



Province of Alberta

VICTIMS OF CRIME ACT

VICTIMS OF CRIME REGULATION

Alberta Regulation 63/2004

With amendments up to and including Alberta Regulation 225/2012

Office Consolidation

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(Consolidated up to 225/2012)

ALBERTA REGULATION 63/2004

Victims of Crime Act

VICTIMS OF CRIME REGULATION

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Schedules

Definitions

1 In this Regulation,

- (a) “Act” means the *Victims of Crime Act*;
- (b) “Committee” means the Victims of Crime Programs Committee;
- (c) “The Crimes Compensation Board” means The Crimes Compensation Board under *Criminal Injuries Compensation Act*, RSA 1980 cC-33;
- (c.05) “criminal conduct offence” means an offence listed in Schedule 2;
- (c.1) “death benefits” means death benefits referred to in section 12.1 of the Act;
- (d) “Director” means the Director under the Act;
- (d.1) “eligible offence” means an offence listed in Schedule 1;
- (e) “financial benefits” means financial benefits referred to in sections 12 and 13 of the Act;
- (f) “Fund” means the Victims of Crime Fund;
- (g) “Review Board” means the Criminal Injuries Review Board.

AR 63/2004 s1;182/2011;225/2012

Part 1 Financial Benefits

Classes of injuries

1.1 The following are classes of injuries for which financial benefits are payable:

- (a) an eligible offence listed in Schedule 1 that is committed against a victim that results in injuries to the victim;
- (b) injuries to a victim where
 - (i) the victim has a pre-existing strong emotional attachment to the person against whom the eligible offence was committed,
 - (ii) the victim has witnessed the commission of the eligible offence or the immediate aftermath of the eligible offence first hand by being physically in attendance and in proximity to the commission of the eligible offence,
 - (iii) the eligible offence caused the death of the person against whom the eligible offence was committed,
 - (iv) the circumstances of the commission of the eligible offence would shock a reasonable person with strong emotional attachment to the person against whom the eligible offence was committed, and
 - (v) the victim suffers psychological harm diagnosed by a health professional as a result of witnessing the eligible offence in accordance with subclauses (i) to (iv).

AR 182/2011 s3;225/2012

Eligible offences

2 The offences under the *Criminal Code* (Canada) listed in Schedule 1 are offences with respect to which an application may be made for financial benefits.

Application for financial benefits

3(1) An application for financial benefits must be made in writing in a form approved by the Director pursuant to section 12 of the Act.

(2) If a victim is under 18 years of age, the application for financial benefits may be made on behalf of that victim by a parent or guardian of the victim.

(3) Notwithstanding subsection (2), if the Director is satisfied that a person who is under the age of 18 years is living independent of a parent or guardian, that person, on that person's own behalf, may apply for financial benefits.

(4) The applicant for financial benefits must provide all the information required by the Director respecting the injuries, the circumstances under which the injuries were acquired and the nature of the injuries and must authorize the Director to acquire that information.

(5) If an applicant has received financial benefits with respect to an eligible offence and the applicant develops a new injury or the effect of an injury arising from that eligible offence becomes worse,

- (a) section 12 of the Act applies to an application for further financial benefits, and
- (b) the Director must consider the amount of and the reason for the financial benefits already paid and offset that amount where any further financial benefits are to be paid.

(6) If an applicant has been refused financial benefits, the Director must reconsider the refusal if the Director becomes aware of the existence of new material information.

AR 63/2004 s3;71/2011;182/2011

Contributory action by victim

4 If, in the opinion of the Director, the victim's conduct directly or indirectly contributed to the victim's injury or death, the Director may, depending on the conduct and how the conduct contributed to the injury,

- (a) reduce the financial benefits payable in respect of that victim by 25%, 50% or 75% as the Director considers reasonable,
- (b) deny financial benefits in total in respect of that victim where the Director is of the opinion that the conduct warrants the denial of financial benefits,
- (c) reduce the death benefits payable in respect of that victim as the Director considers reasonable, or
- (d) deny death benefits in total in respect of that victim where the Director is of the opinion that the conduct warrants the denial of death benefits.

AR 63/2004 s4;182/2011

Pre-existing medical condition

5 If, in the opinion of the Director, a portion or all of the suffering by a victim arising from the injuries of the victim is attributable to a pre-existing medical condition of the victim and the victim was

suffering due to that pre-existing medical condition prior to the injury occurring, the Director may, based on the amount of suffering attributable to the pre-existing medical condition,

- (a) reduce the financial benefits payable in respect of that victim by 25%, 50% or 75% as the Director considers reasonable, or
- (b) deny financial benefits in total payable in respect of that victim.

Matters affecting determination of financial benefits

6(1) In this section,

- (a) “proper action” means, taking into consideration the nature and effect of an injury, doing the following:
 - (i) acting without unreasonable delay to seek treatment;
 - (ii) taking reasonable steps to acquire the appropriate treatment;
 - (iii) following, in a reasonable and responsible manner, the treatment prescribed;
 - (iv) taking reasonable steps to mitigate the injuries suffered;
- (b) “treatment” means, with respect to an injury, treatment as prescribed by a physician, dentist or other health professional who is recognized in the health care community or by the Director as a person qualified to prescribe the appropriate treatment.

(2) The Director may deny financial benefits in respect of a victim where the Director is of the opinion that the victim failed to take proper action with respect to the victim’s injuries.

(3) The Director may refuse to pay financial benefits with respect to any complication arising out of the victim’s failure to take proper action in relation to the victim’s injuries.

