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## PART II/PARTIE II

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**REVISED REGULATIONS OF SASKATCHEWAN**

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**CHAPTER A-35 REG 4***The Automobile Accident Insurance Act*

Sections 5 and 81

Order in Council 587/2002, dated July 24, 2002

(Filed July 25, 2002)

## PART I

**Title and Interpretation****Title**

1 These regulations may be cited as *The Automobile Accident Insurance (General) Regulations, 2002*.

**Interpretation**

2(1) In these regulations:

- (a) “**Act**” means *The Automobile Accident Insurance Act*;
- (b) “**antique vehicle**” means a vehicle:
  - (i) whose model year predates the year in which the application for a certificate of registration is made by 30 years or more;
  - (ii) that is not the owner’s primary or only means of transportation;
  - (iii) whose owner has registered in his or her name another vehicle that is not:
    - (A) an antique vehicle;
    - (B) a motor cycle; or
    - (C) a snowmobile; and
  - (iv) that is eligible to be registered in Class PV;
- (c) “**Auto-Lease**” means an arrangement pursuant to which a vehicle is rented or leased without a driver for a period in excess of 30 days to one person;
- (d) “**cabin trailer**” means a trailer used as a mobile living accommodation, other than a tent trailer;
- (e) “**CAVR**” means the Canadian Agreement on Vehicle Registration between Canadian provincial governments, as amended from time to time, respecting commercial vehicle registration;
- (f) “**certificate of registration**” means a certificate of registration for a vehicle issued pursuant to *The Vehicle Administration Act*;
- (g) “**Class**” means, except in section 9, the classification of a vehicle pursuant to *The Vehicle Classification and Registration Regulations*;

(h) **“combination of vehicles”** means independent vehicles coupled or joined together to form a train;

(i) **“gross weight”** means:

(i) the combined weight of a vehicle and its load; or

(ii) the combined weight of two or more vehicles coupled or joined together and the combined weight of the loads carried on each vehicle;

(j) **“IRP”** means the International Registration Plan, being an agreement between jurisdictions in North America, as amended from time to time, respecting commercial vehicle registration;

(k) **“licence”** includes:

(i) a driver’s licence issued pursuant to *The Vehicle Administration Act*; and

(ii) any licence, permit or authority to drive a vehicle issued or given by the government or other competent authority of any province, state, territory or country;

(l) **“licence issuer”** means a person designated pursuant to section 34 to accept applications and premiums for insurance pursuant to the Act;

(m) **“model year”** means the model year of a vehicle as determined by the manufacturer;

(n) **“motor home”** means a motor vehicle that is registered in Class PV, an integral section of which is designed for personal habitation and is equipped with one or more permanently attached beds together with two or more of the following:

(i) a refrigerator that is wired permanently into the vehicle’s electrical system;

(ii) a permanently attached stove;

(iii) a permanently attached washing and toilet facility;

and includes a bus, van or a truck that has been converted to conform with the foregoing and is registered in Class PV;

(o) **“private truck”** means a truck as defined in *The Highway Traffic Act* that is registered in Class PV and that is not eligible to be registered with the administrator as:

(i) a farm truck;

(ii) a commercial truck; or

(iii) a public service vehicle;

- (p) “**registered**” means registered pursuant to *The Vehicle Classification and Registration Regulations*;
- (q) “**scheduled premium**” means the basic premium for 12 months established by the insurer pursuant to subsection 5(2) of the Act;
- (r) “**Table**” means a Table set out in Appendix C to these regulations;
- (s) “**tent trailer**” means a trailer with collapsible canvas walls and canvas roof that is used as living quarters;
- (t) “**U-Drive vehicle**” means a vehicle that is rented or leased without a driver for a period of 30 days or less to any person.
- (2) For the purposes of these regulations and unless otherwise specified:
- (a) each truck, trailer, power unit and semi-trailer separately constitutes a vehicle; and
- (b) if a trailer or semi-trailer is registered in Class TS and if the truck or power unit to which the trailer or semi-trailer is joined is registered in Class A, C or D, the trailer or semi-trailer is to be treated, taking into consideration its uses, as if it were registered in the same Class as the truck or power unit with which it is authorized to be used.

## PART II Classifications

### Classifications

- 3(1) Subject to subsections (2) and (3), for the purposes of the Act and these regulations:
- (a) the classification of vehicles set out in *The Vehicle Classification and Registration Regulations* is adopted;
- (b) vehicles are to be classified in the same manner as set out in *The Vehicle Classification and Registration Regulations*; and
- (c) *The Vehicle Classification and Registration Regulations* apply, with any necessary modification, to the classification of vehicles pursuant to these regulations.
- (2) A vehicle may be placed in Class PV even if it is capable of being used as:
- (a) an ambulance;
- (b) a motor home;
- (c) a hearse;
- (d) a police vehicle;
- (e) an amphibious vehicle;
- (f) a private bus; or
- (g) a U-Drive vehicle.

PART III  
**Premium Rates for Vehicles**

**Basic premium**

4(1) The basic premium payable for a vehicle is the scheduled premium for a vehicle of its classification.

(2) Subject to subsections (4) and (5), an applicant may apply for and obtain an owner's certificate for a licence period that is less than 12 months.

(3) The minimum licence period for which an owner's certificate may be issued is 89 days.

(4) The premium and registration fee payable for an owner's certificate for a licence period that is less than 12 months is the amount P, expressed in dollars and rounded to the nearest dollar, calculated in accordance with the following formula:

$$P = \frac{LP}{365} \times (BP + RF) + \left[ \$7 + \left[ \left[ \frac{LP}{365} \times (BP + RF) \right] \times T \right] \right]$$

where:

LP is the number of days in the licence period;

BP is the amount of the basic premium payable pursuant to these regulations based on a 12 month registration;

RF is the registration fee payable pursuant to *The Driver and Vehicle Registration Fee Regulations, 1987*; and

T is the percentage determined in accordance with Table 1.

(5) Subsections (3) and (4) apply to all vehicles except those vehicles to which the IRP applies.

**Payment in instalments**

5(1) In this section, "**financial institution**" means a member of the Canadian Payments Association.

(2) Subject to the other provisions of these regulations, an applicant for an owner's certificate may pay the basic premium in instalments by authorizing the administrator to draw on an account at a financial institution.

(3) The authorization remains in force until it is cancelled:

(a) by the owner notifying the insurer; or

(b) by the insurer after notifying the owner, if the insurer considers it appropriate to cancel the authorization.

(4) Subsection (2):

(a) applies to all classes of vehicles except snowmobiles and vehicles to which the IRP applies; and

(b) does not apply if the owner's certificate and registration will expire less than 365 days from the date of issue.

(5) If an applicant for an owner's certificate elects to pay the basic premium by instalments pursuant to subsection (2), the applicant shall also pay:

- (a) a down payment calculated pursuant to subsection (6);
- (b) a down payment finance fee calculated pursuant to subsection (7);
- (c) a monthly instalment fee calculated pursuant to subsection (8); and
- (d) a monthly payment finance fee calculated pursuant to subsection (9).

(6) The amount payable as a down payment for an owner's certificate is the amount DP calculated in accordance with the following formula:

$$DP = \left[ (BP + RF) - \left[ \frac{BP + RF}{12} \times 11 \right] \right] + DFF$$

where:

BP is the amount of the basic premium payable pursuant to these regulations based on a 12 month registration;

RF is the registration fee payable pursuant to *The Driver and Vehicle Registration Fee Regulations, 1987*; and

DFF is the down payment finance fee calculated pursuant to subsection (7).

(7) For the purposes of subsection (6), the down payment finance fee is the amount DFF calculated in accordance with the following formula:

$$DFF = \left[ (BP + RF) - \left( \frac{BP + RF}{12} \times 11 \right) \right] \times 4\%$$

where:

BP is the amount of the basic premium payable pursuant to these regulations based on a 12 month registration; and

RF is the registration fee payable pursuant to *The Driver and Vehicle Registration Fee Regulations, 1987*.

(8) The monthly instalment fee is the amount MI calculated in accordance with the following formula:

$$MI = \frac{BP + RF}{12} + MFF$$

where:

BP is the amount of the basic premium payable pursuant to these regulations based on a 12 month registration;

RF is the registration fee payable pursuant to *The Driver and Vehicle Registration Fee Regulations, 1987*; and

MFF is the monthly payment finance fee calculated pursuant to subsection (9).

(9) For the purposes of subsection (8), the monthly payment finance fee is the amount MFF calculated in accordance with the following formula:

$$\text{MFF} = \frac{\text{BP} + \text{RF}}{12} \times 4\%$$

where:

BP is the amount of the basic premium payable pursuant to these regulations based on a 12 month registration; and

RF is the registration fee payable pursuant to *The Driver and Vehicle Registration Fee Regulations, 1987*.

**Notice of additional premium**

6(1) If, pursuant to section 8 of the Act, the insurer determines that an applicant for or holder of a certificate of insurance is entitled to a discount in premium or must pay an additional premium, the insurer shall notify the applicant or holder.

(2) A notice sent pursuant to subsection (1) must be in writing and is to be sent by ordinary mail addressed to the applicant's or holder's last known address.

(3) A notice sent pursuant to subsection (1) must:

(a) set forth the amount of:

(i) the applicant's or holder's discounted premium; or

(ii) the additional premium assessed against the applicant or holder;

(b) if the applicant or holder is liable to pay an additional premium, advise the applicant or holder to whom it is directed of the penalty provided by section 11 of the Act for default in payment of the additional premium; and

(c) inform the applicant or holder of the applicant's or holder's right to appeal to the board pursuant to section 10.1 of the Act.

**Change in licence period**

7(1) If a person applies for an owner's certificate for a licence period other than the licence period in which the application is made, the premium payable is the premium payable by that owner for that class of vehicle when the owner's certificate comes into force.

(2) If the premium payable when the application is made pursuant to subsection (1):

(a) is less than the premium in force when the owner's certificate comes into force, the insurer shall pay the difference, rounded to the nearest dollar, to the applicant; or

(b) is greater than the premium in force when the owner's certificate comes into force, the applicant shall pay the difference, rounded to the nearest dollar, to the insurer.

**Exchanging a certificate of registration**

**8** If the owner applies to the insurer to cancel an owner's certificate for a vehicle before the expiry of that owner's certificate and to have issued an owner's certificate for another vehicle and:

- (a) the premium for the owner's certificate for the first vehicle is less than the premium for the owner's certificate for the other vehicle, the applicant shall pay the difference, rounded to the nearest dollar, to the insurer; or
- (b) the premium for the owner's certificate for the other vehicle is less than the premium for the owner's certificate for the first vehicle, the insurer shall refund the difference, rounded to the nearest dollar, to the applicant.

**Basic premium for certain vehicles**

**9(1)** Notwithstanding any other provision of these regulations, snowmobiles are to constitute a separate class of vehicle and the basic premium for snowmobiles is the scheduled premium.

**(2)** Notwithstanding any other provision of these regulations, vehicles to which section 18 of the Act applies constitute a separate class of vehicle and the basic premium for those vehicles is the scheduled premium established for those motor vehicles.

**PART IV**  
**Deductible**

**Deductible**

**10(1)** For the purposes of Part III of the Act, the deductible amount is the amount set out in the Comprehensive Deductible column of Appendix A for the Class in which the vehicle belongs.

**(2)** Notwithstanding subsection (1), the owner of any of the following vehicles may elect a deductible of \$15,000:

- (a) a vehicle that is registered in Class A; and
- (b) a vehicle that is registered in Saskatchewan pursuant to the IRP.

**Prescribed minimum damage**

**11** For the purposes of subsection 51(9) of the Act, the specified amount of property damage is fixed at \$700.

**Acquisition of replacement vehicle**

**12(1)** In this section, "**replacement vehicle**" means a vehicle that:

- (a) is acquired to replace a vehicle designated in an owner's certificate;
- (b) is of a type and class similar to the vehicle designated in an owner's certificate; and
- (c) has a gross weight that is equal to or less than the gross weight of the vehicle designated in an owner's certificate.

- (2) This section applies if:
- (a) a vehicle designated in an owner's certificate is sold; and
  - (b) the holder of an owner's certificate acquires a replacement vehicle to replace the vehicle that was sold.
- (3) In the circumstances described in subsection (2), the owner's certificate continues in effect with respect to the replacement vehicle until the earlier of:
- (a) seven days after the date the replacement vehicle was purchased; and
  - (b) the expiration of the owner's certificate.
- (4) In the event of loss or damage occurring to the replacement vehicle as a result of one of the perils mentioned in section 38 of the Act within the seven-day period mentioned in subsection (3), the premium for the replacement vehicle is to be adjusted pursuant to section 7 from the date on which the replacement vehicle was acquired.
- (5) For the purposes of ascertaining the deductible, the replacement vehicle is deemed to have been in the class of vehicle set out in Appendix A that it would have been in had the owner's certificate been transferred or exchanged on the day of its acquisition.

## PART V Registration

### Vehicles exempt from Act

**13(1)** A vehicle or class of vehicles may be designated in a reciprocal agreement between the insurer and a province or a state of the United States of America, or any authorized agent of them, in which the vehicle is first registered if the province or state has enacted laws providing a system of insurance substantially similar to the system under the Act.

- (2) An agreement made pursuant to subsection (1) may:
- (a) exempt the vehicle and the owner from the provisions of the Act; and
  - (b) establish terms and conditions governing the exemptions.

### Vehicles registered pursuant to IRP

**14** If a vehicle is registered in another jurisdiction pursuant to the IRP and that vehicle is also registered in Saskatchewan pursuant to the IRP, no premium is payable in connection with the Saskatchewan registration.

### Farm car

**15(1)** In this section and for the purposes of the Appendix, "**car**" means a vehicle that:

- (a) is a sedan-type vehicle capable of carrying and properly restraining no more than six persons; and
  - (b) is eligible to be registered in Class PV of *The Vehicle Classification and Registration Regulations*.
- (2) A car is eligible to be insured as a farm car if it is owned by a person:
- (a) who resides on a farm within the meaning of *The Vehicle Classification and Registration Regulations* for a total of at least six months per year;

- (b) who is eligible to register a vehicle in Class F pursuant to *The Vehicle Classification and Registration Regulations*; and
  - (c) whose primary occupation is farming.
- (3) A car that is owned by a corporation is eligible to be insured as a farm car if:
- (a) the principal operator of the car resides on a farm within the meaning of *The Vehicle Classification and Registration Regulations*;
  - (b) the corporation is eligible to register a vehicle in Class F pursuant to *The Vehicle Classification and Registration Regulations*; and
  - (c) the primary occupation of the principal operator of the car is farming.
- (4) For the purposes of this section, a person's primary occupation is farming if he or she satisfies the administrator that he or she is engaged in farming operations for not less than 720 hours in the calendar year in which the application for insurance is made.
- (5) A car registered in Class PV that is owned by the spouse of a person described in subsection (2) is eligible to be insured as a farm car if the spouse resides on the farm with the person eligible to insure a car as a farm car pursuant to subsection (2).

**Specially authorized purpose**

**16(1)** In this section, "**specially authorized purpose**" means the use of a vehicle for a purpose not permitted in the vehicle's certificate of registration if that use is authorized by:

- (a) the administrator pursuant to section 34 of *The Vehicle Administration Act*; or
  - (b) the Highway Traffic Board pursuant to section 29 of *The Highway Traffic Act*.
- (2) While a vehicle is used for a specially authorized purpose:
- (a) the basic premium payable for that vehicle is the scheduled premium for the class of vehicle to which the vehicle belongs;
  - (b) the liability of the insurer pursuant to Part III of the Act with respect to loss or damage occurring while the vehicle is being used for the specially authorized purpose is the amount L calculated in the following manner:

$$L = P - D$$

where:

P is the lesser of:

- (i) the actual cash value of the vehicle and its equipment at the time of the loss, with proper deductions for depreciation; and
- (ii) the maximum value of the vehicle, for the class of vehicle to which the vehicle belongs; and

D is the deductible amount of the vehicle as described in clause (c); and

(c) the deductible amount of the vehicle is the amount provided for in Appendix A based on the class to which the vehicle would belong determined using the specially authorized purpose.

**One-way permit**

**17(1)** In this section, “**permit**” means a permit issued pursuant to section 34 of *The Vehicle Administration Act* to operate or move a vehicle from a point in Saskatchewan to a point in another province, other than for the transportation of passengers, goods, wares, merchandise, commodities or for any other commercial or business purpose.

- (2) If a certificate of insurance is issued with respect to a permit:
  - (a) the premium payable for that certificate of insurance is the scheduled premium;
  - (b) the deductible amount is determined as though the vehicle for which the certificate of insurance is issued was classified as a vehicle of its make, model, year and gross weight; and
  - (c) the certificate of insurance is valid for seven days.

**Temporary certificate**

**18(1)** In this section, “**authorization**” means a permit or other document permitting the operation of a vehicle in the jurisdiction where it is being operated.

- (2) The insurer may issue a temporary certificate of insurance for any vehicle that is being moved from a point outside Saskatchewan, where it has been acquired, to the place of residence in Saskatchewan of the person named in the temporary certificate of insurance.
- (3) No temporary certificate of insurance is to be issued for the purpose of transporting passengers, goods, wares, merchandise or commodities or for any other commercial or business purpose.
- (4) A temporary certificate of insurance is valid only if:
  - (a) the vehicle is operated pursuant to an authorization granted by or recognized in the jurisdiction in which the vehicle is operated;
  - (b) the terms and conditions of the authorization have been complied with; and
  - (c) the person named in the temporary certificate of insurance applies for and is issued an owner’s certificate during the term of the temporary certificate of insurance or immediately following its expiry.
- (5) If an owner’s certificate is issued pursuant to clause (4)(c), it is deemed to be in effect from the date the temporary certificate of insurance was issued.
- (6) The basic premium for a temporary certificate of insurance is the premium rate payable by the owner for that class of vehicle.

PART VI  
**Cancellation and Premium Refund**

**Refund of premium**

**19(1)** If an owner's certificate is cancelled and the licence plates for that vehicle are surrendered to the administrator:

- (a) subject to section 20, the insurer shall refund the amount by which the premium paid with respect to the owner's certificate exceeds the prorated premium for the period in which the owner's certificate was in force; and
  - (b) the insurer shall make the refund payable to the owner.
- (2) Notwithstanding subsection (1), the insurer may make a refund without the surrender of the licence plates for a vehicle if the insurer is satisfied that the licence plates:
- (a) cannot reasonably be obtained; or
  - (b) have been accounted for to the satisfaction of the insurer.

**Calculation of refund**

**20(1)** For the purposes of section 19, the amount of the prorated premium is calculated on the basis of the annual premium that the owner was obligated to pay at the time the owner's certificate was purchased, regardless of the date of issue of the owner's certificate.

(2) The results of any calculation made pursuant to subsection (1) are to be rounded to the nearest dollar.

**Minimum amount retained**

**21(1)** Notwithstanding any other provision of these regulations, the insurer shall not refund any amount unless the amount exceeds \$1.

(2) Subject to section 22, the insurer is entitled to a cancellation fee with respect to an owner's certificate in an amount equal to the lesser of:

- (a) \$10; and
  - (b) an amount equal to the prorated premium calculated in accordance with subsection 20(1).
- (3) If the insurer considers it appropriate, it may waive the cancellation fee in subsection (2).
- (4) Notwithstanding subsection (2), if an owner's certificate has been purchased with the premium fee determined pursuant to section 4 or 5, on cancellation of the owner's certificate the insurer is entitled to retain:
- (a) the down payment finance fee paid pursuant to subsection 5(7); or
  - (b) the premium and registration fee paid pursuant to subsection 4(4).

**Certificate issued in error**

**22** The insurer shall refund to an owner all of the basic premium paid with respect to an owner's certificate if the insurer is satisfied that:

- (a) the owner's certificate has been issued in error; or
- (b) no owner's certificate has been issued or will be issued even though an application has been made and the owner has paid the required premium.

**Death of owner**

**23(1)** In this section, "**registration period**" means the period during which an owner's certificate is valid.

(2) If in a registration period the owner of a vehicle dies and the vehicle is registered pursuant to *The Vehicle Classification and Registration Regulations* in the same class under the name of the executor or administrator of the deceased's estate or in the name of the person legally entitled to the vehicle, the insurer shall not:

- (a) require the surrender of the licence plates for the vehicle to the administrator;
- (b) pay a refund with respect to the owner's certificate issued to the deceased owner; or
- (c) require a premium to be paid by the person in whose name the vehicle is re-registered.

(3) The premium payable for a vehicle mentioned in subsection (2) is the scheduled premium if:

- (a) the vehicle is registered in a registration period following the licence period in which the owner of the vehicle died; and
- (b) the vehicle is registered in the name of the deceased's estate.

**PART VII****Limitations on Insurer's Liability****Limits on liability of insurer**

**24(1)** Subject to the other provisions of these regulations, the liability of the insurer pursuant to Part III of the Act for loss or damage to any vehicle is limited with respect to each separate claim to the amount by which the loss or damage is greater than the amount set out in the Comprehensive Deductible column of Appendix A.

(2) For the purposes of Part III of the Act, the maximum value of an amphibious vehicle together with all its equipment is deemed to be \$15,000.

(3) For the purposes of Part III of the Act, the maximum value of an antique vehicle together with all its equipment is deemed to be \$800.

(4) For the purposes of Part III of the Act, if an owner of a vehicle applies for or renews an owner's certificate and the basic premium payable for that vehicle is determined using the declared value of the vehicle and all its equipment at the time of the application for or renewal of insurance, the maximum value of the vehicle is deemed to be the declared value of the vehicle and all its equipment as set out in the application for insurance or application for renewal of insurance.

(5) For the purposes of Part III of the Act, the maximum value of a vehicle and all its equipment registered in Class A, C, D or TS is deemed to be \$15,000 unless a higher declared value of the vehicle is set out in the application for insurance or application for renewal of insurance.

(6) Notwithstanding subsection (5) and for the purposes of Part III, the maximum value of the vehicle is the actual cash value of the vehicle or any part or item of the equipment of the vehicle, as the case may be, at the time of the loss or damage, with proper deduction for depreciation if:

- (a) the vehicle is registered in Class A, C or D and the insurer determined the basic premium of the vehicle on the basis of the make and model of the vehicle; or
- (b) the vehicle is an ambulance or hearse registered in Class A, C or D.

(7) Subject to subsection (6), if the owner of a vehicle is eligible to elect and does elect a deductible of \$15,000 pursuant to section 10, the liability of the insurer for loss or damage to the vehicle respecting each separate claim is not to be greater than the deemed maximum value of the vehicle pursuant to this section.

(8) A dealer's certificate issued pursuant to section 30 of *The Vehicle Administration Act* does not provide coverage pursuant to Part III of the Act for snowmobiles.

**Insurance coverage for equipment**

**25(1)** In this section:

- (a) **“after-market equipment”** means sound and communication equipment that:
  - (i) is intended for use in a vehicle; and
  - (ii) is not manufacturer-installed equipment;
- (b) **“manufacturer-installed equipment”** means sound and communication equipment that:
  - (i) is intended for use in a vehicle; and
  - (ii) is available from the manufacturer as standard or optional equipment for a vehicle of that particular make, model and year.

(2) Subject to subsections (4) and (5), for the purposes of Part III of the Act, an owner's certificate insures the person named in the owner's certificate against loss or damage to the vehicle designated in the owner's certificate with respect to sound and communication equipment including:

- (a) electronic data processing devices; and
- (b) audiovisual equipment.

(3) Subsection (2) does not apply to loss or damage to any type of sound equipment or communication equipment if the Act or these regulations declare that the insurer is not liable for loss or damage to that type of sound equipment or communication equipment.

(4) If there is loss or damage solely to after-market equipment, the liability of the insurer for that loss or damage is limited to the amount by which the loss or damage, including all associated and incidental costs, exceeds the deductible amount fixed pursuant to these regulations to a maximum of \$1,500 per claim.

(5) If there is loss or damage to after-market equipment and other loss or damage to the vehicle for which the insurer is liable pursuant to the Act and these regulations, the maximum liability of the insurer for all loss or damage is the amount ML calculated in accordance with the following formula:

$$ML = (EL + VL) - D$$

where:

EL is the loss or damage to the after-market equipment and is equal to the lesser of:

- (a) the amount of the loss or damage; and
- (b) \$2,200;

VL is the loss or damage to the vehicle for which the insurer is liable pursuant to the Act and these regulations;

D is the deductible amount fixed pursuant to these regulations.

## PART VIII Safety Rating Assessment

### Interpretation

**26** In this Part:

- (a) **“assigned points”** means the points assigned to a chargeable incident as set out in Appendix B to these regulations;
- (b) **“chargeable incident”** means:
  - (i) a motor vehicle accident:
    - (A) where loss or damage arises for which the insurer pays \$305 or more pursuant to the Act; and
    - (B) where the driver of the motor vehicle caused or contributed to the accident and is at least 50% at fault for the accident; or
  - (ii) a conviction registered against a driver for an offence listed in Appendix B;

(c) “**clear year**” means a period of 12 consecutive months without a chargeable incident:

- (i) from the driver’s last chargeable incident that occurred on or after January 1, 1995; or
- (ii) if the driver does not have any chargeable incidents, from the later of:
  - (A) January 1, 1995; and
  - (B) the date the driver is provided a Saskatchewan driver’s licence and in no case earlier than January 1, 1995.

**Safety rating**

**27(1)** The insurer shall not consider any driver’s record or motor vehicle accident claims history prior to January 1, 1995.

(2) Subject to these regulations, in determining a driver’s safety rating the insurer shall:

- (a) in the case of a chargeable incident, subtract the assigned points for the chargeable incident from the driver’s safety rating; and
- (b) in the case of a clear year, add one point to the driver’s safety rating.

(3) For the purposes of clause (2)(b), a driver is entitled to have considered only those clear years that occurred after the driver was first issued a Saskatchewan driver’s licence.

(4) If a driver has had three consecutive clear years and has a safety rating of minus one or less, the insurer shall:

- (a) remove any assigned points entered against the driver’s safety rating; and
- (b) place the driver at zero on the safety rating scale.

(5) The accumulated points registered against a driver’s safety rating pursuant to this section is the driver’s safety rating.

(6) For each chargeable incident, a driver shall pay a surcharge based on the driver’s accumulated points for all chargeable incidents including the chargeable incident for which the surcharge is being determined, in the amount set out in Table 2.

**Safety rating for drivers establishing residence in Saskatchewan**

**28(1)** If a person establishes a residence or re-establishes a residence in Saskatchewan, the insurer shall:

- (a) determine the number of points that, in the opinion of the insurer, the person would have accumulated based on the number of chargeable convictions on the driver’s record since January 1, 1995 that would be chargeable incidents if the offences to which the convictions relate had taken place in Saskatchewan;

- (b) determine the number of points that the person would have earned for clear years based on the person's driving history as if the person had a Saskatchewan driver's licence during that period; and
  - (c) place the person on the safety rating scale pursuant to this Part.
- (2) The person mentioned in subsection (2) must provide the insurer with a copy of the person's driving history in a form that is acceptable to the insurer for the insurer to credit the person for any clear years pursuant to clause (1)(b).
- (3) Notwithstanding any other provision of these regulations, in determining a safety rating for a driver pursuant to this section:
- (a) the insurer shall not consider any motor vehicle accident that took place outside Saskatchewan and shall not subtract the assigned points with respect to any of those accidents; and
  - (b) if an outside insurer was required to pay \$305 or more for loss or damage arising out of an accident in a year on behalf of a driver, the insurer shall not consider that year as a clear year for the driver.
- (4) In clause (3)(b), "**outside insurer**" means a person who provided motor vehicle insurance for a driver in a jurisdiction or jurisdictions where the driver resided before establishing or re-establishing residence in Saskatchewan.

**Safety rating and premium discount**

- 29(1)** No person with a safety rating of zero or less is entitled to a discount in the basic premium set pursuant to subsection 5(2) of the Act.
- (2) Notwithstanding section 3 of the Act and subject to these regulations, a driver who has a safety rating of one or greater is entitled to a discount in the basic premium payable for an owner's certificate when the driver is purchasing or renewing an owner's certificate for a motor vehicle to be registered in the driver's name.
- (3) A discount in the basic premium applies only to the following motor vehicles:
- (a) a motor vehicle registered in Class PV other than a hearse, U-Drive vehicle, bus, ambulance or police vehicle;
  - (b) a motor vehicle registered in Class F with a manufactured gross weight of 5 000 kilograms or less other than a motor vehicle registered in Class F by a non-resident owner pursuant to section 18 of the Act.
- (4) Notwithstanding subsection (2), a driver is not entitled to a discount for a motor vehicle that the driver is registering in the name of more than one person or in the name of another person.
- (5) Notwithstanding any other provision of these regulations, if a driver with a safety rating of greater than minus 11 has a chargeable incident registered against him or her as a result of a conviction pursuant to section 220, 221, 236, paragraph 249(1)(a), subsection 249(3) or (4), section 252, paragraph 253(a) or (b), subsection 254(5), subsection 255(2) or (3) or subsection 259(4) of the *Criminal Code* and the offence was committed by means of a motor vehicle:
- (a) the driver is not entitled to a discount in the driver's basic premium for any motor vehicle registered in the driver's name;

- (b) the driver's position on the safety rating scale is deemed to be minus twenty; and
  - (c) the insurer shall charge the driver the maximum surcharge of \$500.
- (6) If a driver is entitled to a discount in the premium payable, the premium payable is the amount PP calculated in accordance with the following formula:

$$PP = BP - (BP \times DA)$$

where:

BP is the basic premium set pursuant to subsection 5(2) of the Act;

DA is the identified discount percentage based on the driver's accumulated points determined using the safety rating scale set out in Table 3.

#### **Claims payback**

**30(1)** If a driver is involved in a motor vehicle accident and that motor vehicle accident is a chargeable incident against the driver, the driver may elect to reimburse the insurer for any moneys paid out by the insurer pursuant to Parts III and IV of the Act on behalf of that driver.

(2) Subject to section 31, if a driver elects to reimburse the insurer pursuant to subsection (1) and makes full payment of the reimbursement:

- (a) the motor vehicle accident is not to be considered a chargeable incident for the purposes of this Part; and
- (b) the insurer shall adjust the driver's safety rating and reimburse the driver for any excess premium the driver paid as a result of that motor vehicle accident.

#### **Multiple accidents**

**31(1)** This section applies if a driver is involved in multiple motor vehicle accidents on the same day and more than one is a chargeable incident.

(2) In the circumstances mentioned in subsection (1), if the driver elects to reimburse the insurer for all moneys paid pursuant to Parts III and IV of the Act on behalf of the driver, the motor vehicle accidents that are chargeable incidents are deemed to count as one chargeable incident for the purpose of determining the number of points to be registered against the driver.

(3) In the circumstances mentioned in subsection (1), if the driver elects to not reimburse the insurer for all moneys paid pursuant to Parts III and IV of the Act on behalf of the driver, the insurer shall assign the assigned points against the driver for each motor vehicle accident that is a chargeable incident and for which the insurer is not reimbursed.

(4) Subsections (2) and (3) do not apply to any convictions registered against the driver as a result of the driver's involvement in any motor vehicle accidents.

PART IX  
**Appeals**

**Fee to appeal**

**32(1)** The fee to appeal the insurer's decision pursuant to sections 7.2 or 10.1 of the Act is \$25.

(2) The insurer shall refund the fee paid pursuant to subsection (1) if the insured is successful on appeal.

**Rates Appeal Board remuneration and reimbursement**

**33** Members of the Rates Appeal Board are entitled to receive:

- (a) \$150 per day for attendance at sittings of the board; and
- (b) the expense allowances currently payable to Saskatchewan Government Insurance employees for expenses incurred on corporation business with respect to travel and sustenance.

PART X  
**Licence Issuers**

**Persons designated**

**34** Persons who are authorized to accept applications and fees payable for a certificate of registration or permit for any vehicle or for a licence to drive pursuant to *The Vehicle Administration Act* are designated to accept applications and premiums for insurance pursuant to the Act.

PART XI  
**Transitional and Coming into Force**

**Repeal**

**35** The Automobile Accident Insurance Regulations, 1981, being Saskatchewan Regulations 2/81, are repealed.

**Transitional for operator's certificate**

**36(1)** Subject to subsection (4), if an operator's certificate is purchased before January 1, 2003, and the operator's certificate is cancelled because the person named on the certificate has ceased to reside in Saskatchewan or has died, the insurer shall refund to that person or that person's estate, the amount by which the basic premium actually paid for the operator's certificate exceeds the prorated premium for the period during which the certificate was in force.

(2) Subject to subsection (4), if an operator's certificate is purchased before January 1, 2003 and the person named in the operator's certificate is either disqualified from driving pursuant to section 74 of *The Vehicle Administration Act* or prohibited from operating a vehicle pursuant to section 259 of the *Criminal Code*, the insurer shall refund to that person the amount by which the basic premium actually paid for the operator's certificate exceeds the prorated premium for the period during which the certificate was in force.

(3) If an operator's certificate is purchased before January 1, 2003 and the operator's certificate is cancelled or revoked on grounds of the driver's infirmity through age, illness or other physical, mental or emotional disability, the insurer shall refund to the person whose driver's licence has been cancelled or revoked the amount by which the basic premium actually paid for an operator's certificate exceeds the prorated premium for the period during which the certificate was in force.

(4) Subject to subsection (5), the insurer is entitled to retain from any refunds otherwise payable pursuant to this section with respect to an operator's certificate an amount equal to the greater of:

- (a) \$10; and
- (b) two-twelfths of the annual premium.

(5) Subsection (4) does not apply to a refund payable pursuant to subsection (3).

(6) For the purposes of this section, the amount of the prorated premium is calculated on the basis of the annual premium that the operator was obligated to pay at the time the operator's certificate was purchased, regardless of the date of issue of the operator's certificate.

**Coming into force**

**37(1)** Subject to subsections (2) and (3), these regulations come into force on the day on which section 27 of *The Automobile Accident Insurance Amendment Act, 2002* comes into force, but are retroactive and are deemed to have been in force on and from July 1, 2002.

(2) Subject to subsection (3), if these regulations are filed with the Registrar of Regulations after the day on which section 27 of *The Automobile Accident Insurance Amendment Act, 2002* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations but are retroactive and are deemed to have been in force on and from July 1, 2002.

(3) Section 12 and subsections 24(6) and (7) of these regulations come into force on September 1, 2002.

### Appendix A

(The deductible amount is the amount set out in the column headed Comprehensive Deductible opposite the Class to which the vehicle belongs.)

<b>Class PV</b>	<b>Comprehensive Deductible</b>
For each vehicle registered as a Private Passenger Vehicle – CLASS PV	
1. That is a motor cycle (including a motor scooter) used for any purpose and regardless of model year and engine capacity .....	\$700
2. That is a pedal cycle with motor attachment .....	350
3. That is an ambulance and is used as an ambulance .....	700
4. That is a motor home, regardless of use, model year or value .....	700
5. That is otherwise not provided for and is a bus .....	700
6. That is otherwise not provided for and has been assigned a rate category by the insurer and is:	
(a) a hearse and is used as a hearse .....	700
(b) a police vehicle and is used as a police vehicle .....	700
(c) a U-Drive car or truck .....	700
(d) a private vehicle .....	700
(e) a farm car .....	700
(f) an antique vehicle .....	500
7. That is an industrial-tracked vehicle designed to transport passengers or goods on unprepared surfaces .....	700
<b>Class T</b>	
For each vehicle registered as a trailer or semi-trailer (private) – CLASS T	
<b>For each tent trailer, cabin trailer or semi-trailer</b> used for U-Drive purposes, the deductible is the amount set out opposite the type of vehicle described.	
1. For each tent trailer .....	\$400
2. For each trailer or semi-trailer, other than of cabin or tent type .....	400
3. For each cabin trailer having an estimated present value of:	
Up to and including \$1,000 .....	400
Exceeding \$1,000 .....	500
<b>Class PS</b>	
For each vehicle registered as a passenger school bus – CLASS PS	
For all passenger school buses or snowplanes, regardless of model year or seating capacity .....	\$700

**Class PB**

For each vehicle registered as a public service vehicle (inter-city passenger bus) – CLASS PB

For all inter-city passenger buses, regardless of seating capacity or model year ..... \$800

**Class PC**

For each vehicle registered as a public service vehicle (city passenger bus) – CLASS PC

For all city passenger buses, regardless of seating capacity or model year ..... \$800

**Class PT**

For each vehicle registered as a public service vehicle (passenger taxi) – CLASS PT

For all passenger taxis, regardless of location ..... \$700

**Class A**

For each vehicle registered as a public service vehicle – CLASS A

Engaged in the transportation of goods and commodities:

(a) for each truck up to and including a gross weight of 5 000 kilograms .... \$700

(b) for each truck or power unit having a gross weight of 5 001 kilograms or greater ..... 2,500

**Class C**

For each vehicle registered as a commercial vehicle – CLASS C

1. For each tractor (not used for farm purposes), regardless of value ..... \$700

2. That is otherwise not provided for:

(a) for each truck, regardless of gross weight, model year, or value ..... 700

(b) for each U-Drive commercial truck ..... 700

(c) for each power unit, regardless of gross weight, model year, or value .... 700

**Class D**

For each vehicle registered as a commercial vehicle – CLASS D

1. For each truck, regardless of gross weight, model year, or value ..... \$700

2. For each U-Drive commercial truck ..... 700

3. For each power unit, regardless of gross weight, model year or value ..... 700

4. For each industrial-tracked vehicle designed to transport passengers or goods on unprepared surfaces ..... 700

5. That is not otherwise provided for ..... 700

**Class TS**

For each vehicle registered as a  
trailer or semi-trailer (Commercial) – CLASS TS

For each trailer or semi-trailer, regardless of value ..... \$500

**Class L and LT**

On each application for a licensed  
dealer registration – CLASS L OR LT

1. Where the registrant is engaged in the business of buying,  
selling or moving cars or trucks, regardless of model  
year or gross weight ..... \$700
2. Where the registrant is engaged in the business of buying,  
selling or moving motorized bicycles ..... 350
3. Where the registrant is engaged in the business of buying,  
selling or moving trailers, regardless of type ..... 500
4. Where the registrant is engaged in the business of buying,  
selling or moving motor cycles ..... 700
5. That is not otherwise provided for ..... 700

**Class F**

For each vehicle registered as a farm vehicle – CLASS F

1. For each truck, regardless of gross weight ..... \$700
2. For each power unit ..... 700
3. For each semi-trailer or gooseneck trailer ..... 500
4. All other trailers ..... 400

**Appendix B****RATING UNITS FOR CHARGEABLE INCIDENTS**

<b>1</b>	<b>Motor Vehicle Accidents</b>	<b>Points</b>
	A vehicle accident where:	
	(a) loss or damage arises on account of which the insurer makes a payment of \$305 or more pursuant to the Act; and	
	(b) the driver of the vehicle caused or contributed to the accident and is at least 50% at fault for the accident	6
<b>2</b>	<b>Convictions</b>	
	A conviction registered against a driver for the following offences or any offence pursuant to the law of any province or state or a bylaw of any municipal corporation or duly constituted authority in Canada or the United States of America that is substantially similar to the offences listed below:	
<b>2.1</b>	<b><i>The Highway Traffic Act</i></b>	<b>Provision      Points</b>
	(1) Exceeding the posted speed by 50 kilometres or more	33(1.1)      4
	(2) Exceeding a speed that is reasonable and safe	33(2)      4
	(3) Driving at a speed that impedes traffic	33(3)      3
	(4) Exceeding 60 kilometres per hour when passing a highway worker or flag person	37(1)      3
	(5) Failing to obey the directions of a flag person or peace officer	37(3)      3
	(6) Exceeding 60 kilometres per hour when passing a stopped emergency vehicle	37.1      3
	(7) Failing to obey the direction of a peace officer	39.1      10
	(8) Failing to obey a stop sign	40(4)(a)      4
	(9) Failing to obey a stop signal at a railway crossing	40(4)(b)      4
	(10) Failing to stop for a crossing guard	40(4)(c)      4
	(11) Failing to stop at a level railway crossing	40(5)      4
	(12) After stopping proceed when unsafe	40(6)      4
	(13) Disobey a signal by peace officer to stop	40(9)      10
	(14) Passing a school bus that has its safety lights in operation	43(2)      4
	(15) Failing to stop five metres from the rear of a school bus that has its safety lights and stop arm in operation	43(3)      4
	(16) Failing to stop five metres from the front of a school bus that has its safety lights and stop arm in operation	43(4)      4

(17) Driving without due care and attention	44(1)	4
(18) Driving without reasonable consideration of others	44(2)	4
(19) Driving in a contest of speed	45(1)	4
(20) Stunting	45(2)	4
(21) Passing to the right of a vehicle	48(1)(b)	4
(22) Increasing speed when about to be overtaken	48(4)	3
(23) Failing to yield to right of way to a vehicle on the right	50(1)	3
(24) Failing to yield the right of way when making a left turn	50(3)	3
(25) Failing to yield right of way on entering a provincial highway	50(4)	3
(26) Failing to yield the right of way at a "yield" sign	50(5)	3
(27) Failing to yield the right of way on entering a highway from other than a highway	50(6)	3
(28) Failing to yield the right of way to the operator of road maintenance equipment with an operating warning light	50(7)	3
(29) Proceeding the wrong way on a one-way highway	52	3
(30) Failing to yield the right of way to pedestrians at a highway intersection or marked pedestrian crossing	54(1)	3
(31) Passing a vehicle stopped for pedestrians	54(2)	3
(32) Entering or leaving a controlled access highway except where the right to do so is indicated by a sign	57	4
(33) Driving on the left-hand side of a median	60(1)	4
(34) Crossing a median unlawfully	60(2)	4
(35) Failing to use a signalling device to warn of the intention to turn	64(1)	3
(36) Failing to use a signalling device to warn of intention to stop or to abruptly reduce speed	64(1)	3
(37) Failing to use a signalling device to warn of intention to change lanes	64(1)	3
(38) Failing to use the proper arm signal to warn of the intention to stop or to abruptly reduce speed	64(2)(c)	3
(39) Driving contrary to a sign at an intersection with a green light	65(2)(a)	3

(40) Failing to stop at a crosswalk against an amber light	65(3)(a)	3
(41) Failing to yield the right of way to a pedestrian at a marked crosswalk displaying only an amber light	65(4)	3
(42) Failing to stop at a red light at an intersection	65(5)(a)	4
(43) Making a right turn at a red light when prohibited by a sign	65(5)(b)	3
(44) Making a left turn at a red light when prohibited by a sign	65(5.1)(b)	3
(45) Proceeding at an intersection in a direction not indicated by a green arrow	65(7)	3
(46) Failing to yield at an intersection displaying a red light with a green arrow	65(8)	4
(47) Proceeding contrary to a green arrow	65(9)	3
(48) Failing to obey a red flashing light, stopping at the wrong place or failing to stop	65(11)	4
(49) Failing to proceed cautiously at a flashing amber light	65(12)	3
(50) Failing to yield the right of way to pedestrians at a "walk" signal	66(2)	3
(51) Failing to yield to an emergency vehicle	67(8)	4
(52) Permitting a person to ride on the exterior part of a vehicle	72(1)	3
(53) Permitting an over-crowded driving compartment	74(2)	3
(54) Driver failing to wear a seatbelt	77(1)	3
(55) Driver failing to wear a seatbelt assembly properly	77(1)	3
(56) Driving a vehicle with an unrestrained passenger under 16 years of age	77(4)	3
(57) Failure to report an accident	83	4
(58) Driving while disqualified	89(1)	10
(59) Driving while disqualified	89(3)	10
(60) Driving while on a 24-hour suspension	89(2)	4
(61) Providing a false statement	118	4
<b>2.2 <i>The Highways and Transportation Act, 1997</i></b>		
(1) Operating a vehicle transporting cargo not secured in accordance with the regulations	40(4)	4

### 2.3 *Criminal Code*

(1) Causing death by criminal negligence in the operation of a vehicle	220	10
(2) Causing bodily harm by criminal negligence in the operation of a vehicle	221	10
(3) Manslaughter	236	10
(4) Dangerous operation of a vehicle	249(1)(a)	10
(5) Dangerous operation of a vehicle causing bodily harm	249(3)	10
(6) Dangerous operation of a vehicle causing death	249(4)	10
(7) Flight	249.1	10
(8) Failure to stop at scene of accident	252	10
(9) Operating a vehicle while impaired	253(a)	10
(10) Operating a vehicle while over .08	253(b)	10
(11) Failure to comply with a breath demand	254(5)	10
(12) Impaired driving causing bodily harm	255(2)	10
(13) Impaired driving causing death	255(3)	10
(14) Driving while disqualified	259(4)	10

### Appendix C

TABLE 1  
[Section 4]

#### Percentage

Term in Days	Percentage
330 – 365	0.67%
300 – 329	1.28%
270 – 299	1.84%
240 – 269	2.35%
210 – 239	2.81%
180 – 209	3.21%
150 – 179	3.86%
120 – 149	4.33%
89 – 119	4.90%

TABLE 2  
[Section 28]**Safety Rating Surcharge**

<b>Accumulated Points</b>	<b>Surcharge Amount</b>
0	\$ 0
-1	\$ 25
-2	\$ 50
-3	\$ 75
-4	\$100
-5	\$125
-6	\$150
-7	\$175
-8	\$200
-9	\$225
-10	\$250
-11	\$275
-12	\$300
-13	\$325
-14	\$350
-15	\$375
-16	\$400
-17	\$425
-18	\$450
-19	\$475
-20 or less	\$500.

