
COMPENSATION PROGRAMS FOR INDIVIDUALS WITH HIV OR HEPATITIS C

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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.

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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>				
Extraordinary Assistance Plan (EAP)	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 ¹ .	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: 1-800-O-Canada (1-800-622-6232) E-mail: ccdic-clmti@phac-aspc.gc.ca Web site: www.phac-aspc.gc.ca/id-mi/eapaid-rae-eng.php
Multi Provincial/ Territorial Assistance Plan (MPTAP) for HIV infection	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 who would have met the directly infected criteria; estate.	For persons infected: \$22,000 immediately, \$30 000 per annum for life ² . Spouses: \$20 000/year for 5 years. Children: \$4,000/year for 5 years. Estate (of directly infected who died without spouse or child): one payment of \$22,000. ¹	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.	Canadian Blood Agency: 1-800-784-2399

¹ 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.

² All these payments have been indexed to reflect cost-of-living changes since 1994, except in the Northwest Territories. Ontario indexed its compensation payments in 2001, Manitoba and 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. In 2013-2014, annual payments with indexation were \$43,825. Also, retroactivity has been applied in Ontario and Alberta from 1994 and in Quebec since April 1, 2005.

Nova Scotia Compensation Plan	Who are eligible for the federal government Extraordinary Assistance Plan and who are resident of Nova Scotia.	Cannot apply.	Who are eligible for the federal government Extraordinary Assistance Plan and who are resident of Nova Scotia.	\$30,000 per annum for life (Indexed in 2010).	Apply first for the EAP and when you are attested as eligible, you may apply for this program.	No deadline.	Contact Donna G. Comeau at the Nova Scotia Department of Health and Wellness: 902-424-0347 E-mail: donna.comeau@GRO-C
Extraordinary Assistance Plan for HIV Secondarily Infected Individuals (EAP II)	Cannot apply.	An HIV positive first order relative (spouse, partner or child) of a federal EAP recipient.	The estates of deceased persons who would have met the Secondary infected criteria.	\$240 000 tax free in one lump sum payment ³ .	Call Crawford and ask for the forms. Applicants must provide consent of EAP recipient or estate representative.	No deadline, but there is a maximum number of sums granted and a maximum number of payments.	Crawford Adjusters Canada 1-866-545-9555 Web site: www.hc-sc.gc.ca/hc-ps/dc-ma/eap_aids-sida_rae-eng.php
HIV Fund by the CRCS	Whoever has been admitted to the HIV EAP, the MPTAP or the Nova Scotia Plan.	Whoever has 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.	Estates and family members of directly and secondarily infected people.	\$15 million was available in the fund. The money was granted according to a damage schedule ⁴ .	Deadline has passed.	March 31, 2009 was the last day for late claims ⁵ .	The fund was previously managed by Lenczner Slaght.

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

⁴ 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.

⁵ Funds were distributed in October, 2010 and between June and August 2012. The distribution is now complete.

<p>National Endowment Fund Scholarship - University of Ottawa</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>Ibid.</p>	<p>Victim, Spouse or 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 2014, the University of Ottawa received 11 applications and awarded \$2,700 to each eligible applicant.</p>	<p>Fill out the application form on the University of Ottawa 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>Contact Guylaine Renaud, Awards Administrator: 1-877-868-8292 ext. 4399 grenaud@GRO-C</p> <p>Information and application form: https://www.uottawa.ca/forms-and-tools/sites/www.uottawa.ca/forms-and-tools/files/national-endowment-fund-scholarship-aide3194.pdf University of Ottawa Financial Aid and Awards: www.registrar.uottawa.ca/Default.aspx?tabid=2859</p>
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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>				
The Hepatitis C January 1, 1986 to July 1, 1990 Class Action Settlements	Persons who received Blood in Canada between January 1 1986 and July 1, 1990, and became infected with HCV. ⁶	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 ⁷ . Note: In every case, it includes reimbursement for uninsured treatment. In some cases, it includes income replacement. ⁸	Contact the Administrator to order the forms: 1-877-434-0944 E-mail: forms@hepc8690.ca Apply to Plan B, which addresses the specific situation of hemophiliacs. ⁹	Program closed on 30th, 2010. ¹⁰ but an HCV LATE CLAIMS BENEFIT PLAN CREATED FOR LATE CLAIMANTS was LAUNCHED on January 2018. Deadline for late applicants: March 31, 2025.	Administrator: 1-877-434-0944 Web site: www.hepc8690.ca/home-e.shtml For late claimants, visit: http://www.hepc8690.ca/home-e.shtml and https://www.facebook.com/HePCClassAction or call toll-free 1 866 353-4003

⁶ 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.