(4) The Director may, in the case of injuries arising out of a series of related or recurrent incidents, deal with the matter as if the related or recurrent incidents constituted one incident.

AR 63/2004 s6;225/2012

Criminal conduct

7(1) In this section,

- (a) “application” means an application made for financial benefits or death benefits;
- (b) “conduct period” means the period commencing 60 months immediately preceding the date of the eligible offence in respect of which an application is made by or in respect of a victim and concluding not later than 60 months immediately following the date of the eligible offence in respect of which the application was made;
- (c) “convicted of” includes, when used in reference to a criminal conduct offence, a guilty plea to a criminal conduct offence;
- (d) “conviction” means a conviction for a criminal conduct offence and includes a guilty plea to a criminal conduct offence;
- (e) repealed AR 225/2012 s5;
- (f) “sentence” means, with respect to a conviction, the custodial sentence, served either within a provincial or federal centre or in the community under a conditional sentence order;
- (g) “victim” means the person in respect of whom an application is made.

(2) If a victim has been convicted during the conduct period of any criminal conduct offence listed in section 2 of Schedule 2, the Director shall assess against that victim 5 points for each of those criminal conduct offences for which the victim has been convicted during the conduct period.

(2.1) If a victim has been convicted during the conduct period of any criminal conduct offence listed in section 1 or 3 of Schedule 2, the Director shall assess against that victim 3 points for each of those criminal conduct offences for which the victim has been convicted during the conduct period.

(3) If a victim has served a sentence or a portion of a sentence within the conduct period, the Director shall assess against that victim one point per year or portion of a year for each custodial sentence served, either within a provincial or federal centre or in the community under a conditional sentence order during that conduct period.

(4) In determining the number of points to be assessed against a person under subsection (2) or (2.1), the Director shall not take into consideration any conviction that took place while the person was younger than 16 years of age.

(5) In determining the number of points to be assessed against a person under subsection (3), the Director shall not take into consideration

- (a) repealed AR 71/2011 s3,
- (b) any sentence or portion of a sentence served by the person while that person was under the age of 16 years.

(6) Where a victim has been assessed points under this section, the Director shall, if the victim has been assessed 12 or more points in total for the conduct period, deny financial benefits or death benefits payable in respect of that victim.

(6.1) A victim is not eligible for financial benefits or death benefits if the victim has been

- (a) designated as a dangerous offender or a long-term offender by the courts pursuant to section 753 or 753.1 of the *Criminal Code* (Canada),
- (b) convicted of an offence under section 230, 235, 272 or 273 of the *Criminal Code* (Canada) during the conduct period, or
- (c) convicted of an offence under the *Crimes Against Humanity and War Crimes Act* (Canada) during the conduct period.

(7) This section applies in respect of a victim even though the victim's conduct may not or did not directly or indirectly contribute to the victim's injury or death.

AR 63/2004 s7;43/2009;71/2011;182/2011;225/2012

Financial benefits

8(1) The class of injuries referred to in section 1.1(a) for which financial benefits are payable are the injuries listed in Schedule 3.

(2) The amount of the financial benefits payable for injuries listed in Schedule 3 are the amounts listed in Schedule 4.

(2.1) The amount of financial benefits payable for the class of injuries listed in section 1.1(b) is \$5000.

(3) In determining the amount of financial benefits payable, the Director shall take into account the severity of the injury as provided for under Schedule 3.

(4) Notwithstanding subsection (1), but subject to subsection (6.1), the maximum number of injuries for which a victim is eligible to receive financial benefits is 3 and the maximum financial benefits

payable in aggregate to a victim for all of the victim's injuries is \$110 000 in total.

(5) Where a victim suffers an injury, whether or not the injury is listed in Schedule 3, the Director may send the victim to a physician, dentist or other health professional selected by the Director to diagnose the injury.

(6) Where a victim suffers an injury that is not listed in Schedule 3, the Director may seek the advice of any physician, dentist or other health professional in order to determine the relative severity of the injury.

(6.1) Subject to subsection (6.4), a victim who suffers a neurological injury the severity of which is determined to be 190 or higher is eligible for a supplemental financial benefit of \$1000 per month.

(6.2) For the purposes of subsection (6.1), the severity of a neurological injury is to be determined in accordance with Schedule 3 and by taking into account only a single injury listed under the heading "Neurological" in section 3 of that Schedule.

(6.3) Subject to subsections (6.4), (6.6) and (6.7), a supplemental financial benefit described in subsection (6.1) is payable for each month, commencing with the month in which the injury is sustained or the month in which this subsection comes into force, whichever is later, and for every month thereafter for the duration of the victim's life.

(6.4) The amount of a supplemental financial benefit described in subsection (6.1) may be reduced or denied by the Director in accordance with section 4, 5 or 6.

(6.5) The Director must, every 12 months, review the injuries of a victim receiving a supplemental financial benefit to determine whether the severity of the victim's injuries is still 190 or higher in accordance with subsection (6.2).

(6.6) If, on review, the Director determines that the severity of the victim's injuries is lower than 190, the Director must terminate the supplemental financial benefit effective the month following the month in which the Director makes the determination.

(6.7) If a victim receiving a supplemental financial benefit fails to participate in or to cooperate with a review under subsection (6.5), the Director may suspend or terminate the supplemental financial benefit.

(6.8) Subsections (5) and (6) apply for the purposes of a review under subsection (6.5).

(7) Repealed AR 182/2011 s7.

(8) Financial benefits described in subsection (4) or (6.1) may be paid to the applicant or, at the discretion of the Director, to other eligible persons.