TABLE 3  
[Section 29]  
Available Discount

Accumulated Points	Discount Amount
0	0%
+ 1	1%
+ 2	2%
+ 3	3%
+ 4	4%
+ 5	5%
+ 6	6%
+ 7	7%
+ 8	8%
+ 9	9%
+10	10%
+11	11%
+12	12%
+13	13%
+14	14%
+15	15%.

**CHAPTER R-8.2 REG 1***The Regional Health Services Act*

## Section 64

Order in Council 586/2002, dated July 24, 2002

(Filed July 25, 2002)

**Title**

**1** These regulations may be cited as *The Regional Health Services Administration Regulations*.

**Interpretation**

**2(1)** In these regulations:

- (a) **“Act”** means *The Regional Health Services Act*;
- (b) **“beneficiary”** means a beneficiary within the meaning of *The Saskatchewan Medical Care Insurance Act*;
- (c) **“special resolution”** means a special resolution as defined in:
  - (i) *The Co-operatives Act, 1996*, in the case of a health care organization incorporated or continued pursuant to that Act; or
  - (ii) *The Non-profit Corporations Act, 1995*, in the case of a health care organization incorporated or continued pursuant to that Act.

(2) In clauses 30(1)(c) and (e) and 39(4)(c) and (e) of the Act, **“value”** means assessed market value.

(3) In these regulations, a reference to a table is a reference to a table in Part I of the Appendix to these regulations, and a reference to a form is a reference to a form in Part II of the Appendix.

**Regional health authorities – eligibility for appointment**

**3(1)** To be eligible for appointment as a member of a regional health authority, a person:

- (a) must be a Canadian citizen; and
- (b) must be at least 18 years of age.

(2) A person is disqualified from being a member of a regional health authority if the person:

- (a) is an employee of the regional health authority;
- (b) is an employee of the department or an agency for which the minister is responsible;
- (c) is a director, officer or employee of a health care organization that has a contract with the regional health authority;
- (d) is an auditor of, or a lawyer acting for, the regional health authority or a health care organization that has a contract with the regional health authority;

- (e) receives 50% or more of his or her gross annual income through contracts with the regional health authority or a health care organization that has a contract with the regional health authority;
- (f) is a director of a corporation that receives 50% or more of its gross annual income through contracts with the regional health authority or a health care organization that has a contract with the regional health authority;
- (g) is a member of the practitioner staff of the regional health authority or an affiliate that operates a facility within the health region of the regional health authority;
- (h) holds office as a member of the Legislative Assembly, the House of Commons or the Senate of Canada or is nominated as a candidate for office as a member of the Legislative Assembly or the House of Commons;
- (i) is a judge of the Court of Queen's Bench or Court of Appeal;
- (j) has been convicted of an offence pursuant to section 123, 124 or 125 of the *Criminal Code* and has not received an absolute discharge or pardon with respect to the offence; or
- (k) has been convicted of an offence that is punishable by imprisonment for five years or more and has not received an absolute discharge or pardon with respect to the offence.

**Regional health authorities – limits on powers**

4(1) For the purposes of clause 30(1)(a) of the Act, the prescribed amount of the limit on borrowing by the regional health authority without the approval of the minister is:

- (a) \$1 million in the case of Regional Health Authority #1, Regional Health Authority #2, Regional Health Authority #3, Regional Health Authority #5, Regional Health Authority #7, Regional Health Authority #8, Regional Health Authority #9 and Regional Health Authority #10;
  - (b) \$5 million in the case of Regional Health Authority #4 and Regional Health Authority #6; and
  - (c) \$500,000 in the case of the Mamawetan Churchill River Regional Health Authority and the Keewatin Yatthé Regional Health Authority.
- (2) For the purposes of clause 30(1)(b) of the Act, the prescribed amount of the limit on the acquisition of an interest in real property without the approval of the minister is \$100,000.
- (3) For the purposes of clause 30(1)(c) of the Act, the prescribed amount of the limit on the disposition of an interest in real property without the approval of the minister is \$100,000.

(4) For the purposes of clause 30(1)(d) of the Act, the prescribed amount of the limit on the acquisition of an interest in personal property without the approval of the minister is \$50,000.

(5) For the purposes of clause 30(1)(e) of the Act, the prescribed amount of the limit on the disposition of an interest in personal property without the approval of the minister is \$50,000.

(6) For the purposes of clause 30(1)(f) of the Act, the prescribed amount of the limit on the construction, renovation or alteration of a facility without the approval of the minister is \$100,000.

**Health care organizations**

**5** For the purposes of subclause 2(1)(h)(ii) of the Act, the persons set out in Table 1 are prescribed as health care organizations.

**Amalgamation of health care organization and regional health authority**

**6(1)** For the purposes of subsection 25(2) of the Act, the health care organizations set out in Table 2 are prescribed as health care organizations that may amalgamate with a regional health authority.

(2) Form 1 is prescribed as the notice of amalgamation for the purposes of clause 25(4)(a) of the Act.

(3) For the purposes of subsection 25(5) of the Act, an amalgamation with respect to a health care organization that is incorporated or continued pursuant to *The Co-operatives Act, 1996* or *The Non-profit Corporations Act, 1995* is to be approved by the members of the health care organization by a special resolution of the members.

(4) A special resolution to approve an amalgamation must specify the date on or before which the amalgamation is to become effective.

(5) Notwithstanding *The Co-operatives Act, 1996* and *The Non-profit Corporations Act, 1995*, each member of a health care organization is entitled to vote on a special resolution to approve an amalgamation, whether or not the member's membership otherwise carries the right to vote, and the members shall vote as one class.

**Restrictions on sale and transfer of membership interests**

**7** For the purposes of section 40 of the Act, the prescribed amount of funding that, if received by a health care organization, restricts its right to issue or transfer membership interests without the approval of the minister is \$500,000.

**Affiliates**

**8(1)** For the purposes of clause 2(1)(a) of the Act, the persons set out in Table 3 are prescribed as persons who are not included in the definition of affiliate.

(2) The affiliates set out in Table 4 are prescribed as affiliates that are required pursuant to section 43 of the Act to make bylaws respecting practitioner staff.

**Affiliates – limits on powers**

9(1) For the purposes of clause 39(4)(a) of the Act, the prescribed amount of the limit on borrowing by an affiliate without the approval of the minister is an amount equal to 1.5% of the total amount of funding provided to the affiliate in the most recent complete fiscal year by district health boards, where applicable, and regional health authorities.

(2) For the purposes of clause 39(4)(b) of the Act, the prescribed amount of the limit on the acquisition of an interest in real property without the approval of the minister is \$100,000.

(3) For the purposes of clause 39(4)(c) of the Act, the prescribed amount of the limit on the disposition of an interest in real property without the approval of the minister is \$100,000.

(4) For the purposes of clause 39(4)(d) of the Act, the prescribed amount of the limit on the acquisition of an interest in personal property without the approval of the minister is \$50,000.

(5) For the purposes of clause 39(4)(e) of the Act, the prescribed amount of the limit on the disposition of an interest in personal property without the approval of the minister is \$50,000.

(6) For the purposes of clause 39(4)(f) of the Act, the prescribed amount of the limit on the construction, renovation or alteration of a facility without the approval of the minister is \$100,000.

**Qualifications of auditors**

10 For the purposes of section 57 of the Act, an auditor must be:

- (a) a registered member in good standing of the Certified General Accountants Association of Saskatchewan;
- (b) a member or fellow in good standing of The Institute of Chartered Accountants of Saskatchewan; or
- (c) a certified member of the Society of Management Accountants of Saskatchewan - La Societe des Comptables en Management du Saskatchewan.

**Insurance**

11(1) With respect to loss or damage to buildings, equipment and furnishings, a regional health authority or health care organization must hold policies of insurance in an amount that equals the replacement cost of the buildings, equipment and furnishings of the regional health authority or health care organization.

(2) With respect to claims founded on negligence or malpractice of the regional health authority or the health care organization, as the case may be, or any of their employees or agents, a regional health authority or health care organization must hold policies of insurance in the minimum amount of:

- (a) \$5,000,000 per occurrence, in relation to the operation of a hospital or health centre owned or operated by the regional health authority or health care organization;

(b) \$1,000,000 per occurrence, in relation to the operation of a special-care home owned or operated by the regional health authority or health care organization; and

(c) \$1,000,000 per occurrence, in relation to all other operations of the regional health authority or health care organization.

**Property exempt from taxation**

**12(1)** The health care organizations set out in Table 5 are prescribed for the purposes of clause 63(1)(c) of the Act.

(2) The non-profit or charitable organizations set out in Table 6 are prescribed for the purposes of clause 63(1)(d) of the Act.

(3) The community clinics set out in Table 7 are prescribed for the purposes of subsection 63(2) of the Act.

**Eligibility for services**

**13(1)** Every beneficiary is eligible to receive any health service provided by a regional health authority or health care organization.

(2) If a regional health authority or health care organization provides a health service to beneficiaries, it shall provide that health service to each beneficiary on the same terms and conditions.

(3) No regional health authority or health care organization shall include as a term or condition of providing a health service any requirement with respect to the place of residence of the beneficiary.

**Provision of health services**

**14** A regional health authority is not required to provide health services outside the area of the health region for which the regional health authority was established, except where directed by the minister or pursuant to an agreement with another regional health authority.

**Coming into force**

**15(1)** Subject to subsection (2), these regulations come into force on the day on which section 64 of *The Regional Health Services Act* comes into force.

(2) If section 64 of *The Regional Health Services Act* comes into force before these regulations are filed with the Registrar of Regulations, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

**Appendix****PART I****Table 1**

[Section 5]

**Persons Receiving Funding from Regional Health Authority  
Prescribed as Health Care Organizations**

Autism Resource Centre Inc.  
BridgePoint Centre for Eating Disorders Inc.  
Canadian Mental Health Association (Saskatchewan Division) Inc.  
Creighton Alcohol & Drug Abuse Council Inc.  
Crocus Co-operative  
Edwards Society Inc.  
Extendicare (Canada) Inc.  
George Bailey Centre Inc.  
Hudson Bay Assessment & Referral Centre Inc.  
Kindersley & District Alcohol & Drug Abuse Society Inc.  
Langham Senior Citizens Home Ltd.  
Larson Intervention House Inc.  
Libbie Young Centre Inc.  
McKerracher Support Services Inc.  
Melville & District Alcohol & Drug Abuse Centre Inc.  
Moose Jaw Alcohol & Drug Abuse Society Inc.  
Moose Mountain Drug & Alcohol Rehabilitation Society, Inc.  
Native Alcohol Council - Pine Island Crisis Centre  
Parkland Alcohol & Drug Abuse Society Inc.  
Phoenix Residential Society Inc.  
Portage Vocational Society Inc.  
Prince Albert Council on Alcohol & Drug Abuse Inc.  
Rainbow Youth Centre Inc.  
Raymore Community Health & Social Centre  
Regina Recovery Homes Inc.  
Sandy Bay Outpatient Centre Corporation  
Saskatoon Crisis Intervention Service Inc.  
Saskatoon Housing Coalition, Inc.  
Saskatoon Society for Autism Inc.  
Self Help and Recreation - Education P.A. Incorporated  
SMILE Services Inc.  
Society for Involvement of Good Neighbours Inc.  
Strasbourg and District Health Centre Corp.  
Thunder Creek Rehabilitation Association Inc.  
Walter A. "Slim" Thorpe Recovery Centre Inc.  
Weyburn Group Home Society Inc.

**Table 2***[Subsection 6(1)]***Health Care Organizations that may Amalgamate  
with Regional Health Authority**

Border-Line Housing Company (1975) Inc.  
BridgePoint Centre for Eating Disorders Inc.  
Creighton Alcohol & Drug Abuse Council Inc.  
Cupar and District Nursing Home Inc.  
Duck Lake and District Nursing Home Inc.  
George Bailey Centre Inc.  
Jubilee Residences Inc.  
Kindersley & District Alcohol & Drug Abuse Society Inc.  
Lakeview Pioneer Lodge Inc.  
Larson Intervention House Inc.  
Lumsden & District Heritage Home Inc.  
Melville & District Alcohol & Drug Abuse Centre Inc.  
Moose Jaw Alcohol & Drug Abuse Society Inc.  
Moose Mountain Drug & Alcohol Rehabilitation Society, Inc.  
Native Alcohol Council - Pine Island Crisis Centre  
North East Council on Alcohol & Drug Abuse Inc.  
Parkland Alcohol & Drug Abuse Society Inc.  
Prince Albert Council on Alcohol & Drug Abuse Inc.  
Raymore Community Health & Social Centre  
Regina Pioneer Village Ltd.  
Regina Recovery Homes Inc.  
Sandy Bay Outpatient Centre Corporation  
Saskatoon Convalescent Home  
Spruce Manor Special Care Home Incorporated  
Strasbourg and District Health Centre Corp.

**Table 3***[Subsection 8(1)]***Persons Not Included in Definition of Affiliate**

Convent of Sion – Sisters of the Order of Notre Dame de Sion  
The Ursulines of St. Angela's Convent

**Table 4**

[Subsection 8(2)]

**Affiliates Required to Make Practitioner Staff Bylaws**

Fort Qu'Appelle Indian Hospital  
 Radville Marian Health Centre Inc.  
 St. Anthony's Hospital  
 St. Elizabeth's Hospital of Humboldt  
 St. Joseph's Hospital Corporation  
 St. Joseph's Hospital (Grey Nuns) of Gravelbourg  
 St. Joseph's Hospital of Estevan  
 St. Joseph's Hospital of Macklin  
 St. Paul's Hospital (Grey Nuns) of Saskatoon  
 St. Peter's Hospital, Melville  
 Uranium City Municipal Hospital

**Table 5**

[Subsection 12(1)]

**Prescribed Health Care Organizations – Property Exempt from Taxation**

Larson Intervention Centre Inc.  
 Moose Jaw Alcohol & Drug Abuse Society, Inc.  
 Regina Recovery Homes Inc.

**Table 6**

[Subsection 12(2)]

**Prescribed Non-profit and Charitable Organizations –  
Property Exempt from Taxation**

Convent of Sion - Sisters of the Order of Notre Dame de Sion.  
 Metis Health and Addiction Council of Saskatchewan Inc.  
 The Ursulines of St. Angela's Convent

**Table 7**

[Subsection 12(3)]

**Prescribed Community Clinics – Property Exempt from Taxation**

Community Health Services Association (Regina) Limited  
 Community Health Services Association (Wynyard & District) Limited  
 Community Health Services (Saskatoon) Association Limited  
 The Co-operative Health Centre, Prince Albert  
 Lloydminster & District Co-operative Health Services Ltd.

PART II

Forms

FORM 1

[Subsection 6(2)]

Notice of Amalgamation

The following health care organization:

\_\_\_\_\_ and Regional Health Authority No. \_\_\_\_\_ or the \_\_\_\_\_ Regional Health Authority hereby give notice pursuant to subsection 25(3) of *The Regional Health Services Act*:

- (a) that they wish to amalgamate; and
- (b) that they have obtained the approval of their members by special resolution (*attach copies of special resolutions*). (*Strike out clause (b) if it does not apply.*)

The effective date of the amalgamation is \_\_\_\_\_, 20 \_\_\_\_.

Executed at \_\_\_\_\_, Saskatchewan, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

on behalf of \_\_\_\_\_  
(*name of health care organization*)

\_\_\_\_\_  
(*signature of duly authorized officer*)

\_\_\_\_\_  
(*name of duly authorized officer*)

\_\_\_\_\_  
(*office of duly authorized officer*)

Executed at \_\_\_\_\_, Saskatchewan, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

on behalf of Regional Health Authority No. \_\_\_\_\_ or the \_\_\_\_\_

Regional Health Authority

\_\_\_\_\_  
(*signature of duly authorized officer*)

\_\_\_\_\_  
(*name of duly authorized officer*)

\_\_\_\_\_  
(*office of duly authorized officer*)

**SASKATCHEWAN REGULATIONS 69/2002***The Personal Care Homes Act*

## Section 19

Order in Council 588/2002, dated July 24, 2002

(Filed July 25, 2002)

**Title**

1 These regulations may be cited as *The Personal Care Homes Amendment Regulations, 2002*.

**R.R.S. c.P-6.01 Reg 2 amended**

2 *The Personal Care Homes Regulations, 1996* are amended in the manner set forth in these regulations.

**Section 2 amended**

**3(1) Section 2 is renumbered as subsection 2(1).**

**(2) Subsection 2(1) is amended:**

**(a) by adding the following clause after clause (g):**

“(g.1) ‘**building official**’ means a building official as defined in *The Uniform Building and Accessibility Standards Act*”;

**(b) by adding the following clause after clause (h):**

“(h.1) ‘**care aide**’ means an individual who has successfully completed an educational program in providing personal care that is recognized by the department and that provides the equivalent of four months’ full-time training”;

**(c) by adding the following clause after clause (o):**

“(o.1) ‘**health care professional**’ means:

(i) a person who holds a valid licence, other than a conditional licence, pursuant to *The Licensed Practical Nurses Act, 2000*;

(ii) a person who holds a valid licence pursuant to *The Registered Nurses Act, 1988*;

(iii) a person who holds a valid licence pursuant to *The Registered Psychiatric Nurses Act*; or

(iv) a physician”;

**(d) in clause (r) by adding “, including the administration of medication,” after “daily living”;**

**(e) by adding the following clause after clause (r):**

“(r.1) ‘**physical restraint**’ means a device that limits, restricts, confines or controls a resident or deprives a resident of freedom of movement”;

**(f) by repealing clause (s) and substituting the following:**

“(s) ‘**physician**’ means a duly qualified medical practitioner”;

**(g) by adding the following clause after clause (t):**

“(t.1) ‘**regional health authority**’ means a regional health authority as defined in *The Regional Health Services Act*”;

**(h) by adding the following clauses after clause (u):**

“(u.1) ‘**safety ashtray**’ means an ashtray made of non-combustible material and designed so that a cigarette left unattended cannot fall out of the ashtray onto a combustible surface or material;

“(u.2) ‘**security advance**’ means an amount of money paid in advance of the first day in which accommodation and care is provided, in order to secure accommodation in a home for a prospective resident”.

**(3) The following subsection is added after subsection 2(1):**

“(2) In these regulations:

(a) a reference to a regional health authority in relation to a personal care home is a reference to the regional health authority for the health region in which the personal care home is located, unless the provision provides otherwise; and

(b) a reference to a regional health authority in relation to a licensee or an applicant for a licence is a reference to the regional health authority for the health region in which the personal care home operated by the licensee, or the proposed personal care home to be operated by the applicant, as the case may be, is located, unless the provision provides otherwise”.

New sections 3 to 3.2

**4 Section 3 is repealed and the following substituted:**

“Requirements for licensing

3(1) No licence shall be issued to an applicant unless:

(a) the applicant resides in Saskatchewan; and

(b) the applicant or the person who will be responsible for the day-to-day operation of the proposed home:

(i) holds a valid certificate in a basic food service sanitation course that is recognized by the department;

(ii) when the initial licence is issued, holds a valid certificate in a basic or standard first aid course that is recognized by the department; and

(iii) holds a valid certificate in the personal care homes orientation program conducted by the department.

- (2) On and after April 1, 2004:
- (a) no licence shall be issued to an applicant unless the applicant or the person who will be responsible for the day-to-day operation of the proposed home holds a valid certificate or other evidence satisfactory to the department that he or she has successfully completed a course that is of at least 16 hours, that covers the provision of personal care and that is recognized by the department; and
  - (b) no renewed licence shall be issued to a licensee unless the licensee or the person who is responsible for the day-to-day operation of the home satisfies the department that he or she meets the requirement described in clause (a).
- (3) No licence shall be issued with respect to a home that is to accommodate 10 or fewer persons, including persons living in the home other than residents, that is located in a building with more than three storeys.
- (4) If a proposed home is to accommodate 21 or more residents, the applicant for a licence must submit with the application:
- (a) an operational plan in a format required by the minister, including a market analysis plan, a staffing plan that is satisfactory to the minister and a financial plan that is satisfactory to the minister, that demonstrates the financial viability of the home;
  - (b) a contingency plan setting out in detail the arrangements that the applicant has in place to relocate residents in the event of an emergency or the ceasing of operation of the home; and
  - (c) evidence that the applicant has consulted with the regional health authority, including a written statement from the regional health authority that:
    - (i) indicates the regional health authority's level of support for the proposed home and sets out the reasons for the support; or
    - (ii) states that the regional health authority does not support the proposed home and sets out the reasons for not supporting the proposed home.
- (5) Before an initial licence is granted to an applicant, a representative of the department shall conduct:
- (a) an inspection of the premises to be used as the proposed home; and
  - (b) an assessment of how the applicant proposes to meet the requirements of these regulations in the ongoing operation of the proposed home, including a consideration of:
    - (i) the accommodation and services to be provided;
    - (ii) the facilities and equipment to be used;
    - (iii) the number and qualifications of staff to be employed;

- (iv) the methods and procedures to be used in carrying out all of the regular activities involved in the operation of the home;
- (v) the proposed capacity of the home; and
- (vi) the care to be provided.

**“Insurance**

**3.1** A licensee must hold policies of insurance satisfactory to the department:

- (a) in an amount not less than \$5,000 against theft of personal property of residents kept in the home;
- (b) in an amount not less than \$1 million against general liability, including third party liability, with respect to the premises used by the home and to the operation of the home, including claims based on negligence associated with the operation of the home and occupier’s liability; and
- (c) in an amount not less than \$1 million against claims arising from transportation of residents in a vehicle, if applicable.

**“Security**

**3.2(1)** The minister may require a person who is applying for an initial licence to operate a personal care home to accommodate 21 or more residents to provide the minister with security for the purpose of providing for care and accommodation for residents in the event of the suspension or cancellation of the licence or the cessation of operation of the home.

(2) The security provided pursuant to this section must be in a form and amount acceptable to the minister.

(3) This section applies only to applications made on or after the coming into force of this section”.

**Section 6 amended**

**5 Subsection 6(2) is amended:**

- (a) in the portion preceding clause (a) by adding “and the regional health authority” after “department”;
- (b) in clause (a) by striking out “10” and substituting “20”; and
- (c) in clause (b) by striking out “more than 10” and substituting “21 or more”.

**New section 8**

**6 Section 8 is repealed and the following substituted:**

**“Conflict of interest**

**8(1)** Subject to subsection (2), no licensee, staff member of a home or a relative of a licensee or staff member of a home shall:

- (a) accept appointment as power of attorney for a resident;
- (b) be a resident’s supporter;

- (c) accept appointment as a personal or property guardian pursuant to *The Adult Guardianship and Co-decision-making Act* for a resident;
  - (d) accept appointment as a proxy for a resident in a directive pursuant to *The Health Care Directives and Substitute Health Care Decision Makers Act*;
  - (e) accept gifts from a resident with an estimated total value greater than \$100 in a year;
  - (f) accept property or personal possessions from a resident or from anyone on behalf of a resident as payment for care and accommodation in the home;
  - (g) influence or attempt to influence a resident or prospective resident:
    - (i) in the making or alteration of the will of the resident or prospective resident;
    - (ii) in the conduct of the financial affairs of the resident or prospective resident; or
    - (iii) in handling the personal assets of the resident or prospective resident; or
  - (h) accept gifts or bequests provided in a resident's will unless:
    - (i) the licensee is a registered charity as defined in subsection 248(1) of the *Income Tax Act* (Canada); or
    - (ii) the will was executed before the resident was admitted to the home;
- (2) Subsection (1) does not apply if the licensee, staff member or relative of a licensee or staff member is a relative of the resident in question.
- (3) Nothing in subsection (1) precludes a licensee from being appointed as a trustee of a resident for the purposes of *The Saskatchewan Assistance Act*.
- (4) If a licensee or a staff member receives a gift from a resident, the licensee must:
- (a) notify the resident's supporter, or a member of the resident's family if there is no supporter, about the gift; and
  - (b) record the following information:
    - (i) the date of receipt of the gift;
    - (ii) the name of the person who received the gift;
    - (iii) the amount or estimated value of the gift;
    - (iv) the name of the person contacted pursuant to clause (a)".

**Section 10 amended****7(1) The following subsection is added after subsection 10(1):**

“(1.1) A licensee shall ensure that each resident’s record maintained pursuant to subsection (1) is kept separate from the records of other residents”.

**(2) The following subclause is added after subclause 10(2)(b)(vii):**

“(vii.1) a copy of the resident’s directive pursuant to *The Health Care Directives and Substitute Health Care Decision Makers Act*, if any”.

**Section 11 amended****8(1) Subsection 11(2)(d) is amended:**

(a) by striking out “and” after clause (c);

(b) by adding “and” after clause (d); and

(c) by adding the following clause after clause (d):

“(e) to the resident’s supporter, unless the resident indicates otherwise”.

**(2) Subsections 11(3), (4) and (5) are repealed and the following substituted:**

“(3) A licensee may disclose to a person who provides care to a resident any part of the resident’s care record that is required for the purposes of providing care to the resident”.

**Section 13 amended****9(1) Clause 13(1)(c) is amended by striking out “*The Public Health Act* or”.****(2) Subsection 13(2) is repealed and the following substituted:**

“(2) A licensee shall:

(a) inform the following of any serious incident involving a resident as soon as possible after the incident:

(i) the resident’s supporter or, if the resident has not nominated a supporter, a member of the resident’s family;

(ii) the resident’s personal physician;

(iii) the department;

(iv) the regional health authority; and

(b) as soon as is reasonably practicable, provide to the department a written report of the serious incident mentioned in clause (a) that indicates:

(i) the circumstances leading up to and culminating in the serious incident;

(ii) the date and time of the serious incident;

(iii) the names of the persons involved in the serious incident;

- (iv) the names of the persons notified about the serious incident; and
- (v) any actions taken by the licensee:
  - (A) to solve the problems giving rise to the serious incident; and
  - (B) to prevent recurrences of the serious incident”.

**New section 15**

**10 Section 15 is repealed and the following substituted:**

**“Care plan**

**15(1)** A licensee must develop a care plan for each resident within seven days after the resident is admitted to the home.

(2) A care plan must identify the types of assistance or supervision that the resident needs in all activities of daily living and must address the physical, cognitive, emotional, social and spiritual needs of the resident.

(3) A licensee must ensure that:

(a) a resident’s care plan is accessible at all times to members of the staff who provide direct care to the resident;

(b) throughout a resident’s stay in the home, the resident’s care plan is amended to reflect any changes in the resident’s care that affect matters identified in the care plan, and that each amendment is dated and signed by the person who made the amendment; and

(c) a complete review of each resident’s care plan is carried out at least annually.

(4) A licensee must ensure that each resident and the resident’s supporter, if any, are encouraged to participate in the development and review of the resident’s care plan”.

**Section 17 amended**

**11(1) Subsection 17(2) is amended by striking out “Any” and substituting “Subject to subsections (3) and (4), any”.**

**(2) Subsection 17(3) is repealed and the following substituted:**

“(3) A licensee may require a prospective resident to pay a security advance not exceeding \$500 to secure accommodation in the home for a prospective resident, where the accommodation is to commence on a date that the parties agree to in writing.

“(4) If the prospective resident moves into the personal care home, the licensee must apply the security advance to the first month’s residency charge.

“(5) If the prospective resident does not move into the personal care home on or before the date agreed to by the parties, the licensee may retain the security advance”.

**New section 18****12 Section 18 is repealed and the following substituted:****“Residency charges**

**18(1)** Notwithstanding any provision in an admission agreement but subject to subsections (2) to (4), no licensee shall increase any rate or charge for services rendered or care and accommodation provided to a resident without first providing the resident with a written notice of the licensee’s intention to increase the rate or charge:

- (a) not less than 60 days before the increase is to come into effect, in the case of an agreement for a monthly residency; and
  - (b) not less than three weeks before the increase is to come into effect, in the case of an agreement for a weekly or daily residency.
- (2) If a resident’s care needs have changed suddenly and significantly from those that existed when the admission agreement was entered into, the licensee may increase the rate or charge for services rendered for care and accommodation:
- (a) on the provision of 30 days’ written notice of the new rate or charge to the resident and the resident’s supporter, in the case of a monthly residency; or
  - (b) on the provision of seven days’ written notice of the new rate or charge to the resident and the resident’s supporter, in the case of a weekly or daily residency.
- (3) A resident who receives a notice pursuant to subsection (2) must advise the licensee whether or not the resident intends to enter into a new admission agreement with the licensee:
- (a) in the case of a monthly residency, within seven days after the day on which the resident received the notice; or
  - (b) in the case of a weekly or daily residency, within two days after the day on which the resident received the notice.
- (4) If a resident who receives a notice pursuant to subsection (2) advises the licensee that he or she accepts the change in the rate or charge, the licensee shall, at the end of the notice period, enter into a new admission agreement with the resident that contains the new rate or charge.
- (5) If a resident who receives a notice pursuant to subsection (2) advises the licensee that he or she does not accept the change in the rate or charge or, within the period set out in clause (3)(a) or (b), fails to advise the licensee whether or not the resident intends to enter into a new admission agreement, the admission agreement terminates at the end of the notice period mentioned in clause (2)(a) or (b), as the case may be, unless the resident and the licensee agree otherwise”.

**Section 19 amended**

**13(1) Subsection 19(1) is amended by striking out “subsection (2)” and substituting “subsections (1.1) and (2)”.**

**(2) The following subsection is added after subsection 19(1):**

“(1.1) If a resident is permanently discharged from a home to a special care home:

- (a) the admission agreement terminates on the third day following the day on which the resident removes all of his or her belongings from the room; and
- (b) the licensee shall refund to the resident any amounts paid pursuant to the admission agreement for the period that commences on the third day following the day on which the resident’s belongings are removed from the resident’s room and ends:
  - (i) on the last day of the month, in the case of a monthly residency; or
  - (ii) on the last day of the week, in the case of a weekly or daily residency”.

**Section 22 amended**

**14 Subsection 22(2) is amended:**

- (a) in clause (c) by adding the following subclause after subclause (i):**

“(i.1) according to their likes and dislikes”;
- (b) by repealing clause (f) and substituting the following:**

“(f) physical restraints are used only in accordance with section 22.1”; and
- (c) in clause (i) by adding “and reflect the resident’s interests, strengths and abilities” after “resident”.**

**New section 22.1**

**15 The following section is added after section 22:**

**“Use of physical restraints restricted**

**22.1(1) A licensee must ensure that physical restraints are used only:**

- (a) for the purposes of assisting a resident with healing or with activities of daily living;
- (b) in accordance with the written directions of the resident’s physician, which must include:
  - (i) the purpose of using the physical restraint; and
  - (ii) directions as to the circumstances in which the physical restraint is to be used;
- (c) after consulting with the resident and his or her supporter, if any, and documenting, in writing, the details of the consultation and the comments of the resident and the supporter; and

- (d) after obtaining and understanding directions with respect to:
  - (i) the type of physical restraint to be used to accomplish the purpose set out in the physician's written instructions;
  - (ii) the manner of securing the physical restraint; and
  - (iii) the care of the resident while the physical restraint is being used, including the avoidance of risks associated with use of the physical restraint.
- (2) If a physical restraint is used, the licensee must ensure that:
  - (a) the least restrictive type of physical restraint that is suitable for the purpose set out in the physician's written instructions is used; and
  - (b) the physical restraint is used for the least time possible.
- (3) A licensee must report any use of a physical restraint to a representative of the department".

Section 23 amended

**16 Section 23 is amended:**

- (a) by striking out "and" after clause (a);
- (b) by adding "and" after clause (b); and
- (c) by adding the following clause after clause (b):
  - "(c) each resident's medications are reviewed at least annually by the resident's physician in conjunction with the pharmacist and any other health care professionals involved in the resident's care".

New section 24

**17 Section 24 is repealed and the following substituted:**

**"Staffing**

- 24(1) A licensee shall ensure that there are sufficient care staff on duty at the home to ensure that each resident's care needs are met at all times.
- (2) Without limiting the generality of subsection (1), in a home with more than one storey, the licensee shall ensure that there is at least one member of the care staff working on any floor that accommodates 11 or more residents.
- (3) The licensee of a home with an authorized capacity between 21 and 30 shall ensure that one or more qualified care aides are employed and provide care in the home on a regular basis that is not less than five days per week.
- (4) The licensee of a home with an authorized capacity of 31 or more shall ensure that the services of one or more health care professionals are engaged, on a regular basis that is not less than five days per week, to provide care and to monitor the provision of care to residents.
- (5) A licensee shall designate at least one staff member to have responsibility for organizing recreational programs and arranging for their implementation and provide that employee with sufficient time to carry out those responsibilities.

(6) A licensee shall ensure that all staff members are in good health, free from communicable diseases and physically and mentally capable of performing the services and duties assigned.

(7) A licensee must obtain the results of a criminal record search with respect to an individual and satisfy himself or herself that the results are satisfactory:

- (a) before hiring the individual as a staff member; and
- (b) after hiring, at intervals of not more than three years”.

**New section 25.1**

**18 The following section is added after section 25:**

**“Volunteers**

**25.1(1)** Subject to subsections (2) and (3), a licensee may use the services of volunteers in connection with the operation of a home, but shall not include a volunteer as a member of the staff for the purposes of meeting the requirements of these regulations.

(2) Before using the services of volunteers in connection with the operation of a home, a licensee must conduct a background screening to ensure that persons who might reasonably be expected to put a resident at risk of harm are not permitted to provide services in the home as volunteers.

(3) A licensee must ensure that no volunteer is required to do anything that might reasonably be expected to put a resident at risk of harm”.

**New section 27**

**19 Section 27 is repealed and the following substituted:**

**“Basic education requirements**

**27(1)** A licensee must ensure that each staff member who participates in the preparation of meals for residents hold a valid certificate in a basic food service sanitation course recognized by the department not later than three months after the day on which the staff member commences employment in the home.

(2) A licensee must ensure that each care staff member holds a valid certificate in a basic or standard first aid course that is recognized by the department not later than three months after the day on which the care staff member commences employment in the home.

(3) A licensee must ensure that:

(a) each person who is a care staff member on April 1, 2004 holds a valid certificate or other evidence satisfactory to the department that he or she has successfully completed a course that is of at least 16 hours, that covers the provision of personal care and that is recognized by the department; and

(b) each person who commences employment as a care staff member on or after April 1, 2004 holds a valid certificate or other evidence satisfactory to the department that he or she has successfully completed a course that is of at least 16 hours, that covers the provision of personal care and that is recognized by the department not later than three months after the day on which the care staff member commences employment in the home.

- (4) A licensee must develop and implement a written orientation program for the training of new staff members.
- (5) A licensee must ensure that:
- (a) each new staff member is given orientation training appropriate to the work that the staff member will be doing, including instruction in fire prevention and fire safety plans; and
  - (b) no new staff member is left unsupervised in the home until the staff member has received all of the necessary orientation training and the licensee is satisfied that the staff member is competent to perform the duties that he or she will be required to perform.
- (6) A licensee must ensure that each staff member produces evidence of having taken additional training that is relevant to his or her work at least once every two years”.

