

---

# COMPENSATION PROGRAMS FOR INDIVIDUALS WITH HIV OR HEPATITIS C

**Information contained herein was  
gathered by the Canadian Hemophilia  
Society during the summer of 2009**



**Canadian Hemophilia Society**  
**Help Stop the Bleeding**

## COMPENSATION PROGRAMS FOR INDIVIDUALS WITH HIV OR HEPATITIS C

Compensation programs for individuals with HIV or Hepatitis C have been set up over the past few years by the federal government, the provinces and the territories, as well as by the Red Cross, to financially compensate victims of the tainted blood scandal. This document presents a full list of compensation programs by type of disorder.

### TABLE OF CONTENTS

<b>HIV COMPENSATION PROGRAMS</b> .....	<b>3-5</b>
EXTRAORDINARY ASSISTANCE PLAN .....	3
MULTI-PROVINCIAL/TERRITORIAL ASSISTANCE PLAN FOR HIV INFECTION .....	3
NOVA SCOTIA COMPENSATION PLAN .....	4
EXTRAORDINARY ASSISTANCE PLAN FOR HIV SECONDARILY INFECTED INDIVIDUALS ...	4
HIV FUND FOR THE CRCS .....	4
NATIONAL ENDOWMENT FUND SCHOLARSHIP-UNIVERSITY OF OTTAWA .....	5
<b>HCV COMPENSATION SETTLEMENTS</b> .....	<b>6-9</b>
HEPATITIS C JANUARY 1, 1986 TO JULY 1, 1990 CLASS ACTION SETTLEMENTS .....	6
PRE 1986/POST 1990 HEPATITIS C SETTLEMENT AGREEMENT (FEDERAL SETTLEMENT) .....	6
MANITOBA HEPATITIS C COMPASSIONATE ASSISTANCE PROGRAM (MHCAP) FOR PEOPLE INFECTED .....	7
THE ONTARIO HEPATITIS C ASSISTANCE PLAN .....	7
QUEBEC FINANCIAL ASSISTANCE FOR PERSONS INFECTED WITH THE HEPATITIS C VIRUS .....	7
BRITISH COLUMBIA SETTLEMENT .....	8
ALBERTA PRE 1986/POST 1990 HEPATITIS C SETTLEMENT AGREEMENT .....	8
RED CROSS SETTLEMENT .....	8-9

## HIV COMPENSATION PROGRAMS

Programs	Eligibility criteria			Levels of support	How to apply	Application deadlines	Where to get more information
	<i>Directly infected</i>	<i>Secondary infected</i>	<i>Estates</i>				
<b>Extraordinary Assistance Plan (EAP)</b>	By blood products distributed in Canada in 1978 or later or by a blood transfusion received in Canada in 1978 or later.	Cannot apply.	Spouse or Children of deceased persons who would have met the directly infected criteria; estate.	One lump sum payment of \$120 000, tax free <sup>1</sup> .	You have to contact the administrator (Public Health Agency of Canada) to say why you did not apply before 31 March, 1994.	No deadline. People should apply as soon as possible.	Public Health Agency of Canada. <b>613-957-8266</b>  Website: <a href="http://www.phac-aspc.gc.ca/id-mi/eapids-rae-eng.php">www.phac-aspc.gc.ca/id-mi/eapids-rae-eng.php</a>
<b>Multi Provincial/ Territorial Assistance Plan (MPTAP) for HIV infection</b>	By blood products distributed in Canada in 1978 or later or by a blood transfusion received in Canada in 1978 or later.	Cannot apply.	Spouse and children of deceased persons (spouse and children), who would have met the directly infected criteria; estate.	For persons infected: \$22,000 immediately, \$30 000 per annum for life <sup>2</sup> . Spouses: \$20 000/year for 5 years. Children: \$4,000/year for 5 years. Estate (of directly infected who died without spouse of child): one payment of \$22,000. <sup>1</sup>	By applying to the EAP, you are automatically eligible to the MPTAP. You will receive your first MPTAP annual contribution once you receive your last EAP payment.	No deadline.	Contact MPTAP administrator at <b>1-800-784-2399</b>

<sup>1</sup> To receive compensation, you must sign a release in favour of the federal government and an undertaking not to sue any party mentioned in the release.

<sup>2</sup> All those payments have been indexed to reflect cost-of-living changes since 1994. Ontario has indexed its compensation payments in 2001, Manitoba, Newfoundland in 2005, Prince-Edward-Island in 2006 and, in 2007, Saskatchewan, British-Columbia and Quebec followed. In 2010, Nova Scotia confirmed indexation for that same year. Annual payments, on average, are now approximately \$39,000. Also, retroactivity have been applied in Ontario (from 1994) in Alberta from 1994/95 to 2007/2008) and in Quebec since April 1, 2005.