AR 63/2004 s8;96/2008;182/2011

Death benefits

8.1(1) Subject to subsection (4), a person who has paid all or part of the costs of a victim's funeral is eligible to apply for death benefits for the purposes of reimbursement of those costs.

(2) An application for death benefits pursuant to section 12.1 of the Act must

(a) be made in writing in a form approved by the Director, and

(b) provide proof of payment of costs of the victim's funeral.

(3) The maximum aggregate total amount payable for death benefits in respect of a particular victim, regardless of the number of applicants, is \$12 500.

(4) An individual is not eligible to apply for death benefits in respect of a victim if the individual is convicted of an offence under the *Criminal Code* (Canada) in respect of an act or omission that caused or directly contributed to the victim's death.

AR 182/2011 s8;225/2012

CICA reviews

9 Notwithstanding section 8(2), if under section 15 of the Act an order by The Crimes Compensation Board for periodic payments is to be converted to final payment of financial benefits under the *Victims of Crime Act*, the Director may, with the approval of the Minister, authorize financial benefits that are different from the amount listed in Schedule 4.

Reviews

10(1) A request for a review to the Review Board must

(a) be in writing,

(b) state the grounds for the review, and

(c) include the mailing address of the person applying for the review.

- (2) On receipt of a request for a review, the Review Board must deal with the review as provided for under sections 7.1 , 14 and 14.01 of the Act.
- (3) A review may be held in public and may proceed even if the person requesting the review is not present.
- (4) The proceedings at a review must be recorded.
- (5) A decision of the Review Board must be in writing.

AR 63/2004 s10;182/2011

Information

- 11(1)** In this section, a reference to the Review Board includes a reference to the chair and the other members of the Review Board.
- (2) For the purposes of conducting reviews by the Review Board and carrying out duties ancillary to conducting reviews, the Review Board may collect, use and disclose information, including personal information, in the same manner and subject to the same terms and restrictions as that imposed on the Director or otherwise provided for under section 13.1 of the Act.
- (3) In the case of information referred to in section 13.1(2) of the Act,
 - (a) before the Director discloses any of that information other than to the Review Board, the Director must, or
 - (b) before the Review Board discloses any of that information other than to the Director, the Review Board must,consult with the source from which the information was collected.

Part 2 Financial Matters Concerning the Fund

Surcharge

12 The amount of a surcharge that is to be paid into the Fund is an amount that is equivalent to 15% of the fine, rounded down to the nearest dollar, imposed on a person convicted of an offence.

Fund payment request

- 13** The Minister may request that payment from the Fund be made
- (a) for grants under Part 3;

- (a.1) for programs that benefit victims of crime;
- (b) for costs that, in the opinion of the Minister, are incurred by the Committee and Review Board in carrying out their duties under the Act;
- (c) for remuneration of and expenses incurred by
 - (i) the Committee, in an amount authorized under section 5(3) of the Act, and
 - (ii) the Review Board, in an amount authorized under section 7(5) of the Act;
- (d) for financial benefits payable under the Act and this Regulation;
- (d.1) for death benefits payable under the Act and this Regulation;
- (e) for costs that, in the opinion of the Minister, are incurred in the administration of the Act.

AR 63/2004 s13;182/2011

Part 3 Grants

Application for grant

14(1) A person who provides or proposes to provide a program that consists of services that benefit victims or a class or classes of victims during their involvement with the criminal justice process may apply for a grant in a form acceptable to the Minister.

(2) In addition to the information required in an application under subsection (1), an applicant must provide any other information requested by the Minister.

Agreement

15 The Minister may, at any time, require an applicant to enter into an agreement with respect to the terms and conditions of a grant and any matter relating to the payment or repayment of a grant.

Payment of grant

16 If the Minister authorizes the payment of a grant, the grant may, in accordance with the authorization, be paid

- (a) in a lump sum or in instalments, and

- (b) at the time or times specified.

Conditions of grant

17(1) A person who receives a grant must use the grant

- (a) only for the program described in the application and authorized by the Minister, or
- (b) if the original program described in the application is varied and the variation is agreed to by the person and by the Minister, only for the program as varied.

(2) If a grant is not used by a person in accordance with subsection (1), the Minister may require that the person repay the grant in whole or in part to the Fund.

(3) If a person does not use all the grant paid to that person for the program referred to in subsection (1), that person must return the unused portion of the grant to the Fund, unless otherwise directed by the Minister.

Accounting for use of grant

18 A person who receives a grant must, when required by the Minister, provide evidence in a form and manner satisfactory to the Minister of how the grant was used.

Part 4 Transitional, Repeals, Expiry and Coming into Force

Transitional

19(1) In this section, “former regulations” means the following:

- (a) the *Victims’ Benefits Regulation* (AR 201/97);
- (b) the *Victims’ Programs Regulation* (AR 135/97).

(2) Where

- (a) an application for financial benefits has been made under the former Regulations,
- (b) a review has been commenced under the former Regulations, or
- (c) a review of an application dealt with under the former regulations has been commenced under this Regulation,

the matter is to be dealt with under the former Regulations in the same manner as if the former Regulations were still in force.

Repeal

20 The following regulations are repealed:

- (a) the *Victims' Benefits Regulation* (AR 201/97);
- (b) the *Victims' Programs Regulation* (AR 135/97).

Expiry

21 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 1, 2018.

