-fault parties.

Catastrophic Impairment - the injured person can recover health care expenses from the at-fault parties.