

Checklist for Clients Involved in Motor Vehicle Accidents

When a patient is admitted to your unit, having sustained injuries in a motor vehicle accident, please ensure that the following information is obtained from the patient or substitute decision maker.

1. Insurance company details

- ☐ Name of Insurance Company: _____
- ☐ Name of Adjuster: _____
- ☐ Claim number: _____
- ☐ Policy number: _____
- ☐ Address, email, telephone, fax number of adjuster

- ☐ No insurance details available

2. Lawyer Details

- ☐ Name of personal injury law firm: _____
- ☐ Name of personal injury lawyer: _____
- ☐ Address, email, telephone and fax number of personal injury lawyer:

- ☐ No personal injury lawyer retained yet

3. Rehabilitation Team

- ☐ Case Manager: _____
- ☐ Occupational Therapist: _____
- ☐ Physiotherapist: _____
- ☐ No rehabilitation team available yet

Applying for Accident Benefits

When an individual is involved in a motor vehicle accident, as a driver, cyclist or a pedestrian, they are entitled to receive accident benefits from their insurance provider, regardless of whether or not they have been deemed to have caused the accident. In the event that a client does not have insurance, they will receive benefits under the insurance policy of the vehicle that was involved in the accident (or, if that vehicle has no insurance, they still can access insurance through the Motor Vehicle Accident Claims Fund). In order to begin accessing these benefits the following documents must be completed and submitted to the insurance company.

The Necessary Forms

The following forms are a critical part of initiating your claim and ensure that you are able to access all of the benefits which you are entitled to receive. All accident benefit claim forms can be found at: <http://www.fsco.gov.on.ca/en/forms/Pages/default.aspx>

OCF 1: Application for Accident Benefits

This form is required to initiate any claim with the insurance company. Once the accident has been reported to the appropriate insurance company they will send you this in the mail. However it can also be found at the website above. This form can be printed and provided to the client.

This form can be completed by the client and/or substitute decision maker and health care provider. You do not require a lawyer to assist you in completing this document.

OCF 3: Disability Certificate

This form should be completed by the physician (or other appropriate health care provider) while still in hospital in order to ensure that there is no delay in accessing your benefits. This form will inform your insurance company of the physician's current medical diagnosis.

OCF 19: Determination of Catastrophic Impairment

This form must be completed by your physician, where appropriate. This form should be completed as soon as possible to avoid any delay in accessing the full scope of benefits that an individual suffering from a catastrophic impairment is entitled to receive.

The OCF 1, OCF 3 and the OCF 19 are the preliminary documents which must be completed while in hospital to ensure that there are no delays in accessing your benefits (along with an OCF 2 to be completed by the patient's employer). Your hospital social worker or discharge planner should be able to assist you with this process.

Retaining a lawyer

It is recommended that you retain the services of a qualified personal injury lawyer if you or your family member has been involved in a motor vehicle accident. There are many lawyers in the community who can provide valuable guidance and direction in order to ensure that your rights are being protected and that you are accessing the full scope of benefits to which you are entitled to receive.

When hiring a personal injury lawyer these are some things to keep in mind:

- ☐ Look for a lawyer who specializes in the area of personal injury law
- ☐ You should not be asked to pay upfront costs or retainer fees
- ☐ You might want to consider looking for an individual who is Certified by the Law Society of Upper Canada as a Specialist in Civil Litigation (or has other objectively validated criteria establishing their experience and expertise as a plaintiff's personal injury lawyer)
- ☐ You must feel comfortable with your lawyer; that they are someone that you trust as you will likely be working with this lawyer for many years.

Note that certain legal claims must be advanced immediately following an accident (such as providing notice of a potential claim against a Municipality—notice must be provided within 10 days post accident) so try to encourage a timely consultation with a personal injury lawyer wherever possible.