AR 63/2004 s21;71/2011

Coming into force

22 This Regulation comes into force on April 1, 2004.

Schedule 1 Eligible Offences

1 Any of the following offences under the *Criminal Code* (Canada):

Item Number	Section of Criminal Code (Canada)	Description of Offence
1	65	Taking part in a riot
2	76	Hijacking of aircraft
3	77	Endangering safety of aircraft in flight
4	78	Taking onboard a civilian aircraft offensive weapons or explosive substances
5	78.1	Seizing control of ship, etc.
6	80	Failure to take reasonable care in respect of explosives where death or bodily harm results
7	81	Intentionally causing death or bodily harm by explosive substance

8	86(1)	Careless use of firearm
9	98.1	Robbery to steal firearm
10	129(a)	Resisting or obstructing public or peace officer
11	151	Sexual interference
12	152	Invitation to sexual touching
13	153	Sexual exploitation
14	153.1(1)	Sexual exploitation of person with disability
15	155	Incest
16	159	Anal intercourse
17	160	Bestiality
18	162	Voyeurism
19	163.1	Child pornography
20	170	Parent or guardian procuring sexual activity
21	172.1	Luring a child
22	173	Indecent acts
23	175	Causing disturbance, indecent exhibition, loitering, etc.
24	212	Procuring
25	215	Failure to provide necessaries
26	218	Abandoning child
27	220	Causing death by criminal negligence
28	221	Causing bodily harm by criminal negligence
29	222	Homicide
30	230	Murder in commission of offences
31	233	Infanticide
32	235	Murder
33	236	Manslaughter
34	239	Attempted murder
35	244	Discharging firearm with intent
36	244.1	Causing bodily harm with intent — air gun or pistol
37	245	Administering noxious substance
38	246	Overcoming resistance to commission of offence

39	247	Setting traps likely to cause death or bodily harm
40	248	Interfering with transportation facilities
41	262	Impeding attempt to save life
42	264	Criminal harassment
43	266	Assault
44	267	Assault causing bodily harm; assault with a weapon
45	268	Aggravated assault
46	269	Unlawfully causing bodily harm
47	269.1	Torture
48	270	Assaulting a peace officer
49	270.01	Assaulting peace officer with weapon or causing bodily harm
50	270.02	Aggravated assault of peace officer
51	271	Sexual assault
52	272	Sexual assault with a weapon, threats to a third party or causing bodily harm
53	273	Aggravated sexual assault
54	273.3	Removal of child from Canada for sexual purpose
55	279(1)	Kidnapping/illegal confinement
56	279(2)	Forcible confinement
57	279.01	Trafficking in persons
58	279.1	Hostage taking
59	280	Abduction of person under 16 years of age
60	281	Abduction of person under 14 years of age
61	344	Robbery
62	346	Extortion
63	423	Intimidation
64	430(2)	Mischief causing actual danger to life
65	433	Arson

2 Offences involving motor vehicles are not eligible for financial benefits or death benefits except where the motor

vehicle was deemed to have been intentionally used as a weapon.

AR 63/2004 Sched. 1;71/2011;225/2012

Schedule 2 Criminal Conduct Offences

1 Any of the following offences under the *Criminal Code* (Canada):

Item Number	Section of Criminal Code (Canada)	Description of Offence
1	46(2)	Treason
2	50	Assisting enemy
3	51	Intimidating Parliament or legislature
4	52	Sabotage
5	53	Incitement to mutiny
6	54	Assisting deserter
7	82(1)	Possession of explosives without lawful excuse
8	83.02	Providing/collecting property for terrorist activity
9	83.03	Providing property/services for terrorism
10	83.04	Using or possessing property for terrorism
11	83.18	Participation in a terrorist group
12	83.19	Facilitating terrorist activity
13	83.2	Commission of offence for terrorist group
14	83.21	Instructing activity for a terrorist group
15	83.22	Instructing terrorist activity
16	83.23	Harbouring/concealing a terrorist
17	83.231	Hoax regarding terrorist activity
18	85	Use of firearm in an offence
19	87	Pointing a firearm

20	88	Possessing weapon for dangerous purpose
21	89	Carrying weapon at public meeting
22	90	Carrying concealed weapon
23	91(1)	Unauthorized possession of firearm
24	92	Possession of firearm knowing its possession is unauthorized
25	93	Possession of firearm at unauthorized place
26	94	Unauthorized possession of firearm in motor vehicle
27	95	Possession of prohibited firearm or restricted firearm
28	96	Possession of weapon obtained by commission of an offence
29	98	Breaking and entering to steal firearm
30	99	Weapons trafficking
31	100	Possession for purposes of weapons trafficking
32	102	Making automatic firearm
33	103	Import/export unauthorized weapons
34	104	Unauthorized import/export of weapons
35	105	Losing/finding firearm but not reporting
36	117.01	Weapons possession contrary to order
37	144	Prison breach
38	145(1)	Escape and being at large without excuse
39	145(3)	Failure to comply with condition of undertaking or recognizance
40	145(5.1)	Failure to comply with conditions of undertaking
41	146	Permitting or assisting escape
42	161	Order of prohibition
43	163	Corrupting morals

44	171	Householder permitting sexual activity (with a minor)
45	176(1)	Obstructing, or violence to, or arrest of officiating clergyman
46	179	Vagrancy
47	180(1)	Common nuisance
48	182	Interfering with or indignity to dead body
49	210	Keeping a bawdy-house
50	211	Transporting person to bawdy-house
51	213	Offence in relation to prostitution
52	240	Accessory after fact to murder
53	241	Counselling or aiding suicide
54	243	Concealing body of child
55	264.1	Uttering threats
56	270.1	Disarming a peace officer
57	282	Abduction contrary to custody order
58	283	Abduction
59	318	Advocating genocide
60	319	Public incitement of hatred
61	348	Breaking and entering
62	349	Being unlawfully in dwelling-house
63	351	Possession of break-in instrument
64	354	Possession of property obtained by crime
65	357	Bringing into Canada property obtained by crime
66	423.1	Intimidation of justice system participant
67	424	Threat against internationally protected person
68	424.1	Threat against United Nations or associate personnel
69	431	Attack on residence of internationally protected person

