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No. A-13/10
Property & Casualty
– Auto

Revised Accident Benefit Claims Forms and New Attendant Care Hourly Rate Guideline

To the attention of all insurance companies licensed to transact automobile insurance in Ontario

With this Bulletin, the Financial Services Commission of Ontario (FSCO) is issuing a number of amended forms approved by the Superintendent for use in connection with accident benefits claims.

These forms have been amended to reflect changes resulting from automobile insurance reforms that will become effective on September 1, 2010.

Changes to these forms have been made in consultation with insurance industry stakeholders, health care professionals and legal representatives.

The Assessment of Attendant Care Needs (Form 1) has been changed from a prescribed form to a Superintendent-approved form. The hourly rates listed for attendant care services, which were previously printed on the form, will, for accidents occurring on or after September 1, 2010, henceforth be those published in the Attendant Care Hourly Rate Guideline (attached).

Highlights of changes

Changes to the forms include, but are not limited to, the following:

- Modifying references to the Pre-approved Framework Guideline for Grade I and II Whiplash Associated Disorders to accommodate the new Minor Injury Guideline as applicable.
- Reflecting loss of an arm or a leg as criteria for catastrophic impairment for accidents occurring on or after September 1, 2010.
- Amending the basis for calculation of the Income Replacement Benefit (IRB) from 80% of net income to 70% of gross income for accidents occurring on or after September 1, 2010.
- Deleting references to rebuttal examinations under s. 24(1)9 and s. 24.1(1) of the Statutory Accident Benefits Schedule – Accidents on or after November 1, 1996, as rebuttal examinations are not available in the new Statutory Accidents Benefits

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The bulletins posted may contain forms that are no longer current. For the current version of any FSCO form, please visit the [forms area](#) of this website.

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Schedule – Effective September 1, 2010 (new SABS).

- Reflecting that only occupational therapists and registered nurses can complete an Assessment of Attendant Care Needs (Form 1).
- Deleting questions related to income tax status in the Accident Benefits Application Package (OCF-1).
- Clarifying in the Election of Income Replacement, Non-Earner or Caregiver Benefit (OCF-10) that once a choice of benefits has been submitted to the insurer, it cannot generally be changed, as per s. 35(3) of the new SABS.
- Reflecting that an Application for Determination of Catastrophic Impairment (OCF-19) must be prepared by a physician or, where the impairment is only a brain impairment, by a neuropsychologist.
- Reflecting in the Settlement Disclosure Notice the changes to the new SABS coverages.

The following five forms will no longer be Superintendent's approved forms:

- Explanation of Benefits (OCF-9)
- Activities of Normal Life (OCF-12)
- Declaration of Post-Accident Income and Benefits (OCF-13)
- Notice of Examination (OCF-25)
- Voluntary Consent for Pre-Claim Examination (OCF-26).

In addition, the Application for Approval of an Assessment or Examination (OCF-22) has been eliminated as it has been merged with the Treatment and Assessment Plan (OCF-18).

Effective date of forms

The amended forms other than the Form 1 are effective on or after September 1, 2010 and apply to accidents occurring before and on or after September 1, 2010.

The amended Form 1 is for use on or after September 1, 2010, in respect of accidents occurring on or after March 31, 2008.

For accidents that occurred before March 31, 2008, the version of Form 1 previously prescribed for use for such accidents continues to be the appropriate form for making a claim for attendant care benefits, even if submitted on or after September 1, 2010.

Copies of revised forms

Copies of the revised forms are attached and are also available on FSCO's website at www.fSCO.gov.on.ca. The Attendant Care Hourly Rate Guideline will also be published in a forthcoming edition of *The Ontario Gazette*.

Philip Howell
Chief Executive Officer and
Superintendent of Financial Services

June 16, 2010

Attachments:

- [Assessment of Attendant Care Needs \(Form 1\)](#)
- [Attendant Care Hourly Rate Guideline](#)
- [Accident Benefits Application Package \(OCF-1\)](#)
- [Disability Certificate \(OCF-3\)](#)
- [Permission to Disclose Health Information \(OCF-5\)](#)
- [Expenses Claim Form \(OCF-6\)](#)

- [Election of Income Replacement, Non-Earner or Caregiver Benefit \(OCF-10\)](#)
- [Application for Determination of Catastrophic Impairment \(OCF-19\)](#)
- [Settlement Disclosure Notice](#)



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Auto Insurance Claims Forms (OCF Forms)

The OCF forms and Settlement Disclosure Notice form, available for printing or downloading in Adobe Acrobat (.pdf), have been approved by the Superintendent for use in the circumstances described on each form.

