

FACT SHEET

**The Hepatitis C January 1, 1986 - July 1, 1990  
Class Actions Settlement**

**HCV Late Claims Benefit Plan**

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**Note: All dollar amounts set out below are based on 2014 payment amounts. Payments are indexed annually for inflation to the date of payment. In March 2021, the 25% holdback under the Plan was removed. Any payments withheld prior to that date as a result of the holdback will be paid out at this time with interest.**

**DISEASE-BASED COMPENSATION SCHEDULE FOR APPROVED LATE CLAIM HCV INFECTED CLASS MEMBERS**

Disease Level	Medical conditions caused by HCV Applicable at each Disease Level	Maximum cumulative lump sum compensation payments for damages	Lump sum compensation payments for damages	Loss of income OR compensation for loss of home services (claim one or the other)	Payment for taking Compensable HCV Drug Therapy	Reimbursement for uninsured treatment and medication costs and out-of-pocket expenses	Reimbursement for costs of care
6	<p>You are considered a Disease Level 6 claimant if: You receive a liver transplant or develop:</p> <ul style="list-style-type: none"> <li>a) decompensation of the liver</li> <li>b) hepatocellular cancer</li> <li>c) B-cell lymphoma</li> <li>d) symptomatic mixed cryoglobulinemia</li> <li>e) glomerulonephritis requiring dialysis</li> <li>f) renal failure.</li> </ul>	<b>\$328,537.06*</b>	<b>\$146,016.47</b> upon reaching Disease Level 6	Available	\$1,345.77 per month of completed therapy	Available	Available to a maximum of \$80,746.43 per annum
5	<p>You are considered a Disease Level 5 claimant if you develop:</p> <ul style="list-style-type: none"> <li>a) cirrhosis (i.e. fibrous bands in the liver extending or bridging from portal area to portal area with the development of nodules and regeneration) or,</li> <li>b) unresponsive porphyria cutanea tarda which is</li> </ul>	<b>\$182,520.59*</b>	<b>\$94,910.70</b> upon reaching Disease Level 5	Available	\$1,345.77 per month of completed therapy	Available	Not Available

	<p>causing significant disfigurement and disability, or,</p> <p>c) unresponsive thrombocytopenia (low platelets) which is associated with purpura or other spontaneous bleeding, or which results in excessive bleeding following trauma or a platelet count below <math>30 \times 10^9</math></p> <p>d) glomerulonephritis not requiring dialysis.</p>						
4	<p>You are considered a Disease Level 4 claimant if you develop bridging fibrous (i.e. fibrous tissue in the portal areas of the liver with fibrous bands bridging to other portal areas or to central veins but without nodular formation or nodular regeneration).</p>	\$87,609.89*	<p>There is no lump sum compensation payment for damages at Disease Level 4</p>	Available	\$1,345.77 per month of completed therapy	Available	Not Available
3	<p>You are considered a Disease Level 3 claimant if:</p> <p>a) you develop non-bridging fibrosis (i.e. fibrous tissue in the portal areas of the liver with fibrous bands extending out from the portal area but without any bridging to other portal tracts or to central veins); or,</p>		<p><b>OPTION 2</b> If you waive the <b>\$43,804.94</b> compensation payment, you may claim loss of income and the amount payable in lieu of pension OR</p>	Available	\$1,345.77 per month of completed therapy	Available	Not Available

	<p>b) you receive treatment with interferon and/or ribavirin for HCV; or,</p> <p>c) you receive an approved DAA treatment for HCV which causes you side effects which significantly interfere with your activities of daily living as certified by your treating</p>		compensation for loss of services in the home				
		If you elect <b>OPTION 1</b> <b>\$87,609.89*</b>	<b>OPTION 1</b> <b>\$43,804.94</b> upon reaching Disease Level 3	Not Available			
2	You are considered a Disease Level 2 claimant if you test positive on a polymerase chain reaction (PCR) test demonstrating that HCV is present in your blood.	<b>\$43,804.94</b>	<b>\$29,203.30</b> upon reaching Disease Level 2	Not Available	Not Available	Available	Not Available
1	You are considered a Disease Level 1 claimant if your blood test demonstrates that the HCV antibody is present in your blood.	<b>\$14,601.65</b>	<b>\$14,601.65</b> for being at Disease Level 1	Not Available	Not Available	Available	Not available

\* Note: Compensation payments for Disease Levels are cumulative and assume that the Option 1 compensation payment was chosen at Disease Level 3.

### **Who is considered a Disease Level 1 claimant?**

A person infected with the Hepatitis C Virus (**HCV**) approved under the Late Claims Benefit Plan is considered a Disease Level 1 claimant if he or she has the hepatitis C antibody present in his or her blood as demonstrated by a blood test using a commercially available assay, and he or she does not meet with criteria for a higher disease level.