⁷ To receive compensation, you must sign a release that acquits and discharged from any actions and claims any Plan participants.

⁸ Now is a good time to speak to your doctor about new treatments for HCV. Treatment has progressed significantly, and now may be the right time for you to seek a cure. Recently, new therapies have been approved by Health Canada that shorten the duration of treatment, achieve a cure rate of more than 90%, minimize side effects compared to past treatments, and are interferon free for HCV genotypes 2 and 3. To complement your commitment to treatment, there is a new resource in Canada that can help you start your journey. The Momentum Support Program, which is Gilead Sciences Canada's patient support program, puts you in touch with a case manager who can support you to access therapy, help you seek financial assistance to pay for treatment, and provide education and support throughout the treatment. Upfront payments for these high-cost treatments while waiting for a reimbursement from the 1986-1990 plan are among the assistance options offered to those eligible. In Canada, Momentum can be reached at 1-855-447-7977. Whether or not you are a claimant, the CHS advises you to speak to your specialist about the current evolution in hepatitis C therapy.

⁹ 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.

¹⁰ Exceptions:

- the Claim is made within one year of the person attaining his or her age of majority; or
- the Claim is made within the three year period following the date upon which the person first learned of his or her infection with HCV and the Court having jurisdiction over the person grants leave to the person to apply for compensation.

The settlement Web site contains up-to-date information about the proposed protocol for claim requests received after the first claim deadline of June 30, 2010. Monitor the website regularly for current information.

<p>The Pre 1986/Post 1990 Hepatitis C Settlement Agreement</p> <p>(Federal Settlement)</p>	<p>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.</p>	<p>Persons who became infected prior to January 1, 1986 or between July 2, 1990 to September 28, 1998 by a spouse or a parent.</p>	<p>HCV Personal Representative representing a deceased or a living primarily or secondarily infected person; family members; dependants (only if the HCV Infected is deceased)¹¹.</p>	<p>Compensation depends on the type and level of sickness¹². If you have received money from the RC Settlement, 8/11 of the amount received will be deducted.</p>	<p>Fill in the application forms on the website.</p>	<p>No person may file a claim after June 30th, 2010.¹³</p> <p>The final claims deadline for applications under the settlement was June 30, 2016</p> <p>On October 16 & 17, 2019, an application will be made by Class Counsel to the Justices overseeing the pre-1986/post-1990 Hepatitis C Class Action¹⁴.</p>	<p>Administrator: 1-866-334-3361</p> <p>E-mail: preposthepc@crwco.ca</p> <p>Web site: www.pre86post90settlement.ca/english/eng_home.htm</p>
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¹¹ Applications for deceased HCV Infected Class Members must be delivered to the Administrator within three years after the death of the Infected Class Member.

¹² 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.

¹³ In the following situations, alive claimants may submit an application up to June 30, 2016:

- a. where a Class Member was infected with Hepatitis C after July 1, 1990 and fails to submit an application by no fault of their own; or
- b. where an application is made by a Family Member or Dependant within one year following the date on which the application submitted on behalf of the HCV Infected Class member from whom the claim is derived was approved; or
- c. where an application is made up to one year after the applicant attains his or her age of majority; or
- d. where an application is made within three years following the date upon which the HCV Infected Class Member first learned of his or her infection with HCV as a result of receiving Blood in the Class Period or being infected by a Class Member who received Blood in the Class Period, and the Court having jurisdiction over that person grants them leave to apply for compensation.

¹⁴ At the Application Class Counsel will be seeking Orders for: 1) a declaration that future payments out of the Past Economic Loss and Dependents Fund shall be in a manner to be determined by the courts at this hearing. 2) Such further and other relief as the Honourable Courts may deem just.

