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## Changes coming for meaning of catastrophic impairment



PERSONAL INJURY

Just as a common understanding of the term “catastrophic impairment” has been reached, its definition is being completely reworked with an aim for a more accurate and objective system, Toronto plaintiff’s personal injury lawyer **Darcy Merkur** recently discussed at a conference. [Watch Video](#)

“Changes to the definition of the term catastrophic impairment are coming,” Merkur, partner with **Thomson Rogers**, says in his presentation. “I’m here to tell you what we can anticipate, and some of the problems and issues we should turn our attention to right now.”

Merkur delivered the speech at the firm’s annual Back to School Conference. Partnered with Canadian Paraplegic Association of Ontario, Thomson Rogers presented the September event with a goal to provide practical and useful rehabilitation and management strategies for those dealing with catastrophic injuries with a focus on spinal cord injuries; provide up-to-date information to help manage spinal cord injuries in order to achieve independence; and provide a brief legal update of the anticipated changes to the definition of catastrophic impairment to the statutory accident benefits legislation.

Merkur says after 15 years, the meaning of the term was finally commonly understood, meaning legal representatives had a sense after meeting a client whether their condition would be deemed catastrophic or not.

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Now, "there's a complete overhaul coming," Merkur says in the presentation, titled The Anticipated Changes to the Definition of 'Catastrophic Impairment' and its Expected Impact.

"We need to focus on how we're going to work together going forward," he says. "If we can't appoint case managers, we're going to have to be innovative in our solutions. Can we protect accounts with instructions from the clients? Can we prioritize rehab? Can we rush the lawsuits against any at-fault drivers to access advanced payments or outcomes?"

Merkur had anticipated the changes to be enacted this fall, but now says the resignation of the premier may result in a delay, or perhaps a full reconsideration of the initiative.



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