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Bulletin

No. A-21/10
Property & Casualty
– Auto

Revised Application for Determination of Catastrophic Impairment and Summary of Changes to the Auto Insurance System - Effective September 1, 2010

To the attention of all insurance companies licensed to transact auto insurance in Ontario and all health care providers

With this Bulletin, the Financial Services Commission of Ontario (FSCO) is releasing a revised Application for Determination of Catastrophic Impairment (OCF-19) and providing a summary of key changes to the auto insurance system that became effective on September 1, 2010. For more details on any of these changes, references to previously issued Property & Casualty – Auto Bulletins are provided.

A copy of the revised OCF-19 is attached and is also available on FSCO's website at www.fSCO.gov.on.ca.

Summary of Changes

Transitional Rules (Auto Bulletins A-04/10 and A-11/10)

[Auto Bulletin A-04/10](#), which was released on April 26, 2010, describes the rules for transition from the Statutory Accident Benefits Schedule – Accidents on or after November 1, 1996 (Old SABS) to the Statutory Accident Benefits Schedule – Effective September 1, 2010 (New SABS). These rules govern accident benefit claims that arise from accidents that occur between November 1, 1996 and August 31, 2010, as well as from accidents that occur on or after September 1, 2010.

As stated in Auto Bulletin A-04/10, "the New SABS will apply to all new accidents for all purposes", where "new accidents" are defined as accidents that occur on or after September 1, 2010.

For example, the New SABS provides that the \$3,500 cap on medical and rehabilitation benefits for minor injuries applies to all accidents that occur on or after September 1, 2010, even if a policy is already in effect before September 1, 2010, and irrespective of the medical and rehabilitation benefit limit amount that was purchased.

However, any policy that is already in effect before September 1, 2010 will have the New

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The bulletins posted may contain forms that are no longer current.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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SABS optional caregiver, housekeeping and home maintenance benefits, optional medical and rehabilitation benefits (\$100,000), and optional attendant care benefit (\$72,000) coverages until the policy expires or is terminated, or is amended by agreement between the insured and the insurer. This is also the case for any optional benefits that were previously purchased under the Old SABS.

[Auto Bulletin A-11/10](#), which was released on June 14, 2010, describes issues that are associated with mid-term policy changes that occur between September 1, 2010 and the policyholder's regular renewal date, as well as handling requests for purchasing optional or reduced benefits.

Harmonized Sales Tax (HST)

The HST legislation governs whether the HST applies to goods or services for which payment is available under the New SABS. If HST legislation provides that the HST is applicable to any of these goods or services, then the insurer must pay the HST in addition to the amounts that are payable under the New SABS. For example, the \$2,000 cap that is provided for in s. 25(5) (a) of the New SABS to cover the costs and expenses of assessments, examinations and preparation of reports is exclusive of any HST that may be payable under HST legislation. Insurers are therefore expected to pay the HST, if it applies to such costs and expenses, without considering the \$2,000 cap.

This is consistent with the treatment of the HST for services that are delivered by health care providers and that are governed by the Professional Services Guideline – Superintendent's Guideline No. 06/10.

Previously Released Auto Bulletins

FSCO previously released the following Auto Bulletins which cover changes to Ontario's auto insurance system that became effective on September 1, 2010:

Legislative Changes

- [Auto Bulletin A-17/10](#) highlights the elimination of tort deductibles for fatality claims (s. 267.5 (8.1.1) of the Insurance Act) and changes to the calculation of tort income loss from 80 per cent of net income to 70 per cent of gross income (s. 267.5 (1) of the Insurance Act).

New Regulations

- [Auto Bulletin A-01/10](#) covers new regulations that were filed in March 2010.
- [Auto Bulletin A-17/10](#) also summarizes housekeeping regulation amendments that were filed in July 2010.

Disputes Between Insurers

- [Auto Bulletin A-07/10](#) summarizes the changes to Ontario Regulation 283/95: Disputes Between Insurers.

Unfair or Deceptive Acts or Practices

- [Auto Bulletin A-16/10](#) provides a summary of changes to Ontario Regulation 7/00: Unfair or Deceptive Acts or Practices.
- The Attestation of Compliance is due by October 15, 2010.

Rate Filing Guidelines

- [Auto Bulletin A-02/10](#) outlines requirements for submitting auto insurance rate and risk classification filings that were due by April 15, 2010.

Accident Benefit Claim Forms

- Attached to this Bulletin is the revised Application for Determination of Catastrophic

Impairment (OCF-19) with minor amendments. This updated version of OCF-19 replaces the previous version that was released with [Auto Bulletin A-13/10](#).

- [Auto Bulletin A-05/10](#) announced the issuance of three revised Health Claims For Auto Insurance (HCAI) forms:
 - Treatment and Assessment Plan (OCF-18)
 - Auto Insurance Standard Invoice (OCF-21)
 - Treatment Confirmation Form (OCF-23)
- Auto Bulletin A-13/10 announced the issuance of the following revised forms:
 - Assessment of Attendant Care Needs (Form 1)
 - 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). *(Please note that OCF-19 has been updated and replaced by a revised version that is attached to this Bulletin.)*
 - Settlement Disclosure Notice
- [Auto Bulletin A-13/10](#) announced the elimination of the following 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)
 - Application for Approval of an Assessment or Examination (OCF-22) (this form was merged with OCF-18)