Manitoba Hepatitis C Compassionate Assistance Program (MHCAP) for people infected	<p>Persons infected with HCV either before January 1, 1986 or between July 1, 1990 and September 28, 1998 as a direct result 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 person 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>MHCAP will continue to provide compensation to eligible individuals up to and including fiscal year 2016-2017. At that time the program will be re-evaluated and appropriate steps taken to ensure, should there still be a need, that the program will continue.</p>	<p>Program office: 1-866-357-0196</p> <p>E-mail: bloodprograms@gov.mb.ca</p> <p>Web site: www.gov.mb.ca/health/hcv/faq.html</p>
The Ontario Hepatitis C Assistance Plan	<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 person.</p>	<p>A compensation of \$25,000. You can receive this compensation in addition to the pre86/post90 settlement.</p>	<p>Order the forms by contacting the Hepatitis C Secretariat at the Ministry of Health and Long-Term Care.</p>	<p>There is no deadline.</p>	<p>Ministry of Health and Long-Term Care OHCAP Infoline: 1-877-222-4977</p> <p>ServiceOntario, INFOline at 1-866-532-3161</p> <p>Hepatitis C Secretariat: 1-866-223-2020</p> <p>Web site: www.health.gov.on.ca/en/public/programs/hepatitis/ohcap_faq.aspx</p>

<p>Quebec Financial Assistance for Persons Infected With the Hepatitis C Virus</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 was directly infected.</p>	<p>Estates in the name of a deceased person who was eligible for the program as a primarily or secondarily infected person.</p>	<p>The program ended on June 30, 2010.</p> <p>In 2004, a new agreement was concluded. From 2004-2010, the program granted \$24,500, less the \$10,000 granted before 2004. This compensation was received in addition to the pre86/post90 settlement.</p>	<p>The program ended on June 30, 2010. Contact the Régie for more information.</p>	<p>June 30, 2010.</p>	<p>Contact the Régie: 1-800-561-9749</p> <p>Web site: No longer available</p>
<p>British Columbia Settlement</p>	<p>Persons who, before January 1, 1986, or between July 2, 1990 and 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 is 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>It is no longer possible to submit new claims. All funds have been distributed. Persons approved by the Red Cross Settlement automatically qualified for this settlement, excluding estates and family members.</p>	<p>The final deadline was September 30, 2011.</p>	<p>Class Counsel: Klein Lyons GRO-C Website: www.kleinlyons.com www.kleinlyons.com/class-actions/settled/hepatitis-c-tainted-blood/</p>

Alberta Pre-1986/Post 1990 Hepatitis C Settlement Agreement	Any directly infected person approved by the Federal Settlement and who first received blood in Alberta.	Any person approved by the Federal Settlement as a secondarily infected person who was infected by a spouse or parent who is considered a directly infected person under this settlement.	Spouses, children (under 21 years of age) of an infected person; dependents of an infected person whose death was caused by HCV. Estates are not eligible.	First claimants and family members will be eligible for a compensation of 22.5% of the compensation provided by the federal settlement, after deductions ¹⁵ .	You need to apply under the Federal Settlement. Once you have received compensation, the Alberta Settlement will assess your eligibility.	June 30, 2010 (See the Federal Settlement for exceptions).	<p>Administrator: 1-866-334-3361</p> <p>E-mail: Albertapre86post90@crawco.ca</p> <p>Web site: www.albertapre86post90.ca/english/index_eng.html</p>
Red Cross Settlement	Same as for the Pre86/ Post90 Compensation Settlement. http://blavocats.ca/documents-recours/hepatite-c/actifs/croix-rouge/an/redcross-notice-members.pdf	Any person who was infected with HCV through contact with a person described as a directly infected person under this settlement.	All living spouses, children, parents, siblings, grandparents and grandchildren of primarily or secondarily infected persons under this settlement.	The fund was divided in equal shares among the Accepted Claims. Family members were entitled to payments of \$300 or \$100. The \$63 million fund has now run out of money.	It is no longer possible to submit new claims. All funds have been distributed. 8/11 of the money received under this settlement is deductible under the federal settlement.	The final deadline was September 30, 2011.	<p>Administrator: KPMG Inc.</p> <p>Web site: www.kpmg.ca KPMG Inc. has completed its mandate as Claim Administrator and has definitely closed its Claim Center.</p>

¹⁵

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