

Superintendent of Insurance

Interpretation Bulletin

Bulletin Number:	02-2020
Title:	Automobile Insurance Reform Measures
Date:	November 13, 2020
To:	All Insurers Licensed for Automobile Insurance in Alberta

Purpose

This Bulletin is to advise all insurers licensed for automobile insurance in Alberta of reform measures the Government of Alberta has implemented to improve the province's automobile insurance system.

Amendments to the [Minor Injury Regulation \(MIR\)](#), [Diagnostic and Treatment Protocols Regulation \(DTPR\)](#) and [Automobile Accident Insurance Benefits Regulation \(AAIBR\)](#), came into effect on November 1, 2020. All impacted coverages provided under Alberta's standard automobile forms approved for use in Alberta by the Superintendent of Insurance (Superintendent), shall be automatically read to include the revised coverages until the applicable forms are updated.

In addition, pursuant to section 792.1 of the *Insurance Act*, this Bulletin provides the Superintendent's interpretation on the temporal application of increased automobile accident benefits provided by amendments to the DTPR and AAIBR that came into effect on November 1, 2020.

Reform Measures

1. Minor Injury Regulation

The MIR was amended as follows:

- The definition of a "minor injury" was updated to include clinically associated sequelae of sprains, strains or whiplash-associated disorder injuries, whether physical or psychological in nature, that do not result in a serious impairment, applicable to injuries that occur on or after November 1, 2020; and

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- Dentists were added as eligible health professionals able to act as certified examiners (CE) under the MIR, but their scope is limited to temporomandibular joint injuries, once:
 - The Council of the Alberta Dental Association and College notifies the Superintendent that a dentist meets the requirements set out in the MIR; and
 - The Superintendent enters the dentist's name on the CE register.

2. Diagnostic and Treatment Protocols Regulation

The DTPR was amended as follows:

- Adjunct therapists were defined to include dentists, psychologists and occupational therapists, and Albertans will have access to up to \$1,000 in treatment by any combination of these adjunct therapists;
- Clarification was included that one in-person visit equals one "treatment visit", regardless of the number of injuries treated;
- Clarification was also included that the 10 or 21 treatments referred to in sections 9(2) and 9(5) of the DTPR, which otherwise include adjunct therapy, do not include adjunct therapy provided by a dentist, occupational therapist or psychologist;
- Equivalent to a WAD I or WAD II injury, if a client is diagnosed with a sprain or strain under the DTPR, the health care practitioner treating them must seek to reassess the client within 21 days of the accident and, if the injury is not resolving, authorize a visit by the client to an injury management consultant (IMC) for an assessment and report; and
- Dentists are permitted to act as IMCs.

3. Automobile Accident Insurance Benefits Regulation

The following amendments were made to the AAIBR:

- Clarification was included that Section B - Accident Benefits can be used for any medically necessary equipment, vehicle modifications and home modifications; and
- Various benefit amounts were adjusted to reflect inflationary increases, as these amounts have not been increased in over a decade.

4. Temporal Application

The only regulatory amendment that was made exclusively applicable to claims that arise on or after November 1, 2020, was the change in the definition of "minor injury" in the MIR. All other regulatory changes have immediate effect and are applicable to both new and existing claims, including AAIBR claims provided that benefits under the AAIBR have not already been used up in their entirety.

This means, for example, that the adjunct therapy provisions in the DTPR and the inflationary and clarification adjustments to the AAIBR apply to traffic injuries that were sustained before November 1, 2020 and remain ongoing.

Examples for Clarification: Temporal Application of Regulatory Amendments

Scenario	Superintendent Interpretation
1. Collision occurred January 1, 2020. Injured claimant was unemployed at the time of collision and was rendered totally disabled. Claimant received \$135 per week for 26 weeks, at which time benefit expired.	Claimant is not eligible for further total disability benefits.
2. Collision occurred September 1, 2020. Injured claimant was unemployed at the time of collision and was rendered totally disabled. Claimant was receiving \$135 per week when amendments took effect on November 1, 2020.	Claimant is now eligible for \$200 per week as of November 1, 2020. Benefits should continue until the earlier of the end of total disability or the expiry of the 104 week eligibility period.
3. Collision occurred January 1, 2020. Injured claimant was employed at the time of collision and was rendered totally disabled. Claimant was receiving \$400 per week when amendments took effect on November 1, 2020.	Claimant is now eligible for up to a maximum of \$600 per week as of November 1, 2020. Benefits should continue until the earlier of the end of total disability or the expiry of the 104 week eligibility period.
4. Collision occurred January 1, 2020, and injured claimant used, prior to November 1, 2020, their full \$750 limit for chiropractic benefits.	Claimant is not eligible for further chiropractic benefits.
5. Collision occurred September 1, 2020, and injured claimant used, prior to November 1, 2020, \$400 in chiropractic benefits.	Claimant is eligible for up to \$1,000 in chiropractic benefits under the new provisions. As \$400 in benefits had already been used, claimant has \$600 remaining.
6. Collision occurred January 1, 2020, and the claimant's file has since been closed. Claimant has signed a full and final release.	Claimant is no longer eligible for any further benefits under AAIBR.
7. Collision occurred October 1, 2020, and claimant is still receiving treatment under DTPR.	The new adjunct therapy provisions are applicable to the claimant effective November 1, 2020.

If you have any questions regarding this Notice, please contact my office at (780) 643-2237 or tbf.insurance@gov.ab.ca.

[ORIGINAL SIGNED]

Sherri Wilson
Superintendent of Insurance

Contact Information and Useful Links

Email:	tbf.insurance@gov.ab.ca
Phone:	780-643-2237
Fax:	780-420-0752
Toll-free in Alberta:	Dial 310-0000, then the number.
Mailing Address:	402 Terrace Building, 9515 – 107 Street Edmonton, AB T5K 2C3
Visit our website:	insurance.alberta.ca
Subscribe to receive email updates:	insurance.alberta.ca/subscribe.html

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