The revised [Assessment of Attendant Care Needs \(Form 1\)](#) is also available below.

Please note that pursuant to Regulation 7/00 (Unfair or Deceptive Acts or Practices), the use of a document in place of a form approved by the Superintendent constitutes an unfair or deceptive act or practice unless none of the deviations in the document affects the substance or is calculated to mislead.

OCF-1: Accident Benefits Application Package

- Effective as of September 1, 2010 ([PDF](#))
- Effective as of May 1, 2007 ([Fillable/Saveable PDF](#)) *
- Effective as of March 1, 2006 ([PDF](#)) ([Fillable MS Word](#))
- Effective as of December 1, 2004 ([PDF](#))

OCF-2: Employer's Confirmation Form

- Effective as of December 1, 2004 ([PDF](#))

OCF-3: Disability Certificate

- Effective as of September 1, 2010 ([PDF](#))
- Effective as of May 1, 2007 ([PDF](#)) ([Fillable MS Word](#))
- Effective as of March 1, 2006 ([PDF](#)) ([Fillable MS Word](#))
- Effective as of December 1, 2004 ([PDF](#))

OCF-4: Death and Funeral Benefits Application

- Effective as of March 1, 2006 ([PDF](#)) ([Fillable MS Word](#))
- Effective as of December 1, 2004 ([PDF](#))

OCF-5: Permission to Disclose Health Information

- Effective as of September 1, 2010 ([PDF](#))
- Effective as of May 1, 2007 ([PDF](#)) ([Fillable MS Word](#))
- Effective as of March 1, 2006 ([PDF](#)) ([Fillable MS Word](#))
- Effective as of December 1, 2004 ([PDF](#))

OCF-6: Application for Expenses

IMPORTANT NOTICE

- Dispute Resolution Forms Amended as of May 1, 2008

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- Effective as of September 1, 2010 ([PDF](#))
- Effective as of December 1, 2004 ([PDF](#))

OCF-9: Explanation of Benefits Payable by Insurance Company

- Effective as of March 1, 2006 ([PDF](#)) ([Fillable MS Word](#))
- Effective as of December 1, 2004 ([PDF](#))

OCF-10: Election of Income Replacement, Non-Earner or Caregiver Benefit

- Effective as of September 1, 2010 ([PDF](#))
- Effective as of December 1, 2004 ([PDF](#))

OCF-11: Designated Assessment Centre Referral, Plan and Summary Form

- No longer in use.

OCF-12: Activities of Normal Life

- Effective as of March 1, 2006 ([PDF](#)) ([Fillable MS Word](#))
- Effective as of November 1, 1996 ([PDF](#))

OCF-13: Declaration of Post-Accident Income and Benefits

- Effective as of December 1, 2004 ([Fillable/Saveable PDF](#))*

OCF-14: Permission to Disclose Health Information to the Designated Assessment Centre

- No longer in use.

OCF-17: Notice of Stoppage of Weekly Benefits and Request for Assessment

- Discontinued as of March 1, 2006.

OCF-18: Treatment Plan

- Effective as of September 1, 2010 ([PDF](#))
- Effective as of January 7, 2008 ([Fillable/Saveable PDF](#)) *
- Effective as of May 1, 2007 ([PDF](#)) ([Fillable MS Word](#))
- Effective as of March 1, 2006 ([PDF](#)) ([Fillable MS Word](#))
- Effective as of December 1, 2004 ([PDF](#))

OCF-19: Application for Determination of Catastrophic Impairment

- Effective as of September 1, 2010 ([PDF](#))
- Effective as of May 1, 2007 ([PDF](#)) ([Fillable MS Word](#))
- Effective as of March 1, 2006 ([PDF](#)) ([Fillable MS Word](#))
- Effective as of December 1, 2004 ([PDF](#))

OCF-20: Catastrophic Impairment Determination and Request for Assessment

- Discontinued as of March 1, 2006.