<p><b>Nova Scotia Compensation Plan</b></p>	<p>Who are eligible for the federal government Extraordinary Assistance Plan and who are resident of Nova Scotia.</p>	<p>Cannot apply.</p>	<p>Who are eligible for the federal government Extraordinary Assistance Plan and who are resident of Nova Scotia.</p>	<p>\$30,000 per annum for life (Indexed in 2010).</p>	<p>Apply first for the EAP and when you are attested as eligible, you may apply for this program.</p>	<p>No deadline.</p>	<p>David Seekings Senior Policy Analyst Nova Scotia Department of Health Promotion and Protection <b>902-424-5994</b> <b>David.Seekings@gov.ns.ca</b></p>
<p><b>Extraordinary Assistance Plan for HIV Secondly Infected Individuals (EAP II)</b></p>	<p>Cannot apply.</p>	<p>A first order relative (spouse, partner or child) of a federal EAP recipient HIV positive.</p>	<p>The estates of deceased persons who would have met the Secondary infected criteria.</p>	<p>\$240 000 tax free in one lump sum payment<sup>3</sup>.</p>	<p>Call Crawford and ask for the forms. Applicants must provide consent of EAP recipient or estate representative.</p>	<p>No deadline, but there is a maximum number of sums granted and a maximum number of Payments.</p>	<p>Crawford Adjusters Canada <b>1-866-545-9555</b>  Website : <a href="http://www.hc-sc.gc.ca/hc-ps/dc-ma/eap_aids-sida_rae-eng.php">www.hc-sc.gc.ca/hc-ps/dc-ma/eap_aids-sida_rae-eng.php</a></p>
<p><b>HIV Fund by the CRCS</b></p>	<p>Whoever have been admitted to the HIV EAP, the MPTAP or the Nova Scotia Plan.</p>	<p>Whoever have been admitted to the EAP II the MPTAP or the Nova Scotia Plan; the spouse or child of an EAP II recipient when first tested positive.</p>	<p>Estates and family members of a directly and secondarily infected.</p>	<p>\$15 million was available in the fund. The money was granted according to a damage schedule<sup>4</sup>.</p>	<p>Deadline has passed.</p>	<p>March 31, 2009 was the last day for late claims.</p>	<p>Website: <a href="http://www.hivfund.ca">www.hivfund.ca</a>  For any questions not answered on the website, contact Betty Montoni of the Trustee's office: <b>1-877-805-7774</b></p>

<sup>3</sup> You must sign a release in favour of the federal government and an undertaking not to sue any party mentioned in the release.

<sup>4</sup> You must sign a full and final release in favour of the Red Cross Society and all Plan Participants and an undertaking not to sue any other party in respect of such claims. The EAP and EAP II benefits paid or available were deductible. MPTAP and NSC benefits to estates were deductible. Others restrictions apply to MPTAP and NSC benefit, and to benefits received from the pre86post90 and 86-90 HCV settlements. You cannot receive compensation for this plan if you released the Red Cross Society by signing prior to October 5, 2001, a version of the EAP release that contained a release of the RCS or a MPTAP or EAP II release.

<p align="center"><b>National Endowment Fund Scholarship - University of Ottawa</b></p>	<p>By blood and Blood products in Canada (between 1980 and 1989); Full-time or part-time in any Canadian post-secondary institution; Good academic standing and financial need.</p>	<p align="center">Ibid.</p>	<p>Child of infected persons.</p>	<p>Variable, depending on number of applicants in a given year and tuition fees of the post-secondary institution , to a maximum of \$3,000. In 2009, the University of Ottawa received 30 applications and awarded \$1,000 to each applicant.</p>	<p align="center">Fill the application forms on the Ottawa University Website.</p>	<p>Application must be made each year. Please consult the website for deadlines for the program and when forms are made available.</p>	<p align="center">Lucie Laniel <b>(613) 562-5932</b> <b>llaniel@uottawa.ca</b> Information and application form : <b><a href="http://www.loansandawards.uottawa.ca/Default.aspx?tabid=2687#endowment">www.loansandawards.uottawa.ca/Default.aspx?tabid=2687#endowment</a></b></p>
---	---	-----------------------------	-----------------------------------	--	--	--	---