**Section 28 amended**

**20 Clause 28(1)(a) is amended by striking out “locked” and substituting “secure”.**

**Section 29 amended**

**21(1) The portion of clause 29(2)(b) preceding subclause (i) is amended by adding “as prescribed by the physician” after “administered”.**

**(2) Clause 29(3)(b) is amended by striking out “at a future date” and substituting “as soon as possible”.**

**(3) The following subsection is added after subsection 29(3):**

“(4) If more than one person administers medications in a home, or in a home with an authorized capacity of 11 or more, the licensee must ensure that each administration of a medication is recorded in the resident’s record by the person administering the medication”.

**Section 30 amended**

**22 Section 30 is amended by adding “and the pharmacist” after “physician”.**

**Section 31 amended**

**23(1) Clause 31(2)(b) is repealed and the following substituted:**

“(b) potentially hazardous food that is stored or displayed prior to human consumption is kept at a temperature of 4°C or less in the case of cold foods or 60°C or greater in the case of hot foods”.

**(2) The following subsection is added after subsection 31(2):**

“(3) A licensee must ensure that a resident who is involved in the preparation or service of food is adequately supervised to ensure that the food is safely prepared and handled”.

**New section 34.1****24 The following section is added after section 34:****“Resident and family meetings**

**34.1** A licensee must organize a meeting at least twice in each year for residents, the family members of residents and supporters for the purpose of promoting the interests of residents and their involvement in decisions that affect their day-to-day living”.

**Section 36 amended****25 Subsection 36(2) is repealed and the following substituted:**

“(2) A licensee must ensure that each storey of the home has at least two means of egress”.

**Section 37 repealed****26 Section 37 is repealed.****Section 38 amended****27(1) Clauses 38(2)(a) and (b) are repealed and the following substituted:**

“(a) accessible common rooms, including living rooms, dens or other recreational rooms but not including dining rooms, that:

- (i) are of a sufficient size and separation to accommodate the total number of persons living in the home;
- (ii) have a combined area that provides not less than 1.85 square metres of useable floor space per person living in the home; and
- (iii) will facilitate recreation and leisure activities of residents while preventing those activities from interfering with personal care;

“(b) an accessible dining room area with not less than 1.2 square metres of usable floor space per person living in the home, that is of a sufficient size and separation to accommodate the total number of persons living in the home”.

**(2) Subsection 38(3) is repealed and the following substituted:**

“(3) If a home accommodates residents at risk of wandering:

- (a) the licensee must:
  - (i) install a door alarm system on each exterior door and ensure that the system is activated at all times; and
  - (ii) develop an action plan for locating a missing resident and ensure that each staff member is aware of, and able to carry out, the action plan; and
- (b) on and after January 1, 2004, the licensee must provide a secure area around at least one of the home’s exterior exits to facilitate residents’ free movement within a safe and confined area”.

**Section 39 amended****28 Clause 39(3)(e) is repealed and the following substituted:**

“(e) at least one chair for each resident that is comfortable and meets the needs of the resident”.

**New section 39.1****29 The following section is added after section 39:****“Designated smoking room**

**39.1(1)** If a licensee of a home with an authorized capacity of 11 or more permits residents to smoke within the home, the licensee must ensure that there is a designated smoking room that:

- (a) meets the requirements of *The Tobacco Control Regulations*; and
- (b) has an interior window to facilitate supervision and observation of residents in the room; and
- (c) is equipped with safety ashtrays and a metal trash container with a safety lid.

(2) The licensee of a home with a designated smoking room is responsible for the safe use of the room by the residents.

(3) The licensee of a home with a designated smoking room must establish and implement a fire safety plan that:

- (a) requires periodic supervision of residents using the room;
- (b) precludes the use of the room by residents who present a clear fire safety risk to others, except with direct supervision;
- (c) requires the use of fire-protective clothing by a resident who uses the room and who, by reason of physical or cognitive impairment, presents a clear fire safety risk;
- (d) requires the inspection of the room at regular intervals throughout each day in accordance with an inspection routine that is reviewed and approved by a fire inspector;
- (e) describes in detail the elements involved in an inspection routine and the manner in which an inspection is to be carried out; and
- (f) requires each person who carries out an inspection to make a written record of the inspection that includes the following:
  - (i) the name of the person who carried out the inspection; and
  - (ii) the date and time of the inspection.

(4) A licensee of a home with a designated smoking room must comply with the fire safety plan required by subsection (3)”.

**New section 41****30 Section 41 is repealed and the following substituted:****“Fire inspections**

**41** A licensee shall have a fire inspection conducted by a fire inspector or a person authorized in writing by a local assistant, as defined in *The Fire Prevention Act, 1992*, for the purposes of this section:

- (a) before the home is licensed; and
- (b) at least every three years after the initial date of licensing”.

**Section 42 repealed****31 Section 42 is repealed.****New section 43****32 Section 43 is repealed and the following substituted:****“Carbon monoxide detectors**

**43(1)** In this section, **‘approved’**, with respect to a carbon monoxide detector, means a carbon monoxide detector purchased in Canada.

(2) A licensee shall ensure that:

- (a) at least one approved carbon monoxide detector is installed and maintained in accordance with the manufacturer’s instructions on each storey where persons are accommodated; and
- (b) each carbon monoxide detector is replaced at the time or in the circumstances indicated in the manufacturer’s instructions”.

**Section 45 amended****33 Clause 45(2) (c) is amended by striking out “nuisance” and substituting “health hazard”.****Section 46 amended****34 Section 46 is amended:**

- (a) by striking out “and” after clause (a);
- (b) by adding “and” after clause (b); and
- (c) by adding the following clause after clause (b):

“(c) provides the minister with written evidence that the renovation or construction plans meet any applicable requirements of the building code and the fire code”.

**Coming into force**

**35** These regulations come into force on the day on which they are filed with the Registrar of Regulations.

**SASKATCHEWAN REGULATIONS 70/2002***The Automobile Accident Insurance Act*

Section 216

Order in Council 589/2002, dated July 24, 2002

(Filed July 25, 2002)

**Title**

1 These regulations may be cited as *The Personal Injury Benefits Amendment Regulations, 2002*.

**R.R.S. c. A-35, Reg. 3 amended**

2 *The Personal Injury Benefits Regulations* are amended in the manner set forth in these regulations.

**Section 2 amended**

3 **Section 2 is repealed and the following substituted:**

**“Interpretation**

2(1) In these regulations:

- (a) **‘Act’** means *The Automobile Accident Insurance Act*;
- (b) **‘Appendix’** means an Appendix to these regulations;
- (c) **‘catastrophic injury’** means:
  - (i) paraplegia or quadriplegia as defined in Division 2, Subdivision 2, Part 1 or 2 of the Schedule of Permanent Impairments;
  - (ii) amputation resulting in two or more impairments as defined in Division 1, Subdivision 1, Part 1.1 or Division 1, Subdivision 2, Part 1.1 or 2.1 of the Schedule of Permanent Impairments;
  - (iii) total loss of functional vision as defined in Division 4(a) or Subdivision 4(2)(e), resulting in 85% or more impairment of the entire visual system;
  - (iv) a functional alteration of the brain as defined in Division 2, Subdivision 1, Parts 4.6, 4.7 and 4.8 of the Schedule of Permanent Impairments resulting in a determined impairment of 50% or more;
  - (v) a total impairment of 80% or more calculated using the table of successive remainders based on a combination of one or more of the following:
    - (A) those impairments identified in subclauses (i) to (iv);
    - (B) a Division 1, Subdivision 1, Part 2.1 or 3.1(a) impairment;
    - (C) a Division 1, Subdivision 2, Part 3.1 impairment;
    - (D) a Division 2, Subdivision 2, Part 3 impairment;
    - (E) a Division 4(a) impairment;
    - (F) an impairment of 50% or more from Division 4(2)(e); or
    - (G) an impairment of 30% or more from Division 2, Subdivision 1, Parts 4.6, 4.7 and 4.8;

- (d) **'educational institution'** means:
- (i) a school within the meaning of *The Education Act*;
  - (ii) a technical or vocational school;
  - (iii) a university or college;
  - (iv) any other educational institution designated by the Lieutenant Governor in Council of a province or territory of Canada pursuant to the *Canada Loans Act* as a specified educational institution for the purposes of that Act;
  - (v) an institution in another province or territory of Canada or the United States that is in the opinion of the insurer similar to one mentioned in subclauses (i) to (iv);
  - (vi) an institution recognized by the Minister of Education of the Province of Quebec for the purposes of An Act respecting Financial Assistance for Educational Expenses (Quebec); or
  - (vii) an institution certified by the Minister of Employment and Immigration to be an educational institution providing courses, other than courses designed for university credit, that furnish a person with skills for an occupation, or that improve a person's skills in an occupation;
- (e) **'net business income'** means the income derived from self-employment, by the way of a proprietorship or from a partnership interest, less any expense that relates to that income and that is allowed pursuant to the *Income Tax Act* (Canada) and *The Income Tax Act, 2000*, but does not include:
- (i) any capital cost allowance or allowance on eligible capital property;
  - (ii) any capital gain or loss;
  - (iii) any loss deductible pursuant to section 111 of the *Income Tax Act* (Canada); or
  - (iv) any mandatory or optional inventory adjustments pursuant to section 28 of the *Income Tax Act* (Canada);
- (f) **'primary employment'** means:
- (i) an employment that the insured holds as a self-employed earner in which the insured earns his or her greatest net business income; or
  - (ii) if the insured earns the same amount of net business income from two or more employments that the insured holds as a self-employed earner, the employment selected by the insured.
- (2) For the purposes of the Act, **'specialized equipment'** means equipment that:
- (a) is unique to a particular employment or profession; and
  - (b) requires specialized skills, knowledge or qualifications to operate that cannot be readily acquired.

(3) For the purposes of sections 103 and 104 of the Act, **'insured'** includes a non-resident who:

- (a) is involved in an accident in Saskatchewan; and
- (b) would be entitled to benefits pursuant to Part VIII of the Act but for an agreement between the insurer and the government or agency of the government of the place of residence of the injured non-resident.

(4) For the purposes of clauses 113(5)(b) and 113(6)(a), subsection 113(7), section 114, clauses 144(1)(b) and 144(2)(b) and subsection 144(3) of the Act, **'year'**, with respect to determining an individual's income, means:

- (a) in the case of an employed person, calendar year; and
- (b) in the case of a self-employed person, the fiscal period of the person's business ending in that year.

(5) For the purposes of sections 126 and 131 of the Act, an insured is deemed to be able to perform the activities of daily living when that insured can perform the activities identified in Appendix D".

**Section 4 amended**

**4 Subsection 4(1) is amended by striking out "100(3)" and substituting "137(2)".**

**Section 5 amended**

**5 Subsection 5(1) is amended by striking out "100(4)" and substituting "137(3)".**

**Section 12 amended**

**6 Section 12 is repealed and the following substituted:**

**"Rehabilitation expenses**

**12** If the insurer considers it necessary or advisable for the rehabilitation of the insured, the insurer may provide the insured with one or more of the following:

- (a) funds:
  - (i) to acquire, once during the insured's life, one motor vehicle that is equipped to be used and operated by the insured; or
  - (ii) to reimburse the insured for extraordinary costs required to adapt a motor vehicle for the use of the insured;
- (b) funds to reimburse the insured for extraordinary costs required:
  - (i) to alter the insured's principal residence;
  - (ii) if alteration of the insured's principal residence is not practical or feasible, to relocate the insured; or
  - (iii) to alter the plans for or construction of a residence that is being planned or constructed for the insured at the date of the accident;

- (c) funds to reimburse the insured for extraordinary costs required to alter the insured's principal residence, if:
  - (i) the insured is moving in order to accommodate an approved academic or vocational rehabilitation plan; or
  - (ii) the insured was a dependant at the date of the accident and is moving from the family home;
- (d) funds to reimburse the insured for acquiring any or all of the following:
  - (i) wheelchairs and accessories;
  - (ii) mobility aids and accessories;
  - (iii) medically required beds, equipment and accessories;
  - (iv) specialized medical supplies;
  - (v) communication and learning aids;
  - (vi) specialized bath and hygiene equipment;
  - (vii) specialized kitchen and home-making aids; and
  - (viii) cognitive therapy devices;
- (e) funds:
  - (i) to pay for the insured's occupational, educational or vocational rehabilitation if the rehabilitation is consistent with the insured's occupation prior to the accident and his or her skills and abilities after the accident;
  - (ii) to lessen the insured's disability; and
  - (iii) to facilitate the insured's recovery from an accident to improve his or her earning capacity and level of independence".

**Section 13 amended**

**7(1) Subsection 13(1) is amended by striking out "victim" and substituting "insured".**

**(2) Subsection 13(2) is amended by striking out "victim" wherever it appears and in each case substituting "insured".**

New Parts IV and V

**8 Parts IV and V are repealed and the following substituted:**

“PART IV  
**Income Replacement Benefits**

“DIVISION 1  
**Employment**

“**Meaning of unable to hold employment**

**14** For the purposes of the Act, an insured is unable to hold employment if a bodily injury that was caused by the accident renders the insured entirely or substantially unable to perform the essential duties of the employment that the insured:

- (a) performed at the date of the accident; or
- (b) would have performed but for the accident.

“**Meaning of unable to take care**

**15(1)** For the purposes of sections 119 and 120 of the Act, the insured is unable to take care of a person if a bodily injury that was caused by the accident renders the insured entirely or substantially unable to perform the essential duties that the insured performed in taking care of the person at the date of the accident.

(2) A benefit pursuant to section 119 or 120 of the Act only entitles the insured to be reimbursed for those duties the insured performed before the accident and is unable to perform as a result of the accident.

“**Meaning of employment being available**

**16** For the purposes of clause 134(1)(d) of the Act, an employment is available in the jurisdiction in which the insured resides if, at the time the insurer determines an employment for the insured:

- (a) the employment is being performed or is about to be performed by the insured; or
- (b) the employment or the category of employment exists and is likely to continue as an employment or category of employment within the foreseeable future.

“DIVISION 2  
Determination of Employment Income

“YEI not derived from self-employment

17(1) In this section, ‘**work cycle**’ means the length of time or the number of hours of work, as determined by the insured’s employer, that an insured must complete to earn the insured’s regular salary or wages.

(2) Subject to any other provision of these regulations, the insured’s yearly employment income not derived from self-employment at the date of the accident is to be calculated on the sum of the following:

- (a) the greater of:
  - (i) the salary or wages regularly payable, excluding the benefits or commissions mentioned in clauses (b) and (c), earned in the work cycle immediately prior to the accident in which the insured is entitled to an income replacement benefit multiplied by the number of work cycles in a normal 12-month period;
  - (ii) the salary or wages regularly payable, excluding the benefits or commissions mentioned in clauses (b) and (c), earned in the 12 months before the accident; and
  - (iii) the salary or wages regularly payable, excluding the benefits or commissions mentioned in clauses (b) and (c), earned or to be earned in each work cycle in the first 180-day period after the accident in which the insured is entitled to an income replacement benefit multiplied by the number of work cycles in a normal 12-month period;
- (b) any of the following benefits, to the extent that the benefit is not received as a result of the accident and to the extent the benefit is regularly payable to the insured:
  - (i) a bonus earned in the 12-month period prior to the accident;
  - (ii) tips, in the amount that is the greater of:
    - (A) the amount reported in the insured’s personal income tax return for the calendar year before the year prior to the accident; and
    - (B) the amount reported in the insured’s personal income tax return for the calendar year in which the accident occurred;
  - (iii) remuneration for overtime hours that is earned in the 12-month period prior to the accident;
  - (iv) the cash value from a profit-sharing plan allocation earned in the 12-month period prior to the accident;

- (v) the value of the personal use of a motor vehicle provided by an employer at the date of the accident, in the amount reported in the insured's personal income tax return for the calendar year before the year prior to the accident or, if no amount was reported, in an amount calculated pursuant to clause 6(1)(e) of the *Income Tax Act* (Canada) as an annualized benefit;
  - (vi) the cash value of premiums of employer funded benefit plans paid to the insured in the 12-month period prior to the accident;
  - (vii) the cash value of any other benefit received or that the insured was entitled to receive in the 12-month period prior to the accident, excluding employer funded benefit plans;
- (c) commissions, in the amount that is the greatest of the commissions earned or to which the insured was entitled:
- (i) for the 12-month period prior to the accident;
  - (ii) for the calendar year prior to the accident; or
  - (iii) for the three calendar years prior to the accident divided by three.
- (3) Notwithstanding clauses (2)(b) and (c), if an insured did not hold the employment held at the date of the accident in the 12 months before the accident and the insured can prove that he or she would have earned in the year after the accident a regular benefit or commission, the insurer shall include that benefit or commission in the calculation of the insured's yearly employment income.
- (4) Notwithstanding clause (2)(a), the yearly employment income for an insured for the first 180-day period after the accident:
- (a) must be calculated on the hours of work the insured would have held and on the rate of pay the insured would have earned in the first 180-day period after the accident; and
  - (b) must only be paid to the insured for that period of time the insured would have been employed in the first 180-day period after the accident.

**“YEI derived from self-employment**

**18(1)** In this section and in section 26:

- (a) **‘fiscal year’** means the insured's fiscal year;
- (b) **‘fixed costs’** means the following costs to the extent they are actually incurred by the insured at the time his or her income replacement benefit is calculated:
  - (i) business taxes;
  - (ii) business licensing fees;
  - (iii) interest charges on mortgages or loans for land, buildings, vehicles or equipment necessary for the insured's business;
  - (iv) rental or leasing fees;
  - (v) lease cancellation costs;
  - (vi) insurance costs;
  - (vii) property taxes.

(2) The insured's yearly employment income derived from self-employment that was carried on at the date of the accident is the greatest amount of net business income that the insured earned within the following periods:

- (a) the 12 months before the accident;
- (b) the fiscal year before the year prior to the accident;
- (c) if the insured has been self-employed for not less than two fiscal years before the date of the accident, the two fiscal years before the year prior to the accident divided by two;
- (d) if the insured has been self-employed for not less than three fiscal years before the date of the accident, the three fiscal years before the year prior to the accident divided by three.

(3) For the purposes of subsection (2):

- (a) the insured's net business income must be determined in accordance with generally accepted accounting principals; and
- (b) the net business income for each period set out in subsection (2) must be calculated in a consistent manner.

(4) Subject to subsections (5) and (6) and section 26, in calculating the insured's yearly employment income, the insurer shall add back all fixed costs actually required to be paid by the insured at the date of the accident if the insured's yearly employment income is:

- (a) determined on the basis of the insured's actual net business income; and
- (b) the insured is required to suspend or wind-up the business as a result of the accident.

(5) The insured's fixed costs are only to be considered in determining the insured's yearly employment income for the first 12 months following the accident.

(6) If an insured has an opportunity to reduce his or her fixed costs and the insured fails to do so, the insurer may reduce the benefit for those fixed costs by the amount of any reduction or refund the insured would have been entitled to receive had the insured properly mitigated his or her loss.

**“YEI for classes of employment**

**19(1)** The classes of employment and the corresponding yearly employment incomes set out in Appendix A apply to the following provisions of the Act:

- (a) subclause 113(3)(b)(i);
- (b) clause 113(7)(a);
- (c) subclause 122(2)(c)(i).

(2) The yearly employment income set out in Appendix A applies to an insured if the insurer determines an employment of a class set out in that Appendix for the insured pursuant to subsection 119(4) or section 132 or 133 of the Act.

**“YEI for determined employment**

20(1) If, pursuant to subsection 119(4), section 132 or 133 of the Act, the insurer determines the insured into an employment that the insured held in the two years prior to the accident, the insured’s yearly employment income must be calculated on the basis of the average yearly employment income the insured earned in the two years prior to the accident including any benefits received pursuant to:

- (a) the *Employment Insurance Act* (Canada);
- (b) an employment disability plan; and
- (c) *The Workers’ Compensation Act, 1979* or any other Act, or any legislation of any other jurisdiction, that relates to the compensation of persons injured in accidents.

(2) If the insured did not hold the employment determined for the insured in the two years prior to the accident, the yearly employment income is the yearly employment income set out in Appendix A.

**“Reduction of YEI in certain cases**

21(1) In this section, **‘full-time employment’** means a person is:

- (a) employed at one employment for not less than 30 hours, not including overtime hours, in each week of the 12-month period prior to the accident; or
- (b) employed at one employment:
  - (i) for at least 30 hours per week, not including overtime hours; and
  - (ii) for successive or intermittent periods of not less than eight months and with intervals of not more than four months between those periods.

(2) If the insured’s yearly employment income is determined on the basis of the class of employments pursuant to section 19 or 20 and the insured is not determined into a full-time employment, the yearly employment income attributed to the insured must be reduced in accordance with the formula set out in subsection (4).

(3) Notwithstanding section 19, if an insured’s yearly employment income is determined on the basis of the class of employments pursuant to subclause 113(3)(b)(i), clause 113(7)(a), or subclause 122(2)(c)(i) of the Act, the insured’s yearly employment income must not be determined to be in excess of the yearly employment income earned by the insured at the date of the accident unless the insured has been self-employed for less than three years.

(4) The reduced yearly employment income mentioned in subsection (2) is the amount R calculated in accordance with the following formula:

$$R = \text{YEI} \times \frac{30 - N}{30}$$

where:

YEI is the yearly employment income determined pursuant to section 19 or 20; and

N is the number of hours the insured is working or can work, as the case may be, on a weekly basis.

“DIVISION 3  
Computation of Net Income

“Net income is YEI less certain deductions

22(1) In these regulations, the net income of the insured is the yearly employment income of the insured calculated pursuant to these regulations, less the following:

- (a) any income tax payable by the insured calculated pursuant to subsection (3);
- (b) any premiums payable by the insured respecting employment insurance calculated pursuant to subsection (5); and
- (c) any contributions payable by the insured pursuant to the *Canada Pension Plan* calculated pursuant to subsection (6).

(2) In these regulations, the insured’s taxable income is the yearly employment income calculated pursuant to these regulations less the following:

- (a) any amount allowable to the insured pursuant to clauses 60(b), (c) and (c.2) of the *Income Tax Act* (Canada), in the calendar year before the year for which the taxable income is calculated and prorated as required when the yearly employment income exceeds the maximum insurable earnings; and
- (b) any amount of the yearly employment income that would have been exempt from the insured’s income tax pursuant to clause 81(1)(a) of the *Income Tax Act* (Canada) as that clause existed at the date of the accident.

(3) For the purpose of these regulations, the income tax payable by the insured is the tax payable on the taxable income of the insured calculated in accordance with the *Income Tax Act* (Canada) and *The Income Tax Act, 2000*, allowing only the following credits:

(a) the credit allowed pursuant to section 118.7 of the *Income Tax Act* (Canada) and section 28 of *The Income Tax Act, 2000*, where “B” in the formula set out in that section is the total of:

- (i) the premium payable for employment insurance, as determined pursuant to subsection (5) of this section; and
- (ii) the contributions payable to the *Canada Pension Plan*, as determined pursuant to subsection (6) of this section;

(b) the credits allowed in:

- (i) sections 11, 12, 13, 14, 15, 17, 19, 20, 23 and 29 of *The Income Tax Act, 2000*; and
- (ii) subsections 118(1) and (2), section 118.3 and 118.8 of the *Income Tax Act* (Canada).

(4) For the purposes of subsections (5) and (6), the yearly employment income of the insured, as calculated pursuant to these regulations, is the pensionable earnings of the insured for the purposes of the *Canada Pension Plan* and the insurable earnings of the insured for the purposes of the *Employment Insurance Act* (Canada) not derived from self-employment.

(5) In these regulations, the premiums payable pursuant to the *Employment Insurance Act* (Canada) are the amounts payable by the insured as an employee's yearly premium respecting the insured's insurable earnings, based on the rate established at the time the insured's net income is calculated, and the premiums must not exceed the maximum amount payable by him or her pursuant to that Act.

(6) In these regulations, the contributions payable pursuant to the *Canada Pension Plan* are the amounts payable by the insured as an employee's yearly contribution pursuant to the *Canada Pension Plan* respecting the insured's pensionable earnings, based on the rate established at the time the insured's net income is calculated, and the contributions must not exceed the maximum amount payable by him or her pursuant to that plan.

#### “DIVISION 4 Substitute Worker's Benefits

**“Election to change benefits**

**23(1)** This section applies to an insured if:

- (a) the insured:
  - (i) is receiving a substitute worker benefit or a family enterprise benefit; and
  - (ii) elects to receive an income replacement benefit; and
- (b) the insurer has paid the substitute worker benefit or family enterprise benefit mentioned in clause (a) in the manner required pursuant to either subsection 117(3) or 118(4) of the Act, as the case may be.

(2) In the circumstances mentioned in subsection (1), the insured is not entitled to receive a weekly income replacement benefit until the amount paid by the insurer to the insured pursuant to subsection 117(3) or 118(4) of the Act is equal to the amount that would have been paid to the insured as an income replacement benefit had that insured initially elected to receive an income replacement benefit.

#### “DIVISION 5 Lump Sum Benefit

**“Lump sum benefit**

**24(1)** In this section, ‘**lump sum benefit**’ means a lump sum benefit payable pursuant to section 128 of the Act.

(2) Subject to subsections (3) to (6), the insurer shall set aside for the purposes of a lump sum benefit an amount equal to 10% of the weekly income replacement benefit or substitute worker benefit paid to the insured.

(3) The insurer shall set aside an amount pursuant to subsection (2) only after the insured:

- (a) reaches 18 years of age or older; and
- (b) has received the following benefits for a period of 24 consecutive months:
  - (i) an income replacement benefit pursuant to section 113, 114, 115, subsection 119(4) or section 123 of the Act; or
  - (ii) a substitute worker benefit pursuant to section 117 of the Act.

(4) In calculating the period of 24 consecutive months for the purposes of clause (3)(b), the insurer shall:

- (a) only count those months that the insured was 18 years of age or older; and
- (b) not include those months that the insured received a reduced benefit pursuant to section 126, 127 or 135 of the Act.

(5) The insurer shall pay the amount set aside pursuant to subsection (2) together with any accrued interest to the insured as a lump sum benefit.

(6) The insurer may invest the amount set aside pursuant to subsection (2) in any form or property or security in which a reasonable, prudent investor would invest, including any securities issued by a mutual fund as defined in *The Securities Act, 1988* or similar investment.

**“Insurer not liable for loss**

**25** The insurer is not liable for any loss arising from the investment of the insured’s lump sum benefit pursuant to section 24 if the conduct of the insurer that lead to the loss conformed to a plan or strategy for the investment of the money that included reasonable assessment of risk and return and that a reasonably prudent investor would adopt under similar circumstances.

**“PART V  
Death Benefits**

**“Calculation of death benefit**

**26(1)** Notwithstanding any provision to the contrary, in determining a deceased’s yearly employment income pursuant to subsection 144(1), (2) or (6) of the Act, the insurer shall not add in any fixed costs.

(2) For the purposes of subsection 144(3) of the Act, the classes of employment and the corresponding yearly employment incomes set out in Appendix A apply in calculating a deceased’s yearly employment income.

(3) If the deceased’s yearly employment income is determined on the basis of the classes of employment mentioned in subsection (2) and the deceased did not hold full-time employment at the date of the accident, the yearly employment income attributed to the deceased pursuant to subsection (2) must be reduced in accordance with the formula set out in subsection 21(4) and that subsection applies, with any necessary modification, to this section.

(4) If there is more than one dependant entitled to death benefits pursuant to section 144 of the Act, the insurer shall calculate and pay the death benefits in accordance with the following rules:

(a) the death benefits mentioned in subsection 144(1), (2) or (3) of the Act must be calculated on the basis of the youngest dependant being considered the surviving spouse;

(b) the death benefits payable in clause (a) are payable until the youngest dependant reaches 21 years of age and each dependant is entitled to an equal share of the death benefits as long as that dependant remains under 21 years of age;

(c) the death benefits mentioned in subsection 144(6) of the Act must be calculated on the number of dependants, not including the youngest, and must be paid until the second youngest reaches 21 years of age;

(d) a dependant is entitled to an equal share of the death benefits mentioned in clause (c) as long as that dependant remains under 21 years of age.

(5) Notwithstanding clause (4)(b), a dependant within the meaning of subclause 100(b)(i) is entitled to the greater of:

(a) the dependant's share of the death benefit; and

(b) \$51,582.

**“Dependant benefits**

**27** For the purposes of subsection 144(7) of the Act, the minimum weekly benefit payable to the surviving spouse pursuant to subsection 144(6) of the Act is as follows:

(a) \$21, for one dependant;

(b) \$35, for two dependants;

(c) \$41, for three dependants;

(d) \$46, for four or more dependants.

**“Method of capitalization for surviving spouse's benefit**

**28** For the purposes of section 146 of the Act, the insurer shall determine the capitalized value of the surviving spouse's death benefit based on the standard mortality tables published by Statistics Canada using a discount rate of 3% per year.

**“Educational Benefit for surviving spouse**

**29(1)** To be eligible for an educational benefit, a surviving spouse must apply within five years from the date of the accident.

(2) An educational benefit must be used to reimburse the surviving spouse for the following expenses incurred by the surviving spouse to attend an educational institution:

(a) tuition fees;

(b) required books or other course material;

(c) child care;

(d) housing expenses if the surviving spouse is required to maintain more than one residence in order to attend an educational institution.

(3) A surviving spouse is not eligible for more than 25% of the maximum educational benefit payable in any one calendar year.

(4) The insurer may exempt a surviving spouse from subsection (2) or increase the educational benefit payable above the maximum amount set pursuant to subsection (3) if the insurer is satisfied that doing so is reasonably required by the surviving spouse”.

**Section 40 amended**

**9 Section 40 is amended by striking out “victim” and substituting “insured”.**

**New Parts VII, VIII and IX**

**10 Parts VII, VIII and IX are repealed and the following substituted:**

**“PART VII  
Benefits for Expenses**

**“Reimbursement is subject to Appendices and limits**

**43** An expense for which the insurer may be or is required to reimburse the insured pursuant to Division 7 of Part VIII of the Act or this Part is subject to any limit set out in the Act or these regulations or, if there is no limit as to amount, to an amount that the insurer considers is reasonable.

**“Living assistance benefit under Appendix D**

**44** Subject to the maximum amount set pursuant to section 156 of the Act, if the insured is unable because of the accident to care for himself or herself or to perform the prescribed basic activities of daily living without assistance and has an expense for living assistance that is not covered pursuant to any other Act, the insurer shall reimburse the insured for the expense in accordance with Appendix D.

**“Reimbursement of medical expenses**

**45(1)** The insurer shall reimburse the insured for an expense incurred by the insured to receive medical or paramedical care in the following circumstances:

- (a) the care is medically required and is dispensed in Saskatchewan by a practitioner;
- (b) the care is medically required and dispensed outside of Saskatchewan by a practitioner, if the cost of the care would not be reimbursed pursuant to any other Act if the care was dispensed in Saskatchewan.

(2) The insurer’s requirement to reimburse the insured pursuant to subsection (1) is limited to the extent to which the insured is not entitled to be reimbursed for the expense pursuant to any other Act.

**“Travel, meals and lodging**

**46** Subject to sections 47 to 54, if the insurer is required to reimburse a person for travel, meals and lodging expenses, the maximum amount the insurer shall reimburse a person for the following expenses is:

- (a) in the case of ambulance costs, the amount billed;

- (b) in the case of travel by automobile, 30 cents per kilometre;
  - (c) in the case of meals:
    - (i) for breakfast, \$6.90;
    - (ii) for lunch, \$9.80;
    - (iii) for dinner, \$12.00;
- to a maximum of \$28.70 per day;
- (d) in the case of commercial lodging, all expenses the insurer considers reasonable;
  - (e) in the case of private lodging, \$17 per day.

**“Expenses beyond 100 kilometres from the insured’s residence**

**47(1)** If the insured incurs an expense for travel or lodging to receive care at a distance of more than 100 kilometres from the insured’s residence when the care is available within 100 kilometres of the insured’s residence, the insurer shall pay only the expenses for travel, meals or lodging that would have been incurred by the insured if the care had been received within the 100 kilometre radius.

(2) Subsection (1) does not apply to an expense incurred by the insured for transportation from the scene of the accident to a hospital.

**“Ambulance prescribed by physician**

**48** If a physician requires that the insured be transported by ambulance to receive medical care, the insurer shall reimburse the insured for the expense incurred by the insured for the transportation.

**“Common carrier**

**49** The insurer shall reimburse the insured for an actual expense incurred by the insured for transportation by a common carrier.

**“Parking and tolls while using private vehicle**

**50** The insurer shall reimburse the insured for an expense incurred by the insured for parking and tolls, if the expense:

- (a) is incurred while the insured is using a private vehicle; and
- (b) the expense is incurred for the purpose of obtaining medical care.

**“Transportation by air**

**51** The insurer shall reimburse the insured for an expense incurred by the insured for air transportation if:

- (a) other available means of transportation are inadequate or dangerous because of travel time or road or weather conditions; or
- (b) air transportation is less expensive than other available means of transportation.

**“Emergency transportation**

**52** The insurer shall reimburse the insured for an expense incurred by the insured for emergency transportation when circumstances warrant its use.

**“Lodging away from residence**

**53** The insurer shall reimburse the insured for an expense incurred by an insured for lodging away from the insured’s residence:

- (a) if the distance between the place where the insured must receive medical care and the residence so warrants; or
- (b) if the insured’s state of health so warrants.

**“Telephone calls and television rentals**

**54(1)** The insurer shall reimburse an insured who is hospitalized for expenses incurred by the insured for telephone and television rentals in an amount that the insurer considers reasonable.

(2) The insurer shall reimburse an insured who is hospitalized for expenses incurred by the insured for long-distance telephone calls made by the insured in an amount that the insurer considers reasonable.

(3) The insurer shall reimburse an insured for an expense incurred by the insured for long-distance telephone calls made by the insured to make an appointment to undergo an examination required pursuant to section 158 of the Act.

**“Prosthesis and orthosis**

**55(1)** Subject to sections 56 to 67, the insurer shall reimburse the insured for any expense that the insured incurs to purchase, rent, repair, replace, fit or adjust a prosthesis or orthosis if the prosthesis or orthosis is:

- (a) medically required; and
- (b) prescribed by a practitioner.

(2) The insurer shall reimburse an insured pursuant to subsection (1) only in an amount that the insurer considers reasonable and proper.

**“Eyeglasses or ocular prosthesis not worn before accident**

**56** If the insured did not wear eyeglasses or an ocular prosthesis before the accident, the insurer shall reimburse the insured for any expense incurred by the insured to purchase, fit or adjust eyeglasses or an ocular prosthesis.

**“Contact lenses not worn before accident**

**57** If the insured did not wear contact lenses before the accident, the insurer shall reimburse the insured for any expense incurred by the insured to purchase, fit and adjust contact lenses.

**“Hairpiece not worn before accident**

**58** If the insured did not wear a hairpiece before the accident, the insurer shall reimburse the insured for any expenses incurred by the insured to purchase, fit and adjust a hairpiece.

**“Dentures not worn before accident**

**59(1)** Subject to subsection (2), if the insured did not have a denture before the accident, the insurer shall reimburse the insured for any expenses incurred by the insured to purchase, fit and adjust a denture.

(2) The insurer shall reimburse the insured for any expenses incurred by the insured to purchase, fit and adjust a fixed prosthesis resting on an implant only if a fixed prosthesis not resting on an implant would not be medically effective.

**“Repair, replacement, fitting or adjustment of prosthesis or orthosis**

**60** The insurer shall reimburse the insured for expenses incurred by the insured to repair, replace, fit or adjust anything in sections 55 to 59 that the insured did not wear before the accident if the expenses:

- (a) are incurred:
  - (i) owing to a changing condition resulting from the accident; or
  - (ii) owing to ordinary usage of the prosthesis or orthosis; or
- (b) are incurred to enhance the performance of the prosthesis or orthosis.

**“Prosthesis or orthosis worn before accident**

**61(1)** Subject to subsection (2), the insurer shall reimburse the insured for any expenses incurred by the insured to repair, replace, fit or adjust a prosthesis or orthosis that the insured wore before the accident.

(2) The insurer shall not reimburse the insured for any expense in addition to those mentioned in subsection (1) that is incurred respecting a prosthesis or orthosis that the insured wore before the accident unless the expense relates to a change in a condition resulting from the accident.

**“Medication, dressings and other medical supplies**

**62** The insurer shall reimburse the insured for an expense incurred by the insured to purchase medication, dressings and other medical supplies required for a medical reason resulting from the accident.

**“Salvage**

**63** If the insurer purchases any item pursuant to this Part, it is entitled to retain the salvage of the replaced item.

**“Prescribed appliance, medical equipment, clothing**

**64** Subject to sections 65 to 67, the insurer shall reimburse the insured for an expense incurred by the insured to purchase, rent, repair, replace, fit or adjust clothing or a medical appliance or medical equipment if the expense is incurred:

- (a) for a medical reason related to the accident; and
- (b) on the prescription of a practitioner.

**“If insured did not wear or use object before accident**

**65** If an expense is incurred pursuant to section 64 for an object the insured did not wear or use before the accident, the insurer shall not reimburse the insured for the expense unless:

- (a) it is incurred:
  - (i) owing to a changing condition resulting from the accident; and
  - (ii) owing to ordinary usage of the object; or
- (b) it is incurred in order to enhance the performance of the object.

**“If insured wore or used object before accident**

**66(1)** If an expense is incurred pursuant to section 64 for an object the insured wore or used before the accident, the insurer shall reimburse the insured for the expense only once.

(2) Notwithstanding subsection (1), if the expense is incurred owing to a change in a condition that results from the accident, the insurer shall reimburse the insured for the expense.

**“Cost of repair not to exceed 80% of purchase price**

**67** Notwithstanding sections 60, 61, 64, 65 and 66, the maximum amount the insurer may reimburse the insured for an expense incurred by the insured to repair a prosthesis or orthosis is an amount equal to 80% of the price that was paid for the prosthesis or orthosis.

**“Clothing worn at the date of the accident**

**68** Subject to section 69, the insurer shall reimburse the insured for an expense incurred by the insured to clean, repair or replace damaged clothing worn at the date of the accident to a maximum of \$1,147.

**“Replacement**

**69** The insurer shall reimburse the insured for an expense incurred to replace clothing if:

- (a) the clothing cannot be adequately repaired or cleaned; or
- (b) the cost of replacement is less than the cost of repair.

**“Volunteer giving emergency assistance to the insured**

**70(1)** If a person voluntarily and without expecting compensation renders emergency first aid assistance or other assistance to the insured, the insurer shall reimburse that person for:

- (a) an expense incurred by that person to clean, repair or replace clothing damaged as a result of rendering the assistance; and
- (b) any other expense necessarily incurred by the person to render the assistance.

(2) Sections 68 and 69 apply, with any necessary modification, to calculating the amount of reimbursement pursuant to clause (1)(a).

**“Shoes**

**71** The insurer shall reimburse the insured for an expense incurred by the insured to purchase, manufacture, alter, repair or replace shoes that are prescribed by a physician.

**“Financial counselling**

**72** If a beneficiary receives a lump sum payment greater than or equal to \$51,582, the insurer shall reimburse the beneficiary for any authorized financial counselling obtained by the beneficiary subject to the maximum benefit set out in section 162 of the Act.

**“Guardian or trustee**

**73** The insurer shall reimburse the insured for an expense incurred by the insured to appoint a guardian, trustee or committee for the insured, if the insured:

- (a) is required by law to have a guardian, trustee or committee; and
- (b) does not have one at the date of the accident.

**“PART VIII  
Claims**

**“Form of application**

**74(1)** A claimant shall:

- (a) apply on a form provided by or acceptable to the insurer; and
- (b) sign his or her application.

(2) Notwithstanding subsection (1), if a claimant is incapable of conducting his or her own affairs or is otherwise incapable, a claim on behalf of that claimant may be submitted and signed by a person authorized to represent the claimant.