70	431.1	Attack on United Nations personnel
71	434	Arson — damage to property
72	435	Arson for fraudulent purpose
73	462.31	Laundering proceeds of crime
74	463	Attempts, accessories
75	464	Counselling offence
76	465	Conspiracy
77	467.11	Participation in activities of criminal organization
78	467.12	Commission of offence for criminal organization
79	467.13	Instructing commission of offence for criminal organization

2 Any offence listed in Schedule 1, other than the offences listed in Item Numbers 30, 32, 52 and 53.

3 Any offence under the *Controlled Drugs and Substances Act* (Canada).

4 Repealed AR 225/2012 s7.

AR 63/2004 Sched. 2;71/2011;225/2012

Schedule 3

Injury Schedule

Definitions

1 In this Schedule,

- (a) “ADL” means activities of daily living that are activities usually performed in the course of a normal day and are used to measure a person’s ability to function independently and includes eating, bathing, grooming, dressing, toileting and transferring;
- (b) “episode” means an event that is distinctive and separate and can be part of a larger series;
- (c) “face” means the area in front of the ears and from the line of the jaw to and including the forehead;
- (d) “IADL” means instrumental activities of daily living that are a series of life functions used for maintaining a

person's immediate environment and are used to measure a person's ability to live independently and includes obtaining food, cooking, laundering, housecleaning, phone use, travelling in community, managing one's medications and managing one's finances;

- (e) "muscle grade" refers to the American Spinal Injury Association (ASIA) 5-point Motor Index scale of grading muscle strength or weakness with the strength of 5 considered normal and 0 considered paralysis;
- (f) "site" means the head, neck, chest and abdomen, back or any limb;
- (g) "surgery" means surgical procedures generally performed in an operating room, but does not include procedures commonly performed in an Emergency Department or a physician's office.

General principles

2 The following principles are to be applied with respect to making a determination under this Schedule:

- (a) all injuries must be a direct result of the eligible offence committed against the victim and verified by a medical professional with the qualifications appropriate to the injury;
- (b) removable prosthetic devices and aids such as eye glasses, dentures and prosthetic limbs are considered property and are not eligible for financial benefits;
- (c) residual effects of injuries, or impairment, are to be assessed at the point of maximum medical improvement (MMI), as determined by a medical professional with the qualifications appropriate to the injury;
- (d) complications or impairments arising from the initial injury or treatment are considered part of the injury award;
- (e) lacerations and burns include any resulting scarring or disfigurement and any reduced mobility due to scarring;
- (f) injuries with severity scores under 2.500 may be combined to a maximum severity score of 7.000 and awarded as a single injury of "multiple minor injuries";

- (g) only one injury per injury subgroup, or group, where no subgroup exists, can be awarded, unless the injuries are for different limbs or the injury is in the category of medical conditions;
- (h) for any injury resulting in amputation, the amputation injury shall be awarded and not the underlying injury to structures or tissues, and where an injury previously awarded results in amputation, the award for amputation shall replace the previously awarded injury to underlying structures or tissues;
- (i) where the specific injury is not listed in the subgroup, or group where no subgroup exists, the most appropriate injury in that subgroup or group shall be selected.

3 The severity of an injury is to be determined using the following table:

Severity of Injury Group	Subgroup	Injury	Severity
Airway		Airway irritation	1.408
		Airway inflammation	3.305
Amputation	Head	Amputation ear, partial	14.255
		Amputation ear (over 25%)	28.510
	Face	Amputation nose, partial	17.611
		Amputation nose (over 25%)	35.222
	Mouth	Amputation tongue, partial	19.233
		Amputation tongue (over 25%)	40.200
	Lower limb	Amputation toe(s)	18.425
		Amputation foot, partial	40.200
		Amputation lower limb, below knee	69.275
		Amputation lower limb, above knee	80.103
	Upper limb	Amputation finger	19.233
		Amputation fingers or thumb	35.222
		Amputation finger(s) and thumb	43.511
		Amputation hand, partial	55.634
Amputation upper limb, below elbow		80.103	
Amputation upper limb, above elbow		109.237	
External Structures		Loss of hair	0.237

Bruise/ abrasion	Bruise(s), swelling and/or abrasion(s)	2.267
	Bruise(s), swelling and/or abrasion(s), more than two sites	3.305
	Bruise(s), swelling and/or abrasion(s), multiple to face, head and/or neck	3.305
	Bruise(s), swelling and/or abrasion(s) to over 40% of body	15.520
	Burns	
	First degree burn(s), for each 1% of total body surface area burned	0.750
	Second degree burn(s), for each 1% of total body surface area burned	1.500
	Third degree burn(s), for each 1% of total body surface area burned, excluding face	3.000
	Third degree burn(s) to face, for each 1% surface area burned	10.200
	* Multiple burns are awarded as a single injury based on the total severity score.	
	* Maximum severity score for a third degree burn involving the face is 45.900.	
	* Maximum severity score for burns is 175.000.	
Facial lacerations	Facial laceration(s) not requiring sutures or similar medical procedure	2.267
	Facial laceration(s) less than 5 cm, requiring sutures or similar medical procedure	10.200
	Facial laceration(s) 5 to 10 cm, requiring sutures or similar medical procedure	17.894
	Facial laceration(s) greater than 10 cm, requiring sutures or similar medical procedure	23.106
	Non-facial lacerations	
	Non-facial laceration(s) not requiring sutures or similar medical procedure	2.267
	Non-facial laceration(s) less than 5 cm, requiring sutures or similar medical procedure	4.426
	Non-facial laceration(s) 5 to 10 cm, requiring sutures or similar medical procedure	5.800
	Non-facial laceration(s) 11 to 20 cm, requiring sutures or similar medical procedure	12.500
	Non-facial laceration(s) greater than 20 cm, requiring sutures or similar medical procedure	20.078

