

2003 Bill 204

Third Session, 25th Legislature, 52 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 204

**INSURANCE (ACCIDENT INSURANCE BENEFITS)
AMENDMENT ACT, 2003**

REV. ABBOTT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 204

2003

INSURANCE (ACCIDENT INSURANCE BENEFITS) AMENDMENT ACT, 2003

(Assented to _____ *, 2003)*

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000 c1-3

1 The *Insurance Act* is amended by this Act.

**2 Section 608(b) is amended by adding “or 629.1” after
“mentioned in section 629”.**

3 Section 629 is amended

- (a) in subsection (1) by adding “and section 629.1” after “In
this section”;**
- (b) in subsection (9)(a) and (b) by adding “and section 629.1”
after “of this section”;**
- (c) by adding the following after subsection (9):**

(9.1) The maximum amount prescribed under subsection (9) for medical payments and rehabilitation must not be less than \$25 000 per person during the 4 years from the date of the accident in respect of which medical payments or rehabilitation expenses are claimed.

4 The following is added after section 629:

Disputes over accident insurance benefits

629.1(1) In this section, “panel” means a dispute resolution panel established pursuant to subsections (2), (3) and (4).

(2) When an insurer terminates benefits prescribed pursuant to section 629 to an insured on the basis of a medical report and the insured objects, the insured may request that the matter be submitted to a dispute resolution panel.

(3) A panel under this section shall consist of

- (a) a physician selected by the insurer,
- (b) a physician selected by the insured, and
- (c) a physician selected by the insurer and the insured.

(4) In selecting a physician under subsection (3)(c), the parties must choose from a list provided by the Superintendent of Insurance.

(5) The panel must be provided with all medical reports and relevant information held by the parties.

(6) The panel may require the insured to undergo a medical examination.

(7) If an insured fails to undergo or in any way obstructs a medical examination, the insurer may suspend the payment of any prescribed medical benefits until the examination has taken place.

(8) In its report, the panel must indicate whether it agrees with the reasons for the insurer’s decision to discontinue medical benefits.

(9) If the panel members do not all agree on a report, then a decision by a majority is the decision of the panel.

(10) Copies of the panel's report must be provided to the insurer and the insured.

(11) The panel's decision on the medical condition of the insured for the purposes of paying medical benefits is binding on the insurer.

(12) The insurer must pay

- (a) the costs of the panel, and
- (b) the costs of any medical examination required by the panel.

5 This Act comes into force on Proclamation.

Explanatory Notes

1 Amends chapter I-3 of the Revised Statutes of Alberta 2000.

2 Section 608 presently reads:

608 In this Subpart,

- (a) “contract” means a contract of automobile insurance;*
- (b) “insured” means a person insured by a contract whether named or not and includes any person who is stated in a contract to be entitled to benefits payable under the insurance mentioned in section 629 whether described in the contract as an insured person or not.*

3 Section 629(1) and (9) presently read:

(1) In this section,

- (a) “benefits” means accident insurance benefits provided for in this section or in regulations made under subsection (9)(c);*
- (b) “prescribed” means provided for by regulations made under this section.*

(9) The Lieutenant Governor in Council may make regulations

- (a) *respecting any matter or thing that may or is to be prescribed for the purposes of this section;*
- (b) *defining for the purposes of this section any expression used in it;*
- (c) *increasing the amount of any of the benefits.*

4 New section regarding disputes over accident insurance benefits.

5 Coming into force.