(3) A person who submits a claim on behalf of another shall state in what capacity he or she is acting and provide proof of his or her capacity to act.

**“Medical examination**

**75** The examination by a practitioner conducted pursuant to section 158 of the Act must include the following points with respect to the insured:

- (a) a case history, including:
  - (i) reasons for consultation;
  - (ii) concurrent or pre-existing disorders and diseases;
  - (iii) signs or symptoms of concurrent or pre-existing physical or mental disorders at the time of the examination; and
  - (iv) record of treatments prescribed for concurrent or pre-existing disorders and results;

- (b) an occupational history, including:
  - (i) previous occupations and reasons for departure; and
  - (ii) actual or presumed occupation and the abilities required to carry out that occupation in relation to the insured's present condition;
- (c) a physical or mental examination giving in detail the signs and symptoms of bodily injury caused by the accident;
- (d) an analysis of all medical reports in relation to bodily injury;
- (e) a summary of the causal relationship between:
  - (i) the accident and the bodily injury;
  - (ii) the bodily injury and the permanent impairment; and
  - (iii) the bodily injury and the insured's inability to hold real or presumed employment;
- (f) any additional information required by the insurer.

**“Medical report ordered in support of review or appeal**

**76(1)** The insurer shall pay the practitioner for the cost of a report mentioned in section 169 of the Act to the following amounts:

- (a) \$286 for a report prepared by a practitioner who examined the person for the purpose of making the report;
- (b) if the report is prepared by more than one practitioner, after the person is jointly examined by the practitioners for the purpose of making the report, \$286 for each practitioner to a maximum of three practitioners.

(2) Notwithstanding subsection (1), if the insurer considers that the circumstances so require it, the insurer may pay an insured for any additional costs incurred in excess of the amounts set out in subsection (1) in obtaining a medical report.

**“PART IX  
Indexation of Benefits**

**“CPI not published**

**77(1)** For the purpose of subsection 184(3) of the Act, if no figure for the ‘**all-items**’ Consumer Price Index for Saskatchewan is published by Statistics Canada for a month, the insurer shall determine a figure for that month in accordance with the following formula:

$$\text{CPI} = \frac{\text{SCPI}}{12}$$

where:

CPI is the consumer price index to be used in the month; and

SCPI is the sum of the ‘**all items**’ Consumer Price Index for Saskatchewan, as published by Statistics Canada, for the 12 months before that month.

(2) The insurer may adjust the amount calculated pursuant to this section to take account of any exceptional circumstances that occurred during the 12 months before the month for which the amount is being calculated.

**“Change in method of Statistics Canada**

**78(1)** For the purposes of subsection 184(4) of the Act, the insurer shall determine a figure for the ‘**all-items**’ Consumer Price Index for Saskatchewan based on the lower of the actual change created by the new method and the average of the new method and former method for the 12-month period prior to the introduction of the new method.

(2) After the new method has been utilized by Statistics Canada for 12 months, the insurer shall calculate a figure based on the new method”.

**New Part XI**

**11 Part XI is repealed and the following substituted:**

**“PART XI  
General**

**“Calculation of interest**

**102** Interest payable pursuant to Part VIII of the Act is to be calculated in accordance with *The Pre-judgment Interest Act*.

**“Manner of service**

**103(1)** If a notice or document is required to be given, sent or otherwise served on a person, service may be effected:

- (a) personally;
- (b) by registered mail with post office acknowledgment of the receipt card; or
- (c) by certified mail to the last address provided by the person to the insurer.

(2) A notice or document served by mail pursuant to subsection (1) is deemed to be served on the day that Canada Post confirms is the day on which the notice or document was delivered to the address to which it is mailed.

(3) If a claimant is represented by an agent who has provided the insurer with proof of his or her authority to act as agent for the person, service on the agent constitutes service on the person.

**“Advances**

**104** If the insurer is authorized or required by these regulations to reimburse a beneficiary for an expense incurred by a beneficiary, the insurer may advance moneys to or on behalf of the beneficiary to pay for the expense before it is incurred if:

- (a) the insurer considers it necessary or appropriate to do so; and
- (b) the beneficiary provides the insurer with any receipts or other information the insurer may reasonably require to show that the expense has been incurred”.

**New Appendices A, B, C and D**

**12 Appendices A, B, C and D to *The Personal Injury Benefits Regulations* are repealed and the Appendices attached to these regulations are substituted.**

**Coming into force**

**13(1)** These regulations come into force on the day on which subsection 30(1) of *The Automobile Accident Insurance Amendment Act, 2002* is proclaimed in force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which subsection 30(1) of *The Automobile Accident Insurance Amendment Act, 2002* is proclaimed in force, these regulations come into force on the day they are filed with the Registrar of Regulations.

**Appendix A****Classes of Employment**

[sections 19, 20 and 26]

**Determination of level of experience**

**1** For the purposes of Table 1 of this Appendix, the insurer shall determine the level of experience that the insured has in the class of employment in accordance with the following:

(a) “**Level 1**” means less than 36 months of experience related to that employment prior to the accident;

(b) “**Level 2**” means 36 months or more but less than 120 months of experience related to that employment prior to the accident;

(c) “**Level 3**” means 120 months or more of experience related to that employment prior to the accident.

**Calculation of months**

**2** For the purpose of calculating the number of months of experience pursuant to section 1 of this Appendix, a month in which an employment begins or ends is deemed to be a complete month of experience.

**Indexation of yearly employment incomes**

**3** The yearly employment incomes appearing in Table 1 are to be adjusted in accordance with the following formula:

$$AYEI = YEI \times \frac{IAWY}{IAWY95}$$

where:

AYEI is the adjusted yearly employment income;

YEI is the yearly employment income appearing in Table 1;

IAWY is the average of the industrial average wage for the 12 months before July 1 of the year before the year for which the adjustment in income is being calculated; and

IAWY95 is the average of the industrial average wage for the 12 months before July 1, 1994.

**Rules re use of Table 1****4(1)** In Table 1:

- (a) the dollar figures are for full-time work for a full year; and
  - (b) when an income level in the Table is less than the annual minimum income established pursuant to Part II of *The Labour Standards Act* on the basis of a 40-hour work week, the annual minimum income is to be used.
- (2) If Statistics Canada publishes a new Census, the income levels set out in Appendix A shall be modified or adjusted to reflect the income levels set out in the new Census each time a new Census is published by Statistics Canada.
- (3) If the Statistics Canada Census for a particular year is published after December 31, of that year the insurer shall index the income figures provided in the Statistics Canada Census pursuant to section 3 of this Appendix within 6 months after receiving the new Census prior to incorporating those income figures in this Appendix.

**Non-classified occupations**

**5** For occupations that are not classified in this Appendix, the insurer shall calculate the yearly employment income on the basis of the yearly employment the insured earned from his or her employment.

**Table 1**  
**Table of Classes of Employment**  
**2002**

No.	Occupations	Years of Experience		
		Under 3 Level 1 \$	3 to 10 Level 2 \$	Over 10 Level 3 \$
<b>0.</b>	<b>Management Occupations</b>			
<b>001</b>	<b>Legislators and Senior Management</b>			
0011	Legislators	22,707	40,094	64,556
0012	Senior Government Managers and Officials	49,993	69,378	94,270
0013	Senior Managers – Financial, Communication Carriers and Other Services	57,891	79,287	119,750
0014	Senior Managers – Health, Education, Social and Community	36,871	53,653	82,111
0015	Senior Managers – Trade, Broadcasting and Other Services	35,636	59,256	108,022
0016	Senior Managers – Production, Utilities, Transportation and Construction	38,909	67,137	102,862
<b>011</b>	<b>Administrative Service Managers</b>			
0111	Financial Managers	44,645	57,889	77,826
0112	Human Resources Managers	51,003	63,397	79,345
0113	Purchasing Managers	29,057	45,575	67,295
0114	Other Administrative Service Managers	37,669	52,674	70,458
<b>012</b>	<b>Financial and Business Service Managers</b>			
0121	Insurance, Real Estate and Financial Brokerage	30,962	48,668	77,073
0122	Banking, Credit and Other Investment Managers	43,129	56,920	71,575
<b>0131</b>	<b>Telecommunication Carriers Managers</b>	48,262	60,209	66,803
<b>021</b>	<b>Engineering, Architecture, Science and Information Systems Managers</b>			
0210	Engineering, Science and Architecture	55,713	68,064	83,702
0213	Information Systems and Data Processing	51,057	59,176	73,270
<b>031</b>	<b>Health, Education, Social and Community Services Managers</b>			
0311	Health Care	36,431	50,905	58,424
0312	Post-Secondary Education and Vocational Training	50,909	62,356	89,768
0313	School Principals and Administrators of Elementary and Secondary Education	55,463	62,318	68,364
0314	Social, Community and Correctional Services	29,623	40,681	56,984
<b>0411/12/13/14</b>	<b>Public Administration Managers</b>	51,772	63,342	76,073
<b>0511/12/13</b>	<b>Art, Culture, Recreation and Sport Managers</b>	29,615	36,916	59,070
<b>0611</b>	<b>Sales, Marketing and Advertising Managers</b>	37,689	52,237	68,937
<b>0621</b>	<b>Retail Trade Managers</b>	17,882	29,625	42,707
<b>063</b>	<b>Food Service and Accommodation Managers</b>			
0631	Restaurant and Food Service Managers	14,821	22,902	36,905
0632	Accommodation Service Managers	13,304	20,438	34,081
0643	Managers in Armed Forces Commissioned Officers	30,552	47,951	61,069
0651	Other Services Managers	9,706	27,118	45,410

**Table 1**  
**Table of Classes of Employment**

No.	Occupations	Years of Experience		
		Under 3 Level 1 \$	3 to 10 Level 2 \$	Over 10 Level 3 \$
<b>071</b>	<b>Managers in Construction and Transportation</b>			
0711	Construction Managers	33,508	48,667	67,329
0712	Residential Home Builders and Renovators	17,023	24,974	39,745
0713	Transportation Managers	34,083	49,857	72,885
0721	Facility Operation and Maintenance Managers	34,049	45,633	62,371
<b>0811</b>	<b>Primary Production Managers (Except Agriculture)</b>	51,171	75,959	113,970
<b>091</b>	<b>Manufacturing and Utilities Managers</b>			
0911	Manufacturing Managers	34,039	51,666	73,642
0912	Utilities Managers	44,385	58,274	70,637
<b>1.</b>	<b>Business, Finance and Administrative Occupations</b>			
<b>111</b>	<b>Auditors, Accountants and Investment Professionals</b>			
1111	Financial Auditors and Accountants	34,031	45,508	56,961
1112	Financial and Investment Analysts	42,995	51,091	62,369
1113	Securities Agents, Investment Dealers and Traders	31,832	40,917	57,959
1114	Other Financial Officers	27,293	37,134	49,911
<b>112</b>	<b>Human Resources and Business Service Professionals</b>			
1121	Specialists in Human Resources	48,346	59,204	71,934
1122	Professional Occupation in Business Services to Management	40,874	56,791	71,631
<b>121</b>	<b>Clerical Supervisors</b>			
1211/13	General Office, Administrative, Library	31,710	39,737	51,540
1212	Finance and Insurance Clerks	29,654	35,728	47,806
1214	Mail and Message Distribution Occupations	20,458	37,149	43,042
1215	Recording, Distributing and Scheduling Occupations	28,354	33,349	44,466
<b>122</b>	<b>Administrative and Regulatory Occupations</b>			
1221	Administrative Officers	27,683	36,451	49,892
1222	Executive Assistants	29,598	40,648	53,040
1223	Personnel and Recruitment Officers	34,697	44,993	48,823
1224	Property Administrators	21,519	32,153	44,669
1225	Purchasing Agents and Officers	31,902	42,118	50,976
1228	Immigration, Employment Insurance and Revenue Officers	35,971	41,996	46,570
<b>123</b>	<b>Finance and Insurance Administrative Occupations</b>			
1231	Bookkeepers	13,618	20,907	29,475
1232	Loan Officers	32,976	38,517	46,139
1233	Insurance Adjusters and Claims Examiners	34,025	41,739	47,934
1234	Insurance Underwriters	32,069	35,766	43,936
1235	Assessors, Valuators and Appraisers	36,460	53,234	68,053

**Table 1**  
**Table of Classes of Employment**

No.	Occupations	Years of Experience		
		Under 3 Level 1 \$	3 to 10 Level 2 \$	Over 10 Level 3 \$
<b>124</b>	<b>Secretaries, Recorders and Transcriptionists</b>			
1241	Secretaries (Except Legal and Medical)	22,225	27,296	32,984
1242	Legal Secretaries	20,403	26,516	33,043
1243	Medical Secretaries	22,384	26,819	30,578
<b>141</b>	<b>Clerical Occupations, General Office Skills</b>			
1411	General Office Clerks	20,613	27,691	33,352
1412	Typists and Word Processing Operators	23,889	26,966	30,075
1413	Records and File Clerks	23,589	26,867	30,589
1414	Receptionists and Switchboard Operators	18,207	23,869	28,586
<b>142</b>	<b>Office Equipment Operators</b>			
1421	Computer Operators	27,549	37,599	46,015
1422	Data Entry Clerks	23,850	28,110	32,856
1423	Typesetters and Related Occupations	13,599	22,788	29,513
1424	Telephone Operators	28,428	32,253	34,097
<b>143</b>	<b>Finance and Insurance Clerks</b>			
1431	Accounting and Related Clerks	21,640	28,095	34,504
1432	Payroll Clerks	26,231	32,020	37,441
1433	Tellers, Financial Services	21,799	25,710	30,617
1434	Banking, Insurance and Other Financial Clerks	24,608	27,694	33,660
1435	Collectors	24,946	32,616	37,656
1441	Administrative Support Clerks	25,239	29,578	34,077
<b>145</b>	<b>Library, Correspondence and Related Information Clerks</b>			
1451	Library Clerks	19,643	25,315	28,517
1452/53	Customer Service, Information and Correspondence	22,709	30,672	35,219
1454	Survey Interviewers and Statistical Clerks	12,012	19,944	34,053
<b>146</b>	<b>Mail and Message Distribution Occupations</b>			
1461	Mail, Postal and Related Clerks	22,855	36,437	43,189
1462	Letter Carriers	39,737	42,145	43,617
1463	Couriers and Messengers	17,304	24,872	39,285
<b>147</b>	<b>Recording, Scheduling and Distributing Occupations</b>			
1471	Shippers and Receivers	19,742	27,245	37,290
1472	Storekeepers and Parts Clerks	21,553	28,438	37,488
1473	Production Clerks	28,431	36,896	48,831
1474	Purchasing and Inventory Clerks	24,884	30,850	37,411
1475	Dispatchers and Radio Operators	21,416	28,771	43,064

**Table 1**  
**Table of Classes of Employment**

No.	Occupations	Years of Experience		
		Under 3 Level 1 \$	3 to 10 Level 2 \$	Over 10 Level 3 \$
<b>2.</b>	<b>Natural and Applied Sciences and Related Occupations</b>			
<b>211</b>	<b>Physical Science Professionals</b>			
2112	Chemists	44,697	62,225	76,583
2113/14	Geologists, Geochemists and Meteorologists	58,610	60,302	74,336
<b>212</b>	<b>Life Science Professionals</b>			
2121	Biologists and Related Scientists	44,252	52,474	67,771
2123	Agricultural Representatives, Consultants and Specialists	36,348	54,657	59,851
<b>213</b>	<b>Civil, Mechanical, Electrical and Chemical Engineers</b>			
2131	Civil Engineers	40,984	55,382	68,133
2132	Mechanical Engineers	45,526	56,291	68,209
2133	Electrical and Electronic Engineers	48,033	57,001	67,470
2134	Chemical Engineers	51,022	64,761	79,534
2141/43/44/45/47	<b>Other Engineers</b>	40,494	51,063	65,920
2151/53/54	<b>Architects, Urban Planners, Land Surveyors</b>	39,614	45,637	63,432
<b>216</b>	<b>Systems Analysts and Computer Programmers</b>			
2162	Computer Systems Analysts	39,937	52,257	61,672
2163	Computer Programmers	35,731	44,565	55,670
<b>221</b>	<b>Technical Occupations in Physical Sciences</b>			
2211	Applied Chemical Technologists and Technicians	35,057	51,084	56,962
2212	Geological and Mineral Technologists and Technicians	35,239	49,207	56,839
<b>222</b>	<b>Technical Occupations in Life Sciences</b>			
2221	Biological Technologists and Technicians	30,628	39,013	50,386
2222	Agricultural and Fish Products Inspectors	31,822	41,971	46,487
2223/24	Forestry Tech, Conservation and Fishery Officers	39,727	45,760	54,437
2230/32	Civil and Mechanical Engineering Technologists	36,409	43,978	54,470
<b>224</b>	<b>Technical Occupations in Electronics and Electrical Engineering</b>			
2241	Technologists and Technicians	36,393	47,953	55,560
2242	Electronic Service Technicians (Household and Business)	24,915	37,258	50,136
2243	Industrial Instrument Technicians and Mechanics	52,323	62,258	72,702
<b>225</b>	<b>Technical Occupations in Architecture, Drafting, Surveying and Mapping</b>			
2253	Drafting Technologists and Technicians	32,973	40,733	46,634
2254/55	Survey and Mapping Technologists and Technicians	30,544	34,156	45,425
2262/63/64	<b>Other Technical Inspectors and Regulatory Officers</b>	39,641	46,191	54,592
2271/72	<b>Transportation Officers and Controllers</b>	34,133	48,588	61,091

**Table 1**  
**Table of Classes of Employment**

No.	Occupations	Years of Experience		
		Under 3 Level 1 \$	3 to 10 Level 2 \$	Over 10 Level 3 \$
<b>3.</b>	<b>Health Occupations</b>			
<b>311</b>	<b>Physicians, Dentists and Veterinarians</b>			
3111	Specialist Physicians	60,439	124,481	221,923
3112	General Practitioners and Family Physicians	88,077	127,108	169,974
3113	Dentists	62,451	95,294	177,213
3114	Veterinarians	34,409	60,325	68,750
3131	Pharmacists	45,504	54,398	63,756
<b>314</b>	<b>Therapy and Assessment Professionals</b>			
3141/42	Audiologists Speech Language and Physiotherapists	44,927	46,150	51,113
3143/44	Occupational Therapists and Other Therapists	27,737	33,546	40,487
<b>315</b>	<b>Nurse Supervisors and Registered Nurses</b>			
3151	Head Nurses and Supervisors	46,510	52,758	56,286
3152	Registered Nurses	35,874	45,585	49,812
<b>321</b>	<b>Medical Technologists and Technicians (except Dental Health)</b>			
3211/19	Medical Laboratory and Other Medical Technologists	34,067	41,444	45,282
3212/14	Medical Lab Technicians and Respiratory Therapists	30,550	38,027	44,190
3215	Medical Radiation Technologists	34,037	40,856	46,211
<b>322</b>	<b>Technical Occupations in Dental Health Care</b>			
3220/21	Dental Technicians and Denturists	27,268	42,288	52,119
3222	Dental Hygienists and Dental Therapists	39,615	43,610	49,613
<b>323</b>	<b>Other Technical Occupations in Health (except Dental)</b>			
3233	Registered Nursing Assistants	26,478	30,403	32,896
3234	Ambulance Attendants and Other Paramedical Occupations	24,633	31,026	40,447
3235	Other Therapy and Assessment - Massage, Speech	7,514	20,764	36,554
<b>341</b>	<b>Assisting Occupations in Support of Health Services</b>			
3411	Dental Assistants	22,796	27,315	30,054
3413	Nurse Aides and Orderlies	22,572	27,192	28,994
3414	Other Aides and Assistants in Support of Health Services	18,526	28,090	31,819

**Table 1**  
**Table of Classes of Employment**

No.	Occupations	Years of Experience		
		Under 3 Level 1 \$	3 to 10 Level 2 \$	Over 10 Level 3 \$
<b>4.</b>	<b>Social Science, Education, Government Service and Religion</b>			
<b>4112</b>	<b>Lawyers and Quebec Notaries</b>	44,812	70,362	94,060
<b>412</b>	<b>University Professors and Assistants</b>			
4121	University Professors	56,284	74,917	93,882
4122	Post-Secondary Teaching and Research Assistants	10,321	17,068	35,280
<b>4131</b>	<b>College and Other Vocational Instructors</b>	39,478	52,371	59,263
<b>414</b>	<b>Secondary and Elementary School Teachers and Counsellors</b>			
4141	Secondary School Teachers	41,309	52,901	55,918
4142	Elementary School and Kindergarten Teachers	38,571	49,961	53,332
4143	School and Guidance Counsellors	33,653	42,702	55,838
<b>415</b>	<b>Psychologists, Social Workers, Counsellors, Clergy and Probation Officers</b>			
4151	Psychologists	39,039	54,678	65,979
4152	Social Workers	34,026	41,042	47,970
4153	Family, Marriage and Other Related Counsellors	27,273	35,955	45,054
4154	Ministers of Religion	20,727	30,588	38,477
4155	Probation and Parole Officers and Related Occupations	39,463	43,317	51,114
<b>416</b>	<b>Policy and Programs Officers, Researchers and Consultants</b>			
4160	Health and Social Policy	35,296	45,555	57,980
4161	Natural and Applied Science	45,976	53,201	60,028
4163	Economic Development and Marketing	29,571	43,176	59,037
4166	Education Policy	38,668	55,291	63,482
4167	Recreation and Sports Program	22,691	28,407	38,948
<b>421</b>	<b>Paralegals, Social Services Workers and Occupations in Education and Religion (Not elsewhere classified)</b>			
4211	Paralegal and Related Occupations	29,948	34,102	40,611
4212	Community and Social Service Workers	19,265	27,242	34,155
4213	Employment Counsellors	36,346	42,282	46,388
4215	Instructors and Teachers of Disabled Persons	18,225	22,028	35,882
4216	Other Instructors	22,717	31,811	40,980
4217	Other Religious Occupations	18,196	24,988	29,951
<b>5.</b>	<b>Art, Culture, Recreation and Sport Occupations</b>			
<b>5111</b>	<b>Librarians</b>	24,966	35,294	48,602
<b>512</b>	<b>Writing, Translating and Public Relations Professionals</b>			
5121	Writers	10,778	27,286	38,498
5122/23	Editors and Journalists	27,192	41,309	59,788
5124	Public Relations and Communications	34,388	45,926	56,525

**Table 1**  
**Table of Classes of Employment**

No.	Occupations	Years of Experience		
		Under 3 Level 1 \$	3 to 10 Level 2 \$	Over 10 Level 3 \$
<b>513</b>	<b>Creative and Performing Arts</b>			
5131	Producers, Directors, Choreographers and Related Occupations	26,882	38,564	62,298
5132/33/34	Composers, Musicians, Singers and Dancers	8,273	17,061	23,323
<b>5211/12</b>	<b>Technical Occupations in Libraries, Archives, Museums</b>	25,417	30,845	32,788
<b>522</b>	<b>Photographers, Graphic Arts Technicians and Broadcasting</b>			
5221	Photographers	4,905	15,576	28,005
5224/25	Broadcast, Audio and Video Technicians	29,319	42,485	49,727
5231	Announcers and Other Broadcasters	21,533	26,909	42,946
<b>524</b>	<b>Creative Designers and Craftspersons</b>			
5241	Graphic Designers and Illustrating Artists	22,796	31,811	39,660
5244	Artisans and Craftspersons	5,929	12,899	25,227
5254	Program Leaders and Instructors in Recreation and Sport	17,747	26,074	30,572
<b>6.</b>	<b>Sales and Service Occupations</b>			
<b>621</b>	<b>Sales and Service Supervisors</b>			
6211	Retail Trade	20,424	30,542	38,510
6212	Food Service	14,790	19,799	29,541
6215	Cleaning	20,111	31,911	38,185
6216	Other Service	13,661	22,765	27,262
6221	Technical Sales Specialists, Wholesale Trade	31,502	44,216	60,255
<b>623</b>	<b>Insurance and Real Estate Sales Occupations and Buyers</b>			
6231	Insurance Agents and Brokers	20,663	30,631	44,011
6232	Real Estate Agents and Salespersons	14,777	33,683	48,676
6233	Retail and Wholesale Buyers	26,057	38,118	50,512
6234	Grain Elevator Operators	34,128	45,463	57,903
<b>6242</b>	<b>Cooks</b>	11,895	17,033	25,433
<b>625</b>	<b>Butchers and Bakers</b>			
6251	Butchers and Meat Cutters, Retail and Wholesale	17,032	23,985	32,122
6252	Bakers	13,644	18,987	31,929
<b>626</b>	<b>Police Officers and Firefighters</b>			
6261	Police Officers (Except Commissioned)	56,818	62,427	68,123
6262	Firefighters	44,420	52,855	59,203
<b>6271</b>	<b>Hairstylists and Barbers</b>	11,496	16,715	23,897
<b>6411</b>	<b>Sales Representatives, Wholesale Trade (Non-Technical)</b>	27,304	38,658	52,903
<b>6421</b>	<b>Retail Salespersons and Sales Clerks</b>	14,819	22,977	34,078

**Table 1**  
**Table of Classes of Employment**

No.	Occupations	Years of Experience		
		Under 3 Level 1 \$	3 to 10 Level 2 \$	Over 10 Level 3 \$
<b>643</b>	<b>Occupations in Travel and Accommodation</b>			
6431	Travel Counsellors	23,566	28,251	35,205
6432/33	Pursers and Airline Sales and Service Agents	32,871	40,910	46,865
6435	Hotel Front Desk Clerks	14,756	17,082	20,124
<b>645</b>	<b>Occupations in Food and Beverage Service</b>			
6451	Maitres d'hotel and Hosts/Hostesses	12,483	18,557	24,909
6452	Bartenders	11,370	14,758	18,633
6453	Food and Beverage Servers	8,449	10,946	14,013
<b>646</b>	<b>Other Occupations in Protective Service</b>			
6462	Correctional Service Officers	38,957	43,230	49,798
6461/63	Bailiffs and By-law Enforcement and Other Regulatory Officers	29,021	34,996	44,424
6464	Occupations Unique to the Armed Forces	35,819	40,729	44,441
<b>647</b>	<b>Childcare and Home Support Workers</b>			
6470	Early Childhood Educators and Assistants	9,783	17,050	22,707
6471	Visiting Homemakers, Housekeepers and Related Occup	10,055	18,229	26,044
6472	Elementary and Secondary School Teacher Assistants	12,541	19,278	24,974
6474	Babysitters, Nannies and Parents' Helpers	5,692	10,001	15,677
6482	Estheticians, Electrologists and Related Occupations	8,197	15,916	24,863
<b>6611</b>	<b>Cashiers</b>	11,920	15,850	21,601
<b>662</b>	<b>Other Sales and Related Occupations</b>			
6621	Service Station Attendants	11,393	14,667	20,463
6622	Grocery Clerks and Shelf Stockers	13,658	20,945	35,248
6623	Other Sales - Door to door, Telemarketer	12,674	21,621	34,020
6631	Elemental Medical and Hospital Assistants	24,344	27,197	28,396
<b>664</b>	<b>Food Counter Attendants and Kitchen Helpers</b>			
6641	Food Service Counter Attendants and Food Preparers	10,855	13,229	17,832
6642	Kitchen and Food Service Helpers	15,297	22,690	24,995
6651	Security Guards and Related Occupations	15,885	23,922	34,106
<b>666</b>	<b>Cleaners</b>			
6661	Light Duty Cleaners	11,641	18,465	24,951
6662	Specialized Cleaners	12,489	19,335	31,722
6663	Janitors, Caretakers and Building Superintendents	16,902	24,909	31,506
6670	Attendants in Amusement, Recreation and Sport	11,079	22,319	28,989
6681/82/83	Laundry, Beauty Salon and Other Service Occupations	15,356	22,784	26,094

**Table 1**  
**Table of Classes of Employment**

No.	Occupations	Years of Experience		
		Under 3 Level 1 \$	3 to 10 Level 2 \$	Over 10 Level 3 \$
<b>7.</b>	<b>Trades, Transport and Equipment Operators Occupations</b>			
<b>721/22/23</b>	<b>Contractors and Supervisors, Trades</b>			
7211/14	Metal Forming and Machinists and Related Occupation	31,789	40,505	51,896
7212	Electrical Trades and Telecommunications Occupation	43,614	55,671	69,577
7213	Pipefitting Trades	28,798	34,122	59,072
7215	Carpentry Trades	27,285	36,828	49,816
7216	Mechanic Trades	30,228	38,545	51,116
7217	Heavy Construction Equipment Crews	38,061	45,928	57,893
7219	Other Trades, Installers, Repairers and Servicers	27,292	36,345	45,573
7222	Motor Transport and Other Ground Transit Operators	28,450	34,569	43,752
7231	Machinists and Machining and Tooling Inspectors	26,285	34,148	45,614
<b>724</b>	<b>Electrical Trades and Telecommunications</b>			
7241	Electricians (Except Industrial and Power System)	26,146	39,672	49,754
7242	Industrial Electricians	45,345	56,849	65,931
7244	Electrical Power Line and Cable Workers	47,446	57,978	63,579
7245	Telecommunications Line and Cable Workers	46,059	50,808	57,087
7246	Telecommunications Installation and Repair Workers	46,781	50,451	53,429
<b>725</b>	<b>Plumbers, Pipefitters and Gas Fitters</b>			
7251	Plumbers	22,823	34,105	45,445
7252/53	Steam, Pipe, Gas Fitters and Sprinkler System Installers	42,187	55,652	64,113
<b>726</b>	<b>Metal Forming, Shaping and Erecting</b>			
7261	Sheet Metal Workers	20,358	34,232	43,262
7262/63/64	Boilermakers, Structural Metal and Iron workers	27,289	33,650	37,089
<b>727/28</b>	<b>Carpenters, Cabinetmakers and Plasterers</b>			
7271	Carpenters	19,236	29,627	39,884
7272	Cabinetmakers	14,802	23,203	36,413
7284	Plasterers, Drywall Installers and Finishers	19,146	27,309	34,056
<b>729</b>	<b>Other Construction Trades</b>			
7291/92/93	Other - Roofers, Glaziers, Insulators	16,451	26,328	37,055
7294	Painters and Decorators	14,816	26,066	36,824
7295	Floor Covering Installers	18,008	27,268	40,843
<b>731</b>	<b>Machinery and Transportation Equipment Mechanics (except Motor Vehicle)</b>			
7311	Construction Millwrights and Industrial Mechanics	37,657	51,171	65,013
7312	Heavy-Duty Equipment Mechanics	27,299	37,272	49,888
7313	Refrigeration and Air Conditioning Mechanics	28,580	38,598	45,664
7314	Railway Carperson	39,620	47,196	51,857
7315	Aircraft Mechanics and Aircraft Inspectors	33,627	40,794	49,743
7316	Machine Fitters	22,780	29,821	36,348

**Table 1**  
**Table of Classes of Employment**

No.	Occupations	Years of Experience		
		Under 3 Level 1 \$	3 to 10 Level 2 \$	Over 10 Level 3 \$
<b>732</b>	<b>Motor Vehicle Mechanics</b>			
7321	Mechanics, Technicians and Mechanical Repairers	20,850	29,952	38,267
7322	Body Repairers	19,327	28,910	39,575
<b>733</b>	<b>Other Mechanics</b>			
7332	Electric Appliance Servicers and Repairers	13,987	17,804	28,352
7334/35	Motorcycle, Snowmobile and Small Engine	12,744	22,339	26,800
7341/42/43/44	Upholsterers, Tailors, Shoe Repair, Jeweller	7,669	14,196	22,188
<b>735</b>	<b>Stationary Engineers, Power Station and System Operators</b>			
7351	Stationary Engineers and Auxiliary Equipment Operators	34,041	42,766	59,873
7352	Power Systems and Power Station Operators	47,922	59,318	67,229
<b>736</b>	<b>Train Crew Operating</b>			
7361	Railway and Yard Locomotive Engineers	64,649	76,116	82,514
7362	Railway Conductors and Brakeperson	50,929	62,358	68,288
7371	Crane Operators	42,143	55,737	64,753
7381	Printing Press Operators	27,312	34,076	42,250
<b>741</b>	<b>Motor Vehicle and Transit Drivers</b>			
7411	Truck Drivers	23,905	34,755	45,368
7412	Bus Drivers and Subway and Other Transit Operators	12,573	22,701	39,577
7413	Taxi and Limousine Drivers and Chauffeurs	9,639	17,048	31,122
7414	Delivery Drivers	18,392	28,424	40,944
<b>742</b>	<b>Heavy Equipment Operators</b>			
7421	Heavy Equipment Operators (Except Crane)	23,924	34,859	46,425
7422	Public Works Maintenance Equipment Operators	22,750	32,382	37,367
7432	Railway Track Maintenance Workers	39,446	44,646	50,002
<b>744</b>	<b>Other Installers, Repairers and Services</b>			
7441	Residential and Commercial Installers and Servicers	19,313	26,027	38,875
7442	Waterworks and Gas Maintenance Workers	34,656	54,559	67,441
7443	Automotive Mechanical Installers and Servicers	15,100	24,896	34,135
7445	Other Repairers and Servicers	22,729	30,772	41,356
<b>7452</b>	<b>Material Handlers</b>	20,451	31,834	40,588
<b>7611</b>	<b>Construction Trades Helpers and Labourers</b>	16,191	28,433	38,040
<b>7621</b>	<b>Public Works and Maintenance Labourers</b>	22,687	29,526	35,367

**Table 1**  
**Table of Classes of Employment**

No.	Occupations	Years of Experience		
		Under 3 Level 1 \$	3 to 10 Level 2 \$	Over 10 Level 3 \$
<b>8.</b>	<b>Occupations Primary Industry</b>			
<b>821/22</b>	<b>Supervisors</b>			
8221	Mining and Quarrying	58,735	73,567	83,216
8222	Oil and Gas Drilling and Service	51,107	68,067	77,423
<b>823</b>	<b>Underground Miners, Oil and Gas Drillers and Related Workers</b>			
8231	Underground Production and Development Miners	43,836	56,864	68,231
8232	Oil and Gas Well Drillers, Servicers, Testers	38,545	52,616	61,911
<b>825</b>	<b>Contractors, Operators and Supervisors in Agriculture, Horticulture</b>			
8251	Farmers and Farm Managers	7,460	17,372	33,826
8252	Agricultural and Related Service Contractors and Managers	26,037	40,454	55,341
8256	Supervisors, Landscape and Horticulture	34,030	39,003	44,321
<b>8412</b>	<b>Oil and Gas Well Drilling Workers and Operators</b>	32,906	47,723	60,620
<b>8431</b>	<b>General Farm Workers</b>	6,544	13,251	23,915
<b>861</b>	<b>Primary Production Labourers</b>			
8612	Landscaping and Grounds Maintenance Labourers	13,635	25,638	34,344
8615	Oil and Gas Drilling, Servicing and Related Labourer	24,975	36,471	53,174
<b>9.</b>	<b>Processing, Manufacturing and Utilities</b>			
<b>921</b>	<b>Supervisors, Processing Occupations</b>			
9211	Mineral and Metal Processing	32,938	49,438	62,476
9212	Petroleum, Gas and Chemical Processing and Utilities	51,657	70,748	80,135
9213	Food, Beverage and Tobacco Processing	35,844	41,710	53,237
9214	Plastic and Rubber Products Manufacturing	28,425	44,285	51,073
9215	Forest Products Processing	45,497	78,219	88,163
9226	Other Mechanical and Metal Product Manufacturing	28,381	35,347	44,118
9232	Petroleum, Gas and Chemical Process Operators	44,454	56,917	68,266
<b>94/95</b>	<b>Processing and Manufacturing Machine Operators and Assemblers</b>			
9421	Chemical Plant Machine Operators	27,294	41,949	66,323
9424	Water and Waste Plant Operators	26,799	34,129	45,556
9451	Sewing Machine Operators	1,702	9,106	15,914
<b>946</b>	<b>Machine Operators and Related Workers in Food and Beverage</b>			
9461	Process Control and Machine Operators, Food and Beverage Processing	28,361	34,857	45,625
9462	Industrial Butchers and Meat Cutters, Poultry Preparers	21,864	29,186	36,208

**Table 1**  
**Table of Classes of Employment**

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		Under 3 Level 1 \$	3 to 10 Level 2 \$	Over 10 Level 3 \$
9471/72/73/74	<b>Printing Machine Operators and Related Occupations</b>	18,594	25,789	34,119
9483/84/86	<b>Mechanical, Electrical and Electronical Assemblers</b>	19,744	23,924	31,775
9496	<b>Painters and Coaters, Manufacturing</b>	21,839	27,329	35,351
951	<b>Machining, Metalworking, Woodworking and Related Machine Operators</b>			
9510/16	Welders and Soldering Machine Operators	25,002	35,290	47,838
9511	Machining Tool Operators	22,741	27,308	36,001
9514	Metalworking Machine Operators	29,978	34,463	50,817
961	<b>Labourers in Processing, Manufacturing and Utilities</b>			
9612/13	Labourers in Metal Fabrication and Chemical Products	17,057	28,441	41,342
9614	Labourers in Wood, Pulp and Paper Processing	25,839	40,941	54,368
9617	Labourers in Food, Beverage and Tobacco Processing	17,737	29,531	37,447
9619	Other Labourers in Processing, Manufacturing and Utilities	13,628	20,358	26,097

**Appendix B**  
**Schedule of Permanent Impairments**

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## DEFINITIONS

**“disability”** is defined as an alteration of an individual’s capacity to meet personal, social, or occupational demands. While not all cases of impairment lead to disability, only in the case of impairment can disability develop. Disability usually refers to a specific activity or task the individual cannot accomplish. A disability arises out of the interaction between impairment and external requirements.

**“impairment”** is defined as a loss, loss of use, or derangement of any body part, organ system, or organ function. A medical impairment can develop from an illness or injury.

**“permanent impairment”** is an impairment that has become static or has stabilized during a period of time sufficient to allow optimal tissue repair and one that is unlikely to change significantly with further therapy. This time period is referred to as Maximum Medical Improvement (MMI). MMI does not preclude follow-up, maintenance or palliative care or an alteration of the medical condition with the passage of time.

## CONCEPTUAL FRAMEWORK

To rate impairment, it is necessary to weigh the relative functional importance of various structures of the human body in relation to the function of the whole person. Through ad hoc proceedings, such values, expressed as a percentage of the whole person’s function, have been assigned to the various physical and psychological impairments with international acceptance. All impairment ratings listed in this manual are “whole person” impairments.

To calculate an injured person’s total whole person impairment rating, the different regional impairment percentages must be combined by use of Appendix C. If three or more regional impairments must be combined, the two largest impairment percentages should be selected first to determine their adjusted combined value. After their combined value has been calculated, this adjusted value is combined with the third, fourth and so on, in descending numerical order, until all regional impairments have been included in the calculation.

## COMBINED VALUE IMPAIRMENT RATING

The Combined Value Impairment Rating is a value of the total impairment calculated for a person who has qualified for an impairment rating in more than one system of the body. It also includes the combination of ratings if more than one section of the regulations are involved in determining a total value of impairment. In situations for which the value to be combined has a decimal place, the value is taken to the next whole number. The purpose of combining values is to prevent the final total from being greater than 100%.

In Appendix C, all numbers are expressed as percent values. The Combined Value Impairment Rating is calculated using the following formula:

$$\text{the combined value of A\% and B\%} = A\% + B\% (100\% - A\%)$$

The larger percent value is shown on the vertical column in Appendix C. The smaller percent value is selected from the bottom horizontal row of the table. The Combined Value Impairment Rating is the number found at the intersection of the row and the column chosen. Any number of percent values may be combined.

For example, to combine 40 % with 20 %, the method is as follows:

- 1 Select the column using the number 40.
  - 2 Select the row designated by the number 20.
  - 3 Locate the intersection of the row and column chosen.
  - 4 Note that the combined value from the table is 52 %.
- 40% + 20% (100% - 40%)  
40% + 20% (60%)  
40% + 12%

This example, then, yields a total of 52% for the Combined Value Impairment Rating.

