

# ONTARIO REGULATION 289/10

made under the

## INSURANCE ACT

Made: July 13, 2010

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Amending O. Reg. 34/10

(Statutory Accident Benefits Schedule – Effective September 1, 2010)

Note: Ontario Regulation 34/10 has not previously been amended.

**1. (1) The definition of “minor injury” in subsection 3 (1) of Ontario Regulation 34/10 is revoked and the following substituted:**

“minor injury” means one or more of a sprain, strain, whiplash associated disorder, contusion, abrasion, laceration or subluxation and includes any clinically associated sequelae to such an injury;

**(2) Subsection 3 (5) of the Regulation is revoked and the following substituted:**

(5) Clauses (2) (e) and (f) do not apply in respect of an insured person who sustains an impairment as a result of an accident unless,

- (a) a physician or, in the case of an impairment that is only a brain impairment, either a physician or a neuropsychologist states in writing that the insured person’s condition is unlikely to cease to be a catastrophic impairment; or
- (b) two years have elapsed since the accident.

**(3) Sub-subclause 3 (7) (e) (iii) (A) of the Regulation is revoked and the following substituted:**

(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

**2. Paragraph 2 of subsection 7 (4) of the Regulation is revoked and the following substituted:**

- 2. The report is prepared by a member of a designated body within the meaning of the *Public Accounting Act, 2004*.

**3. The definition of “qualified case manager” in subsection 17 (3) of the Regulation is revoked and the following substituted:**

“qualified case manager” means a person who provides services related to the co-ordination of goods or services for which payment is provided by a medical, rehabilitation or attendant care benefit.

**4. Clause 25 (5) (a) of the Regulation is revoked and the following substituted:**

- (a) more than a total of \$2,000 in respect of fees and expenses for conducting any one assessment or examination and for preparing reports in connection with it, whether it is conducted at the instance of the insured person or the insurer; or

**5. Paragraphs 1 and 2 of subsection 45 (2) of the Regulation are revoked and the following substituted:**

- 1. An assessment or examination in connection with a determination of catastrophic impairment shall be conducted only by a physician but the physician may be assisted by such other regulated health professionals as he or she may reasonably require.
- 2. Despite paragraph 1, if the impairment is a brain impairment only, the assessment or examination may be conducted by a neuropsychologist who may be assisted by such other regulated health professionals as he or she may reasonably require.

**6. This Regulation comes into force on the later of September 1, 2010 and the day it is filed.**