OCF-21: Auto Insurance Standard Invoice

- Effective as of September 1, 2010 ([PDF](#))
- Effective as of January 7, 2008 ([Fillable/Saveable PDF](#))*
- Effective as of April 2, 2007 ([PDF](#))

- Effective as of March 1, 2006 ([PDF](#)) ([Fillable MS Word](#))
- Effective as of December 1, 2004 ([PDF](#))

OCF-22: Application for Approval of an Assessment or Examination

- Effective as of January 7, 2008 ([Fillable/Saveable PDF](#))*
- Effective as of May 1, 2007 ([PDF](#)) ([Fillable MS Word](#))
- Effective as of March 1, 2006 ([PDF](#))
- Effective as of December 1, 2004 ([PDF](#))

OCF-23: Pre-approved Framework Treatment Confirmation Form

- Effective as of September 1, 2010 ([PDF](#))
- Effective as of January 7, 2008 ([PDF](#))
- Effective as of March 1, 2006 ([PDF](#)) ([Fillable MS Word](#))
- Effective as of December 1, 2004 ([PDF](#))

OCF-24: Pre-approved Framework Discharge & Status Report

- Effective as of September 1, 2010 ([PDF](#))
- Effective as of October 1, 2007 ([PDF](#))
- Effective as of December 1, 2004 ([PDF](#))

OCF-25: Notice of Examination

- Effective as of March 1, 2006 ([Fillable/Saveable PDF](#))* ([Fillable MS Word](#))

OCF-26: Voluntary Consent for Pre-Claim Examination

- Effective as of March 1, 2006 ([PDF](#)) ([Fillable MS Word](#))

SDN 198: Settlement Disclosure Notice

- Effective as of September 1, 2010 ([PDF](#))
- Effective as of October 1, 2003 ([PDF](#))

Form 1: Assessment of Attendant Care Needs

- Effective for Accidents as of September 1, 2010 ([PDF](#))
- Effective for Accidents as of March 31, 2008 ([Fillable/Saveable PDF](#))*
- Effective for Accidents as of February 1, 2007 ([PDF](#)) ([Fillable MS Word](#))
- Effective for Accidents as of March 1, 2006 ([PDF](#)) ([Fillable MS Word](#))
- Effective for Accidents as of October 1, 2003 ([PDF](#))



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Financial Services
Commission
of Ontario

Commission des
services financiers
de l'Ontario

June 2010

Attendant Care Hourly Rate Guideline

Superintendent's Guideline No. 03/10

Attendant Care Hourly Rate Guideline

Introduction

This Guideline is issued pursuant to subsection 268.3(1) of the Insurance Act for the purpose of section 19(2)(a) of the Statutory Accident Benefits Schedule – Effective September 1, 2010 (SABS).

Purpose

This Guideline establishes the maximum expense that automobile insurers are liable to pay under the SABS related to attendant care services and applies in respect of accidents that occur on or after September 1, 2010.

Insurers are not prohibited from paying above the maximum hourly rates established in this Guideline.

Collateral Benefits

In respect of any expense referenced in this Guideline, the amount which an insurer would otherwise be liable to pay is subject to reduction by that portion of the expense for which payment is reasonably available under any insurance plan or law or under any other plan or law.

Administration Fees

The hourly rates referred to in section 19(2)(a) of the SABS and this Guideline include all administration costs, overhead, and related fees. Insurers are not liable for any administration or any other charges or surcharges that have the result of increasing the effective hourly rate beyond what is payable under this Guideline.

Maximum Fees

Automobile insurers are not liable to pay for expenses related to attendant care costs rendered to an insured person that exceed the maximum hourly rates set out below.

Attendant Care Costs	Maximum Hourly Rate
Part 1: Hourly Rate A Level 1 Attendant Care is for routine personal care.	\$13.19
Part 2: Hourly Rate B Level 2 Attendant Care is for basic supervisory functions.	\$10.25
Part 3: Hourly Rate C Level 3 Attendant Care is for complex health/care and hygiene functions.	\$19.35