Penetrating injury	Penetrating injury, no underlying structural/organ injury	5.800
	Penetrating injuries, no underlying structural/organ injury	17.861
Medical Conditions	Chlamydia, genital warts, gonorrhea and/or syphilis	5.776
	Genital herpes, Hepatitis B, C or D and/or HIV	20.078
	Hepatitis B, C or D (disease) and/or HIV seroconversion	38.066
	Pregnancy (must be confirmed by a physician)	35.845
	Toxic effect of injected/ingested substances	5.776
Neurological		
Brain	Brain stem contusion	42.417
	Closed head injury	12.500
	Cortical contusion (bruising of brain)	22.242
	Cortex laceration	63.224
	Concussion	12.500
	Post-concussion syndrome	23.106
	Intracranial hematoma/hemorrhage	49.884
	Intracranial hematoma/hemorrhage, requiring surgery	60.950
	Brain injury with seizure(s) at time of initial injury	35.845
	Brain injury with residual seizures	65.267
	Brain injury with hemiparesis	149.364
	Brain injury with residual cognitive, psychosocial or physical effects, capable of independent living (excludes concussion/post-concussion syndrome)	65.267
	Brain injury, requiring surgery, residual cognitive, psychosocial or physical effects, capable of independent living (excludes concussion/post-concussion syndrome)	111.329
	Brain injury, requiring supervised living	162.975
	Brain injury, fully dependent related to physical (ADL) and/or cognitive (IADL) impairments	217.299
Nerve, head/neck	Cranial nerve injury(ies), with sensory impairment	2.887
	Cranial nerve injury, multiple with motor impairment	24.818

	Cranial nerve injury, singular with motor impairment	17.589
	Laryngeal nerve injury with paralysis of vocal cord(s)	40.342
Nerve, lower limb		
	Lower limb nerve injury, disruption of sensation	2.887
	Lower limb nerve injury, muscle strength 3 or higher	23.106
	Lower limb nerve injury, muscle strength less than 3	43.511
	Lower limb nerve injury, no motor or sensory function preserved	57.766
	Lower limb nerve injury, requiring surgery	17.033
Nerve, torso		
	Torso nerve injury, disruption of sensation	2.887
	Torso nerve injury, disruption of sensation and motor function	20.347
Nerve, upper limb		
	Upper limb nerve injury, disruption of sensation	2.887
	Upper limb nerve injury, muscle strength 3 or higher	23.106
	Upper limb nerve injury, muscle strength less than 3	43.511
	Upper limb nerve injury, no motor or sensory function preserved	57.766
	Upper limb nerve injury, requiring surgery	15.552
Spinal cord		
	Cervical injury, disruption of motor/sensory function	27.163
	Cervical injury, motor function preserved below neurologic level of injury, most of key muscles below level of injury have muscle grade of 3 or higher	109.237
	Cervical injury, motor function preserved below neurologic level of injury, most of key muscles below level of injury have muscle grade of less than 3	162.975
	Cervical injury, sensory function, no motor function, preserved below neurologic level of injury extending through sacral segments S4-S5	195.569
	Cervical injury, no motor or sensory function preserved below neurologic level of injury extending through sacral segments S4-S5	217.299
	Lumbosacral injury, disruption of motor/sensory function	13.332

	Lumbosacral injury, motor function preserved below neurologic level of injury, most of key muscles below level of injury have muscle grade of 3 or higher	53.330
	Lumbosacral injury, motor function preserved below neurologic level of injury, most of key muscles below level of injury have muscle grade of less than 3	79.995
	Lumbosacral injury, sensory function, no motor function, preserved below neurologic level of injury extending through sacral segments S4-S5	95.995
	Lumbosacral injury, no motor or sensory function preserved below neurologic level of injury extending through sacral segments S4-S5	106.661
	Thoracic injury, disruption of motor/sensory function	17.776
	Thoracic injury, motor function preserved below neurologic level of injury, most of key muscles below level of injury have muscle grade of 3 or higher	79.995
	Thoracic injury, motor function preserved below neurologic level of injury, most of key muscles below level of injury have muscle grade of less than 3	106.661
	Thoracic injury, sensory function, no motor function, preserved below neurologic level of injury extending through sacral segments S4-S5	127.993
	Thoracic injury, no motor or sensory function preserved below neurologic level of injury extending through sacral segments S4-S5	142.214
Oral		
	Dental	
	Dento-alveolar fracture(s)	8.412
	Dento-alveolar fracture(s), requiring surgery	13.332
	Chipped teeth, requiring treatment	4.287
	Damaged or loss of crown or fixed bridge/fixed appliance	8.412
	Fractured tooth	8.412
	Loosened and/or chipped teeth, no treatment required	1.011
	Loosened teeth, requiring non-invasive treatment such as splinting	4.212
	Loosened or damaged tooth, requiring invasive treatment such as root canal	8.412
	Loss of tooth	10.105