## DIVISION 1

### Musculoskeletal System

The musculoskeletal system is the system most commonly affected by motor vehicle accident (MVA)-related trauma. Despite this high frequency of injury, permanent impairment of the musculoskeletal system is uncommon. For example, certain injuries that are associated with tissue disruption, (e.g. fractures) may heal completely over time with no permanent alteration in structure or function. Therefore, the majority of injuries are not associated with permanent impairment or corresponding impairment ratings.

To rate impairments of the musculoskeletal system, the clinician shall consider two separate components:

- the degree of tissue disruption associated with the injury; and
- the alteration in function associated with the injury.

For example, in a Grade III sprain of the medial collateral ligament of the knee, the ligament is disrupted anatomically by tearing or excessively elongating its fibers. While the ligament may appear to recover over time, there may remain a certain degree of functional alteration in the ligament's tensile properties and proprioceptive functions that are not readily measurable by conventional techniques. As such, it may be accepted that such tissue damage probably represents a permanent deviation from normal function that merits a permanent impairment rating. However, there is often little if any measurable loss of function as determined by range of motion, strength and joint stability assessment.

Conversely, while an injury to the anterior cruciate ligament of the knee, of similar magnitude, may result in the same amount of tissue disruption as in a medial collateral ligament sprain, the functional consequences of instability are often greater. This loss of knee function is associated with a greater impairment rating.

Musculoskeletal tissues often undergo attrition with aging. Structures may take on a morphologically degenerative appearance, as part of the normal aging process, with no measurable functional limitations. Therefore, in some cases, alteration in a structure's appearance is not itself indicative of permanent impairment.

### **Musculoskeletal Impairment Elements**

Impairments of the upper and lower limbs will be rated by anatomical region. Each region will consider impairments according to the following elements:

- 1 amputation
- 2 fractures and associated complications
- 3 musculotendinous disruption
- 4 ligamentous and other soft tissue disruption
- 5 range of motion loss

#### **1 Amputation**

Limb amputation may result from motor vehicle collision-related trauma. The impairment ratings for amputation take into consideration all aspects of tissue disruption and functional limitation associated with these conditions. If impairment for limb amputation is noted, no other tissue disruption or impairment ratings in or distal to the limb (e.g. range of motion loss, instability, disfigurement) are due unless otherwise indicated. Any associated disfigurement and scarring is included in the amputation permanent impairment allowance. Lower limb impairment ratings will consider functional alterations in station and gait in addition to the impairments listed for the various levels of amputation.

#### **2 Fractures and Associated Complications**

Since bony fractures often heal without any long-term functional or cosmetic sequela, they do not always merit a permanent impairment rating. If cosmetic asymmetry arises, it should be rated according to Division 12 where alterations in form, symmetry and appearance are considered.

If bony healing is abnormal, there can be functional consequences which may merit an impairment rating.

Forms of Abnormal Healing:

- non-union
- limb shortening
- bony angulation or rotation (torsion)
- chronic osteomyelitis
- avascular necrosis
- intra-articular fracture
- post-traumatic arthrosis
- permanent placement of fixation hardware
- associated musculotendinous injury
- associated neurological or vascular injury

### **3 Musculotendinous Disruption**

Musculotendinous ruptures and avulsion fractures are examples of anatomic injury that may result in a permanent functional deficit. These injuries may be associated with muscular atrophy. Other examples of musculotendinous tissue injuries associated with motor vehicle collision-related trauma include tissue necrosis (from direct mechanical injury or ischemia), tissue infection and direct loss of tissue from either trauma or corrective surgery. In the latter examples, the musculoskeletal impairment ratings should consider the associated loss of range of motion, power, stability and alteration in form and symmetry.

### **4 Ligamentous and other Soft Tissue Disruption**

Grading of Ligamentous Injuries:

- Grade I: No gross disruption of ligaments with normal apposition of the joint surfaces.
- Grade II: Partial ligament disruption with some loss of joint stability.
- Grade III: Complete disruption of ligament integrity with potential joint instability.

In general, the higher the grade of ligament injury the greater the impairment for anatomical disruption and the corresponding impairment rating. A higher grade of ligament injury does not necessarily lead to an increased functional impairment.

Other soft tissue injuries may involve structures such as fascia, synovium, and adipose tissue. If an injury affects soft tissues other than muscle, tendon or ligament, and a specific musculoskeletal impairment rating is not listed, the functional impairment may be rated according to the range of motion loss attributable to the injured structure. If such injuries result in alterations in form and symmetry, Division 12 should be consulted.

### **5 Range of Motion Loss**

Range of motion loss is evaluated by measuring active range of motion with the aid of a measuring device (e.g. goniometer or inclinometer) according to standardized position and technique. Using the following procedure, record the measurements on a supplemental progress report form:

- After adequate warm-up, record three trials to the nearest 5% and take the average of the three with evidence of maximal effort;
- Record both sides of the body to allow for comparison of the affected side to the non-affected side;
- The total range of motion for each plane of movement is measured separately and the impairment ratings for each plane of movement is added (not combined) to determine the aggregate impairment rating for a particular joint's range of motion loss.

### Subdivision 1: Upper Limbs

For the purposes of impairment rating, the upper limbs may be divided into three distinct anatomical regions:

- 1 shoulder and arm
- 2 elbow and forearm
- 3 wrist and hand

Upper limb impairments will be rated according to five different elements:

- 1 amputation
- 2 fracture and associated complications
- 3 musculotendinous disruptions
- 4 ligamentous and other soft tissue disruptions
- 5 range of motion loss

#### Part 1: Shoulder and Arm

The shoulder consists of four joints and associated soft tissue structures. The glenohumeral, acromioclavicular, scapulothoracic and sternoclavicular joints may all be injured with the corresponding bones, the humerus, clavicle, scapula and sternum.

##### 1.1 Amputation including associated scarring and disfigurement:

(a) Forequarter amputation .....	65%
(b) Shoulder disarticulation .....	61%
(c) Above elbow amputation (proximal third of the humerus) .....	59%
(d) Above elbow amputation (middle & distal third of the humerus) .....	57%

##### 1.2 Fractures:

(a) Fracture of sternum, clavicle or scapula with abnormal healing .....	1%
(b) Sternum:	
(i) pseudarthrosis or misalignment .....	1%
(ii) loss of xiphoid process .....	0.5%
(c) Rib Fractures: pseudarthrosis or misalignment .....	0.5%

##### 1.2.1 Fracture Complications:

(a) Humeral Fracture:	
(i) With angulation of >15 degrees .....	5%
(ii) With angulation of 5 – 15 degrees .....	2.5%
(iii) With shortening of >4 cm .....	5%
(iv) With shortening of 2 – 4 cm .....	3%
(v) With shortening of 1 – <2 cm .....	1.5%
(b) Chronic Osteomyelitis of any upper limb bone with active drainage .....	3%

Other abnormalities or complications of fracture healing will be considered by a report submitted from the health-care practitioners. Impairment values similar to those above will be awarded according to the specific problem.

### 1.3 Musculotendinous Disruption other than rotator cuff or biceps tendon rupture:

- |   |    |
|---|----|
| (a) Complete musculotendinous disruption or avulsion fracture ..... | 2% |
| (b) Partial disruption .....  | 1% |

If the disruption is associated with range of motion loss of an adjacent joint, then an additional range of motion loss impairment may be rated in Part 1.5.

Common injuries or exceptions to this rule:

<b>Diagnosis</b>	<b>Impairment Rating</b>
(c) Rotator cuff tear:	
(i) Imaging positive, full thickness	
With no known prior rotator cuff pathology .....	5%
With known prior rotator cuff pathology .....	2%
(ii) Partial thickness .....	2%
(d) Biceps tendon rupture (Distal or Proximal):	
(i) With no strength deficit in supination or elbow flexion .....	1%
(ii) With a loss of strength in supination or elbow flexion .....	2%

If there is post-traumatic range of motion loss or other dysfunction of the shoulder joint complex, see Part 1.5 for further impairment rating.

### 1.4 Ligamentous and Other Soft Tissue Disruption:

<b>Diagnosis</b>	<b>Impairment Rating</b>
(a) Acromioclavicular (AC) and Sternoclavicular joint injuries:	
(i) Grade I separation .....	0%
(ii) Grade II separation .....	1%
(iii) Grade III separation .....	2%

All grades of AC separation may have an effect on upper limb function. If range of motion of the shoulder is also affected, please see the range of motion section for further impairment rating.

(b) Glenohumeral Instability: Traumatic glenohumeral dislocation (confirmed by plane radiography)	
(i) No recurrence of dislocation within one year of motor vehicle collision:	
Without prior instability .....	3%
With prior instability .....	2%
(ii) Recurrence of dislocation within one year of motor vehicle collision:	
Without prior instability .....	5%
With prior instability .....	2%
With Bankhart lesion, Hill Sachs deformity, or labral tear add .....	1%

If there is post-traumatic range of motion loss or other dysfunction of the shoulder joint complex, see Part 1.5 for further impairment rating.

**1.5 Range of Motion Loss of the Shoulder Joint Complex:**

For purposes of impairment rating, the integrated pattern of movement of the shoulder joint complex will be evaluated by measuring glenohumeral range of motion. There are three principal functional planes of movement of the shoulder. In order of functional importance these are flexion-extension, abduction-adduction, and internal-external rotation. Range of motion loss is rated based on functional loss of active range of motion, with greater impairment ratings given to conditions resulting in a loss of forward flexion.

The total range of motion for each plane of movement is measured and rated according to the following table. The impairment rating for each plane of movement is added to determine the award for shoulder range of motion loss.

**Flexion-Extension (motion in the scapular plane)**

Combined Range of Motion: normal total range of motion for this plane is 230 degrees

0 – 60 .....	9%
61 – 120 .....	5%
121 – 180 .....	2%
>181 .....	0%

**Abduction-Adduction (motion in the coronal plane at 90 degrees abduction)**

Combined Range of Motion: normal total range of motion for this plane is 230 degrees

0 – 60 .....	6%
61 – 120 .....	3%
121 – 180 .....	1%
>181 .....	0%

**Internal-External Rotation (at 90 degrees abduction)**

Combined Glenohumeral Range of Motion: normal total range of motion for this plane is 180 degrees

0 – 45 .....	6%
46 – 90 .....	3%
91 – 135 .....	1%
>136 .....	0%

**Part 2: Elbow and Forearm**

The elbow consists of three joints and associated soft tissue structures. The humeroulnar, the radiohumeral and the distal radioulnar joints all may be injured, as may be the corresponding bones, the humerus, radius and ulna.

**2.1 Amputations including associated scarring and disfigurement:**

(a) Elbow disarticulation (including amputation of the proximal third of the forearm) .....	55%
(b) Below elbow amputation (middle third of the forearm) .....	51%

**2.2 Fractures:**

(a) Fractures of the radius, ulna or humerus, with non-specified abnormal healing .....	1%
---	----

**2.2.1 Fracture Complications: (excluding Colles fracture)**

(a) Fracture of the Radius:	
(i) With angulation of >15 degrees .....	5%
(ii) With angulation of 5 –15 degrees .....	2.5%
(iii) With shortening of >4 cm .....	5%
(iv) With shortening of 2 – 4 cm .....	3%
(v) With shortening of 1 – <2 cm .....	1.5%
(b) Fracture of the Ulna:	
(i) With angulation of >15 degrees .....	5%
(ii) With angulation of 5 – 15 degrees .....	2.5%
(iii) With shortening of >4 cm .....	5%
(iv) With shortening of 2 – 4 cm .....	3%
(v) With shortening of 1 – <2 cm .....	1.5%

**2.3 Musculotendinous Disruption:**

(a) Complete musculotendinous disruption or avulsion fracture .....	2%
(b) Partial disruption .....	1%

If the disruption is associated with a range of motion loss of an adjacent joint, then an additional range of motion loss impairment may be rated under Part 2.5.

**2.4 Ligamentous and other Soft Tissue Disruption:**

(a) Ulnar and Radial Collateral Injuries:	
(i) Grade I sprain .....	0%
(ii) Grade II sprain .....	1%
(iii) Grade III sprain .....	2%

All grades of ulnar and radial collateral injuries may have an effect on upper limb function. If range of motion of the elbow is also affected, see Part 2.5 for further impairment rating.

**2.5 Range of Motion Loss at the Elbow:**

There are two principal functional planes of movement of the elbow. In order of functional importance these are flexion-extension and pronation-supination. Range of motion loss is rated based on functional loss of active range of motion, with greater impairment ratings given to conditions that result in a loss of extension.

The total range of motion for each plane of movement is measured and rated according to the following table. The impairment rating for each plane of movement is added to determine the award for elbow range of motion loss.

**Flexion-Extension:**

Combined Range of Motion: normal total range of motion for this plane is 140 degrees

No movement .....	14%
1 – 40 .....	12%
41 – 80 .....	7%
81 – 120 .....	4%
121 – 135 .....	1%
>135 .....	0%

**Pronation-Supination:**

Combined Range of Motion: normal total range of motion for this plane is 160 degrees

No movement .....	9%
1 – 50 .....	4%
51 – 100 .....	3%
101 – 140 .....	2%
141 – 150 .....	1%
>150 .....	0%

**Part 3: Wrist and Hand****3.1 Amputations including associated scarring and disfigurement:**

- (a) Wrist disarticulation (including the distal third of the forearm) ..... 49%
- (b) Transmetacarpal or MCP disarticulation:
- (i) 1st metacarpal ..... 23.5%
- (ii) 2nd or 3rd metacarpal (each) ..... 11.5%
- (iii) 4th or 5th metacarpal (each) ..... 6%
- \*Note: if multiple metacarpals are affected, the impairment ratings are combined, not added.
- (c) Trans-digital (proximal phalanx) or PIP disarticulation:
- (i) Thumb ..... 12.5%
- (ii) Index or middle finger (each) ..... 8.5%
- (iii) Ring or small finger (each) ..... 4.5%
- \*Note: if multiple digits are affected, the impairment ratings are combined, not added.
- (d) Trans-digital (middle or distal phalanx) or DIP disarticulation:
- (i) Thumb ..... 12.5%
- (ii) Index or middle finger (each) ..... 5.5%
- (iii) Ring or small finger (each) ..... 3.5%
- \*Note: if multiple digits are affected, the impairment ratings are combined, not added.

**3.2 Fractures:**

Specific injuries:

Diagnosis	Impairment Rating
(a) Scaphoid fracture .....	0%
(b) Scaphoid fracture with avascular necrosis .....	2%
(c) Scaphoid Fracture with non-union or pseudarthrosis .....	2%
(d) Colles Fracture with anatomical reduction .....	0%
(e) Colles Fracture with >15 degrees of angulation of radius .....	2%
(f) Avascular necrosis of lunate .....	2%
(g) Fracture of a carpal, metacarpal, or phalanx, with abnormal healing .....	1%

If any of the above are associated with range of motion loss, proceed to Part 3.5.

### 3.3 Musculotendinous Disruptions:

- (a) Complete musculotendinous disruption or avulsion fracture, affecting the wrist or hand ..... 2%
- (b) partial disruptions ..... 1%

If the disruption is associated with range of motion loss of an adjacent joint, then an additional range of motion loss impairment may be rated under Part 3.5.

### 3.4 Ligamentous and other Soft Tissue Disruption:

- (a) Carpal Instability

Carpal instability patterns are classified as mild, moderate or severe. The classification is usually based on the roentgenographic findings listed in the following Table:

#### Upper Extremity Impairment Due to Carpal Instability Patterns

##### Percentage of Upper Extremity Impairment

Roentgenographic Findings	Mild 8%	Moderate 16%	Severe 24%
Radiolunate angle	11° – 20°	21° – 30°	>30°
Scapholunate angle	61° – 70°	71° – 80°	>80°
Scapholunate gap	>3mm	>5mm	>8mm
Triquetrolunate stepoff	>1mm	>2mm	>3mm
Ulnar Translation	Mild	Moderate	Severe

A mild carpal tunnel instability exists also when a ligament tear has been diagnosed by arthrogram, arthroscopy, or MRI, even though the static roentgenographic findings may be normal. Certain individuals may have wrist pain and loss of strength related to a dynamic or nondissociative carpal instability that cannot be measured by changes of angles on static roentgenograms. Symptoms of nondissociative wrist instability are painful clicking and clunking with daily activities of living. The radiocarpal joint represents 40% of the upper extremity. Therefore the grades of mild (20%), moderate (40%), and severe (60%) impairment represent upper extremity impairments of 8%, 16% and 24% respectively. Only one category of severity of carpal instability impairment is selected, based on the greatest severity of the roentgenographic findings. The severity categories cannot be added or combined. The selected upper extremity impairment value may be combined only with limited wrist motion. Pain and decreased strength are not rated separately.

The scapholunate and radiolunate angles are measured on a lateral radiograph taken with the fist forcefully clenched (stressed view) and the wrist in neutral flexion/extension and lateral deviation. Lines are drawn on the film parallel to the long axis of the radius through the long axis of the scaphoid (palmar surface), and a line representing the long axis of the lunate (a line perpendicular to the line connecting the two distal poles). The angles between these lines are measured. The normal radiolunate relationship should be less than 10° of either volar or dorsal lunate angulation. The scapholunate angle ranges from 30° to 60° (average of 47°). The triquetrolunate stepoff is measured on the neutral posteroanterior (PA) view and represents proximal or ulnar translation or the triquetrum. The scapholunate gap is best profiled on a neutral PA view with the ulnar aspect of the hand elevated at 10° to 15° or on a neutral anteroposterior (AP) view.

Ulnar translation may occur secondary to injury or arthritis. It is measured on the neutral PA view with the fist forcefully clenched. Normally, more than 50% of the lunate overlies the ulnar border of the distal radius. As ulnar translation becomes more severe, progressively less of the lunate overlies the radius. The grades of severity of upper extremity impairment are classified as mild (8%), wherein less than 50% of the lunate overlies the distal radius ulnar border; moderate (16%), wherein less than 25% of the lunate overlies the distal radius ulnar border; and severe (24%), wherein the lunate is displaced ulnarly off the radius.

- (b) Triangular Fibrocartilage Complex tears ..... 2%
- (c) Carpal Tunnel Syndrome: Rate as per neurologic impairment guidelines  
(see Division 2: Subdivision 4).

### 3.5a Range of Motion Loss of the Wrist

There are two principal functional planes of movement of the wrist. In order of functional importance these are flexion-extension and radial deviation-ulnar deviation. (Pronation and supination, which occurs at the distal radio-ulnar joint, is rated under elbow impairments. Therefore, if a patient has a decreased active range of motion in pronation and supination associated with a wrist injury, it should be rated using the elbow ratings under Part 2.5 above.) Range of motion loss is rated based on functional loss of active range of motion, with greater impairment ratings given to conditions resulting in a loss of flexion.

The total range of motion for each plane of movement is measured and rated according to the following table. The impairment rating for each plane of movement is added to determine the award for wrist range of motion loss.

#### Flexion – Extension:

Combined Range of Motion: normal total range of motion for this plane is 120 degrees

No movement .....	8%
1 – 30 .....	4%
31 – 60 .....	3%
61 – 90 .....	2%
91 – 100 .....	1%
>100 .....	0%

#### Radial Deviation – Ulnar Deviation:

Combined Range of Motion: normal total range of motion for this plane is 50 degrees

No movement .....	6%
1 – 25 .....	2%
26 – 40 .....	1%
>40 .....	0%

### 3.5b Range of Motion Loss of the Hand

Flexion-extension is the principal functional plane of movement of the digits other than the thumb. This motion occurs at the MCP, PIP and DIP joints. The thumb is the most mobile digit and may move in several planes over and above the cardinal planes of movement. For the purposes of impairment rating, thumb range of motion may be measured as flexion-extension (at the IP and MCP joints), adduction-abduction at the first CMC joint and opposition using all joints in combination.

The total range of motion for each plane of movement is measured and rated according to the following table. The impairment rating for each plane of movement is added to determine the award for the thumb or other digital range of motion loss.

#### Thumb IP Flexion-Extension:

Combined Range of Motion: normal total range of motion for this plane is 80 degrees

Ankylosis in faulty position .....	4%
Ankylosis in functional position .....	2%
1 – 40 .....	1%
41 – 70 .....	0.5%
>70 .....	0%

#### Thumb MCP Flexion-Extension:

Combined Range of Motion: normal total range of motion for this plane is 60 degrees

No movement .....	2%
1 – 30 .....	1%
31 – 50 .....	0.5%
>50 .....	0%

#### Thumb Adduction:

This motion is evaluated by measuring the smallest possible distance in centimetres (cm) from the flexor crease of the IP joint of the thumb to the distal palmar crease overlying the MCP joint of the small finger. The normal range is from 0 – 8 cm.

8 cm .....	4%
6 cm .....	2%
4 cm .....	1%
2 cm .....	0.5%
<2 cm .....	0%

#### Thumb Radial Abduction:

Combined Range of Motion: normal total range of motion for this plane is 50 degrees

No movement .....	2%
1 – 25 .....	1%
26 – 40 .....	0.5%
>40 .....	0%

**Thumb Opposition:**

This motion is evaluated by measuring the largest possible distance in cm from the flexor crease of the IP joint of the thumb to the distal palmar crease overlying the MCP joint of the middle finger. The normal range is from 0 – 8 cm.

8 cm .....	4%
6 cm .....	2%
4 cm .....	1%
2 cm .....	0.5%
<2 cm .....	0%

**Finger DIP Flexion-Extension:**

Combined Range of Motion: normal total range of motion for this plane is 70 degrees

No movement .....	1%
1 – 35 .....	0.5%
36 – 70 .....	0%

**Finger PIP Flexion-Extension:**

Combined Range of Motion: Normal total range of motion for this plane is 130 degrees

No movement .....	1%
1 – 65 .....	0.5%
66 – 130 .....	0%

**Finger MCP Flexion-Extension:**

Combined Range of Motion: Normal total range of motion for this plane is 110 degrees

No movement .....	1%
1 – 55 .....	0.5%
56 – 110 .....	0%

**Subdivision 2: Lower Limbs**

For the purposes of impairment rating, the lower limbs may be divided into four distinct anatomical regions:

- 1 pelvis
- 2 hip and thigh
- 3 knee and leg
- 4 ankle and foot

As with the upper limbs, lower limb impairments will be rated according to five different elements including:

- 1 amputation
- 2 fracture and associated complications
- 3 musculotendinous disruption
- 4 ligamentous and other soft tissue disruption
- 5 range of motion loss

**Part 1: Pelvis****1.1 Amputation including associated scarring and disfigurement**

Hemipelvectomy ..... 56%

**1.2 Fractures**

- (a) Undisplaced, non-articular, healed fractures with no other complications ..... 0%
- (b) Fractures involving the sacroiliac joint ..... 2%
- (c) Fractures involving the acetabulum: Rate using hip range of motion limitation tables (see Part 2.4)

**1.3 Pelvic Range of Motion Loss**

Clinical tests to identify range of motion loss of the sacroiliac joint lack sufficient inter-rater reliability to be considered reliable. Therefore, impairments for pelvic range of motion loss will not be rated.

**Part 2: Hip and Thigh****2.1 Amputation including associated scarring and disfigurement**

- (a) Hip disarticulation (including proximal one-third of the femur) ..... 51%
- (b) Above knee amputation:
- (i) proximal ..... 49%
- (ii) mid-thigh ..... 45%
- (iii) distal ..... 40%

**2.2 Fractures**

- (a) Injuries to the acetabulum and the head of the femur requiring a prosthetic joint replacement, including any shortening of the lower limb ..... 15%
- (b) Damage to the femoral head, requiring a prosthetic joint replacement, including any shortening of the lower limb ..... 10%
- (c) Intra-articular fracture of the femur ..... 2%

**Fracture Complications:**

- (a) Femoral shaft fractures with angulation:
- (i) > 20 degrees ..... 4%
- (ii) 10 to 20 degrees ..... 2%
- (b) Femoral shaft fractures with mal-rotation:
- (i) > 20 degrees ..... 4%
- (ii) 10 to 20 degrees ..... 2%
- (c) Resulting in avascular necrosis:
- (i) Leading to hip arthroplasty (see Part 2.2(b))
- (ii) Without arthroplasty (rate according to range of motion loss in Part 2.4)
- (d) Femoral fractures with non-specified abnormal healing ..... 1%

**2.3 Musculotendinous Disruptions**

- |   |    |
|---|----|
| (a) Complete musculotendinous disruption or avulsion fracture, affecting the hip or thigh .....   | 2% |
| (b) Partial disruptions of the hip or thigh .....   | 1% |
| If the disruption is associated with range of motion loss of an adjacent joint, then an additional range of motion loss impairment may be rated under Part 2.4. |    |
| (c) Thigh muscular atrophy of 2 cm or more, as measured 15 cm above the superior pole of the patella, including any resulting weakness .....                    | 2% |

**2.4 Range of Motion Loss at the Hip**

There are three principal functional planes of movement of the hip. In order of functional importance these are flexion-extension, abduction-adduction and internal-external rotation. Range of motion loss is rated based on functional loss of active range of motion, with greater impairment ratings given to conditions that result in a loss of flexion-extension.

- |  |     |
|--|-----|
| (a) Hip Joint Ankylosis                  |     |
| (i) in a position prohibiting gait ..... | 25% |
| (ii) in a position allowing gait .....   | 20% |
| (b) Range of Motion Restriction          |     |

The total range of motion for each plane of movement is measured and rated according to the following table. The impairment rating for each plane of movement is added to determine the award for hip range of motion loss.

**Flexion-extension:**

Combined Range of Motion in Degrees: Normal total range of motion for this plane is 150 degrees

0 – 30 .....	10%
31 – 60 .....	7%
61 – 90 .....	3%
91 – 120 .....	1%
>120 .....	0%

**Internal-External Rotation:**

Combined Range of Motion in Degrees: Normal total range of motion for this plane is 90 degrees

0 – 30 .....	5%
31– 60 .....	3%
>60 .....	0%

**Abduction-Adduction:**

Combined Range of Motion in Degrees: Normal total range of motion for this plane is 60 degrees

0 – 15 .....	5%
15 – 45 .....	3%
>45 .....	0%

### Part 3: Knee and Leg

#### 3.1 Amputations including associated scarring and disfigurement

- |   |     |
|---|-----|
| (a) Knee disarticulation, including proximal below knee amputation, not suitable for a patellar tendon bearing (PTB) prosthesis ..... | 37% |
| (b) Below knee amputation suitable for a PTB prosthesis .....   | 32% |

#### 3.2 Fractures

- |   |    |
|---|----|
| (a) Tibial, Fibular or Patellar fractures with non-specified abnormal healing ..... | 1% |
|---|----|

##### Fracture Complications:

- |   |    |
|---|----|
| (a) Patellar fractures resulting in its surgical removal .....                        | 5% |
| (b) Fracture or dislocation of the patella resulting in quadriceps atrophy ....       | 2% |
| (c) Leg (tibial or fibular) fractures resulting in single or multi-planar angulation: |    |
| (i) >15 degrees .....   | 3% |
| (ii) 10 – 15 degrees .....  | 2% |
| (d) Leg (tibial or fibular) fractures resulting in mal-rotation:                      |    |
| (i) >20 degrees .....   | 3% |
| (ii) 10-20 degrees .....  | 2% |
| (e) Knee, thigh or leg injuries requiring a knee arthroplasty .....                   | 8% |
| (f) Intra-articular fracture of the knee .....  | 2% |

These awards include any limb shortening, muscular atrophy or weakness.

#### 3.3 Musculotendinous Disruptions

- |  |    |
|--|----|
| (a) Complete musculotendinous disruption or avulsion fracture, affecting the knee or leg ..... | 2% |
| (b) Partial disruption or avulsion fracture affecting knee or leg .....                        | 1% |
- \*Note: If the disruption is associated with range of motion loss of an adjacent joint, then an additional range of motion loss impairment may be rated under Part 3.5.
- |  |    |
|--|----|
| (c) Leg muscular atrophy of 1.5 cm or more, as measured 15 cm below the inferior pole of the patella, including any resulting weakness ..... | 2% |
|--|----|

#### 3.4 Ligamentous and Other Soft Tissue Disruptions

In general, the higher the grade of ligament injury, the greater the impairment and the corresponding impairment rating. Most grade I and II knee joint ligament injuries heal without loss of function and therefore will not have an impairment rating.

- |   |    |
|---|----|
| (a) Cruciate or Collateral ligament injuries associated with:   |    |
| (i) Occasional instability not interfering with occupational or recreational function .....           | 2% |
| (ii) Regular episodes of instability that interferes with occupational or recreational function ..... | 7% |

(iii) Frequent episodes of instability that limits most occupational and recreational function .....	10%
(iv) Frequent episodes of instability prohibiting all occupational and recreational function .....	15%
(b) Meniscal Tears (medial or lateral) .....	2%
(c) Post-traumatic Patellofemoral pain syndrome with objective signs .....	1%

### 3.5 Range of Motion Loss at the Knee

The knee joint complex consists of the patellofemoral joint, the tibiofemoral joint and the proximal tibiofibular joint. For the purposes of impairment rating, knee range of motion loss impairments will be evaluated by measuring tibiofemoral range of motion. There are two principal functional planes of movement of the knee. In order of functional importance these are flexion-extension and internal-external rotation. The latter is difficult to measure reliably and will not be rated. Range of motion loss is rated based on functional loss of active range of motion, with greater impairment ratings given to conditions resulting in a loss of flexion-extension.

(a) Ankylosis:	
(i) in a faulty position (recurvatum, varus, valgus, malrotation), including any damage to the patella, shortening of the lower limb, or muscular atrophy or weakness .....	20%
(ii) in a functional position, including any damage to the patella, shortening by 3 cm or less, altered alignment (recurvatum, varus, valgus, rotation) or muscular atrophy or weakness .....	15%
(b) Flexion: active range of motion in degrees:	
5 – 60 .....	14%
61 – 80 .....	8%
81 – 110 .....	2%
>110 .....	0%
(c) Flexion contracture: active range of motion in degrees away from the neutral position (knee straight position):	
<5 .....	0%
5 – 9 .....	4%
10 – 20 .....	8%
>20 .....	14%

## Part 4: Ankle and Foot

### 4.1 Amputations including associated scarring and disfigurement

(a) amputation at the ankle (Symes) .....	29%
(b) mid-tarsal amputation (Chopart) .....	21%
(c) tarsometatarsal amputation (Lisfranc) .....	20%
(d) transmetatarsal amputation .....	18%

(e) amputation of all five toes at the MTP joint .....	10%
(f) amputation with loss of the distal end of the first metatarsal .....	5.25%
(g) bone amputation of the great toe at the MTP joint .....	3.5%
(h) amputation of the distal end of the fifth metatarsal .....	2.25%
(i) amputation of the great toe at the IP joint .....	2.5%
(j) total or partial amputation of the 2nd, 3rd, 4th and 5th toes (per toe) ....	1.1%

#### 4.2 Fractures

##### Fracture Complications:

(a) Fracture of the tibia or fibula:	
(i) with angulation of more than 15 degrees .....	5%
(ii) with angulation of 5 – 15 degrees .....	2.5%
(iii) with shortening of more than 4 cm .....	5%
(iv) with shortening of 2 – 4 cm .....	3%
(v) with shortening of 1 – <2 cm .....	1.5%
(b) Avascular necrosis of the talus .....	5%
(c) Avascular necrosis of the navicular .....	3%
(d) Chronic osteomyelitis of any lower limb bone with active drainage .....	3%
(e) Post-traumatic tarsal/metatarsal deformity necessitating the use of a custom-fitted shoe or orthosis to accommodate for the condition .....	0.5%
(f) Fractures of the tibia, fibula, tarsal or metatarsal bones with non-specified abnormal healing .....	1%

#### 4.3 Musculotendinous Disruptions

(a) Complete musculotendinous disruption or avulsion fracture, affecting the foot or ankle .....	2%
(b) Partial musculotendinous disruption or avulsion fracture affecting foot or ankle .....	1%

\*Note: If the disruption is associated with range of motion loss of an adjacent joint, then an additional range of motion loss impairment may be rated under Part 4.5.

(c) Achilles tendon rupture .....	3%
-----------------------------------	----

#### 4.4 Ligamentous and Other Soft Tissue Disruptions

Ligament injury resulting in chronic ankle instability .....	1.5%
--	------

#### 4.5 Range of Motion Loss at the Foot or Ankle

(a) Ankylosis of the ankle or foot:	
(i) subtalar, midtarsal, tibiotalar (panarthrodesis) .....	12%
(ii) tibiotalar up to 10° of plantar flexion, with loss of inversion and eversion .....	8%
(iii) subtalar and midtarsal (triple arthrodesis) .....	4%
(iv) subtalar .....	3%
(v) tarsal-metatarsal .....	2.5%

(vi) metatarsophalangeal:	
big toe .....	1.5%
any other toe .....	0.5%
(vii) interphalangeal:	
big toe .....	1 %
any other toe .....	0.5%
(b) Range of motion loss:	
(i) tibiotalar plantar flexion in degrees:	
1 – 10 .....	6%
11 – 20 .....	3%
>20 .....	0%
(ii) tibiotalar dorsiflexion in degrees:	
0 – 10 .....	3%
>10 .....	0%
(iii) sub-talar .....	2%
(iv) midtarsal .....	1%

### Subdivision 3: Spine

Spinal injuries may affect:

- the bony elements,
- the soft tissue elements (ligaments, discs, muscles)
- the neural elements.

The bony and soft tissue elements are considered in this section while the neural elements are dealt with in Division 2, Subdivisions 3 and 4.

As with the rating of musculoskeletal impairments, the clinician rating spinal impairments may consider the degree of tissue disruption as well as the alteration in function associated with a particular injury. However, unlike the appendicular musculoskeletal system, there is less reliance on range of motion assessment as a barometer of function. This is due to the fact that inter-segmental motion is difficult to evaluate clinically. Therefore, the impairments listed are an estimate both of the degree of tissue disruption as well as the alteration in function, expressed as a single value. In addition, spinal range of motion has been shown to vary both with respect to time of day and direction of motion (e.g. from flexion to extension vs. from extension to flexion). When range of motion assessment is utilized in the evaluation of spinal instability, radiographic criteria will be used.

#### Bony Injuries

Spinal bony injuries generally include fractures and dislocations. Occasionally the two occur coincidentally. Some bony alterations (e.g. compression, osteophyte formation) may be asymptomatic and occur without a specific precipitating event. Many of these degenerative changes are the natural consequence of aging. Their mere presence on an imaging study is not indicative of clinical relevance nor does it establish that they are sequelae of a traumatic event. While the latter is possible, the relationship to trauma should be confirmed by a careful historical enquiry and supplemented by a bone or SPECT scan (when ordered out of medical necessity), which may offer evidence with respect to the age of the bony abnormality in question.

It should be noted that plane radiographs of the spine are unreliable at detecting sources of spinal pain in the absence of an ominous diagnosis (e.g. fracture, tumor or infection). Findings noted on these studies, including disc degeneration (often referred to as degenerative disc disease), and joint space narrowing, are poorly predictive of the source of pain generation. One should therefore interpret radiographic studies with caution and only in the context of the entire clinical picture including the history, physical examination, other laboratory/imaging studies and response to treatment or diagnostic injection.

### **Soft Tissue Injuries**

Soft tissue injuries may involve any of the non-bony elements of the spine (the neural elements are considered separately). While there are many different types of soft tissue injuries, not all will necessarily result in a ratable impairment. The permanent functional limitations that may arise as a result of soft tissue injuries are noted below.

### **Discovertebral Injuries**

Discovertebral impairments (e.g. disc herniation, internal disc disruption) merit discussion as they are often attributed to accident-related mechanisms of injury. Classically, a disc will fail (and therefore progress to a focal herniation or eventually degenerate) when subjected to a combination of forces including flexion, rotation and axial loading. These forces may occur in some frontal or oblique/perpendicular collisions, but are uncommon in rear-end collisions. As the head is usually freely mobile during a collision (unlike the torso which is usually restrained by a lap and shoulder belt), this mechanism of injury is only a potential cause of discovertebral injury for the cervical spine. Given that the trunk has a proportionately larger mass than the cervical spine (and is therefore subjected to a relatively smaller deceleration force upon impact) accident-related mechanisms of injury are rare as a cause of thoracic and lumbar disc lesions.

Discovertebral injuries may become symptomatic by virtue of the fact that the disc and the immediately adjacent ligaments and dura (the tissue surrounding the neural elements) are innervated and therefore may be a primary source of pain. When a disc progresses to herniation, there may be secondary irritation or frank compression of the adjacent neural elements resulting in pain originating from these tissues as well.

In the setting of disc herniation with nerve root compression, the classical clinical picture is characterized by:

- painful or restricted spinal range of motion
- complaint of neck (or low back) and/or upper limb (or lower limb) pain
- diminution or loss of reflex in the distribution of the involved nerve root
- weakness of the muscles supplied by the involved nerve root
- altered sensation over the skin supplied by the involved nerve root
- increased neural tension as shown by positive root stretch tests

When a discovertebral injury is suspected to have arisen from an MVA-related mechanism of injury, the diagnosis should be based on the presence of a majority of the above clinical features and supported by appropriate imaging (CT, MRI) or electrodiagnostic (nerve conduction, EMG) tests.

### Ligamentous Injuries

Ligaments are connective tissue, which link adjacent bones. In the spine, the vertebrae are stabilized from the front, rear and side by a network of ligamentous structures. When these ligaments are injured, the result may produce decreased stability of the spinal column manifesting as excessive segmental range of motion.

Spinal ligaments may be injured when they are abruptly lengthened. Both clinical and laboratory examinations lack the necessary sensitivity and specificity to detect all but the most severe forms of ligamentous disruption. From a functional point of view, the best method of evaluating for a tear of a spinal ligament is by radiographs utilizing flexion and extension views. This allows for the accurate assessment of segmental motion by objectively measuring the degree of anterolisthesis (forward slippage) or retrolisthesis (rearward slippage) of two adjacent vertebrae. Table 3.1 shows the range of abnormal motion for flexion-extension views for the various spinal regions.

#### Part 1: Cervical Spine

- |   |      |
|---|------|
| (a) *Fusion of the atlanto-occipital joint (C0-C1), including post-traumatic bony alterations .....   | 6%   |
| (b) *Fusion of the atlanto-axial joint (C1 and C2), including post-traumatic bony alterations .....   | 12%  |
| (c) Non-union of the odontoid process following a fracture:   |      |
| (i) with evidence of radiographic instability as defined in (e) (per Table 3.1) .....   | 6%   |
| (ii) without evidence of radiographic instability (per Table 3.1) .....   | 3%   |
| (iii) accompanied by myelopathy (see Division 2, Subdivision 3)   |      |
| (d) Impaired active range of motion of the atlanto-axial joint (C1 and C2), following a fracture or documented ligamentous instability on radiograph .....                              | 2.5% |
| (e) Instability of the atlanto-axial joint (C1 and C2), following a fracture or ligamentous injury, as documented by evidence of excessive motion on flexion-extension views:           |      |
| (i) forward slippage <5 mm .....  | 2.5% |
| (ii) forward slippage 5 – >5 mm .....   | 5%   |
| (iii) accompanied by myelopathy (see Division 2, Subdivision 3)   |      |
| (f) *Fusion of C3-7 vertebrae, including any post-traumatic bony alterations, (e.g. laminectomy, vertebrectomy, and discectomy), if applicable, per inter-space .....                   | 4%   |
| (g) Excessive active range of motion of C3-7 following a ligamentous injury as documented by radiographic instability on flexion extension views (per Table 3.1), per inter-space ..... | 2%   |
| (h) Post-traumatic bony alteration following a vertebral body burst fracture:   |      |
| (i) with radiographic instability (per Table 3.1) .....   | 6%   |
| (ii) without radiographic instability (per Table 3.1) .....   | 3%   |
| (iii) with associated myelopathy (see Division 2, Subdivision 3)  |      |

(i) Vertebral body compression fracture with radiographic instability on flexion extension views (per Table 3.1):	
(i) loss of height >50% .....	6%
(ii) loss of height 25 – 50% .....	4%
(iii) loss of height <25% .....	2%
(j) Vertebral body compression fracture without radiographic instability on flexion extension views (per Table 3.1), including any range of motion restriction:	
(i) loss of height >50% .....	3%
(ii) loss of height 25 – 50% .....	2%
(iii) loss of height <25% .....	1%
(k) Bone alteration following a compartmented fracture of a vertebral body .....	0.5%

\*These impairments include bony fusion using an internal fixation device or bone graft material.