## HCV COMPENSATION SETTLEMENTS

Programs	Eligibility criteria			Levels of support	How to apply	Application deadlines	Where to get more information
	<i>Directly infected</i>	<i>Secondary infected</i>	<i>Estates</i>				
<b>The Hepatitis C January 1, 1986 to July 1, 1990 Class Action Settlements</b>	Persons who received Blood in Canada between January 1 1986 to July 1, 1990, and became infected with HCV. <sup>5</sup>	Person infected with HCV for the first time by a spouse or by a Parent who is an HCV directly Infected Person under this settlement.	HCV Personal Representative, representing a deceased or a living primarily or secondarily infected person; family members and dependants of a HCV infected person who is deceased.	Compensation depends on the type and level of sickness <sup>6</sup> . Note: In every case, includes reimbursement for uninsured treatment. In some cases, it includes income replacement.	Complete all the forms needed by going to the settlement website (including a statutory declaration). Apply to the plan B which addresses the specific situation of hemophiliacs. <sup>7</sup>	No person may file a Claim after June 30th, 2010 (there are exceptions).	Administrator: <b>1-877-434-0944</b>  Website: <b><a href="http://www.hepc8690.ca/home-e.shtml">www.hepc8690.ca/home-e.shtml</a></b>
<b>The Pre 1986/Post 1990 Hepatitis C Settlement Agreement (Federal Settlement)</b>	Persons who received blood in Canada prior to January 1, 1986 or between July 2, 1990 to September 28, 1998 and became infected with HCV during the same period.	Persons who became infected prior to January 1, 1986 or between July 2, 1990 to September 28, 1998 by a spouse or a parent.	HCV Personal Representative representing a deceased or a living primarily or secondarily infected person; family members; dependants (only if the HCV Infected is deceased)	Compensation depends on the type and level of sickness <sup>8</sup> . If you have received money from the RC Settlement, 8/11 of the amount received will be deducted.	Fill the application forms on the website.	No person may file a claim after June 30 <sup>th</sup> , 2010 (see exceptions on the website).	Administrator: <b>1-866-334-3361</b>  Email: <b><a href="mailto:preposthepc@crawco.ca">preposthepc@crawco.ca</a></b>  Website: <b><a href="http://www.pre86post90settlement.ca/english/eng_home.htm">www.pre86post90settlement.ca/english/eng_home.htm</a></b>

<sup>5</sup> Unless it is established under the balance of probability by the Administrator that such person was not infected for the first time with HCV by receiving Blood in Canada during that same time period.

<sup>6</sup> To receive compensation, you must sign a release that acquits and discharged from any actions and claims any Plan participants.

<sup>7</sup> According to this settlement, a hemophiliac means a person who has or had a congenital clotting factor defect or deficiency including a defect or deficiency in Factors V, VII, VIII, IX, XI, XII, XIII or von Willebrand factors.

<sup>8</sup> To receive compensation, you must sign a release that acquits and discharged from any actions and claims the Federal government, the Canadian Blood Agency and the Canadian Blood Committee.

<p><b>Manitoba Hepatitis C Compassionate Assistance Program (MHCAP) for people infected</b></p>	<p>Persons infected with HCV either before January 1, 1986 or between July 1, 1990 and September 28, 1998 as a direct of the administration of blood products in Manitoba.</p>	<p>Persons infected Indirectly, from a spouse, partner or parent, who contracted the disease from a primarily infected person.</p>	<p>Representative for the estate of a directly or secondarily infected who died of HCV.</p>	<p>A compensation of \$10,000. You can receive this compensation in addition to the pre86/post90 settlement.</p>	<p>To apply you must fill out a program application form available by contacting the Program office.</p>	<p>There is no deadline.</p>	<p>Program office: <b>1-866-357-0196</b></p> <p>E-mail: <b>bloodprograms@gov.mb.ca</b></p> <p>Website: <b>www.gov.mb.ca/health/hcv/faq.html</b></p>
<p><b>The Ontario Hepatitis C Assistance Plan</b></p>	<p>Persons who, before January 1, 1986, or between July 2, 1990 to September 28, 1998 contracted HCV through the blood system in Ontario.</p>	<p>Persons who, for the same period, were infected with HCV by a spouse, partner or parent who received blood or blood products in Ontario and who have been deemed eligible under this settlement.</p>	<p>Persons who are the personal representative of an estate of a primarily or secondarily infected.</p>	<p>A compensation of \$25 000. You can receive this compensation in addition to the pre86/post90 settlement.</p>	<p>Find the application forms on the website of the Ministry of Health and Long-term Care or order the forms by contacting the Ministry.</p>	<p>There is no deadline.</p>	<p>Ministry of Health and Long-Term Care: <b>1-877-222-4977</b></p> <p>Website: <b>www.health.gov.on.ca</b></p> <p><b>www.health.gov.on.ca/english/public/program/hepc/hepc_assistplan.html</b></p>
<p><b>Quebec Financial Assistance for Persons Infected With the Hepatitis C Virus</b></p>	<p>Persons who, before January 1, 1986 or between July 2, 1990 and September 28, 1998 contracted HCV from a blood transfusion or blood products received in Québec.</p>	<p>Persons who, for the same period, contracted HCV indirectly, from a spouse, father or mother who has been directly infected.</p>	<p>Estates in the name of a deceased person who was eligible for the program as a primarily or secondarily infected.</p>	<p>In 2004, a new agreement was concluded. The program is now granting \$24,500, deductible of the \$10 000 granted before 2004. You receive this compensation in addition to the pre86/post90 settlement.</p>	<p>If you applied before 2004, The Régie will first write to you in order to send you the remaining of your grant. If you never applied to that program, you should contact the Régie.</p>	<p>June 30, 2010.</p>	<p>Contact the Régie: <b>1 800 561-9749</b></p> <p>Website: <b>www.ramq.gouv.qc.ca/en/regie/fin_hepatite_c.shtml</b></p>