### **What compensation is payable at Disease Level 1?**

An HCV-infected person approved at Disease Level 1 will be paid the \$14,601.65 Disease Level 1 lump sum compensation payment.

### **Are there other benefits recoverable at Disease Level 1?**

Yes. An HCV-infected person approved at Disease Level 1 may also be compensated for:

- uninsured HCV treatment and medication expenses incurred on the recommendation of his or her treating physician;
- out-of-pocket expenses such as travel, hotels, meals and other similar expenses attributable to seeking medical advice regarding HCV in accordance with federal expense guidelines; and
- out-of-pocket medical expenses incurred in successfully establishing a claim in accordance with a court approved tariff.

### **Are there any benefits which are not recoverable at Disease Level 1?**

Yes. An HCV-infected person approved at Disease Level 1 is not entitled to compensation for benefits recoverable only at higher disease levels, such as:

- loss of income and the amount payable because of his or her inability to contribute to a pension plan;
- payments for loss of services in the home; and
- care costs such as home nursing services.

### **Who is considered a Disease Level 6 claimant?**

An HCV-infected person approved under the Late Claims Benefit Plan is considered a Disease Level 2 claimant if he or she has the hepatitis C virus present in his or her blood as demonstrated by a positive PCR (polymerase chain reaction) test from a commercially available assay, and he or she does not meet with criteria for a higher disease level.

### **What compensation is payable at Disease Level 2?**

An HCV-infected person approved at Disease Level 2 will be paid the \$29,203.30 Disease Level 2 lump sum compensation payment (plus the Disease Level 1 lump sum compensation payment if it hasn't already been paid).

### **Are there other benefits recoverable at Disease Level 2?**

Yes. An HCV-infected person approved at Disease Level 2 may also be compensated for:

- uninsured HCV treatment and medication expenses incurred on the recommendation of his or her treating physician;
- out-of-pocket expenses such as travel, hotels, meals and other similar expenses attributable to seeking medical advice regarding HCV in accordance with federal expense guidelines; and
- out-of-pocket medical expenses incurred in successfully establishing a claim in accordance with a court approved tariff.

### **Are there any benefits which are not recoverable at Disease Level 2?**

Yes. An HCV-infected person approved at Disease Level 2 is not entitled to compensation for certain benefits which are recoverable only at higher Disease Levels, such as:

- loss of income and the amount payable because of his or her inability to contribute to a pension plan;
- payments for loss of services in the home; and
- care costs such as home nursing services.

### **Who is considered a Disease Level 3 claimant?**

An HCV-infected person approved under the Late Claims Benefit Plan is considered a Disease Level 3 claimant if he or she:

- develops non-bridging fibrosis;
- has taken treatment which includes interferon or ribavirin; or
- has taken a DAA treatment which caused side effects that significantly interfered with his or her activities of daily living as certified by the treating physician,

and he or she does not meet with criteria for a higher disease level.

### **What compensation is payable at Disease Level 3?**

An HCV-infected person approved at Disease Level 3 may choose between TWO options:

**Option 1:** An HCV-infected person approved at Disease Level 3 who chooses Option 1 will be paid the \$43,804.98 Disease Level 3 lump sum compensation payment. He or she will also be paid the lump sum compensation payment for Disease Level 2 and/or Disease Level 1, if they haven't already been paid.

**Option 2:** An HCV-infected person approved at Disease Level 3 who chooses Option 2 can waive the \$43,804.98 Disease Level 3 lump sum compensation payment and instead choose to be paid either his or her loss of income and the amount payable because of his or her inability to contribute to a pension plan OR his or her loss of services in the home to a maximum of \$355.30 weekly. He or she will also be paid the lump sum compensation payment for Disease Level 2 and/or Disease Level 1, if they haven't already been paid.

### **Are there other benefits payable at Disease Level 3?**

Yes. An HCV-infected person approved at Disease Level 3 (either Option 1 or Option 2), may also be compensated for:

- the monthly payment of \$1,345.77 for each completed month of HCV treatment which includes interferon or ribavirin or each month of DAA treatment causing side effects that significantly interfered with activities of daily living as certified by his or her treating physician;

- uninsured HCV treatment and medication expenses incurred on the recommendation of his or her treating physician;
- out-of-pocket expenses such as travel, hotels, meals and other similar expenses attributable to seeking medical advice regarding HCV in accordance with federal expense guidelines; and
- out-of-pocket medical expenses incurred in successfully establishing a claim in accordance with a court approved tariff.