## Part 2: Thoracic Spine

(a) Vertebral body compression fracture with radiographic instability on flexion-extension views (per Table 3.1):	
(i) loss of height >50% .....	6%
(ii) loss of height 25 – 50% .....	4%
(iii) loss of height <25% .....	2%
(b) Vertebral body compression fracture without radiographic instability on flexion-extension views (per Table 3.1), including any range of motion restriction:	
(i) loss of height >50% .....	4%
(ii) loss of height 25 – 50% .....	2%
(iii) loss of height <25% .....	1%
(c) *Fusion of two or more adjacent thoracic vertebrae, including any post-traumatic bony alterations, (e.g. laminectomy, vertebrectomy, and discectomy), if applicable; per inter-space .....	4%
(d) Post-traumatic bony alterations following a burst fracture of a thoracic vertebral body:	
(i) with radiographic instability (per Table 3.1) .....	6%
(ii) without radiographic instability (per Table 3.1) .....	3%
(iii) with associated myelopathy (see Division 2, Subdivision 3)	
(e) Excessive active range of motion following a ligamentous injury as documented by radiographic instability on flexion extension views (per Table 3.1) .....	2%
(f) Excessive active range of motion following a costovertebral fracture or dislocation, including any range of motion restriction or radiographic instability, per spinal segment .....	0.5%

\*These impairments include bony fusion using an internal fixation device or bone graft material.

**Part 3: Lumbar Spine**

- |  |    |
|--|----|
| (a) Vertebral body compression fracture with radiographic instability (per Table 3.1):   |    |
| (i) loss of height >50% .....  | 6% |
| (ii) loss of height 25 – 50% .....   | 4% |
| (iii) loss of height <25% .....  | 2% |
| (b) Vertebral body compression fracture without radiographic instability (per Table 3.1), including any range of motion restriction:   |    |
| (i) loss of height >50% .....  | 3% |
| (ii) loss of height 25 – 50% .....   | 2% |
| (iii) loss of height <25% .....  | 1% |
| (c) *Fusion of two or more adjacent lumbar vertebrae, including any post-traumatic bony alterations, (e.g. laminectomy, vertebrectomy, and discectomy), if applicable; per inter-space ..... | 4% |
| (d) Post-traumatic bony alteration following a burst fracture of a lumbar vertebral body:  |    |
| (i) with radiographic instability (per Table 3.1) .....  | 6% |
| (ii) without radiographic instability (per Table 3.1) .....  | 3% |
| (iii) with associated myelopathy (see Division 2, Subdivision 3)   |    |
| (e) Excessive active range of motion following a ligamentous injury as documented by radiographic instability on flexion extension views (per Table 3.1) .....                               | 2% |

\*These impairments include bony fusion using an internal fixation device or bone graft material.

**Part 4: Other Spinal Impairments**

- |   |      |
|---|------|
| (a) Post-traumatic alteration of an intervertebral disc (e.g. disc herniation, internal disc disruption, disc space infection, discectomy) including any range of motion restriction or radiographic instability, per spinal segment:   |      |
| (i) with associated myelopathy (see Division 2, Subdivision 3)  |      |
| (ii) with associated radiculopathy (see Division 2, Subdivision 4)  |      |
| (iii) without associated myelopathy or radiculopathy .....  | 3%   |
| (b) Complete laminectomy including removal of both laminae and spinous processes including any radiographic evidence of range of motion restriction or instability (per Table 3.1), per spinal segment .....  | 2%   |
| (c) Partial laminectomy, laminotomy or foraminotomy, with preservation of one lamina, per spinal segment .....  | 1%   |
| (d) Post-traumatic alteration of a spinous process, transverse process, lamina or zygapophyseal joint following a fracture, spondylolysis or pseudarthrosis, including any radiographically documented range of motion restriction or instability (per Table 3.1), per spinal segment ..... | 0.5% |
| (e) Post-traumatic alteration of the coccyx with or without coccygectomy ....   | 0.5% |

**Table 3.1**

Vertebral Level	Slippage in mm
C1-2	see Part 1: Cervical Spine
C3-7	3.5
T1-L4	5
L5-S1	5

**DIVISION 2****Central And Peripheral Nervous System****Subdivision 1: Skull, Brain and Carotid Vessels**

For the purposes of impairment rating the nervous system may be divided into:

- central
- peripheral

(The autonomic nervous system is not rated separately.)

The central nervous system may be further sub-divided into:

- brain
- spinal cord

The peripheral nervous system may be further sub-divided into:

- cranial nerves
- peripheral nerves

Spinal cord and brain injuries are considered upper motor neuron injuries as they interrupt central neural pathways (circuits) that control peripheral functions such as motor power, sensation and bladder control. Brain injuries may also affect cognition and behavior. These injuries are often diffuse as they affect a number of functions distal to the injury.

Brain injuries may occur after direct head trauma, when the head undergoes an abrupt acceleration/deceleration or when the major vessels supplying the brain are damaged. Spinal cord injuries are usually accompanied by spinal fracture and/or dislocation, but may also occur following vascular injury.

Cranial and peripheral nerve injuries are considered lower motor neuron injuries as they directly affect the fibers that transmit sensory and motor input to and from the central nervous system. These injuries may be focal or multi-focal depending on the number of nerve fibers affected. Unlike central nervous system injuries, these injuries have the potential to regenerate or recover completely or partially if circumstances are favourable.

When an incomplete brain or spinal cord injury occurs, range of motion loss may occur at a joint below the level of injury, due to limb weakness. In such cases, the range of motion loss is not rated as a separate impairment, as it is considered to be part of the neurological impairment rating.

**DEFINITIONS**

“**autonomic dysreflexia**” is an alteration of autonomic reflexes associated with quadriplegia or paraplegia above the T6 level that can result in sudden and sustained elevation of blood pressure.

“**hemiplegia**” is a neurological injury affecting the upper and lower limbs on the same side of the body that manifests with alterations in motor power and control and sensory loss. This condition is most typically associated with stroke syndromes, but also may accompany certain types of traumatic brain or spinal cord injuries.

“**monoplegia**” is a neurological injury affecting one of the upper or lower limbs that manifests with alterations in motor power and control and sensory loss. This condition may follow stroke syndromes and certain types of traumatic brain or spinal cord injuries.

“**paraplegia**” is a neurological injury affecting the trunk and lower limbs (but sparing the upper limbs and head) that manifests with alterations in motor power and control and sensory loss below the level of injury. This condition is associated with certain types of spinal cord injuries. It may be complete or incomplete.

“**quadriplegia**” is a neurological injury affecting both upper and lower limbs that manifests with alterations in motor power and control and sensory loss below the level of injury. This condition is associated with certain types of spinal cord injuries. It may be complete or incomplete.

“**spasticity**” is an alteration in resting motor tone associated with an upper motor neuron injury. This may manifest as stiffness, increasing briskness or reflexes or sudden involuntary movement.

**Impairment Rating Procedure for Traumatic Brain Injuries**

When rating impairments of the central nervous system, the clinician may consider two separate components:

- the degree of tissue disruption associated with the injury
- the alteration in function associated with the particular injury.

**Alteration of Tissue**

- 1 post-traumatic alteration of brain tissue
- 2 post-traumatic alteration of the skull
- 3 post-traumatic alteration of the brain’s vascular supply

**Part 1: Alteration of Brain Tissue or Function****1.1 Cerebral concussion or contusion as documented by health-care practitioner in first 48 hours:**

- |  |      |
|--|------|
| (a) Minor (post-traumatic amnesia (PTA) <30 min or loss of consciousness (LOC) <5 min) ..... | 0.5% |
| (b) Moderate (PTA >30 min <24 hrs or LOC >5 min <1 hr.) .....                                | 2%   |
| (c) Severe (>24 hrs of (PTA) or >1 hr (LOC)) .....   | 5%   |
| (d) Post-concussion syndrome, see Parts 4.6, 4.7 and 4.8                                     |      |

**1.2 Post-traumatic Alteration of tissue with:**

- |  |    |
|--|----|
| (a) Laceration or intracerebral hematoma .....   | 2% |
| (b) Epidural hematoma .....  | 2% |
| (c) Subdural hematoma .....  | 2% |
| (d) Subarachnoid hemorrhage .....  | 5% |
| (e) Leakage of cerebrospinal fluid (CSF) via one of the paranasal<br>sinuses or via the external auditory meatus, including any<br>elevation, craniotomy, craniectomy and plasty ..... | 5% |

**Part 2: Alteration of Skull****2.1 Post-traumatic bony alteration**

- |  |      |
|--|------|
| (a) Following a linear skull fracture of the base .....      | 2%   |
| (b) Following a linear skull fracture of the calvarium ..... | 1%   |
| (c) Following a craniotomy or a craniectomy .....            | 2%   |
| (d) Following trephination, per incision .....               | 0.5% |

**2.2 Bony deformity following a skull fracture**

- |   |    |
|---|----|
| (a) With bony depression but without dural laceration:                  |    |
| (i) requiring a craniectomy and cranioplasty, including elevation ..... | 4% |
| (ii) requiring elevation .....  | 2% |
| (iii) not requiring elevation .....                                     | 1% |
| (b) With or without bony depression but with dural laceration:          |    |
| (i) with associated hemorrhage (see Part 2.1)                           |    |
| (ii) with associated vascular injury (see Part 3.1)                     |    |

**Part 3: Alteration of Cerebrovascular Supply****3.1 Internal carotid artery occlusion**

- |  |     |
|--|-----|
| .....  | 10% |
| (a) Associated with hemiplegia (see Subdivision 2) |     |

**3.2 Internal carotid artery stenosis**

- |  |    |
|--|----|
| (a) >70% .....                                     | 8% |
| (b) 50 – 70% .....                                 | 5% |
| (c) <50% .....                                     | 2% |
| (d) Associated with hemiplegia (see Subdivision 2) |    |

**3.3 Hydrocephalus**

- |   |     |
|---|-----|
| (a) not requiring a cerebrospinal fluid shunt ..... | 5%  |
| (b) requiring a cerebrospinal fluid shunt .....     | 15% |

#### Part 4: Functional Alteration of Brain

In addition to the motor, sensory and autonomic changes associated with trauma to the brain (brainstem or cerebral cortex), an injury may be associated with impairment of the cranial nerves or cognition. The former may be evaluated according to Subdivision 3 of this Division. A neuropsychologist may enhance the evaluation of cognitive and behavioral impairment. Neuropsychological testing is helpful when the extent of the cognitive deficit is unclear. It may also provide key prognostic information with respect to the ability of the injured person to function independently in the community.

##### 4.1 Upper Limb Function

- |   |     |
|---|-----|
| (a) Inability to use both upper limbs for self-care with evidence of both proximal and distal upper limb neurological dysfunction .....                                     | 80% |
| (b) Inability to use one upper limb for self-care with evidence of both proximal and distal upper limb neurological dysfunction .....                                       | 60% |
| (c) Difficulty in using both upper limbs for self-care with evidence of either proximal or distal upper limb neurological dysfunction bilaterally .....                     | 50% |
| (d) Difficulty in using one upper limb for self-care with evidence of either proximal or distal upper limb neurological dysfunction .....                                   | 40% |
| (e) Difficulty manipulating objects with impaired grasp confined to only one of the upper limbs, allowing independence in self-care .....                                   | 30% |
| (f) Difficulty manipulating objects with no impairment in grasp in either upper limb, allowing independence in self-care .....  | 20% |
| (g) Upper limb clumsiness (e.g. tremor, dysmetria, dysdiadochokinesis) with impaired grasp confined to only one of the upper limbs allowing independence in self-care ..... | 15% |
| (h) Upper limb clumsiness (e.g. tremor, dysmetria, dysdiadochokinesis) with no impairment in grasp in either upper limb, allowing independence in self-care .....           | 10% |

##### 4.2 Station and Gait Assessment, excluding quadriplegia and paraplegia

Station and gait assessment is an impairment affecting the posture and the ability to walk, resulting in:

- |   |     |
|---|-----|
| (a) Inability to stand or walk .....  | 50% |
| (b) Ability to stand, but great difficulty or inability to walk .....                       | 40% |
| (c) Moderate difficulty in walking on irregular surfaces, stairways or uneven terrain ..... | 15% |
| (d) Slight difficulty in walking .....  | 5%  |

##### 4.3 Bladder Function, excluding quadriplegia and paraplegia

Incontinence or urinary retention:

- |                                    |     |
|------------------------------------|-----|
| (a) Complete loss of control ..... | 20% |
| (b) Partial loss of control .....  | 10% |

##### 4.4 Anorectal Function, excluding quadriplegia and paraplegia

- |                                    |     |
|------------------------------------|-----|
| (a) Complete loss of control ..... | 10% |
| (b) Limited control .....          | 5%  |

#### 4.5 Sexual Dysfunction, excluding quadriplegia and paraplegia

##### Criteria for Rating Neurologic Sexual Impairment

Class 1 5% Impairment of the Whole Person	Class 2 10% Impairment of the Whole Person	Class 3 15% Impairment of the Whole Person
Sexual functioning is possible with difficulty of erection or ejaculation in men or lack of awareness, excitement, or lubrication in either sex	Reflex sexual functioning is possible but there is no awareness	No sexual functioning

#### 4.6 Communication Disorders

Dysphasia, aphasia, alexia, agraphia, acalculia and other communication disturbances:

- (a) Disturbances leading to a complete inability to understand and use language ..... 95%
- (b) Disturbances not affecting the ability to understand linguistic symbols, but severely interfering with the ability to use sufficient or appropriate language ..... 70%
- (c) Disturbances not affecting the ability to understand linguistic symbols, but moderately interfering with the ability to use sufficient or appropriate language ..... 40%
- (d) Disturbances entailing minor communication difficulties ..... 10%

#### 4.7 Alterations of Consciousness

Posttraumatic epilepsy, syncope, cataplexy, narcolepsy, and other neurological disorders and disturbances of consciousness:

- (a) Stupor, coma, or other disorder or disturbance that prevents the performance of the activities of daily living or require constant supervision for the performance of such activities or confinement, including side effects of medication ..... 100%
- (b) Disorder or disturbance that severely disrupts the performance of the activities of daily living and requires an almost constant supervision for the performance of such activities, including side effects of medication ..... 70%
- (c) Disorder or disturbance that moderately disrupts the performance of the activities of daily living and requires occasional supervision for the performance of such activities, including side effects of medication ..... 40%
- (d) Disorder or disturbance that hinders the performance of the activities of daily living, including side effects of medication ..... 10%

#### 4.8 Cognitive Function

Organic cerebral syndrome, dementia and neurologic deficiencies:

- (a) Alteration of the higher cognitive or integrative mental functions which markedly impairs the performance of the tasks necessary for everyday life or that require continuous supervision for performing such activities or confinement, including any side effects of medication ..... 100%

- (b) Alteration of the higher cognitive or integrative mental functions which significantly impairs the performance of the tasks necessary for everyday life and that require nearly continuous supervision for performing such activities, including any side effects of medication ..... 80%
- (c) Alteration of the higher cognitive or integrative mental functions which moderately impairs the performance of the tasks necessary for everyday life and that require occasional supervision for performing such activities, including any side effects of medication ..... 45%
- (d) Alteration of the higher cognitive or integrative mental functions which slightly impairs the performance of the tasks necessary for everyday life, including any side effects of medication ..... 15%
- (e) Alteration of the higher cognitive or integrative mental functions which very slightly impairs the performance of the tasks necessary for everyday life, including any side effects of medication ..... 5%

**4.9 Disturbances of vision:** see Division 4

**4.10 Endocrine dysfunction:** see Division 9

#### **Subdivision 2: Spinal Cord**

Spinal cord injuries may be classified along several different parameters. An injury is considered complete if all neural functions (motor power, sensation, bladder and bowel control and sexual function) below the level of injury are permanently affected. Incomplete lesions may spare one or more neural functions below the level of injury and generally result in improved function and prognosis. The American Spinal Injury Association (ASIA) Scale is the standard used in grading the degree of impairment associated with spinal cord injuries along a continuum from complete to incomplete injuries. The grades are defined as follows:

- ASIA Grade A = Complete:** No sensory or motor function is preserved below the neurological level of the lesion (including the sacral segments).
- ASIA Grade B = Incomplete:** There is preservation of sensation only with no motor preservation below the neurological level of the lesion.
- ASIA Grade C = Incomplete:** There is preservation of some motor function below the neurological level of the lesion, and the majority of key muscles below the neurological level have a muscle grade less than 3.
- ASIA Grade D = Incomplete:** There is preservation of some motor function below the neurological level of the lesion, and the majority of key muscles below the neurological level have a muscle grade greater than or equal to 3.
- ASIA Grade E = Normal:** Motor and sensory function is normal.

Some examples of incomplete spinal cord syndromes are:

- central cord syndrome (upper limbs more affected than lower)
- anterior cord syndrome (paralysis with some preserved sensation)
- Brown-Sequard syndrome (unilateral paralysis only)

### **Impairment Rating Procedure for Spinal Cord Injuries**

The treating practitioner must provide the following information for the file:

- spinal level of injury (e.g. the site of fracture or dislocation if any)
- neurological level of injury (the motor and sensory level of injury as determined by physical exam for both the right and left side of the body)
- whether the lesion is complete or incomplete
- ASIA Grade
- motor index score

### **Motor Index Score**

This score provides a numerical scoring system to document changes in motor function. Each of the key muscles is graded according to the motor grading scale (grades 1 – 5). A normal score is determined as follows:

Right	Key Muscle	Left
5	C5	5
5	C6	5
5	C7	5
5	C8	5
5	T1	5
5	L2	5
5	L3	5
5	L4	5
5	L5	5
5	S1	5
50		50

Total Score = 100 (Maximum Score Possible)

## **Part 1: Complete Quadriplegia or Paraplegia (ASIA Grade A)**

### **1.1 Quadriplegia**

Quadriplegia includes all anatomical and physiological deficits inherent in this condition as well as any vertebrospinal impairments and grafting if applicable:

- |                              |      |
|------------------------------|------|
| (a) C5 level or higher ..... | 100% |
| (b) C6 level .....           | 95%  |
| (c) C7 level .....           | 90%  |
| (d) C8 or T1 level .....     | 85%  |

**1.2 Paraplegia**

Paraplegia includes all anatomical and physiological deficits inherent in this condition as well as any vertebrospinal impairments and grafting if applicable:

- |  |     |
|--|-----|
| (a) T2 – T7 level .....                  | 80% |
| (b) below T7 .....                       | 75% |
| (c) conus and cauda equina lesions ..... | 70% |

**Part 2: Incomplete Quadriplegia Or Paraplegia (ASIA Grade B) – With Complete or Partial Preservation of Sensation Only and No Motor Preservation****2.1 Quadriplegia**

Quadriplegia includes all anatomical and physiological deficits inherent in this condition as well as any vertebrospinal impairments and grafting if applicable:

- |                              |     |
|------------------------------|-----|
| (a) C5 level or higher ..... | 95% |
| (b) C6 level .....           | 90% |
| (c) C7 level .....           | 85% |
| (d) C8 or T1 level .....     | 80% |

**2.2 Paraplegia**

Paraplegia includes all anatomical and physiological deficits inherent in this condition as well as any vertebrospinal impairments and grafting if applicable:

- |  |     |
|--|-----|
| (a) T2 – T7 level .....                  | 75% |
| (b) below T7 .....                       | 70% |
| (c) conus and cauda equina lesions ..... | 65% |

**Part 3: Incomplete Quadriplegia or Paraplegia (ASIA Grades C and D) – With Partial Preservation of Motor Power, With or Without Sensory Preservation\*****3.1 Upper Limb Function**

- |  |     |
|--|-----|
| (a) Inability to use both upper limbs for self-care with evidence of both proximal and distal upper limb neurological dysfunction.....   | 80% |
| (b) Inability to use one upper limb for self-care with evidence of both proximal and distal upper limb neurological dysfunction.....   | 60% |
| (c) Difficulty in using both upper limbs for self-care with evidence of either proximal or distal upper limb neurological dysfunction bilaterally .....                          | 50% |
| (d) Difficulty in using one upper limb for self-care with evidence of either proximal or distal upper limb neurological dysfunction .....  | 40% |
| (e) Difficulty manipulating objects with impaired prehension confined to only one of the upper limbs, allowing independence in self-care .....                                   | 30% |
| (f) Difficulty manipulating objects with no impairment in prehension in either upper limb, allowing independence in self-care .....  | 20% |
| (g) Upper limb clumsiness (e.g. tremor, dysmetria, dysdiadochokinesis) with impaired prehension confined to only one of the upper limbs allowing independence in self-care ..... | 15% |
| (h) Upper limb clumsiness (e.g. tremor, dysmetria, dysdiadochokinesis) with no impairment in prehension in either upper limb, allowing independence in self-care .....           | 10% |

**3.2 Station and Gait Assessment**

- (a) Inability to stand or walk ..... 50%
- (b) Ability to stand, but great difficulty or inability to walk ..... 40%
- (c) Moderate difficulty in walking on irregular surfaces, stairways  
or uneven terrain ..... 15%
- (d) Slight difficulty in walking ..... 5%

**3.3 Bladder Function**

- (a) Incontinence or urinary retention:
  - (i) complete loss of control ..... 20%
  - (ii) partial loss of control ..... 10%
  - (iii) dysfunction in the form of precipitant urination ..... 3%
- (b) Alteration of the bladder with enterocystoplasty ..... 10%
- (c) Alteration of the bladder without enterocystoplasty ..... 3%
- (d) Other urologic dysfunction: see Division 5: Urogenital System

**3.4 Anorectal Function**

- (a) Complete loss of control ..... 10%
- (b) Limited control ..... 5%

**3.5 Sexual Dysfunction****Criteria for Rating Neurological Sexual Impairment**

Class 1 5% Impairment of the Whole Person	Class 2 10% Impairment of the Whole Person	Class 3 15% Impairment of the Whole Person
Sexual functioning is possible with difficulty of erection or ejaculation in men or lack of awareness, excitement, or lubrication in either sex	Reflex sexual functioning is possible but there is no awareness	No sexual functioning

**3.6 Autonomic dysreflexia**

- (a) Controlled by medication ..... 5%
- (b) Frequent occurrences with medication ..... 5%

**3.7 Respiratory Dysfunction**

See Division 6: Respiratory System

\*Note: Impairment percentages in Part 3 are combined using Appendix C.

### Subdivision 3: Cranial Nerves

#### 1 Olfactory nerves (Right and Left)

Function: to smell and to assist taste.

Dysfunction: may be lost (anosmia), reduced (hypo-osmia), or distorted (dysosmia)

Importance: general population – protective (e.g. warn of fire/ dangerous chemicals in the air) specialized needs – requirement for specific jobs (e.g. wine tasting/cook)

#### Impairment %:

Incomplete loss (very difficult to clinically confirm) .....	0%
Total loss (rule out functional anosmia with ammonia test) .....	4%
Distortion of smell: (if present add to above %)	
Unpleasant but not interfering with ADL (e.g. eating) .....	0%
Unpleasant and occasionally interfering with ADL (e.g. eating) .....	2%
Unpleasant and constantly interfering with ADL (e.g. eating) .....	4%

#### 2 Optic nerve and visual pathways (See Division 4)

#### 3 Oculomotor, Eye parasympathetic input, Trochlear, and Abducens

##### 3.1 Oculomotor (Right and Left)

Function: to elevate the eyelid  
to constrict pupil in response to bright light  
to move eyes conjugately (to avoid double vision)

Dysfunction: incomplete eye opening  
photophobia, blurred vision  
diplopia (may be there all or part of the time e.g. primary gaze or just with certain gazes)

Importance: general population – maintains ability to open eyes, constrict pupil to protect eye from bright light, to assist focussing, and to maintain single vision

#### Impairment %:

##### Ptosis:

Droop but pupil not covered .....	0.5%
Lid partially covers pupil interfering with vision .....	2%
Complete ptosis .....	4%
Complete and bilateral .....	25%

Uncorrectable with surgery/bracing rate as if blind

##### Pupil dilation:

Symptomatic (e.g. photophobia/visual blurring) .....	1%
--	----

##### Diplopia:

In gaze off midline – correctable with prisms .....	2%
In gaze off midline – not correctable with prisms .....	6%
In primary gaze – correctable with prisms .....	4%
In primary gaze – not correctable with prisms .....	8%

### 3.2 Trochlear and Abducens

Function: to move eyes conjugately (to avoid double vision)

Dysfunction: diplopia (may be there all or part of the time i.e. Primary gaze or just with certain gazes)

Importance: general population – maintains “single” vision

#### Impairment %:

**Diplopia:** see Division 4: Vision

Note: Combinations of dysfunction of these three nerves (regarding diplopia) are not additive, even if bilateral (the impairment is the inability to maintain conjugate gaze).

### 4 Trigeminal

Function: Motor – muscles of jaw closure (masseter, temporalis), and jaw opening (pterygoids)

Sensory – to face, eye, lips, inside mouth, gums, palate, anterior neck, sinus cavities, anterior intracranial structures

Dysfunction: Motor – difficulty chewing, swallowing or speaking, malocclusion, T.M.J. dysfunction or degeneration, dystonic jaw movements; jaw, T.M.J., atypical facial pain

Sensory – numbness in areas supplied, trigeminal neuralgia, atypical facial pains

Importance: general population: serves to protect the eye by warning re foreign bodies

normal facial mouth and eye sensation

normal jaw movement and alignment

#### Impairment %: add applicable percentages to get total

Motor: (unilateral or bilateral)

Detectable weakness but no functional impairment .....	1%
Weakness with resulting difficulty chewing .....	2%
Weakness with resulting difficulty swallowing .....	5%
Weakness with resulting difficulty speaking .....	5%
Weakness with malalignment resulting in pain .....	5%
Dystonic or other involuntary movement of jaw	
Mild or no treatment needed .....	2%
Moderate but controllable with treatment .....	5%
Severe, uncontrollable and painful .....	10%

Sensory:	Class 1 no impairment	Class 2 hypoesthesia	Class 3 complete loss
<b>V1</b> (includes EYE)	0%	2%	5%
<b>V2</b>	0%	1%	3%
<b>V3</b>	0%	1%	3%

**If associated pain:** (Painful dysesthesia or typical neuralgia)

Controlled by medication .....	2%
Partially controlled by medication, or not functionally limiting .....	3%
Uncontrollable by medication and functionally limiting .....	10%

**If bilateral, add impairment from two sides for total.**

## 5 Facial Nerve

- Function:** Motor – to muscles of facial expression  
to stapedius muscle  
Sensory – to portion of external auditory meatus  
Autonomic – to lacrimal gland for tearing  
to salivary glands for salivation  
to anterior two-thirds of the tongue for taste
- Dysfunction:** Motor – variable distortion of face with weakness resulting in drooling, difficulty protecting eye  
inability to tighten the tympanic membrane leading to sonophobia  
Sensory – no significant problem  
Autonomic – dry eye, dry mouth, or inability to taste
- Importance:** general population – serves to protect the eye, asymmetry can lead to social embarrassment  
loss of lacrimation can increase the incidence of eye disease, irritation  
loss of taste interferes with the enjoyment of foods

**Impairment %:** add applicable percentages to get total

### Motor:

#### Stapedius weakness:

Stapedius reflex lost with sonophobia ..... 2%

#### Facial weakness

(add 2% if weakness results in difficulty eating)

(add 2% if weakness results in difficulty speaking)

Class 1: no weakness ..... 0%

Class 2: weakness but full eye closure ..... 2%

Class 3: weakness with incomplete eye closure ..... 4%

Class 4: near complete paralysis ..... 6%

Class 5: complete paralysis ..... 8%

**Facial synkinesia:** ..... 1%

**Hemifacial spasms** ..... 3%

Where facial weakness is associated with alteration in form and symmetry  
see Division 12: Skin.

**Sensory:**

Loss of sensation in ear canal ..... 0%

**Lacrimation:**

Dry eye(s), no drops needed ..... 0.5%

Dry eye(s), needing drops ..... 2%

Excessive tearing (crocodile tears) ..... 1%

**Salivation:**

Dysfunction leading to dry mouth ..... 2%

**Taste:**

Unilateral damage (very difficult to clinically confirm) ..... 0%

Incomplete loss (very difficult to clinically confirm) ..... 0.5%

Total loss (i.e. bilateral lesion) ..... 2%

**Distortion:** (if present add to above %)

None ..... 0%

Not unpleasant ..... 0.5%

Unpleasant not distracting ..... 1%

Unpleasant and occasionally interfering with ADL (e.g. eating) ..... 2%

Unpleasant and constantly interfering with ADL (e.g. eating) ..... 4%

**If bilateral, add impairment from two sides for total**

**6 Auditory Nerve**

**Acoustic (cochlear division):**

Function: Hearing

Dysfunction: Variable degrees of deafness or Tinnitus

Importance: General population – communication, pleasure, warning  
mechanism

**Impairment %:**

Hearing loss: see Division 11: Vestibulocochlear Apparatus

**Tinnitus:** Tinnitus must be present on a constant basis for more than three consecutive months to be considered for permanent impairment rating.

**Mild (Class 1)**

Tinnitus is intermittent and noticeable only in a  
quiet environment ..... 0.5%

**Moderate (Class 2)**

Tinnitus is constantly present and bothersome in quiet  
environments, disturbing concentration and sleep ..... 2%

**Severe (Class 3)**

Tinnitus is constantly present and bothersome in most environments,  
disturbing concentration, sleep and activities of daily living ..... 5%

**Vestibular division:**

- Function:** Monitors head and body movements and coordinates automatic eye and body muscular corrective movements in response to movements.
- Dysfunction:** Vertigo, dizziness, nausea, vomiting, blurred vision during movements, sense of imbalance, fear of leaving house, panic attacks, neck stiffness from not turning head to avoid positional vertigo with subsequent muscular headaches.
- Importance:** General population – maintain balance, clarity of vision, general coordination while moving.

**Impairment %:** see Division 11: Vestibulocochlear Apparatus

**7 Glossopharyngeal, Vagal, and Hypoglossal**

- Function:** These three cranial nerves combine to provide normal pharyngeal sensation and motor control of the tongue, pharynx, larynx, allowing normal speech, swallowing, and adequate protection of the airway by reflex closure of the trachea on swallowing, thereby preventing aspiration. Together they subserve the “gag and cough reflexes” to clear the upper or lower airway of debris. The glossopharyngeal nerve also assists taste. The vagal nerve contributes autonomic parasympathetic supply to the heart, lungs, and upper gastrointestinal tract.
- Dysfunction:** Dysfunction will result in a variable degree of difficulty with speech, swallowing, possible aspiration, as well as GI motility problems. Neuralgic pains can arise after damage to cranial nerves IX and X as these carry sensory fibers.
- Importance:** General population – normal speech, swallowing, and airway protection.

**Impairment %:**

Dysphagia (swallowing difficulty): See Division 3: Maxillofacial System, Throat and Related Structures

Dysphonia, Dysarthria (abnormal speech): See Division 3: Maxillofacial System, Throat and Related Structures

**Neuralgia:**

Controlled by medication .....	2%
Partially controlled by medication or not functionally limiting .....	3%
Uncontrollable by medication and functionally limiting .....	10%

**Spasmodic Dysphonia:**

Rate according to degree of dysphonia described above.

**8 Spinal accessory**

- Function:** Provide motor input to the ipsilateral trapezius and sternomastoid muscles
- Dysfunction:** Dysfunction will result in a variable degree of weakness of turning the head or elevating the ipsilateral shoulder. Subsequent wasting can be cosmetically problematic.
- Importance:** General population – assists normal neck and shoulder movement.

**Impairment %:**

Complete Weakness .....	4%
Partial wasted muscles with weakness .....	2%

**Cervical Dystonia: (spasmodic torticollis)**

With neck and head deviation:

<b>Minimal:</b> not functionally limiting, but socially embarrassing .....	5%
<b>Moderate:</b> unable to perform certain tasks (e.g. driving) .....	10%
<b>Severe:</b> interferes with ADL .....	15%

**Subdivision 4: Peripheral Nervous System****Impairment Rating Procedure For Motor And Sensory Impairments**

When peripheral nerves or nerve roots are injured, evidence of neurological dysfunction may present in the territory of the affected fibers. Typically this manifests as:

- alterations in sensation
- alterations in motor power
- alterations in reflexes, and occasionally
- alterations in autonomic function
- dystonia (where dystonia follows a peripheral nerve injury the rating may be combined with upper or lower limb functional impairments according to Subdivision 2, Part 3)

Mechanisms of peripheral nerve injury include, but are not limited to, blunt trauma, traction, laceration and ischemia. Occasionally, a nerve may be "bruised" (a neuropraxia). This injury usually recovers in 6-8 weeks without residual impairment. More extensive injuries often result in degeneration of the affected nerve fibers. These injuries may recover partially, completely or not at all depending on the severity. When they do regenerate, nerve fibers grow at a rate of approximately 1 mm per day or 1 inch per month. This may take from 12 to 18 months to assess upper limb neurological recovery and 18 to 24 months to assess the lower limb. In such cases where extensive nerve damage has occurred, final permanent impairment rating should be delayed in accordance with these time periods.

Motor and sensory impairments may be graded according to the degree of neural dysfunction noted. Once the treating practitioner has provided appropriate grading, the impairments may be rated according to Tables that follow in this section.

**4.1 Motor Impairment**

- (a) Grade 5: no loss of motor function and absence of weakness
- (b) Grade 4: weakness against strong resistance, including any muscular atrophy
- (c) Grade 3: weakness against minor resistance, with full range of motion against gravity, including any muscular atrophy
- (d) Grade 2: weakness with full range of motion with gravity eliminated, including any muscular atrophy
- (e) Grade 1: weakness with less than full range of motion, even with gravity eliminated, including muscular atrophy
- (f) Grade 0: complete paralysis, including muscular atrophy

**4.2 Sensory Impairment**

- (a) Grade 1: no sensory impairment
- (b) Grade 2: hypesthesia including dysesthesia, paresthesia and hyperesthesia (altered sensation)
- (c) Grade 3: anesthesia including pain (loss of sensation)

**Part 1: The Brachial Plexus**

- (a) All three trunks, with complete motor and sensory impairment ..... 60%
- (b) Upper trunk (Erb-Duchesne Syndrome) with complete motor and sensory impairment ..... 9%
- (c) Middle trunk with complete motor and sensory impairment ..... 23%
- (d) Lower trunk (Klumpke-Dejerine Syndrome) with complete motor and sensory impairment ..... 46%

\*Maximum for upper limb neurological impairment is 60%.

