

# ONTARIO REGULATION 313/03

made under the

## INSURANCE ACT

Made: July 24, 2003

Filed: July 28, 2003

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Amending O. Reg. 403/96

(Statutory Accident Benefits Schedule — Accidents on or after November 1, 1996)

Note: Ontario Regulation 403/96 has previously been amended. Those amendments are listed in the Table of Regulations (Legislative History) which can be found at <http://www.e-laws.gov.on.ca>.

**1. (1) Subsection 53 (1) of Ontario Regulation 403/96, as remade by section 26 of Ontario Regulation 281/03, is revoked and the following substituted:**

(1) A designated assessment shall be conducted by a designated assessment centre selected in accordance with this section.

(1.1) A designated assessment must be conducted by a designated assessment centre that,

- (a) is authorized to assess impairments of the type sustained by the insured person; and
- (b) is authorized to conduct the type of designated assessment that is required.

(1.2) A designated assessment must be conducted by a designated assessment centre that is located within,

- (a) 30 kilometres of the insured person's residence, if,
  - (i) the insured person's residence is located in the City of Toronto or the regional municipality of Durham, Halton, Peel or York, and
  - (ii) a designated assessment centre that complies with subsection (1.1) is located within 30 kilometres of the insured person's residence; or
- (b) 50 kilometres of the insured person's residence, if,
  - (i) the insured person's residence is not located in the City of Toronto or the regional municipality of Durham, Halton, Peel or York, and
  - (ii) a designated assessment centre that complies with subsection (1.1) is located within 50 kilometres of the insured person's residence.

(1.3) Subject to subsections (1.1) and (1.2), the insurer and the insured person may jointly select the designated assessment centre if the selection is made not later than the second business day after the insurer or the insured person, as the case may be, receives notice from the other that a designated assessment is required under this Regulation.

(1.4) If the insurer and the insured person do not jointly select the designated assessment centre in accordance with subsection (1.3), the Superintendent shall, subject to subsections (1.1) and (1.2), select the designated assessment centre.

**(2) Subsection 53 (2) of the Regulation, as remade by section 26 of Ontario Regulation 281/03, is revoked and the following substituted:**

(2) If the designated assessment centre is selected by the Superintendent, the designated assessment centre shall, before conducting the designated assessment, give the insurer and the insured person notice disclosing any conflict of interest that the centre has relating to the designated assessment.

**(3) Clause 53 (4) (b) of the Regulation, as made by section 26 of Ontario Regulation 281/03, is revoked and the following substituted:**

- (b) if the insurer and the insured person do not agree, the designated assessment shall be conducted, subject to subsections (1.1), (1.2) and (2), by another designated assessment centre selected by the Superintendent.

**(4) Subsections 53 (6), (7) and (8) of the Regulation, as remade by section 26 of Ontario Regulation 281/03, are revoked.**

**(5) Subsection 53 (10) of the Regulation, as remade by section 26 of Ontario Regulation 281/03, is revoked and the following substituted:**

(10) If a designated assessment centre is unable to begin a designated assessment within 14 days after receiving the request for the assessment, the insured person or the insurer may require that, subject to subsections (1.1), (1.2) and (2), the designated assessment be conducted by another designated assessment centre selected by the Superintendent.

(10.1) The Superintendent may, with the consent of the Minister, delegate in writing to any person the Superintendent's authority to select designated assessment centres under this section.

**2. This Regulation comes into force on the later of October 1, 2003 and the day it is filed.**