Policy & Endorsement Forms

- [Auto Bulletin A-03/10](#) announced the issuance of a Revised Certificate of Automobile Insurance Form and data elements for the Certificate of Automobile Insurance.
- [Auto Bulletin A-08/10](#) announced the issuance of the following revised forms:
 - Ontario Automobile Policy – Owner's Policy (OAP 1)
 - Ontario Garage Automobile Policy (OAP 4)
 - Ontario Application for Automobile Insurance – Owner's Policy (OAF 1)
 - Ontario Application for Automobile Insurance Garage Form (OAF 4)
 - Alteration Form (OPCF 25A)
- [Auto Bulletin A-12/10](#) announced the issuance of the following revised forms:
 - Garage Certificate of Insurance
 - O.P.F. 2 – Ontario Driver's Policy
 - O.A.F. 2 – Ontario Application for Automobile Insurance – Driver's Form
 - OPCF 2 – Providing Coverage when Named Persons Drive Other Automobiles or Rent or Lease Other Automobiles
 - OPCF 3 – Drive Government Automobiles
 - OPCF 21A – Monthly Reporting Basis Fleet
 - OPCF 27 – Liability for Damage to Non-Owned Automobile(s), and Other Coverages When Insured Persons Drive, Rent or Lease Other Automobiles
 - O.E.F. 72 – Multiple Alteration Endorsement (for Ontario Garage Automobile Policy)
 - O.E.F. 85 – Final Premium Computation Endorsement (for Ontario Garage

Automobile Policy)

- [Auto Bulletin A-12/10](#) also announced the issuance of the following new forms:
 - OPCF 48 – Added Coverage to Offset Tort Deductibles (for OAP 1)
 - O.E.F. 87 – Added Coverage to Offset Tort Deductibles (for Ontario Garage Automobile Policy)

Consumer Information

- [Auto Bulletin A-09/10](#) announced the issuance of three consumer publications that need to be distributed by all insurers to all Ontario policyholders:
 - Changes to Ontario Auto Insurance Give You More Choice (Early Awareness mailer)
 - Summary of Important Changes to Your Policy (Point of Sale document)
 - Providing More Choice to Consumers: What You Need to Know About Changes to Auto Insurance in Ontario (More Choice mailer)
- [Auto Bulletin A-15/10](#) provided clarification concerning the issuance of consumer publications for new business.

Superintendent's Guidelines

- [Auto Bulletin A-10/10](#) announced the issuance of the Minor Injury Guideline – Superintendent's Guideline No. 02/10.
- [Auto Bulletin A-13/10](#) announced the issuance of the Attendant Care Hourly Rate Guideline – Superintendent's Guideline No. 03/10.
- [Auto Bulletin A-19/10](#) announced the issuance of the Professional Services Guideline – Superintendent's Guideline No. 06/10 and Transportation Expense Guideline – Superintendent's Guideline No. 05/10.

Update to Dispute Resolution Practice Code and Revised Forms

- [Auto Bulletin A-18/10](#) highlighted revisions to the Fourth Edition of the Dispute Resolution Practice Code and issued four revised dispute resolution forms and two accompanying guides.

Philip Howell
Chief Executive Officer and
Superintendent of Financial Services

September 17, 2010

Attachment:

- [Application for Determination of Catastrophic Impairment \(OCF-19\)](#)

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Insurance Forms

**Dispute Resolution
Forms**

**Motor Vehicle
Accident Claims Fund
(MVACF) Forms**

**Deposit Institution
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**Mortgage Broker
Forms**

**Financial Services
Tribunal Forms**

**Forms for Hearings
Before the Advisory
Board**

**Forms for Hearings
Before the
Superintendent**

**Annual Returns and
Instructions**

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.

**** Please note: All forms effective September 1, 2010 are fillable and saveable. ****

OCF-1: Application for Accident Benefits

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

OCF-4: Death and Funeral Benefits Application

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

WHAT'S NEW

- Dispute Resolution Forms Amended as of September 1, 2010

MOST POPULAR

- Frequently Asked Questions
- Contact Information
- Somewhere to Turn: The Financial Services Commission of Ontario (PDF)
- How to Resolve a Complaint
- Consumer Brochures
- Helpful Links

OCF-6: Expenses Claim Form

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

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

- Effective as of December 1, 2004 ([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 and Assessment Plan

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

- Effective as of April 2, 2007 ([PDF](#))
- Effective as of March 1, 2006 ([PDF](#)) ([MS Word](#))
- Effective as of December 1, 2004 ([PDF](#))

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

NB: Discontinued as of September 1, 2010.

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

OCF-23: Treatment Confirmation Form

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

OCF-24: Minor Injury Treatment Discharge 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 ([PDF](#)) * ([Fillable MS Word](#))

OCF-26: Voluntary Consent for Pre-Claim Examination

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

Settlement Disclosure Notice

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

Form 1: Assessment of Attendant Care Needs

- On and after September 1, 2010, use this form for accidents occurring on or after March 31, 2008 ([PDF](#))
- Until August 31, 2010, use this form for accidents occurring on or after March 31, 2008 ([PDF](#)) *
- Use this form for accidents occurring on or after February 1, 2007 and before March 31, 2008 ([PDF](#)) ([MS Word](#))
- Use this form for accidents occurring on or after March 1, 2006 and before February 1, 2007 ([PDF](#)) ([MS Word](#))
- Use this form for accidents occurring on or after October 1, 2003 and before March 1, 2006 ([PDF](#))



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