

**Quick Reference Guide to the *Health Care Costs Recovery Act*:
Timelines and Obligations Relating to Health Care Services Claims (HCSC)**

Action	Due
1. <u>Insurer Notified of Insured’s Involvement in a Personal Injury or Death of a Beneficiary</u>	
(a) Within 60 days of learning that the Insured may have caused or contributed to a personal injury or death: the Insurer must provide written notice to the Government using the “Information from Insurer” Form.	
(b) Within the time period specified in a disclosure request from the Government: the Insurer must provide copies of the insurance policy, police report, and/or any affidavits, pleadings or applications related to a legal proceeding.	
2. <u>Commencement of Legal Proceedings</u>	
By a Beneficiary	
(a) The Beneficiary, or the Beneficiary’s personal or legal representative, must include an HCSC in a legal proceeding against the alleged wrongdoer	
<i>If an HCSC is not included in the proceeding, the Court must permit the Government to amend the originating documents to include a HCSC up to 6 months after the filing of those documents. If the original proceeding was commenced within the limitation period, nothing in the <i>Limitation Act</i> will prevent the inclusion of the HCSC.</i>	
(b) Within 21 days after commencing the proceeding, the Beneficiary, or the Beneficiary’s representative, or the lawyer representing the Beneficiary or representative, must: <ul style="list-style-type: none"> (i) provide written notice to the Government using the “Notice of Legal Proceeding” Form. (ii) provide the Government with a copy of the originating documents. 	
By the Government	
(c) An independent action by the Government must not be commenced more than 6 months after the later of: <ul style="list-style-type: none"> (i) the expiration of the limitation period of the Beneficiary’s tort 	

<p>claim; and</p> <p>(ii) the Government's first receipt of notice of the claim or settlement requirements (s. 8(5)(b)).</p>	
<p>(d) The prior adjudication or settlement of the Beneficiary's claim is a defence to the Government's independent action if:</p> <p>(i) the Beneficiary's claim was adjudicated or settled before the Act came into force; or</p> <p>(ii) the Beneficiary's claim or settlement included an HCSC and, in the case of a settlement, the person liable to make payments under the settlement:</p> <p style="padding-left: 40px;">A. gave notice to the Minister using the "Notice of Proposed Terms of Settlement" Form; and</p> <p style="padding-left: 40px;">B. obtained the Minister's written consent to the settlement.</p>	
<p>3. <u>Releases</u></p>	
<p>A release in respect of damages arising from or related to a Beneficiary's personal injury or death is void, unless:</p> <p>(a) the person to whose benefit the release is given gives written notice of the proposed terms of the release to the Minister; and</p> <p>(b) the Minister consents in writing to the release.</p>	
<p>4. <u>Final Disposition</u></p>	
<p>(a) Before a proceeding involving an HCSC can be dismissed or discontinued by consent, the Beneficiary, or the Beneficiary's representative, must:</p> <p style="padding-left: 40px;">(i) obtain the Minister's consent; and</p> <p style="padding-left: 40px;">(ii) file the Minister's consent with the court.</p>	
<p>(b) Before an HCSC can be set aside, dismissed or struck out:</p> <p style="padding-left: 40px;">the Government must be given a reasonable opportunity to appear and make representations.</p>	
<p>(c) Before an order finally disposing of a proceeding involving an HCSC can be made, the Court must be satisfied that the Government was given:</p> <p style="padding-left: 40px;">(i) the "Notice of Legal Proceeding"; and</p> <p style="padding-left: 40px;">(ii) written notice of the application for the order of final disposition.</p>	

5. <u>Settlement</u>	
<p>(a) At least 21 days prior to the Beneficiary, or the Beneficiary’s representative, entering a settlement agreement:</p> <p>the Beneficiary, or the Beneficiary’s representative, must provide the Government with written notice of the proposed settlement using the “Beneficiary’s Notice to Minister” Form.</p>	
<p>(b) Before the person liable to make payments under a settlement agreement enters a settlement agreement, or applies to the court for approval of a settlement under the <i>Class Proceedings Act</i>, that person must:</p> <p>(i) provide the Government with written notice of the proposed settlement using the “Notice of Proposed Terms of Settlement” Form; and</p> <p>(ii) obtain the Minister’s written consent to the settlement.</p>	
6. <u>Payments</u>	
<p>(a) Within 60 days after the person liable to make payments under a settlement agreement obtains the Minister’s consent to the settlement:</p> <p>the person liable to make payments under a settlement agreement must submit the amount attributable to the HCSC under the settlement agreement to the Minister.</p>	
<p>(b) Within 30 days of receiving or recovering an amount attributable to the HCSC under a judgment or settlement:</p> <p>the person who receives the amount attributable to the HCSC must submit that amount to the Minister responsible for the <i>Financial Administration Act</i>.</p>	
7. <u>Appeals</u>	
<p>(a) The Beneficiary, or the Beneficiary’s representative, has 30 days from the pronouncement of the order (or a different period specified by another enactment) to appeal the order.</p> <p>(b) If the Beneficiary’s appeal period expires without the Beneficiary, or the Beneficiary’s representative, bringing an appeal, the Government may appeal the judgment as it relates to the HCSC within 15 days of the expiration.</p>	