**Part 2: The Lumbosacral Plexus**

- Complete motor and sensory impairment ..... 35%

**Part 3: Nerve roots**

Impaired Structure	Motor impairments grade					Sensory impairments grade			
	5	4	3	2	1	0	1	2	3
<b>Upper Limb</b>									
C-5	N/A	4.5%	9%	13.5%	18%	18%	N/A	2%	3%
C-6	N/A	5%	10.5%	16%	21%	21%	N/A	3%	5%
C-7	N/A	6%	11.5%	17%	23%	23%	N/A	2%	3%
C-8	N/A	7%	14.5%	22%	29%	29%	N/A	2%	3%
T-1	N/A	3.5%	7%	10.5%	14%	14%	N/A	2%	3%
<b>Lower Limb</b>									
L-2	N/A	2%	4%	6%	8%	8%	N/A	1%	2%
L-3	N/A	2%	4%	6%	8%	8%	N/A	1%	2%
L-4	N/A	3.5%	7%	10.5%	14%	14%	N/A	1%	2%
L-5	N/A	4%	7.5%	11%	15%	15%	N/A	1%	2%
S-1	N/A	2%	4%	6%	8%	8%	N/A	1%	2%

**Part 4: Peripheral Nerves**

Impaired Structure	Motor impairments grade						Sensory impairments grade		
	5	4	3	2	1	0	1	2	3
Upper Limb									
<b>4.1 Head and neck</b>									
Greater occipital	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0.5%	1%
Lesser occipital	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0.5%	1%
Auricular branch of C2-3	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0.5%	2%
<b>4.2 Upper limbs</b>									
Axillary	N/A	5%	10.5%	16%	21%	21%	N/A	1.5%	3%
Dorsal Scapular	N/A	1%	1.5%	2%	3%	3%	N/A	N/A	N/A
Long Thoracic	N/A	2%	4.5%	7%	9%	9%	N/A	N/A	N/A
Medial Antebrachial Cutaneous	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1.5%	3%
Medial Brachial Cutaneous	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1.5%	3%
Median Nerve Above									
Midforearm	N/A	6.5%	13%	19.5%	26%	26%	N/A	11.5%	23%
Anterior Interosseous	N/A	2%	4.5%	7%	9%	9%	N/A	N/A	N/A
Below									
Midforearm	N/A	2%	3%	4.5%	6%	6%	N/A	11.5%	23%
Digital Sensory Branches:									
Radial side of thumb							N/A	2%	4%
Ulnar side of thumb							N/A	3.5%	7%
Radial side of index finger							N/A	1.5%	3%
Ulnar side of index finger							N/A	1%	2%
Radial side of middle finger							N/A	1.5%	3%
Ulnar side of middle finger							N/A	1%	2%
Radial side of ring finger							N/A	0.5%	1%
Musculocutaneous	N/A	4%	7.5%	11%	15%	15%	N/A	1.5%	3%
Pectoral (Lateral)	N/A	1%	2%	3%	4%	4%	N/A	N/A	N/A
Pectoral (Medial)	N/A	1%	2%	3%	4%	4%	N/A	N/A	N/A
Radial (triceps lost)	N/A	6%	12.5%	19%	25%	25%	N/A	1.5%	3%
Radial (triceps spared)	N/A	5%	10.5%	15%	21%	21%	N/A	1.5%	3%
Subscapular (Lower)	N/A	1%	1.5%	2%	3%	3%	N/A	N/A	N/A
Subscapular (Upper)	N/A	1%	1.5%	2%	3%	3%	N/A	N/A	N/A
Suprascapular	N/A	2.5%	5%	7.5%	10%	10%	N/A	1.5%	3%
Thoracodorsal	N/A	1.5%	3%	4.5%	6%	6%	N/A	N/A	N/A
Ulnar									
Above midforearm	N/A	7%	14%	21%	28%	28%	N/A	2%	4%
Below midforearm	N/A	5%	10.5%	16%	21%	21%	N/A	2%	4%
Digital branches:									
Ulnar side of ring finger							N/A	0.5%	1%
Radial side of small finger							N/A	0.5%	1%
Ulnar side of small finger							N/A	0.5%	1%

Impaired Structure	Motor impairments grade						Sensory impairments grade		
	5	4	3	2	1	0	1	2	3
Lower Limb									
<b>4.3 Inguinal region</b>									
Iliohypogastric Nerve							N/A	2%	4%
Ilioinguinal Nerve							N/A	2%	4%
<b>4.4 Buttock Area</b>									
Superior Cluneal							N/A	1%	2%
Medial Cluneal							N/A	1%	2%
Inferior Cluneal							N/A	1%	2%
Posterior Femoral Cutaneous							N/A	1%	2%
<b>4.5 Thigh, Leg &amp; Foot</b>									
Femoral	N/A	3.5%	7%	10.5%	14%	14%	N/A	1%	2%
Gluteal (Inferior)	N/A	2.5%	5%	7.5%	10%	10%	N/A	N/A	N/A
Gluteal (Superior)	N/A	2%	4%	6%	8%	8%	N/A	N/A	N/A
Genitofemoral Nerve							N/A	1%	2%
Lateral Femoral Cutaneous							N/A	2%	4%
Obturator	N/A	1%	2%	3%	4%	4%	N/A	N/A	N/A
Posterior Thigh Cutaneous							N/A	1%	2%
Sciatic	N/A	7.5%	15%	22.5%	30%	30%	N/A	5%	10%
Peroneal:									
Common	N/A	3.5%	7%	10.5%	14%	14%	N/A	1%	2%
Deep (above mid-leg)	N/A	4%	5%	7.5%	10%	10%	N/A	1%	2%
Deep (below mid-leg)	N/A	0.5%	1%	1.5%	2%	2%	N/A	0.5%	1%
Superficial	N/A	1%	2%	3%	4%	4%	N/A	1%	2%
Tibial:									
Above Knee	N/A	3.5%	7%	10.5%	14%	14%	N/A	2%	6%
Posterior (above midcalf)	N/A	2.5%	5%	7.5%	10%	10%	N/A	2%	6%
Posterior (below midcalf)	N/A	1.5%	3%	4.5%	6%	6%	N/A	1%	6%
Medial plantar	N/A	0.5%	1%	1.5%	2%	2%	N/A	1%	2%
Lateral plantar	N/A	0.5%	1%	1.5%	2%	2%	N/A	1%	2%
Sural							N/A	1%	2%

**DIVISION 3  
MAXILLOFACIAL SYSTEM**

**Subdivision 1**

**1 Temporomandibular Joints (TMJ)**

**1.1 Range of Motion Loss**

(a) Bilateral TMJ ankylosis:	
(i) prior to growth plate fusion .....	40%
(ii) after growth plate fusion .....	30%
(b) Jaw excursion (as measured between the free edge of the upper and lower incisors):	
(i) current opening <5 mm .....	25%
(ii) current opening 5 – <10 mm .....	17%
(iii) current opening 10 – <20 mm .....	10%
(iv) current opening 20 – <30 mm .....	3%
(v) current opening 30 – >30 mm .....	0%
(c) Reduction of laterotrusion: from midline:	
(i) current laterotrusion <4 mm .....	4%
(ii) current laterotrusion 4 – <8 mm .....	2%
(iii) current laterotrusion 8 – >8 mm .....	0%
(d) Reduction of protrusion: from midline:	
(i) current protrusion <3 mm .....	3%
(ii) current protrusion 3 – <7 mm .....	1%
(iii) current protrusion 7 – >7 mm .....	0%

**1.2 Miscellaneous Dysfunction**

(a) Deviation in form .....	1%
(b) Disc displacement with reduction .....	1%
(c) Disc displacement without reduction .....	2%
(d) Post-traumatic degenerative change .....	2%
(e) Craniofacial muscle disorder characterized by chronic protective muscle guarding .....	1%

**2 Maxilla**

**2.1** Loss of hard palate and dental arch ..... 20%

**2.2** Loss of hard palate ..... 10%

**2.3** Loss of soft palate:

(a) with rhinolalia:	
(i) severe .....	10%
(ii) minor .....	3%
(b) with tubal dysfunction .....	3%
(c) without rhinolalia or tubal dysfunction .....	1%

**2.4 Loss of dental arch:**

- |  |     |
|--|-----|
| (a) loss of edentulous supporting tissues, precluding successful use of a removable prosthesis ..... | 10% |
| (b) allowing a complex prosthesis to be worn .....   | 4%  |
| (c) allowing a simple prosthesis to be worn .....  | 3%  |

**2.5 Malalignment of the palate and dental arch:**

- |   |    |
|---|----|
| (a) with serious malocclusion and TMJ dysfunction .....             | 5% |
| (b) with obstruction to the nasopharynx and tubal dysfunction ..... | 3% |
| (c) with minor malocclusion .....                                   | 2% |

- |  |    |
|--|----|
| <b>2.6</b> Periodontal problems despite adequate consolidation of the palate and dental arch ..... | 5% |
|--|----|

- |  |    |
|--|----|
| <b>2.7</b> Non-union or mal-union of the palate and dental arc ..... | 4% |
|--|----|

**3 Mandible****3.1 Body or ramus:**

- |   |      |
|---|------|
| (a) loss of tissue with non-union .....                   | 10%  |
| (b) mal-union:  |      |
| (i) with malocclusion and TMJ dysfunction .....           | 6.5% |
| (ii) with malocclusion, but without TMJ dysfunction ..... | 2%   |

**3.2 Loss of dental arch:**

- |  |     |
|--|-----|
| (a) loss of edentulous supporting tissues, precluding successful use of a removable prosthesis ..... | 10% |
| (b) allowing a complex prosthesis to be worn .....   | 5%  |
| (c) allowing a simple prosthesis to be worn .....  | 4%  |

**3.3 Neck of condyle: see Part 1.1****4 Loss of Teeth or Alterations to Teeth (not including replacement of fillings)****4.1 Previously healthy teeth: (includes teeth that have been restored previously)**

- |                           |    |
|---------------------------|----|
| (a) central incisor ..... | 1% |
| (b) lateral incisor ..... | 1% |
| (c) canine .....          | 2% |
| (d) first premolar .....  | 1% |
| (e) second premolar ..... | 1% |
| (f) first molar .....     | 2% |
| (g) second molar .....    | 2% |
| (h) third molar .....     | 1% |

**4.2 Previously damaged teeth:**

(a) central incisor .....	0.5%
(b) lateral incisor .....	0.5%
(c) canine .....	0.5%
(d) first premolar .....	0.5%
(e) second premolar .....	0.5%
(f) first molar .....	0.5%
(g) second molar .....	0.5%
(h) third molar .....	0.5%

**Subdivision 2: Fronto-Orbito-Nasal Area****1 Orbit****1.1 Impairment of orbital walls causing displacement of the eye**

(a) Unilateral:	
(i) mild .....	1%
(ii) moderate .....	2%
(iii) severe .....	3%
(b) Bilateral:	
(i) mild .....	2%
(ii) moderate .....	4%
(iii) severe .....	6%

Orbital problem may lead to secondary visual impairment (see Division 4)

**1.2 Disruption of medial or lateral canthus**

(a) Unilateral:	
(i) minor .....	1%
(ii) major .....	2%
(b) Bilateral:	
(i) minor .....	1.5%
(ii) major .....	3%

**1.3 Disruption of lacrimal apparatus**

(a) Unilateral .....	1%
(b) Bilateral .....	2%

**1.4 Malar Bone and Zygoma****1.41 Cosmetic deformity**

(a) Unilateral:	
(i) mild .....	0.5%
(ii) severe .....	1%
(b) Bilateral:	
(i) mild .....	1%
(ii) severe .....	2%

**1.42 Functional deformity (e.g. resulting in difficulty with mastication (chewing))**

- |                      |    |
|----------------------|----|
| (a) Unilateral ..... | 1% |
| (b) Bilateral .....  | 2% |

For cosmetic and functional abnormalities in same patient use the following formula to calculate the impairment:

$$\text{Total Impairment} = (\text{cosmetic loss} + \text{functional loss}) \times 0.75$$

**2. Nasal function****2.1 Airflow obstruction**

- |                      |    |
|----------------------|----|
| (a) Unilateral ..... | 1% |
| (b) Bilateral .....  | 2% |

**2.2 Mucosal dysfunction causing bleeding, crusting and patient discomfort**

- |                      |    |
|----------------------|----|
| (a) Unilateral ..... | 1% |
| (b) Bilateral .....  | 2% |

**2.3 Septal Perforation**

- |                 |      |
|-----------------|------|
| (a) <2 cm ..... | 0.5% |
| (b) >2 cm ..... | 1%   |

**2.4 Olfactory disruption** see Division 2, Subdivision 3: Cranial Nerves**3 Paranasal Sinuses**

- |   |      |
|---|------|
| <b>3.1</b> Alteration of the walls and mucosa of an ethmoid or sphenoid sinus ..... | 1.5% |
| <b>3.2</b> Alteration of the walls and mucosa of a frontal or maxillary sinus ..... | 1%   |

**4 Salivary glands**

- |  |    |
|--|----|
| <b>4.1</b> Hyposalivation: disruption of salivation significant enough to cause problems with patient discomfort, deglutition and articulation. .... | 1% |
|--|----|

**5 Anatomic Loss**

- |   |     |
|---|-----|
| <b>5.1</b> Loss of tongue .....   | 10% |
| <b>5.2</b> Alteration of the tongue due to loss of the lateral edge and tip ..... | 3%  |

**Subdivision 3: Throat and Related Structures****3.1 Respiration Table**

The following table applies to respiratory difficulty attributed to upper airway dysfunction. For lower respiratory tract functional impairment, see Division 6: Respiratory System.

**Table 3.1: Classes of Air Passage Deficits**

<b>Class 1 – 5% Whole Person Impairment</b>	<b>Class 2 – 10% Whole Person Impairment</b>	<b>Class 3 – 15% Whole Person Impairment</b>	<b>Class 4 – 20% Whole Person Impairment</b>	<b>Class 5 – 25% Whole Person Impairment</b>
A recognized air passage defect exists. Dyspnea does not occur at rest.	A recognized air passage defect exists. Dyspnea does not occur at rest.	A recognized air passage defect exists. Dyspnea does not occur at rest.	A recognized air passage defect exists. Dyspnea occurs at rest, although patient is not necessarily bedridden.	A recognized air passage defect exists. Severe dyspnea occurs at rest; spontaneous respiration is inadequate. Respiratory ventilation is required.
Dyspnea is not produced by walking or climbing stairs freely, performance of other usual activities of daily living, stress, prolonged exertion, hurrying, hill climbing, recreation ** requiring intensive effort or similar activity.	Dyspnea is not produced by walking freely on the level, climbing at least one flight of ordinary stairs, or the performance of other usual activities of daily living.	Dyspnea is produced by stress, prolonged exertion, hurrying, hill climbing, recreation except sedentary forms, or similar activity.	Dyspnea is produced by walking more than one or two blocks on the level or climbing one flight of ordinary stairs even with periods of rest, performance of other usual activities of daily living, stress, hurrying, hill climbing, recreation, or similar activity.	Dyspnea is aggravated by the performance of any of the usual activities of daily living beyond personal cleansing, dressing, grooming, or its equivalent.
Examination reveals one or more of the following: partial obstruction of oropharynx, upper trachea (to fourth ring), lower trachea, bronchi, or complete obstruction of the nose (bilateral) or nasopharynx.	Examination reveals one or more of the following: partial obstruction of oropharynx, laryngopharynx, larynx, upper trachea (to fourth ring), lower trachea, bronchi, or complete obstruction of the nose (bilateral) or nasopharynx.	Examination reveals one or more the following: partial obstruction of oropharynx, laryngopharynx, larynx, upper trachea (to fourth ring), lower trachea, or bronchi.	Examination shows one or more of the following: partial obstruction of oropharynx, laryngopharynx, larynx, upper trachea (to fourth ring), lower trachea, or bronchi.	Examination shows partial obstruction of the oropharynx, laryngopharynx, larynx, upper trachea (to fourth ring), lower trachea, or bronchi.

\*Patients with successful permanent tracheostomy or stoma should be rated at 25% impairment of the whole person.

\*\*Prophylactic restriction of activity, such as strenuous competitive sport, does not exclude patient from Class 1.

### 3.2 Mastication and Deglutition

**Table 3.2: Relationship of Dietary Restrictions to Permanent Impairment**

Type of Restriction	% of Impairment of the Whole Person
<b>Class 1</b>	
Diet is limited to semisolid or soft foods.	5%
<b>Class 2</b>	
Diet is limited to liquid foods	10%
<b>Class 3</b>	
Ingestion of food requires tube feeding or gastrostomy	25%

### 3.3 Taste see Division 2

### 3.4 Speech

**Table 3.3: Speech Impairment Criteria**

Classification	Audibility	Intelligibility	Functional Efficiency
<b>Class 1 – 5% Speech Impairment</b>	Can produce speech of intensity sufficient for most of the needs of everyday speech communication, although this sometimes may require effort and occasionally may be beyond patient's capacity.	Can perform most of the articulatory acts necessary for everyday speech communication, although listeners occasionally ask the patient to repeat, and the patient may find it difficult or impossible to produce a few phonetic units.	Can meet most of the demands of articulation and phonation for everyday speech communication with adequate speed and ease, although occasionally the patient may hesitate or speak slowly.
<b>Class 2 – 10% Speech Impairment</b>	Can produce speech of intensity sufficient for many of the needs of everyday speech communication; is usually heard under average conditions, however, may have difficulty in automobiles, buses, trains, stations, restaurants, etc.	Can perform many of the necessary articulatory acts for everyday speech communication. Can speak name, address, etc. and be understood by a stranger, but may have numerous inaccuracies, and sometimes appears to have difficulty articulating.	Can meet many of the demands of articulation and phonation for everyday speech communication with adequate speed and ease, but sometimes gives impression of difficulty. Speech may sometimes be discontinuous, interrupted hesitant, or slow.
<b>Class 3 - 15% Speech Impairment</b>	Can produce speech of intensity sufficient for some of the needs of everyday speech communication, such as close conversation, however, has considerable difficulty in such noisy places as listed above. The voice tires rapidly and tends to become inaudible after a few seconds.	Can perform some of the necessary articulatory acts for everyday speech communication. Can usually converse with family and friends however, strangers may find it difficult to understand the patient, who often may be asked to repeat.	Can meet some of the demands of articulation and phonation for everyday speech communication with adequate speed and ease, but often can sustain consecutive speech only for brief periods and may give the impression of being rapidly fatigued.

<b>Class 4 - 20% Speech Impairment</b>	Can produce speech of intensity sufficient for a few of the needs of everyday speech communication. Can barely be heard by a close listener or over the telephone and perhaps may be able to whisper audibly but has no louder voice.	Can perform a few of the necessary articulatory acts for everyday speech communication. Can produce some phonetic units and may have approximations for a few words such as names of own family members; however, unintelligible out of context.	Can meet a few of the demands of articulation and phonation for everyday speech communication with adequate speed and ease, such as single words or short phrases, but cannot maintain uninterrupted speech flow. Speech is laboured and rate is impractically slow.
<b>Class 5 - 25% Speech Impairment</b>	Can produce speech of intensity for none of the needs of everyday speech communication.	Can perform none of the articulatory acts necessary for everyday speech communication.	Can meet none of the demands of articulation and phonation for everyday speech communication with adequate speed and ease.

### Speech Impairment Rating (from Table 3.3)

Class 1 .....	5%
Class 2 .....	10%
Class 3 .....	15%
Class 4 .....	20%
Class 5 .....	25%

### \*Multiple Deficits in Subdivision 3

Multiply the impairment from each class x 0.7 and then add

Example:

If:

Respiration Impairment	=	20
Deglutition Impairment	=	10
Speech Impairment	=	25

Then:

$$(20 \times 0.7) + (10 \times 0.7) + (25 \times 0.7) = 38.5\%$$

## DIVISION 4

### Vision

(a) Bilateral loss of vision .....	80%
(b) Alteration of vision:	
(i) homonymous or bitemporal quadrantanopsia or hemianopsia .....	35%
(ii) aphakia .....	12%
(iii) pseudophakia .....	6%
(c) Unilateral loss of vision with enucleation .....	30%
(d) Unilateral loss of vision without enucleation .....	25%
(e) Paralysis of accommodation or loss of near vision .....	3%
(f) Iridoplegia or fixed mydriasis causing photophobia, disturbance of close-up vision or dizziness .....	1.5%

- (g) Impairment of colour vision ..... 0.5%  
 (h) Other impairments to vision

\*Note – The maximum impairment award for injury to a single eye is 30% (equivalent to unilateral loss of vision). Other impairments to vision are evaluated pursuant to the following evaluation process.

**Aphakia:** absence of the lens of an eye, occurring congenitally or as a result of trauma or surgery.

**Pseudophakia:** Replacement of the natural lens with an artificial lens.

Enucleation with or without replacement by prosthesis,  
 including impairment inherent in the resulting appearance ..... 5%

### Process For Evaluating Vision

#### 1 Criteria for evaluating vision

A deficit of the visual system occurs where there is a deviation from normal in one or more functions of the eye.

Visual integrity requires:

- (a) integrity of corrected visual acuity for distance and close up
- (b) integrity of the field of vision, and
- (c) ocular motility without diplopia.

The evaluation of these three functions is necessary in determining the visual deficit and their coordinated action is essential to optimal sight.

Other ocular functions or problems that affect the coordinated functions of the eye are awarded percentages of deficit in accordance with the scale prescribed for those functions.

#### 2 Methods for evaluating vision

##### Determination of central visual acuity

Visual acuity test charts: For distance vision tests, the Snellen test chart with non-serif block letters or numbers, the illiterate E chart, or Landolt's broken-ring chart are acceptable. For near vision, charts with print similar to that of the Snellen chart, with Revised Jaeger Standard print or with American point-type notation for use at 35 cm (14 inches) are acceptable.

The far test distance should simulate infinity at 6 m (20 feet) or no less than 4 m (13 feet 1 inch). The near test distance should be fixed at 35 cm (14 inches) in keeping with the Revised Jaeger Standard. Adequate and comfortable illumination must be diffused onto the test card at a level about three times greater than that of the usual rule of illumination.

Acuity should be measured for near and far, both without correction and with the best spectacle correction, or with contact lens correction if usually worn. If, however, contacts are not usually worn, it is not necessary to fit them to determine the best acuity. Note that certain ocular conditions, particularly corneal disorders, may be better corrected with contact lenses.

**Table 4.1. Loss (as a percentage) of Central Vision in a Single Eye**

Using Table 4.1, the examiner identifies the Snellen rating for near vision along the top row and Snellen rating for distance along the first column. Reading down from the former and across from the latter, the examiner locates two impairment values for the loss of central vision where the column and row cross.

Snellen rating for distance in feet	Approximate Snellen rating for near in inches													
	$\frac{14}{14}$	$\frac{14}{18}$	$\frac{14}{21}$	$\frac{14}{24}$	$\frac{14}{28}$	$\frac{14}{35}$	$\frac{14}{40}$	$\frac{14}{45}$	$\frac{14}{60}$	$\frac{14}{70}$	$\frac{14}{80}$	$\frac{14}{88}$	$\frac{14}{112}$	$\frac{14}{140}$
$\frac{20}{15}$	0 50	0 50	3 52	4 52	5 53	25 63	27 64	30 65	40 70	43 72	44 72	45 73	48 74	49 75
$\frac{20}{20}$	0 50	0 50	3 52	4 52	5 53	25 63	27 64	30 65	40 70	43 72	44 72	46 73	48 74	49 75
$\frac{20}{25}$	3 52	3 52	5 53	6 53	8 54	28 64	30 65	33 67	43 72	45 73	46 73	48 74	50 75	52 76
$\frac{20}{30}$	5 53	5 53	8 54	9 54	10 55	30 65	32 66	35 68	45 73	48 74	49 74	50 75	53 76	54 77
$\frac{20}{40}$	8 54	8 54	10 55	11 56	13 57	33 67	35 68	38 69	48 74	50 75	51 76	53 77	55 78	57 79
$\frac{20}{50}$	13 57	13 57	15 58	16 58	18 59	38 69	40 70	43 72	53 77	55 78	56 78	58 79	60 80	62 81
$\frac{20}{60}$	16 58	16 58	18 59	20 60	22 61	41 70	44 72	46 73	56 78	59 79	60 80	61 81	64 82	65 83
$\frac{20}{70}$	18 59	18 59	21 61	22 61	23 62	43 72	46 73	48 74	58 79	61 81	62 81	63 82	66 83	67 84
$\frac{20}{80}$	20 60	20 60	23 62	24 62	25 63	45 73	47 74	50 75	60 80	63 82	64 82	65 83	68 84	69 85
$\frac{20}{100}$	25 63	25 63	28 64	29 64	30 65	50 75	52 76	55 78	65 83	68 84	69 84	70 85	73 87	74 87
$\frac{20}{125}$	30 65	30 65	33 67	34 67	35 68	55 78	57 79	60 80	70 85	73 87	74 87	75 88	78 89	79 90
$\frac{20}{150}$	34 67	34 67	37 68	38 69	39 70	59 80	61 81	64 82	74 87	77 88	78 89	79 90	82 91	83 92
$\frac{20}{200}$	40 70	40 70	43 72	44 72	45 73	65 83	67 84	70 85	80 90	83 91	84 92	85 93	88 94	89 95
$\frac{20}{300}$	43 72	43 72	45 73	46 73	48 74	68 84	70 85	73 87	83 91	85 93	86 93	88 94	90 95	92 96
$\frac{20}{400}$	45 73	45 73	48 74	49 74	50 75	70 85	72 86	75 88	85 93	88 94	89 94	90 95	93 97	94 97
$\frac{20}{800}$	48 74	48 74	50 75	51 76	53 77	73 87	75 88	78 89	88 94	90 95	91 96	93 97	95 98	97 99

† Upper number shows % loss of central vision without allowance for monocular aphakia or monocular pseudophakia;  
‡ Lower number shows % loss of central vision with allowance for monocular aphakia or monocular pseudophakia.

Monocular aphakia or monocular pseudophakia is considered to be an additional central vision impairment. If either is present, the remaining central vision is decreased by 50% as shown in Table 4.1

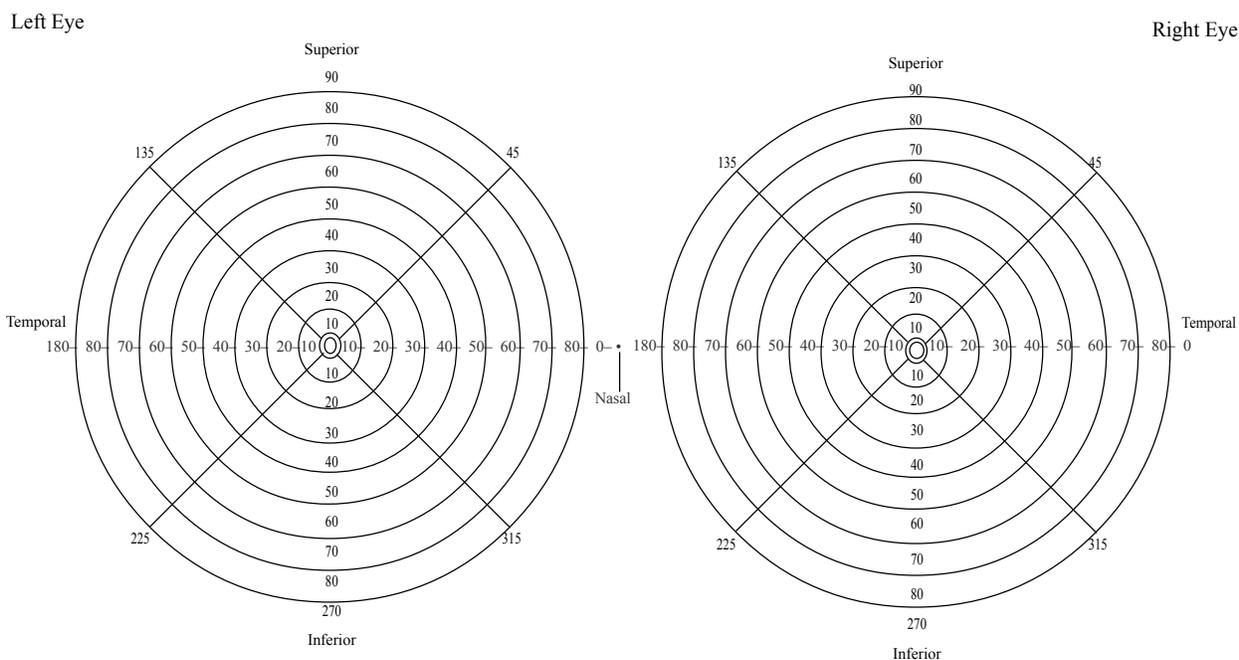
**Determination of extent of visual fields**

The extent of the visual field is determined by the use of standard perimetry using the values shown in Table 4.2

**Table 4.2 Stimuli Equivalent to the Goldmann Kinetic Stimulus**

	<b>Phakic</b>	<b>Alphakic</b>
Goldman (Kinetic)	III-4e	IV-4e
ARC perimeter (Kinetic)	3 mm white at radius 330 mm	6 mm white at radius 330 mm
Allergan-Humphrey (static, size 3)	10 dB	6 dB
Octopus (static, size 3)	7 dB	3 dB

The results may be transferred to the chart below:



The extent of the normal visual fields for the eight principal meridians are shown in Table 4.3.

**Table 4.3 Normal Visual Fields for Eight Principal Meridians**

<b>Direction of vision</b>	<b>Degrees of field</b>
Temporally	85
Down temporally	85
Direct down	65
Down nasally	50
Nasally	60
Up nasally	55
Direct up	45
Up temporally	55
Total	500

Any scotomata within the field should be subtracted from the maximum number of degrees for that meridian. An additional 5% should be included for an inferior quadrantic loss, and 10% for an inferior hemianopic loss, as loss of inferior field is of greater functional consequence.

The Esterman 120 binocular field test should be used for any binocular field.

The extent of the field can be defined on the field chart (Table 4.3) by drawing a line outside the location of the furthest 10 decibel points in each meridian. Assume that if any stimuli 10 decibels or greater are seen within the 20 or 30 degree field there will be no field remaining beyond this. But if the 10-decibel stimulus is seen outside the 30-degree field, then the extent of loss cannot be known unless a larger field is tested.

If an automated central field is normal, it may be accepted the entire field is normal unless the ocular exam or history suggests otherwise, in which case a full field should be tested.

**Table 4.4 Deficit of Visual Field**

Degrees lost (total)	Degrees retained (total)	Deficit %	Degrees lost (total)	Degrees retained (total)	Deficit %	Degrees lost (total)	Degrees retained (total)	Deficit %
0	500*	0	170	330	34	340	160	68
5	495	1	175	325	35	345	155	69
10	490	2	180	320	36	350	150	70
15	485	3	185	315	37	355	145	71
20	480	4	190	310	38	360	140	72
25	475	5	195	305	39	365	135	73
30	470	6	200	300	40	370	130	74
35	465	7	205	295	41	375	125	75
40	460	8	210	290	42	380	120	76
45	455	9	215	285	43	385	115	77
50	450	10	220	280	44	390	110	78
55	445	11	225	275	45	395	105	79
60	440	12	230	270	46	400	100	80
65	435	13	235	265	47	405	95	81
70	430	14	240	260	48	410	90	82
75	425	15	245	255	49	415	85	83
80	420	16	250	250	50	420	80	84
85	415	17	255	245	51	425	75	85
90	410	18	260	240	52	430	70	86
95	405	19	265	235	53	435	65	87
100	400	20	270	230	54	440	60	88
105	395	21	275	225	55	445	55	89
110	390	22	280	220	56	450	50	90
115	385	23	285	215	57	455	45	91
120	380	24	290	210	58	460	40	92
125	375	25	295	205	59	465	35	93
130	370	26	300	200	60	470	30	94
135	365	27	305	195	61	475	25	95
140	360	28	310	190	62	480	20	96
145	355	29	315	185	63	485	15	97
150	350	30	320	180	64	490	10	98
155	345	31	325	175	65	495	5	99
160	340	32	330	170	66	500	0	100
165	335	33	335	165	67			

\*or more

If the central visual field is impaired, the percentage of deficit is that of the concomitant loss of visual acuity. If the visual acuity is normal, the percentage of deficit is calculated on the basis of the degrees lost.

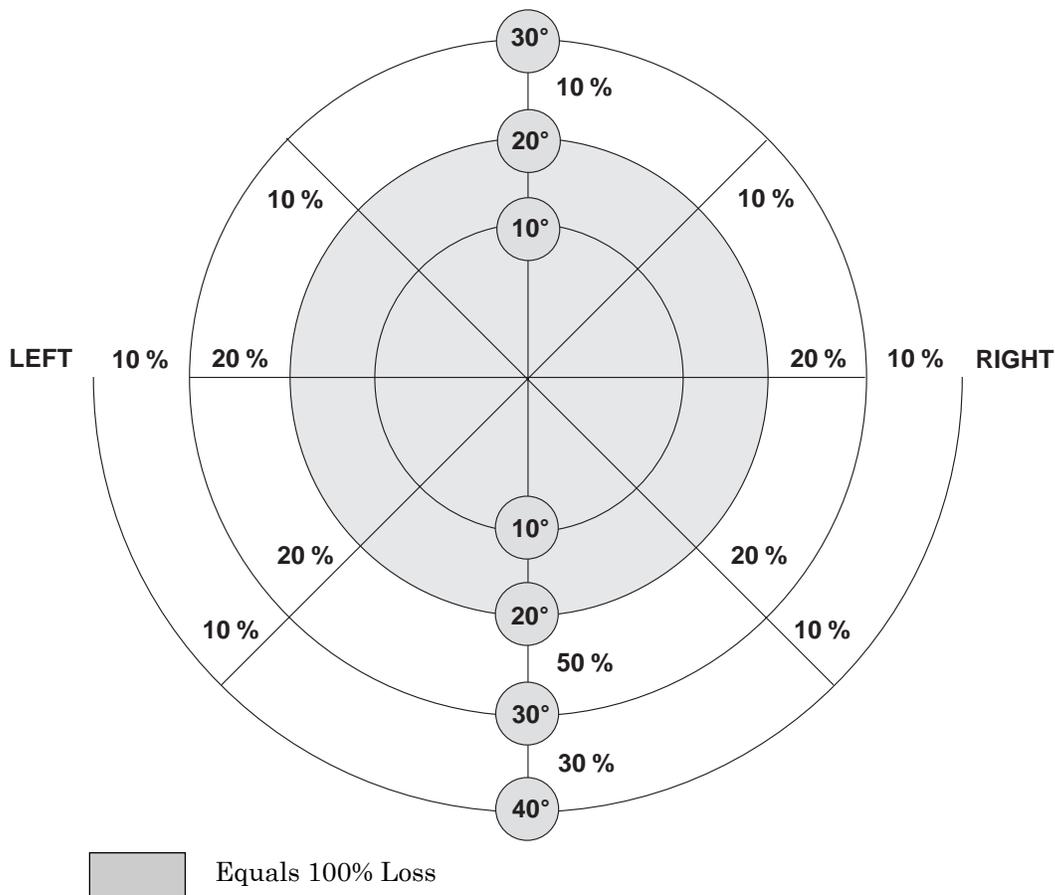
### Determination of ocular motility

**Abnormal Ocular Motility and Binocular Diplopia** – Unless a patient has diplopia with 30° of the centre of fixation, the diplopia rarely causes significant visual impairment. An exception is diplopia on looking downward. The extent of diplopia in the various directions of gaze is determined on an arc perimeter at 33cm or with a bowl perimeter. A tangent screen also is acceptable for evaluating the central 30°. Examination is made in each of the eight major meridians by using a small test light or the projected light of approximately Goldmann III-4e without adding coloured lenses or correcting prisms. Diplopia within the central 20° is considered to be a 100% impairment of ocular motility. This is applied to the injured eye only.

To determine the impairment of ocular motility, the patient is seated with both eyes open and the chin resting in the chin rest and centered so that the eyes are equidistant from the sides of the central fixation target.

The presence of diplopia is then plotted along the eight meridians of a suitable visual field chart. The impairment percentage for loss of ocular motility due to diplopia in the meridian of maximum impairment can be determined according to the following chart. When there is diplopia of the same eye along multiple meridians, the corresponding impairment percentages are combined.

### Percentage of Deficit of Ocular Motility of an Eye in the Field of Diplopia



**Determination of the visual efficiency of an eye**

The methods described in clauses (a), (b) and (c) were used to evaluate:

- visual acuity
- field of vision
- ocular motility

The percentage of visual efficiency of an eye is obtained by multiplying the percentage of visual acuity retained, by the percentage of the visual field retained, and by the percentage of ocular motility retained.

	% of visual acuity retained	x	% of visual field retained	x	% of ocular motility retained	=	% of efficiency of eye
Right eye							
Left eye							

**Determination of efficiency of entire visual system**

Multiply the percentage of efficiency of the better eye by 3, add the percentage of efficiency of the other eye, and divide the sum obtained by 4 to obtain the percentage of function of the entire visual system or efficiency of binocular vision. Subtract the percentage of efficiency of binocular vision from 100% (normal vision) to obtain the percentage of deficit for the entire visual system.

$$\frac{((\% \text{ of efficiency of better eye} \times 3) + (\% \text{ of efficiency of other eye}))}{4} = \% \text{ of efficiency of binocular vision}$$

$$100 - \% \text{ of efficiency binocular vision} = \% \text{ of deficit of the entire visual system}$$

**Permanent Impairment Benefit Related to Impairment of Visual and Corresponding Value for Impairment of the Whole Person**

**% Impairment**

Visual System	Whole Person								
0	0	19	17	38	34	57	51	76	68
1	1	20	18	39	35	58	52	77	69
2	2	21	19	40	36	59	53	78	70
3	3	22	20	41	37	60	54	79	71
4	4	23	21	42	38	61	55	80	72
5	5	24	22	43	39	62	56	81	72
6	6	25	23	44	40	63	56	82	72
7	7	26	24	45	40	64	56	83	73
8	8	27	24	46	40	65	57	84	74
9	8	28	24	47	41	66	58	85	75
10	8	29	25	48	42	67	59	86	76
11	9	30	26	49	43	68	60	87	77
12	10	31	27	50	44	69	61	88	78
13	11	32	28	51	45	70	62	89	79
14	12	33	29	52	46	71	63	90-100	80
15	13	34	30	53	47	72	64		
16	14	35	31	54	48	73	65		
17	15	36	32	55	49	74	66		
18	16	37	33	56	50	75	67		

## DIVISION 5

### UROGENITAL SYSTEM AND FETUS

The kidneys play an important role in the maintenance of fluid and electrolyte balance. In order to maintain this balance, blood is filtered by the kidneys and filtered to produce urine for excretion. The urine is transported from the kidney via a conduit system composed of the ureters, the urinary bladder and the urethra.

When injury to the upper urinary tract occurs, there may be associated symptoms of renal dysfunction presenting as:

- changes in frequency of urination
- blood or pus in the urine (hematuria, pyuria)
- pain in the flank or groin
- bony pain and weakness
- soft tissue swelling (edema)
- elevation of blood pressure
- diminished stamina with or without anemia
- alteration of weight and appetite

In addition to the above signs or symptoms, renal dysfunction may have adverse effects on multiple organs leading to the development of secondary functional impairments. Metabolic bone disease and anemia are but two examples of such impairments.

Evidence of renal dysfunction is confirmed by laboratory testing which attempts to measure the kidneys' rate of filtration (the Glomerular Filtration Rate or GFR). The Creatinine Clearance is a reliable quantitative method of assessment of GFR. This test measures the amount of creatinine cleared by the kidneys in a 24-hour period. This index will be used as an estimate of renal function and is readily evaluated by most laboratories.

Injuries to lower urinary tract (ureters, bladder and urethra) may be associated with alteration or loss of tissue that necessitates a urinary diversion procedure to compensate for the anatomic alterations and allow for egress of urine. Occasionally these injuries are associated with signs and symptoms of upper urinary dysfunction.

Trauma to the genitalia may lead to impairments in reproduction or sexual function. Such impairments are considered here, whereas impairments associated with a loss of form and symmetry are considered under Division 12, Subdivision 2.

#### **Impairment Rating Procedure for Urogenital Injuries**

When rating impairments of the urogenital system, the clinician may consider two separate components:

- the degree of tissue disruption associated with the injury, and
- the alteration in function associated with the particular injury.

**Part 1: Urinary Tract Tissue Disruption****1.1 Kidney Impairment**

- (a) removal of both kidneys, including renal transplantation ..... 40%
- (b) loss of one kidney ..... 10%
- (c) reduction or loss of renal function: see Part 2 below
- (d) with associated anemia: see Division 10: Hematopoietic System

**1.2 Ureteric Impairment**

- (a) Uretero-intestinal diversion ..... 10%
- (b) Cutaneous ureterostomy diversion ..... 10%
- (c) Nephrostomy diversion ..... 10%
- (d) With associated reduction or loss of renal function: see Part 2

**1.3 Bladder Impairment**

- (a) Bladder removal, including the resulting loss of control of urination or urinary by-pass ..... 35%
- (b) Incontinence or urinary retention:
  - (i) complete loss of sphincter control ..... 20%
  - (ii) partial loss of sphincter control ..... 10%
  - (iii) dysfunction in the form of precipitant urination ..... 3%
- (c) alteration of the bladder with enterocystoplasty ..... 10%
- (d) alteration of the bladder without enterocystoplasty ..... 3%

**1.4 Urethral Impairment**

- (a) Surgically uncorrectable fistula ..... 7.5%
- (b) Stenosis requiring monthly treatments ..... 6%
- (c) Stenosis requiring quarterly treatments ..... 3%

**1.5 Alteration of tissue following a posterolumbar incision or a laparotomy**

2%

**Part 2: Renal Functional Impairment**

Renal impairments may be measured by the following classification system:

**Class 1:**

- Creatinine Clearance of 30-80 ml/min, or intermittent symptoms and signs of upper urinary tract dysfunction are present that do not require continuous treatment or surveillance ..... 15%

**Class 2:**

- Creatinine Clearance of 10-30 ml/min, or Creatinine Clearance is >30, but symptoms and signs of upper urinary tract dysfunction are incompletely controlled by continuous treatment or surveillance ..... 50%

**Class 3:**

- Creatinine Clearance <10 ml/min, or Creatinine Clearance is >10, but symptoms and signs of upper urinary tract dysfunction persist despite continuous medical or surgical treatment ..... 75%

### Part 3: Reproductive Organ Tissue Disruption

#### 3.1 Male Genitalia

(a) Loss of penis .....	15%
(b) Post-traumatic alteration of penis .....	10%
(c) Loss of both testicles (including epididymides and spermatic cords):	
(i) before the end of puberty .....	20%
(ii) after puberty .....	10%
(d) Loss of a testicle (including epididymis and spermatic cord) .....	5%
(e) Alteration of the prostate (including seminal vesicles) .....	5%
(f) Loss of the prostate (including seminal vesicles) .....	10%
(g) With associated urinary incontinence from any of above: see Part 1.3	

#### 3.2 Female Genitalia

##### 3.21 Internal Genitalia

(a) loss of both ovaries (including fallopian tubes):	
(i) before the end of puberty .....	20%
(ii) after puberty .....	10%
(b) loss of a single ovary (including fallopian tube) .....	5%
(c) loss of the uterus (including cervix)	
(i) before the end of menopause .....	10%
(ii) after menopause .....	5%
(iii) alteration of cervix only .....	2%
(d) loss of an ovary with or without the fallopian tube .....	5%
(e) alteration of tissue following a cesarean section .....	2%

##### 3.22 External Genitalia

(a) loss of the clitoris .....	5%
(b) loss of the vulva .....	5%
(c) loss of the vagina .....	5%
(d) alteration of the clitoris .....	2.5%
(e) alteration of the vulva .....	2.5%
(f) alteration of the vagina .....	2.5%

<b>3.3 Loss of fetus .....</b>	<b>7%</b>
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**Part 4: Impairment of Reproductive/ Sexual Function****Criteria for Rating Neurologic Sexual Impairment**

Class 1 5% Impairment of the Whole Person	Class 2 10% Impairment of the Whole Person	Class 3 15% Impairment of the Whole Person
Sexual functioning is possible with difficulty of erection or ejaculation in men or lack of awareness, excitement, or lubrication in either sex	Reflex sexual functioning is possible but there is no awareness	No sexual functioning

**DIVISION 6****Respiratory System****Impairment Rating Procedure for Respiratory System Injuries**

When rating impairments of the respiratory system, the clinician may consider two separate components:

- the degree of tissue disruption associated with the injury, and
- the alteration in function associated with the particular injury.

To quantify the degree of respiratory system impairment, Pulmonary Function Tests should be requested. Pulmonary function tests, performed on standardized equipment with validated administration techniques, provide the framework for the evaluation of respiratory system impairment. Spirometric testing equipment, calibration, and administration techniques must conform to the guidelines of the 1994 ATS Statement on Standardization of Spirometry.

If tolerated, by the individual, remove pulmonary medications for up to 24 hours before spirometry or methacholine challenge testing to assess pulmonary function without the effects of medication.

Forced expiration maneuver measurements are made from at least three acceptable spirometric tracings that demonstrate uniformity pertaining to both the expiration flow pattern and concordance of at least two of the test results within 5% of each other. Measurements include the following: forced vital capacity (FVC), forced expiratory volume in the first second ( $FEV_1$ ), and the ratio of these measurements ( $FEV_1/FVC$ ). Use the tracings with the highest FVC and  $FEV_1$  to calculate the  $FEV_1/FVC$  ratio, even if these measurements occur on different expiratory efforts.