	* Multiple dental injuries are awarded as a single injury equal to the total award value (not severity score) of the individual injuries.	
	* Maximum benefit for dental injuries is the equivalent of 12 lost teeth.	
Mouth		
	Oral cavity injury(ies)	2.267
	Oral cavity injury(ies), requiring sutures or similar medical procedure	4.426
	Oral cavity injury(ies), requiring surgery	17.307
Organs/circulatory		
Circulatory		
	Vascular injury, hemodynamically stable	5.264
	Vascular injury, hemodynamically stable, requiring surgery	21.756
	Vascular injury, hemodynamically unstable	30.984
Organs		
	Injury(ies) requiring chest tube(s)	17.033
	Injury(ies) requiring exploratory surgery	21.756
	Injury(ies) requiring exploratory surgery and chest tube insertion	23.106
	Organ injury	13.332
	Organ injury, requiring surgery	27.949
	Organ injuries to 2 organs	27.949
	Organ injuries to 2 organs, at least one requiring surgery	42.417
	Organ injuries to 3 or more organs	34.602
	Organ injuries to 3 or more organs, at least one requiring surgery	50.071
	Organ injury with loss of or loss of function to one organ (excluding gallbladder, appendix)	40.430
	Organ injuries with loss of or loss of function to one organ (excluding gallbladder, appendix)	63.443
	Organ injuries with loss of or loss of function to 2 organs (excluding gallbladder, appendix)	69.275
	Organ injuries with loss of or loss of function to 3 or more organs (excluding gallbladder, appendix)	80.103
	* Includes organs of the chest, abdomen and internal reproductive organs	
Psychological		
	Psychological injury	19.233
	Psychological injury, with one factor	27.949
	Psychological injury, with two factors	40.430
	Psychological injury, with three factors	50.071
	Psychological injury, with four factors	65.267
	Psychological injury, with five factors	79.995

	Upon verification of psychological injury by a medical professional with the qualifications appropriate to the injury, the following incident factors can be applied:	
	* Victim was under the age of 18 at the time of the incident	
	* More than five episodes	
	* Multiple aggressors and/or weapons	
	* Vaginal and/or anal penetration, including forced oral sex	
	* More than five treatment sessions related to the incident(s)	
Reproductive		
	Genitalia injury, including contusion(s), abrasion(s) and/or laceration(s)	3.305
	Genitalia injury, requiring sutures or similar medical procedure	17.903
	Genitalia injury, requiring surgery	27.949
	Genitalia, loss of	38.655
Sensory		
	Ear/hearing	
	Hearing loss and/or tinnitus, one or both ears	6.411
	Hearing loss, partial, one ear	24.501
	Hearing loss, partial, both ears	40.430
	Hearing loss, profound, one ear	44.600
	Hearing loss, profound, both ears	65.267
	Tympanic membrane injury, one or both ears	2.576
	Tinnitus, ongoing more than 3 months, one or both ears	17.903
	Eye/vision	
	Injury causing irritation to eye(s)	2.267
	Injury causing visual disturbance, ongoing more than 3 months	27.949
	Loss of vision, best corrected visual acuity 20/50-20/200, one eye	50.071
	Loss of vision, best corrected visual acuity 20/50-20/200, both eyes	79.995
	Loss of vision and/or eye, best corrected visual acuity less than 20/200, one eye	69.275
	Loss of vision and/or eye, best corrected visual acuity less than 20/200, both eyes	142.214
	Non-penetrating (closed globe) injury to eye(s)	2.576
	Non-penetrating (closed globe) injury to eye(s), requiring surgery or laser treatment	24.501
	Penetrating (open globe) injury to eye	21.602
	Penetrating (open globe) injury to eyes	34.602
	Penetrating (open globe) injury to eye(s), requiring surgery or laser treatment	44.600

	Taste/smell		
		Loss of taste and/or smell	6.411
Skeletal			
	Face		
		Fracture one facial bone, excluding nasal bones	21.602
		Fracture one facial bone, requiring surgery, excluding nasal bones	34.602
		Fractures two facial bones	28.182
		Fractures two facial bones, at least one bone requiring surgery	44.600
		Fractures three or more facial bones	34.602
		Fractures three or more facial bones, at least one bone requiring surgery	50.071
		Fracture(s) nasal bones	6.411
		Fracture(s) nasal bones, requiring surgery	12.822
	Head		
		Fracture(s) skull	22.242
		Fracture(s) skull, requiring surgery	34.602
	Lower limb — lower leg		
		Avulsion fracture lower leg	3.583
		Avulsion fracture lower leg, requiring surgery	10.200
		Fracture(s) toe(s) and/or foot	10.200
		Fracture(s) toe(s) and/or foot, at least one bone requiring surgery	19.233
		Fracture lower leg	19.233
		Fracture lower leg, requiring surgery	27.949
		Fractures lower leg, 2 bones	22.242
		Fractures lower leg, 2 bones, at least one bone requiring surgery	34.602
		Fractures lower leg, 3 or more bones	27.949
		Fractures lower leg, 3 or more bones, at least one requiring surgery	44.600
		* Lower leg includes ankle, tibia, fibula and patella	
		* Multiple fractures of the toes and/or foot will be considered one bone when awarding multiple lower leg fractures	
	Lower limb — upper leg		
		Avulsion fracture upper leg	3.583
		Avulsion fracture upper leg, requiring surgery	10.200
		Fracture(s) femur	30.984
		Fracture(s) femur, requiring surgery	49.884
	Spine		
		Fracture vertebra	19.233
		Fracture vertebra, requiring surgery	27.949