<p><b>British Columbia Settlement</b></p>	<p>Persons who, before January 1, 1986, or between July 2, 1990 to September 28, 1998 contracted HCV through the blood system in British Columbia.</p>	<p>Any person who was infected with HCV through contact with a Person described as a directly infected person.</p>	<p>Not eligible</p>	<p>\$6.5 million are available in the fund. The distribution procedure for the BC Settlement is the same as in the Red Cross Settlement. You can receive this compensation in addition to the pre86/post90 settlement.</p>	<p>Persons approved by the Red Cross Settlement will automatically qualify for this Settlement excluding estates and family members.</p>	<p>Final deadline is September 30, 2011.</p>	<p>Class Counsel: Kleins and Lyons <b>(604) 874-7171</b>  Website: <a href="http://www.kleinlyons.com">www.kleinlyons.com</a>  <a href="http://www.kleinlyons.com/class/settled/hepc/">www.kleinlyons.com/class/settled/hepc/</a></p>
<p><b>Alberta Pre-1986/Post 1990 Hepatitis C Settlement Agreement</b></p>	<p>Any directly infected person approved by the Federal Settlement and who first receive blood in Alberta.</p>	<p>Any person approved by the Federal Settlement has a Secondly infected who have been infected by a spouse or parent who is a directly infected under this settlement.</p>	<p>Spouses, children (under 21 years of age) of person infected; dependants of infected persons whose death was caused by HCV. Estates are not eligible.</p>	<p>First claimants and family members will be eligible for a compensation of 22,5% of the compensation provided by the federal settlement, after deductions<sup>9</sup>.</p>	<p>You need to apply under the Federal Settlement and once you received compensation, the Alberta Settlement will assess your eligibility.</p>	<p>June 30, 2010 (there are some exceptions).</p>	<p>Administrator: <b>1-866-334-3361</b>  Website: <a href="http://www.albertapost90.ca">www.albertapost90.ca</a></p>
<p><b>Red Cross Settlement</b></p>	<p>Same as for the Pre86/ Post90 Compensation Settlement.</p>	<p>Any person who was infected with HCV through contact with a Person described as a directly infected person under</p>	<p>All living spouses, children, parents, siblings, grandparents and grandchildren of</p>	<p>The fund was divided in equal shares among the Accepted Claims. Family</p>	<p>Funds are not available at the moment but a distribution may occur in 2011. The forms to apply are available on the administrator</p>	<p>Final deadline is September 30, 2011.</p>	<p>Administrator: KPMG Inc. <b>1-888-840-5764</b>  Website: <a href="http://www.kpmg.ca">www.kpmg.ca</a>  <a href="http://www.kpmg.com/Ca/en/WhatWeDo/SpecialInterests/Hepati">www.kpmg.com/Ca/en/WhatWeDo/SpecialInterests/Hepati</a></p>

<sup>9</sup>

By not opting-out, you are deemed to have release any Plan Participants of any claims or demand.



		<p>this settlement.</p>	<p>primarily or secondarily infected persons under this settlement.</p>	<p>members were entitled to payments of \$300 or \$100. The fund of \$63 million has now run out of money.</p>	<p>website. 8/11 of the money received under this settlement is deductible under the federal settlement.</p>	<p><a href="#">tisC/Pages/default.aspx</a></p>
--	--	-------------------------	---	--	--	--