

FAIR
(Fair Association of Victims for Accident Insurance Reform)

Hi, my name is Tammy Kirkwood, let me start by saying, thank you for giving me and my fellow FAIR board members the opportunity to give you some insight to the insurance benefits a survivor desperately needs to recover from a motor vehicle accident, and the impact it has when the benefits are taken away. I will be sharing my time with Marianne Reichert and RhonaDesRoches.

I'm sharing my experience as a survivor of a Motor Vehicle Accident that occurred October 24, 2008 where I sustained a severe brain injury. With the proposed changes to the Catastrophic Impairment designation, it is not clear whether I would have qualified as having suffered a "catastrophic impairment". I was accepted because I had a GCS of 9 or less post-accident and, as a result, I was immediately able to access extensive treatment and care. It is that treatment and care, combined with my work ethic, which has allowed me to get my life back on track.

My lawyer, Darcy Merkur, of Thomson Rogers, has told me that if the Catastrophic Impairment, CAT changes proposed (which includes eliminating the Glasgow Coma Scale test, the GCS) are implemented, cases like mine would not initially qualify as a catastrophic impairment and may never qualify. Sadly, he says that had I not had the rehab team available to me (because I was not initially catastrophic) my condition would not likely have

improved to the same extent so I may have later qualified as catastrophic, but been much worse off in the long run.

We need to keep the Glasgow Coma Scale (GCS) test to allow people to qualify as catastrophic right away and so that they can access timely treatment and make great recoveries, like me.

My recovery world when I came home from the hospital involved living with my brother as my caregiver, and living without my 3 teenagers because they had a tough time living with my mental and physical deficits. I walked with a walker; I required attendant care for my personal care, my daily living, and I had to have a power of attorney to manage my finances.

I was like living with a small child in a woman's body. My fatigue level was quite high, and I had to nap twice a day, on top of attending therapy 3 times a day, 6 days a week. My recovery is ongoing and I will likely be in treatment for the rest of my life.

I had a Case Manager; she put my team together and oversaw it to make sure it was helping me. A Speech Pathologist; she helped me relearn how to read and write, and helped restore my cognitive abilities. A Physiotherapist; helps always improve my physical abilities, an Occupational Therapist; she also helped with my critical thinking, my abilities to multi-task, my problem solving, a Psychologist; he helped me with the emotional roller coaster ride I had, and a Rehabilitation Support Worker; who helped me with all my "homework" from the other therapies. I know that if I didn't have the therapy I got, I wouldn't have progressed the way I have. The team is and was, full of positive energy, and they always helped me through the very tough and emotion recovery process. My insurance company didn't question my treatment

plans, and they didn't question when I changed a few of my Recovery Team Members. I always felt the insurance adjuster wanted to help me recover as much as my Team.

I also feel I need to mention the cost of taxis to and from my appointments; this was also paid by the insurance. Without this benefit, I wouldn't have been able to attend my appointments.

I still have therapy 3 days a week 3 hours a day. I have a Chiropractor, a Massage Therapist, and a Kinesiologist on my Team. The cost for my therapies, the therapies that keep me functional every day costs in excess of \$2000 a month. I would not have been able to reach my present level of function if my insurer had abandoned me. My life will never be the same but I am determined that my life will be the best I can make it be. All accident victims have the right to the best possible recovery. And that costs insurers money.

Before my accident, I worked for the Ministry of Community and Social Services as a Developmental Services Worker, a Client Representative in the Ontario Disability Support Program, and I at the time of my accident, I was an Administrative Assistant in the Ministry of Community Safety and Correctional Services.

The time and money it takes to recover and adapt to a Brain Injury cannot be measured. No two individuals have the same effects of a brain injury, and, no two individuals recover the same. Timely treatment after an injury is the key to good recovery.

When accident victims are turned down for rehabilitation and are abandoned by their insurer they face huge challenges just to survive and this has a terrible impact on recovery.

MVA victims often end upon Welfare or the Ontario Disability Support Program while waiting for their claims to be heard at the Financial Services Commission (FSCO). This leaves seriously injured people living well below the poverty line and unable to meet their basic needs. Later, when they do get some sort of settlement from their insurer they are required to repay this assistance and they are still left impoverished and the window for timely effective treatment is long gone.

I have listened to many stories of struggle and challenge by other accident victims who have not been as fortunate as I have been. Their stories of abuse by their insurers, their struggles to survive have made me all the more grateful for my own recovery. I have recently qualified for my G2 licence and live independently in my own home. Despite the deficits and changes to my life and because I had adequate coverage I am a happy and positive person who looks forward to contributing to the society I live in and am part of.

Thank you for the opportunity to tell my story. I am sharing my time with other FAIR members so I'd like to pass the floor to Marainne Reichert, another FAIR Board member who has prepared a statement for the Committee. I hope that you will feel free to ask me questions at the end of our presentation.

My name is Tammy Kirkwood and I am a survivor.