	Fractures 2 vertebrae	22.242
	Fractures 2 vertebrae, requiring surgery	34.602
	Fractures 3 or more vertebrae	27.949
	Fractures 3 or more vertebrae, requiring surgery	44.600
	Fracture(s) spinous and/or transverse process	4.287
Torso — upper		
	Avulsion fracture upper torso	3.552
	Avulsion fracture upper torso, requiring surgery	10.105
	Fracture rib(s), one or two	10.105
	Fracture ribs, three to six	12.822
	Fracture ribs, more than six	19.233
	Fracture upper torso, one bone, excluding ribs	19.233
	Fracture upper torso, one bone, excluding ribs, requiring surgery	27.949
	Fractures upper torso, two bones	22.242
	Fractures upper torso, two bones, at least one requiring surgery	34.602
	Fractures upper torso, three or more bones	27.949
	Fractures upper torso, three or more bones, at least one requiring surgery	44.600
	* Multiple rib fractures will be considered one bone when awarding multiple torso fractures	
Torso — lower		
	Avulsion fracture pelvis	3.552
	Avulsion fracture pelvis requiring surgery	10.105
	Fracture(s) pelvis	30.984
	Fracture(s) pelvis, requiring surgery	49.884
Upper limb — lower arm		
	Avulsion fracture lower arm	3.552
	Avulsion fracture lower arm, requiring surgery	11.225
	Fracture(s) finger(s) and/or hand	10.200
	Fracture(s) finger(s) and/or hand, requiring surgery	19.233
	Fracture lower arm	19.233
	Fracture lower arm, requiring surgery	27.949
	Fractures lower arm, two bones	22.242
	Fractures lower arm, two bones, at least one bone requiring surgery	34.602
	Fractures lower arm, three or more bones	27.949
	Fractures lower arm, three or more bones, at least one bone requiring surgery	44.600

	* Lower arm includes radius, ulna, carpal bones (wrist) and hand/fingers	
	* Multiple fractures of the fingers and/or hand will be considered one bone when awarding multiple lower arm fractures	
	* Multiple fractures of the carpal bones (wrist) will be considered one bone	
	Upper limb — upper arm	
	Avulsion fracture upper arm	3.552
	Avulsion fracture upper arm, requiring surgery	11.225
	Fracture(s) humerus	22.242
	Fracture(s) humerus, requiring surgery	34.602
Tendon/ligament/cartilage/ muscle		
	Head	
	Temporomandibular joint (TMJ) injury	12.409
	Lower limb	
	Deep tissue injury(ies) lower limb	6.411
	Sprain(s)/strain(s) lower limb	12.409
	Dislocation lower limb	12.409
	Dislocation lower limb, requiring surgery	22.242
	Dislocations lower limb	19.233
	Dislocations lower limb, at least one requiring surgery	29.703
	Torn/lacerated tendon, ligament, cartilage or muscle, lower limb	19.233
	Torn/lacerated tendons, ligaments, cartilage or muscles, lower limb	22.242
	Torn/lacerated tendon, ligament, cartilage or muscle, lower limb, requiring surgery	29.703
	Torn/lacerated tendons, ligaments, cartilage or muscles, lower limb, at least one requiring surgery	34.602
	Neck	
	Sprain/strain neck	12.409
	Cartilage injury(ies) neck	12.409
	Cartilage injury(ies) neck, requiring surgery	29.703
	Spine	
	Displaced disc, traumatic	19.233
	Displaced disc, traumatic, requiring surgery	29.703
	Displaced discs, traumatic	29.703
	Displaced discs, traumatic, requiring surgery	44.600
	Torso	
	Sprain(s)/strain(s) torso	12.409
	Upper limb	
	Deep tissue injury(ies), upper limb	6.411
	Sprain(s)/strain(s) upper limb	12.409

Dislocation upper limb	12.409
Dislocations upper limb	19.233
Dislocation upper limb, requiring surgery	22.242
Dislocations upper limb, at least one requiring surgery	29.703
Torn/lacerated tendon, ligament, cartilage or muscle, upper limb	19.233
Torn/lacerated tendons, ligaments, cartilage or muscles, upper limb	22.242
Torn/lacerated tendon, ligament, cartilage or muscle, upper limb, requiring surgery	29.703
Torn/lacerated tendons, ligaments, cartilage or muscles, upper limb, requiring surgery	34.602

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Schedule 4 Financial Benefit Awards

Awards

Severity Range	Amount
0 to 2.499	\$0
2.500 to 4.999	500
5.000 to 8.499	1000
8.500 to 11.999	1500
12.000 to 14.999	2000
15.000 to 18.499	2500
18.500 to 19.999	3000
20.000 to 22.499	4000
22.500 to 27.499	5000
27.500 to 29.999	6000
30.000 to 32.999	7000
33.000 to 37.999	8000
38.000 to 39.999	9000
40.000 to 40.999	10 000
41.000 to 46.999	12 000
47.000 to 49.999	14 000
50.000 to 56.999	16 000
57.000 to 59.999	18 000
60.000 to 64.999	20 000
65.000 to 68.499	25 000
68.500 to 69.999	30 000
70.000 to 79.999	35 000
80.000 to 89.999	40 000
90.000 to 99.999	45 000
100.000 to 109.999	50 000
110.000 to 119.999	55 000
120.000 to 129.999	60 000

130.000 to 149.999	70 000
150.000 to 169.999	80 000
170.000 to 189.999	90 000
190.000 to 209.999	100 000
210.000 or higher	110 000



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