Repeat spirometry after bronchodilator administration if  $FEV_1/FVC$  is below 0.70 or if there is wheezing on physical examination. Use the spirogram indicating the best effort, before or after administration of a bronchodilator, to determine FVC and  $FEV_1$  for impairment assessment. Postbronchodilator  $FEV_1$  and FVC are important in understanding potential medication responsiveness and prognosis.

The  $FEV_1/FVC$  ratio helps diagnose obstructive airway disease. However, according to the most recent ATS statement on pulmonary function testing interpretation, the absolute volume or the percentage of predicated value of  $FEV_1$  is the primary parameter for assessing severity of the obstruction, although the  $FEV_1/FCE$  may be helpful. Instead, judge severity on the absolute value or the percentage of predicted value of  $FEV_1$ .

### Part 1: Respiratory System Tissue Disruption

<b>1.1 Loss of a lung</b> .....	20%
<b>1.2 Loss of a pulmonary lobe</b> .....	3%
<b>1.3 Alteration of tissue following a thoracotomy or penetrating chest wound</b> .....	2%
<b>1.4 Phrenic Nerve Injury</b> .....	2%
With associated alteration of pulmonary function: see Part 2	

### 1.5 Pleural Thickening

#### Thickness

For Pleural thickening visible along the thoracic wall maximum thickness is measured from the osseous line of the thorax to the internal limit of the pleural opacity as most clearly delimited:

(a) maximum thickness of under 5 mm .....	1%
(b) maximum thickness of between 5 mm and 10 mm .....	2%
(c) maximum thickness of over 10 mm .....	3%

#### Front View

The presence of pleural thickening observed by the front view is notable even if it can also be seen from a side view. In the event that it is only visible by a front view, usually the thickening cannot be measured.

#### Extent

The extent of pleural thickening is defined in terms of maximum length of the surface observed from a front or side view:

(a) total length up to a quarter of the distance on the projection of the lateral thoracic wall .....	1%
(b) total length exceeding a quarter of the distance on the projection of the lateral thoracic wall up to a half of this distance .....	2%
(c) total length exceeding a half of distance on the projection of the lateral thoracic wall .....	3%

#### Assessment of Deficit

The percentage obtained for the width is multiplied by the figure obtained for the extent, which determines the percentage of deficit assigned to the pleural thickening.

In the case of bilateral pleural thickening, the percentages are added for each side to a total maximum allowed of 18%.

Note: Total pleural impairment cannot exceed a maximum deficit of 20%.

**1.6 Tracheal stenosis**

(See Table 3.1 (Classes of Air Passage Deficits) in Division 3, Subdivision 3: Throat and Related Structures)

**Part 2: Respiratory Functional Impairment**

<b>Class 1:</b>	Both FVC and $FEV_1 > 80\%$ of predicted and $FEV_1/FVC > 70\%$ predicted and $D_{CO} > 70\%$ of predicted .....	0%
<b>Class 2:</b>	Either of FVC or $FEV_1$ between 60-80% of predicted or $D_{CO}$ between 60-80% of predicted .....	15%
<b>Class 3:</b>	FVC between 50-59% of predicted or $FEV_1$ between 40-59% of predicted or $D_{CO}$ between 40-59% of predicted .....	35%
<b>Class 4:</b>	FVC $< 50\%$ of predicted or $FEV_1 < 40\%$ of predicted or $D_{CO} < 40\%$ of predicted .....	75%

**DIVISION 7****The Digestive Tract**

For the purposes of impairment rating, the gastrointestinal (GI) tract may be divided into the following components:

- Upper GI tract:
  - esophagus
  - stomach
  - duodenum, jejunum and ileum (small intestine)
  - pancreas
- Lower GI tract:
  - colon
  - rectum
  - anus
- Liver and biliary tract

In this section, the different impairment rating classes consider both tissue disruption and function together.

**Part 1: Impairment Rating Criteria For the Upper GI Tract**

<b>Class 1:</b>	Symptoms or signs of upper digestive tract disease are present, or there is anatomic loss or alteration of tissue, and continuous treatment is not required, and weight can be maintained at a desirable level. ....	2.5%
<b>Class 2:</b>	Symptoms and signs of upper digestive tract disease are present, or there is anatomic loss or alteration of tissue, and dietary or medical treatments are required for control of symptoms/signs, and weight loss does not exceed 10% below desirable body weight. ....	7.5%
<b>Class 3:</b>	Symptoms and signs of upper digestive tract disease are present, or there is anatomic loss or alteration of tissue, and dietary or medical treatments do not completely control symptoms/signs, or weight loss is 10-20% below desirable body weight. ....	25%
<b>Class 4:</b>	Symptoms and signs of upper digestive tract disease are present, or there is anatomic loss or alteration of tissue, and dietary or medical treatments do not completely control symptoms/signs, or weight loss is >20% below desirable body weight. ....	40%

**Part 2: Impairment Rating Criteria For the Lower GI Tract****2.1 Colon and Rectum**

<b>Class 1:</b>	Symptoms or signs of lower digestive tract disease are present, or there is anatomic loss or alteration of tissue, and continuous treatment is not required, and weight can be maintained at a desirable level. ....	2.5%
<b>Class 2:</b>	Symptoms and signs of lower digestive tract disease are present, or there is anatomic loss or alteration of tissue, and dietary or medical treatments are required for control of symptoms/signs, and weight loss does not exceed 10% below desirable body weight. ....	7.5%
<b>Class 3:</b>	Symptoms and signs of lower digestive tract disease are present, or there is anatomic loss or alteration of tissue, and dietary or medical treatments do not completely control symptoms/signs, or weight loss is 10-20% below desirable body weight. ....	25%
<b>Class 4:</b>	Symptoms and signs of lower digestive tract disease are present, or there is anatomic loss or alteration of tissue, and dietary or medical treatments do not completely control symptoms/signs, or weight loss is >20% below desirable body weight. ....	40%

**2.2 Anal Impairment**

<b>Class 1:</b>	There is evidence of anatomic loss or alteration of tissue, or there is mild incontinence of stool, and symptoms can be controlled by treatment. ....	2.5%
<b>Class 2:</b>	There is evidence of anatomic loss or alteration of tissue and there is moderate incontinence of stool, requiring continual treatment and symptoms are incompletely controlled by treatment. ....	7.5%
<b>Class 3:</b>	There is evidence of anatomic loss or alteration of issue and complete fecal incontinence is present and symptoms are unresponsive to treatment. ....	20%

**Part 3: Impairment Rating Criteria For the Liver and Biliary Tract****3.1 Liver Tissue Disruption or Loss**

(a)	Liver Trauma Not Requiring Surgery .....	5%
(b)	Blunt trauma or laceration requiring surgery – no tissue loss .....	10%
(c)	Traumatic Loss of Tissue .....	20%

**3.1.1 Residual Hepatic Functional Impairment:**

<b>Class 1:</b>	There is objective evidence of persistent liver disease, and no symptoms or signs of ascites, jaundice, or other significant hepatic complications, and biochemical studies indicate minimal disturbance in hepatic function .....	5%
<b>Class 2:</b>	There is objective evidence of chronic liver disease, and no symptoms, or signs of ascites, jaundice, or esophageal bleeding, and biochemical studies indicate severe disturbance in hepatic function .....	15%
<b>Class 3:</b>	There is objective evidence of progressive chronic liver disease, with history of jaundice, ascites, bleeding of upper gastrointestinal varices, or intermittent hepatic encathalopathy .....	40%
<b>Class 4:</b>	There is objective evidence of progressive chronic liver disease, with persistent jaundice or bleeding, esophageal varices, and central nervous system manifestations of hepatic insufficiency .....	70%

**3.2 Biliary Tract**

<b>Class 1:</b>	There is occasional biliary tract dysfunction with documented biliary tract disease .....	5%
<b>Class 2:</b>	There is recurrent biliary tract dysfunction despite ongoing treatment .....	20%
<b>Class 3:</b>	There is obstruction of the bile tract with recurrent cholangitis. ....	40%
<b>Class 4:</b>	There is persistent jaundice and progressive liver disease due to obstruction of the common bile duct .....	75%

## Part 4: Impairment Rating Criteria for the Abdominal Wall, Inguinal and Femoral Regions

### 4.1 Classes of Hernia-related Impairments

<b>Class 1:</b>	Palpable defect in supporting structures of abdominal wall and slight protrusion at site of defect with increased abdominal pressure where the defect is readily reducible .....	5%
<b>Class 2:</b>	Palpable defect in the supporting structures of abdominal wall where frequent or persistent protrusion at site of defect may increase with intra-abdominal pressure and is manually reducible .....	15%
<b>Class 3:</b>	Palpable defect in supporting structures of abdominal wall where persistent, irreducible, and irreparable protrusion at the site of the defect has occurred causing limitation in the majority of normal activities .....	25%

## DIVISION 8

### Cardiovascular System

<b>1 Cardiac lesions</b>	see Table 8.1	
<b>2 Thoracic arterial lesions</b>		
(a)	Surgically corrected alteration of the ascending thoracic aorta .....	4%
(b)	Surgically corrected alteration of the descending thoracic aorta .....	3%
(c)	Functional limitations: see Table 8.1	
<b>3 Peripheral arterial lesions</b>		
(a)	Surgically corrected alteration of the abdominal aorta .....	3%
(b)	Surgically corrected alteration of a peripheral artery .....	1%
(c)	Functional alteration following a unilateral sympathectomy .....	2%
(d)	Alteration of a blood vessel corrected by transluminal angioplasty .....	2%
(e)	Functional limitations: see Tables 8.2 and 8.3	
<b>4 Venous and lymphatic lesions</b>		
(a)	Post-traumatic venous insufficiency or lymphatic insufficiency:	
(i)	minor, well controlled by medical treatment .....	3%
(ii)	moderate, not completely controlled by medical treatment .....	5%
(iii)	severe, not controlled by medical treatment, with trophic problems, but without recurring ulceration .....	8%
(iv)	very severe, not controlled by medical treatment, with trophic problems and recurring ulceration .....	12%
(b)	Superficial venous insufficiency .....	1%

**Table 8.1 Functional Limitations Following Cardiovascular Injury****Class 1 (over 7 mets)**

- |  |      |
|--|------|
| (a) cardiovascular lesion without angina or shortness of breath with strenuous or rapid or prolonged exertion or when undergoing a maximum stress test .....   | 2.5% |
| (b) cardiovascular lesion whereby ordinary physical activity does not cause angina, such as walking and climbing stairs. However, angina occurs with strenuous or rapid or prolonged exertion or when undergoing a maximum stress test ..... | 7.5% |

**Class 2 (5, 6, 7 mets)**

- |  |     |
|--|-----|
| (a) cardiovascular lesion without angina nor shortness of breath when performing physical activity such as walking, climbing stairs or carrying packages .....   | 15% |
| (b) cardiovascular lesion with minor limitation characterized by angina or shortness of breath:<br>for physical activity such as walking at a brisk pace or walking uphill;<br>for walking or stair climbing after meals or in the cold or in the wind;<br>under emotional stress;<br>in the morning after waking;<br>when walking more than two blocks on a level surface; and<br>climbing one flight of ordinary stairs at a fast pace or more than one flight of ordinary stairs at a normal pace<br>and in normal conditions ..... | 30% |

**Class 3 (2 to 4 mets)**

- |  |     |
|--|-----|
| moderate limitation characterized by angina or shortness of breath for physical activities such as walking one to two city blocks on level ground or climbing one flight of stairs in normal conditions and at a normal pace ..... | 45% |
|--|-----|

**Class 4 (under 2 mets)**

- |   |     |
|---|-----|
| severe limitation characterized by angina or shortness of breath for physical activities such as walking a few steps or while performing movements needed for personal hygiene. Angina or shortness of breath may occur at rest or during sleep. .... | 80% |
|---|-----|

**Table 8.2 Functional Limitations Following a Lower Limb Vascular Lesion**

- |   |     |
|---|-----|
| 1 Severe arterial insufficiency with trophic skin changes and ulceration, with inability to walk .....                                  | 45% |
| 2 Intermittent claudication occurring when walking at an ordinary pace over a distance of less than 75 metres .....                     | 30% |
| 3 Intermittent claudication occurring when walking at an ordinary pace over a distance of 75 to 120 metres .....                        | 20% |
| 4 Intermittent claudication occurring when walking at an ordinary pace for a distance of over 120 metres but less than 300 metres ..... | 10% |
| 5 Slightly inhibiting intermittent claudication, occurring when walking at an ordinary pace over a distance of 300 to 500 metres .....  | 5%  |

**Table 8.3 Functional Limitations Following an Upper Limb Vascular Lesion**

1	Severe arterial insufficiency, with trophic skin changes and ulceration, inhibiting exertion or causing ischemic pain at rest .....	45%
2	Arterial insufficiency causing significant intermittent ischemic pain that occurs with light exertion .....	30%
3	Arterial insufficiency causing intermittent ischemic pain that occurs with moderate exertion .....	15%
4	Arterial insufficiency causing intermittent ischemic pain that occurs with heavy exertion .....	5%

## DIVISION 9

### Endocrine System

#### Subdivision 1: Hypothalamus, Pituitary, Thyroid and Parathyroid Glands

1	Total hypopituitarism, including diabetes insipidus .....	60%
2	Partial hypopituitarism, excluding diabetes insipidus, requiring replacement of:	
	(a) Thyroid hormone .....	5%
	(b) Cortisone acetate .....	10%
	(c) Estrogen/testosterone when fertility is not an issue .....	10%
	(d) Loss of fertility .....	20%
	(e) Growth hormone in a child or adolescent .....	20%
	(f) Growth hormone in an adult .....	2%
	(combine the values for more than one lesion)	
3	Diabetes insipidus .....	10%
4	Impairment of the parathyroid glands .....	10%
5	Alteration of the thyroid gland not requiring hormone therapy .....	2%
6	Alteration or loss of the thyroid gland requiring hormone therapy .....	5%

#### Subdivision 2: Pancreas (Endocrine Function)

For exocrine pancreatic impairments, refer to Division 7, Part 1: Gastrointestinal Tract

7	Diabetes Mellitus (which is medically explainable such as direct trauma)	
	(a) Controlled without the use of insulin or oral medication .....	5%
	(b) Control requiring the use of oral medication .....	10%
	(c) Control requiring insulin therapy .....	20%
	(d) Difficult to control with insulin therapy .....	40%

Diabetes may occur following MVA-related trauma by one of several mechanisms. If the pancreas is traumatised, there may be sufficient tissue injury to impair insulin production resulting in tertiary diabetes. Certain drugs, e.g. Prednisone, can induce secondary diabetes by altering the hormonal balance. If this drug (or a similar drug) is used to treat an MVA-related condition, then the diabetic complication is also considered accident related. Finally, an injured person with pre-existing Type 1 or 2 diabetes, or an injured person with borderline diabetes, may have their metabolism altered by prolonged inactivity (e.g. bedrest) associated with the treatment of their MVA-related condition. This alteration in their diabetic status is usually temporary.

**Subdivision 3: Adrenal Glands**

8	Loss of one adrenal gland .....	2%
9	Loss of both adrenal glands requiring hormone therapy .....	15%

**DIVISION 10****The Hematopoietic System**

The hematopoietic system deals with organs that produce and maintain blood products including:

- red blood cells
- white blood cells
- platelets
- coagulation proteins

Abnormalities may arise when the organs responsible for hematopoiesis are injured following motor vehicle collision-related trauma or as a complication of medical or surgical therapy following such injuries. The major hematopoietic organs are:

- spleen
- bone marrow
- liver
- thymus
- kidneys

**Impairment Rating Procedure for the Hematopoietic System**

When rating impairments of the hematopoietic system, the clinician may consider two separate components:

- the degree of tissue disruption associated with the injury, and
- the alteration in function associated with the particular injury.

**Part 1: Tissue Disruption****1 Spleen**

(a)	Injury not requiring surgery .....	1%
(b)	Injury requiring splenic repair or partial splenectomy .....	3%
(c)	Injury resulting in total splenectomy .....	5%
(d)	Injury causing some loss of splenic function: see Part 2	

**2 Thymus**

(a)	Injury not requiring surgery .....	0%
(b)	Injury requiring partial thymectomy .....	1%
(c)	Injury resulting in total thymectomy .....	2%
(d)	Injury causing some loss of thymus function: see Part 2	

## Part 2: Functional Impairment of the Hematopoietic System

### 1 Red Blood Cells – MVA-related conditions that results in permanent alterations of RBC indices

Symptoms	Hemoglobin Level g/L	Transfusion Requirement	Impairment %
None	100 – 120	None	0
Minimal	80 – 100	None	15
Moderate	50 – 80*	2 – 3 Units every 4 – 6 weeks	40
Severe	50 – 80*	2 – 3 Units every 2 weeks	75

\*level prior to transfusion

### 2 White Blood Cells (WBC)

#### (a) Permanent conditions leading to a decreased WBC count

Symptoms	WBC Level g/L	Treatment Required	Impairment %
None	37324	None	0
Minimal	37258	None	5
Moderate	<1	Administration of Growth Factor	40
Severe	<0.5	Administration of Growth Factor	75

#### (b) Conditions leading to an increased WBC count

By report ..... 0 – 75%

### 3 Platelet and Clotting Factors

#### (a) Conditions leading to a permanent alteration in the platelet count

By report ..... 0 – 10%

#### (b) Conditions leading to a permanent alteration in clotting factors

By report ..... 15 – 50%

**DIVISION 11**

**Vestibulocochlear Apparatus**

**Impairment Rating Procedure for the Vestibulocochlear Apparatus**

The vestibulocochlear apparatus is responsible for the maintenance of equilibrium and hearing respectively. In this section, impairments of the vestibulocochlear apparatus are derived by considering the separate impairments related to the following:

- (a) Hearing
- (b) Vestibular (labyrinthine) function
- (c) Tinnitus

**(a) Ear or Pinna**

See: skin disfigurement in Division 12: Skin, Table 12.1.

**(b) External Canal Injury (e.g. Stenosis)**

(a) Unilateral, mild .....	0.5%
(b) Unilateral, moderate .....	1%
(c) Unilateral, severe .....	2%
(d) Bilateral .....	3%

**(c) Hearing**

Permanent hearing impairment may be classified whether unilateral or bilateral.

**Audiometric Measurements to Determine Hearing Impairment**

In determining impairments, the following steps should be taken:

- 1 Test each ear separately with pure-tone audiometer and record the levels at 500, 1000, 2000 and 3000 Hz. It is necessary that the hearing level for each frequency be determined in every subject. The following rules apply to extreme values:
  - (a) If the hearing level at a given frequency is greater than 100dB or is beyond the range of the audiometer, the level should be taken as 100dB.
  - (b) If the hearing level for a given frequency has a negative value (e.g. -5 dB), the level should be taken as 0 dB.
- 2 Add the four hearing levels (dB) for each ear separately. Hearing levels are determined according to ANSI Standard S3.6-1996.
- 3 See Table 11.1 to determine the percentages of monaural hearing impairment for each ear.

**Table 11.1 Monaural Hearing Loss and Impairment**

DSHL	%	DSHL	%	DSHL	%
100	0	190	33.8	280	67.5
105	1.9	195	35.6	285	69.3
110	3.8	200	37.5	290	71.2
115	5.6	205	39.4	295	73.1
120	7.5	210	41.2	300	75.0
125	9.4	215	43.1	305	76.9
130	11.2	220	45.0	310	78.8
135	13.1	225	46.9	315	80.6
140	15.0	230	48.8	320	82.5
145	16.9	235	50.6	325	84.4
150	18.8	240	52.5	330	86.2
155	20.6	245	54.5	335	88.1
160	22.5	250	56.2	340	90.0
165	24.4	255	58.1	345	91.9
170	26.2	260	60.0	350	93.8
175	28.1	265	61.9	355	95.6
180	30.0	270	63.8	360	7.5
185	31.9	275	65.8	365	99.4
				<370	100.0

**Unaided**

- (a) Profound Bilateral Sensory Neural Hearing Loss  
(Defined as >60 ISO, see Table 11.2) ..... 30%
- (b) Unilateral Sensory Neural Hearing Loss profound  
(Defined as >60 ISO, see Table 11.2) ..... 5%
- (c) Reduction in hearing other than above (see Table 11.2)

**Table 11.2 Impairment Rating for Hearing Loss**

Reduction of Hearing in Decibels* (DB)	Most Severely Impaired Ear (%)	Less Severely Impaired Ear (%)
25 ISO or less	0.5	2.5
25-29 ISO	1.0	5.0
30-34 ISO	1.5	7.5
35-39 ISO	2.0	10.0
40-44 ISO	2.5	12.5
45-49 ISO	3.0	16.0
50-54 ISO	3.5	17.5
55-59 ISO	4.0	20.0
60 ISO or more	5.0	25.0

\*According to the average obtained by a valid audiogram on frequencies of 500, 1000, 2000 and 3000 cycles.

**Addendum to Table 11.2**

Reduction in speech discrimination score below 80% in affected ear multiplies hearing impairment by a factor of 2. For example, a hearing loss of over 35 to 40 ISO in the most impaired ear = 2% whole person impairment. However, if the affected ear speech discrimination is <80%, the final rating is multiplied by 2 resulting in a 4% whole person impairment. The maximum award for this category is 30%, equivalent to the maximum award for profound bilateral hearing loss.

When an audiogram is done, there should also be consideration given for further testing such as speech discrimination.

**(d) Vestibular Function****Impairment Rating Procedure for Vestibular Injuries**

When rating impairments of the vestibular system, the clinician may consider two separate components:

- The function of the labyrinth as evaluated by clinical examination and/or Electronystagmography (ENG), and
- The function of the patient according to the functional criteria for vestibular impairment.

Both of the above criteria are rated and then combined using Appendix C in order to derive the total whole person impairment attributable to vestibular dysfunction.

- (a) Complete loss of one labyrinth ..... 5%
- (b) Complete loss of both labyrinths ..... 10%
- As defined by clinical examination/ENG

**Functional Criteria of Vestibular Impairment**

<b>Class 1:</b>	Peripheral or central vertigo does not affect the capacity to perform activities of daily living (ADL) .....	2.5%
<b>Class 2:</b>	Peripheral or central vertigo does not affect the capacity to perform most ADL, but certain activities such as driving an automobile or riding a bicycle may endanger the safety of the patient or others .....	7.5%
<b>Class 3:</b>	Peripheral or central vertigo necessitating continuous supervision for the performance of most ADL such as personal hygiene, household chores, or walking .....	30%
<b>Class 4:</b>	Peripheral or central vertigo requiring continuous supervision for the performance of most ADL and requiring confinement of the patient at home or an institution ..	50%

Vestibular injury may be compensated for over time and should be rated at both 6 and 12 months after injury to establish whether it has become static.

**(e) Tinnitus Unilateral or Bilateral**

Tinnitus must be present on a continuous basis for more than three consecutive months to be considered for permanent impairment rating

<b>Mild (Class 1):</b>	Tinnitus is intermittent and noticeable only in a quiet environment .....	0.5%
<b>Moderate (Class 2):</b>	Tinnitus is constantly present and bothersome in quiet environments, disturbing concentration and sleep .....	2%
<b>Severe (Class 3):</b>	Tinnitus is constantly present and bothersome in most environments, disturbing concentration, sleep and activities of daily living .....	5%

**DIVISION 12****Skin****DEFINITIONS**

“**alteration in form and symmetry**” refers to a skin disfigurement that results in a change in tissue bulk, consistency, length, pigmentation, or texture. It does not refer to the presence of a scar.

“**conspicuous**” refers to a skin disfigurement that is readily discernable with the unaided eye.

“**faulty scar**” refers to a scar that is misaligned, irregular, depressed, deeply adhering, pigmented, scaly, retractile, keloidal or hypertrophic.

“**flat scar**” refers to a scar that is almost linear, at the same level as the adjoining tissue and almost the same colour, causing no contraction or distortion of neighboring structures.

“**inconspicuous**” refers to a skin disfigurement that is not readily discernable with the unaided eye.

**Subdivision 1: Facial Disfigurement**

For the purpose of rating facial disfigurement, reference is made to each of the following anatomical elements:

- (a) forehead
- (b) orbits and eyelids
- (c) visible part of the ocular globes
- (d) cheeks
- (e) nose
- (f) lips
- (g) ears
- (h) chin

**Impairment Rating Procedure for Facial Disfigurement**

- 1 The degree of facial disfigurement is first classified in terms of its physical appearance, in order to determine the appropriate impairment class.
- 2 For disfigurement classes 1-4, the impairment percentage for disfigurement is fixed with respect to the alterations in the form and symmetry of the scarring, up to a maximum impairment percentage for disfigurement prescribed for each class (see Table 12.1.)
- 3 Where there is evidence of both scarring and alteration in form and symmetry, both impairments are rated and the percentages for both are added up to the maximum percentage prescribed for that class.
- 4 For classes 5 and 6, alterations in form and symmetry and scarring are considered jointly, and the impairment percentage awarded is the maximum prescribed for the class (see Table 12.2).

**Table 12.1 Evaluation of Facial Disfigurement Part 1**

Classification According To Appearance	Alteration in Form and Symmetry	Scarring	Maximum Impairment Percentage for the Class
Class 1 No impairment	Inconspicuous change	Inconspicuous	0%
Class 2 Very minor impairment	Inconspicuous change	Conspicuous 1% per cm <sup>2</sup>	3%
Class 3 Minor impairment	Conspicuous change and: (a) affecting one anatomical element: 3% (b) affecting two anatomical elements: 4% (c) affecting >two anatomical elements: 7%	Conspicuous and: (a) flat scar: 1% per cm <sup>2</sup> (b) faulty scar: 2% per cm <sup>2</sup>	7%
Class 4 Moderate impairment	Conspicuous change that holds one's attention and: (a) affecting one anatomical element: 10% (b) affecting two anatomical elements: 12% (c) affecting >two anatomical elements: 15%	Conspicuous and: (a) flat scar: 1% per cm <sup>2</sup> (b) faulty scar: 3% per cm <sup>2</sup>	15%

**Table 12.2 Evaluation of Facial Disfigurement Part 2**

Classification According To Appearance	Alteration in Form and Symmetry And Scarring	Impairment Rating Percentage
Class 5 Severe impairment	Involving several facial anatomical elements	20%
Class 6 Disfiguration	Involving all facial anatomical elements	30%

## Subdivision 2: Disfigurement of Other Parts of the Body

### Impairment Rating Procedure for Disfigurement of Other Parts of the Body

- 1 Where there is impairment only by alteration in form and symmetry, the degree of impairment is calculated and the percentage of disfigurement prescribed for that part of the body is awarded, see Table 12.3.
- 2 Where there is impairment only by scarring, the surface area of the scar is measured and the impairment percentage prescribed per cm<sup>2</sup> is awarded up to the maximum impairment percentage prescribed for that part of the body, see Table 12.3.
- 3 Where there are both alterations in the form and symmetry and scarring, the higher of the two percentages obtained under either heading is awarded without exceeding the maximum impairment percentage prescribed for that part of the body, see Table 12.3.
- 4 For the purposes of rating disfigurement for other parts of the body, the body regions may be defined as follows:
  - **Scalp and Skull:** Beginning at the normal hairline in front and following the hairline around the side to back.
  - **Neck:** The skin overlying C1-C7 posteriorly and the cricoid cartilage to the sternal notch anteriorly.
  - **Arms Shoulders and Elbows:** Extending from the acromion process and axillary folds to the olecranon process and cubital fossa. The scapulae, supraspinous fossa and supraclavicular fossa are considered as part of the trunk for the purposes of rating of disfigurement.
  - **Forearms:** Beginning at the distal aspect of the elbow and extending to the distal palmar crease.
  - **Wrists and Hands:** Beginning at the distal palmar crease and extending distally to the fingertips.
  - **Trunk:** This region includes both the suprascapular and supraclavicular fossae. It extends distally to the inguinal ligaments (anteriorly) and the iliac crests (posteriorly).
  - **Lower Limbs:** Begins at the distal aspect of the trunk (as defined above) and extends distally to the tips of the toes. Note that the buttock is considered to be part of the lower limb and not the trunk.

**Table 12.3 Evaluation of Disfigurement for Other Parts of the Body**

Body Region	Alteration in Form and Symmetry		Scarring	Maximum Impairment %
Scalp and Skull	Minor change	1%	Conspicuous: 0.5%/cm <sup>2</sup>	5%
	Moderate change	3%		
	Severe change	5%		
Neck	Minor change	1%	Conspicuous: 1%/cm <sup>2</sup>	8%
	Moderate change	5%		
	Severe change	8%		
Arms, Shoulders and Elbows	Minor change	1%	Conspicuous: 0.5%/cm <sup>2</sup>	4% per limb
	Moderate change	2%		
	Severe change	4%		
Forearms	Minor change	1%	Conspicuous: 1%/cm <sup>2</sup>	5% per limb
	Moderate change	2%		
	Severe change	5%		
Wrists and Hands	Minor change	1%	Conspicuous: 1%/cm <sup>2</sup>	6% per limb
	Moderate	3%		
	Severe change	6%		
Trunk	Minor change	1%	Conspicuous: 0.5%/cm <sup>2</sup>	6%
	Moderate change	3%		
	Severe change	6%		
Lower Limbs	Minor change	1%	Conspicuous: 1%/cm <sup>2</sup>	8% per limb
	Moderate change	4%		
	Severe change	8%		

Form and symmetry already includes allowance for changes in pigmentation.

### Appendix C

[Section 40]

#### Calculation of Successive Remainders

Table for combining two or more permanent impairments in order to obtain the adjusted value in conformity with the successive remainders principle:

- (a) Ordinate A% combined with abscissa B% adjusted value.
- (b) Decimals have been rounded to the next highest unit.
- (c) Where several impairments are to be combined, the same procedure is utilized by taking adjusted value as ordinate and combining, in the same manner, as abscissa, the percentage of the third impairment or others where applicable.





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## Appendix D

### Living Assistance

1. For the purposes of Appendix D:

- (a) **“arising from bed”** means the ability of the insured to get out of bed or get into bed with or without the use of specialized equipment;
- (b) **“bathing/hygiene”** means the ability of the insured to bath, wash, rinse and dry his or her body. This may be in the tub or shower or may be a sponge bath or bed bath;
- (c) **“bladder control”** means the ability of the insured to relieve his or her bladder independently with or without the use of special equipment or facilities;
- (d) **“bowel control”** means the ability of the insured to relieve his or her bowel independently with or without the use of special equipment or facilities;
- (e) **“cleaning up after meals”** means the ability of the insured to clear the table and do dishes;
- (f) **“dressing/undressing”** means the ability of the insured to dress and undress his or her upper and lower body;
- (g) **“eating/drinking”** means the ability of the insured to use utensils (modified, adaptive, or regular) to bring food to the mouth, chew and swallow, once the meal is served. This also includes eating and drinking with or without the use of special equipment such as a nasogastric tube or gastrostomy;
- (h) **“functional supervision”** means the care or supervision of an insured with a permanent or temporary bodily injury;
- (i) **“gardening”** means the ability of the insured to plant, maintain and harvest domestic gardens;
- (j) **“grooming”** means the ability of the insured to shave, wash his or her hands and face, groom hair, apply make-up and maintain his or her oral hygiene;
- (k) **“heavy housekeeping”** means the ability of the insured to carry out major household duties such as vacuuming, washing floors and cleaning appliances and bathrooms, and includes cleaning windows, walls, ceilings, curtains and carpets;
- (l) **“laundry”** means the ability of the insured to access a laundry area as well as perform related duties such as carrying a basket of clothes, taking laundry out of appliances, folding clothes and ironing;
- (m) **“light housekeeping”** means the ability of the insured to perform light household duties such as sweeping, dusting, making beds, wiping counters and tables and maintaining general tidiness;
- (n) **“mobility/locomotion”** means the ability of the insured to get into, position himself or herself in and get out of a vehicle, and includes the ability to transfer from a wheelchair to a vehicle and from a vehicle to a wheelchair;

- (o) **“preparing meals”** means the ability of the insured to prepare meals. Preparation of each meal is evaluated separately;
- (p) **“purchasing supplies”** means the ability of the insured to purchase the necessary supplies for the home including groceries, clothes, hardware equipment, etc.;
- (q) **“shovelling”** means the ability of the insured to shovel snow;
- (r) **“taking medications”** means the ability of the insured to routinely administer oral or topical medications;
- (s) **“toileting”** (transfer and cleaning) means the ability of the insured to use the toilet, urinal or bedpan, maintaining perineal hygiene;
- (t) **“transportation”** means the ability of the insured to use transportation when necessary;
- (u) **“yard work”** means the ability of the insured to carry out lawn and tree care.
2. In grading the degree of assistance necessary, the following apply:
- a = Maximal Assistance Person requires maximal physical assistance or verbal cues to complete the tasks; assistance with 75% of the task.
  - b = Moderate Assistance Person requires moderate physical assistance or verbal cues to complete the task; assistance with 50% of the task.
  - c = Minimal Assistance Person requires minimal physical assistance or verbal cues to complete the task; assistance with 25% of the task.
- A = completely independent
- B = does not apply in terms of the injured person’s chronological age
- C = covered by a health-care facility or program
- D = covered by an integration facility or program
- E = the injured person was not able to or did not usually do this before the accident
- F = other reason (specify)



**B. Evaluation Grid of Required Cognitive Activities**

Activity		Constant Attention	Partial Attention/ Supervision			Does Not Apply					
			a	b	c	A	B	C	D	E	F
attention/ memory	therapeutic techniques	5	4	3	2						
	staying on task	6	5	3	2						
behaviour	initiating activities	6	5	3	2						
	completing activities	6	5	3	2						
	irritability/ outbursts	6	5	3	2						
	physical violence (person/ property)	8	6	4	2						
communication	understanding, speaking, writing, reading	4	3	2	1						
financial management	managing finances independently	3	2	1	0.5						
planning and organizing activities	completing daytimer/ activity lists	3	1.5	1	0.5						
	making/ keeping appointments	4	3	2	1						
	meals	3	2	1	1						
	homework	7	5	4	2						
safety concerns	stove, gas, heights, crossing street, chopping food, etc.	8	6	4	2						
	taking medications	1	1	1	1						
<b>Total</b>		<b>70</b>									

**Explanation of Grid B (Cognitive Activities)**

1. **Attention** – the ability to concentrate, deal with distractions, and switch attention between things (i.e. following a group conversation)

**Memory** – the process of recalling or reproducing what has been learned and retained.

**Therapeutic techniques** – structured tasks (usually prescribed by psychologist or therapist) specifically designed to improve various aspects of attention/memory. The person may be able to practise these techniques independently, or may require various levels of supervision to practise them consistently.

**Staying on task** – the individual may need others to remind him or her what activity he or she was working on.

2. **Planning and Organizing** – planning and organizing are functions which allow us to engage in independent purposeful activities. These skills are critical to the brain’s ability to integrate, coordinate, and oversee its work.

Examples of types of activities that are important for people having difficulties:

**Completing daytimer and activity lists** – this is needed for a person to keep himself or herself organized. It provides an external organizer to the planning/organizing deficits they may have. It should be completed daily, checked throughout the day and updated as tasks are completed. Until this is fully integrated, many people with brain injury require reminders to do this important activity.

**Making and keeping appointments** – this is difficult for a person with deficits in planning and organizing. Often it requires those around the person to remind them to do this, especially if they are not consistently using their daytimer.

**Meals** – planning and organizing meals is a complex organizing task. A person with a brain injury may need assistance in planning menus, organizing grocery lists, following recipes, and completing multiple tasks at the same time.

**Homework** – those going to school or who receive home therapy may need assistance organizing themselves to complete these tasks. This includes reminders to complete assignments, plan out studying, or handing in papers on time.

3. **Behaviour** – How a person feels and acts often changes as a result of the injury. A person may be more impatient, act impulsively, be focused on his or her own needs exclusively, be more irritable, angry, have little sense of social boundaries, act less appropriately in social situations and have an increase or decrease in sexual behaviour. Because of this caregivers may need to provide more assistance/supervision to the individual.

Examples of behavioural activities requiring extra supervision:

**Initiating activities** – if a person has low motivation and/or depression, the person may need extra assistance to start activities.

**Completing activities** – low motivation and/or depression can affect the person’s ability to complete an activity.

**Irritability/outbursts** – caregivers need to provide extra supervision if the person with the brain injury tends to have behavioural outbursts.

**Physical violence** – against both person and property.

4. **Safety Concerns** – Due to difficulties with memory, concentration (attention), planning/organizing, impulsiveness, and/or lack of awareness of potentially risky situations a person with a brain injury may be unsafe in independently completing certain activities.

Examples of safety concerns include turning the elements of the stove off, using a ladder (heights), crossing streets, chopping food, using electrical or gas operated equipment, and taking medication.

5. **Communication** – the ability to express one’s needs verbally, in writing, with gestures, or using sounds, and to understand simple orders and directions (written and oral) in everyday living.
6. **Financial Management** – includes the ability to access funds, pay bills, and manage financial affairs independently.

**SASKATCHEWAN REGULATIONS 71/2002***The Milk Control Act, 1992*

## Section 10

## Board Order, dated July 18, 2002

(Filed August 7, 2002)

**Title**

**1** These regulations may be cited as *The Milk Control Amendment Regulations, 2002 (No. 7)*.

**R.R.S. c.M-15 Reg 1 amended**

**2** *The Milk Control Regulations* are amended in the manner set forth in these regulations.

**Section 8 amended**

**3 Subsections 8(2) and (3) are repealed and the following substituted:**

“(2) A producer who wishes to transfer all or part of his or her total production quota shall:

- (a) apply to the board on a form provided by the board;
- (b) ensure that the quota or portion of quota that the producer wishes to transfer will, at the time of transfer, be free and clear of all writs of execution, security interests and other encumbrances for which the producer is liable; and
- (c) supply the board with any information and additional material that the board may require respecting the application.

“(3) Subject to subsection (4), a producer who wishes to transfer all or part of his or her total production quota shall transfer a minimum of 20% of the quota or portion of quota by means of the quota exchange operated by the board.

“(4) A producer is not required to transfer any of his or her total production quota by means of the quota exchange mentioned in subsection (3) if the producer is transferring the quota or portion of quota:

- (a) to his or her immediate family; or
- (b) as a single unit.

“(5) The board may approve the transfer of all or part of a producer’s total production quota if:

- (a) the producer applies to the board in accordance with this section; and
- (b) the board is satisfied that the producer has otherwise complied with these regulations”.

**New sections 40 and 41****4 Sections 40 and 41 are repealed and the following substituted:****“Assessment, producer**

**40(1)** Every producer shall pay to the board an assessment of 17.00 cents for each 100 kilograms of milk that the producer sells to the agent.

(2) The assessment mentioned in subsection (1) is to be:

(a) deducted by the agent from payments made by the agent to the producer; and

(b) remitted by the agent to the board.

**“Assessment, distributor**

**41** Every distributor shall pay to the board an assessment of 17.00 cents for each 100 kilograms of milk that the distributor receives from the agent”.

**Appendix, Part II amended**

**5(1)** Part II of the Appendix is amended in the manner set forth in this section.

**(2) Clause 2(j) is repealed and the following substituted:**

“(j) ‘class 4d milk’ means milk:

(i) that is used:

(A) in the manufacture of processed animal feed; or

(B) in a new product that has not yet been classified by the board; or

(ii) that is involved in inventory, plant losses or fluid returns”.

**(3) Subsection 3(1) is amended:**

**(a)** in subclause (a)(i) by striking out “\$49.15” and substituting “\$50.10”;

**(b)** in subclause (b)(i) by striking out “\$49.15” and substituting “\$50.10”;

**(c)** in subclause (c)(i) by striking out “\$49.15” and substituting “\$50.10”; and

**(d)** by repealing clauses (m) and (n) and substituting the following:

“(m) in the case of class 5a milk:

(i) \$3.7857 per kilogram of butterfat;

(ii) \$6.4293 per kilogram of protein; and

(iii) \$0.0861 per kilogram of other solids;

“(n) in the case of class 5b milk:

(i) \$3.7857 per kilogram of butterfat;

(ii) \$2.5680 per kilogram of protein; and

(iii) \$2.5680 per kilogram of other solids”.

**Coming into force**

**6** These regulations come into force on August 1, 2002.