**Are there any benefits which are not recoverable at Disease Level 3?**

Yes. An HCV-infected person approved at Disease Level 3 who chooses Option 1 will not be compensated for certain benefits which are recoverable only at higher Disease Levels, such as:

- loss of income and the amount payable because of his or her inability to contribute to a pension plan;
- payments for loss of services in the home; and
- care costs such as home nursing services.

An HCV-infected person approved at Disease Level 3 who chooses Option 2 will not be compensated for care costs such as home nursing services which are recoverable only at Disease Level 6.

**Who is considered a Disease Level 4 claimant?**

An HCV-infected person approved under the Late Claims Benefit Plan is considered a Disease Level 4 claimant if he or she has bridging fibrosis, and he or she does not meet with criteria for a higher disease level.

**What compensation is available at Disease Level 4?**

Regardless of the Option chosen at Disease Level 3, an HCV-infected person approved at Disease Level 4 is eligible to be paid his or her loss of income caused by HCV and the amount payable because of his or her inability to contribute to a pension plan OR his or her loss of services in the home caused by HCV to a maximum of \$355.30 weekly. He or she will also be entitled to be paid the lump sum compensation payment for Disease Level 1, Disease Level 2 and/or Disease Level 3 (provided he or she did not choose Disease Level 3, Option 2), if they haven't already been paid.

#### **Are there other benefits payable at Disease Level 4?**

Yes. An HCV-infected person approved at Disease Level 4 may also be compensated for:

- the monthly payment of \$1,345.77 for each completed month of treatment which includes interferon or ribavirin or each month of DAA treatment causing side effects that significantly interfered with activities of daily living as certified by his or her treating physician;
- uninsured HCV treatment and medication expenses incurred on the recommendation of his or her treating physician;
- out-of-pocket expenses such as travel, hotels, meals and other similar expenses attributable to seeking medical advice regarding HCV in accordance with federal expense guidelines; and
- out-of-pocket medical expenses incurred in successfully establishing a claim in accordance with a court approved tariff.

#### **Are there any benefits which are not recoverable at Disease Level 4?**

Yes. An HCV-infected person approved at Disease Level 4 will not be compensated for care costs such as home nursing services which are recoverable only at Disease Level 6.

#### **Who is considered a Disease Level 5 claimant?**

An HCV-infected person approved under the Late Claims Benefit Plan is considered a Level 5 claimant if he or she has any of the following medical conditions:

- cirrhosis of the liver;
- unresponsive porphyria cutanea tarda which is causing significant disfigurement and disability;
- unresponsive thrombocytopenia (low platelets) which is associated with purpura or other spontaneous bleeding, or which results in excessive bleeding following trauma or a platelet count below  $30 \times 10^9$  or ;
- glomerulonephritis not requiring dialysis,

and he or she does not meet with criteria for a higher disease level.

**What compensation is available at Disease Level 5?**

An HCV-infected person approved at Disease Level 5 will be paid the \$94,910.70 Disease Level 5 lump sum compensation payment. He or she will also be entitled to be paid the lump sum compensation payment for Disease Level 1, Disease Level 2 and/or Disease Level 3 (provided he or she did not choose Disease Level 3, Option 2), if they haven't already been paid.

**Are there other benefits payable at Disease Level 5?**

Yes. An HCV-infected person approved at Disease Level 5 may also be compensated for:

- either his or her loss of income and the amount payable because of his or her inability to contribute to a pension plan OR his or her loss of services in the home to a maximum of \$355.30 weekly;
- the monthly payment of \$1,345.77 for each completed month of treatment which includes interferon or ribavirin or each month of DAA treatment causing side effects that significantly interfered with activities of daily living as certified by his or her treating physician;
- uninsured HCV treatment and medication expenses incurred on the recommendation of his or her treating physician; and
- out-of-pocket expenses such as travel, hotels, meals and other similar expenses attributable to seeking medical advice regarding HCV in accordance with federal expense guidelines; and
- out-of-pocket medical expenses incurred in successfully establishing a claim in accordance with a court approved tariff.

**Are there any benefits which are not recoverable at Disease Level 5?**

Yes. An HCV-infected person approved at Disease Level 5 will not be compensated for care costs such as home nursing services which are recoverable only at a Disease Level 6.

**Who is considered a Disease Level 6 claimant?**

An HCV-infected person approved under the Late Claims Benefit Plan is considered a Level 6 claimant if he or she:

- has a liver transplant; or

- has any of the following medical conditions caused by his or her HCV:
  - decompensation of the liver
  - hepatocellular cancer
  - B-cell lymphoma
  - symptomatic mixed cryoglobulinemia
  - glomerulonephritis requiring dialysis
  - renal failure.

#### **What compensation is available at Disease Level 6?**

An HCV-infected person approved at Disease Level 6 will be paid the \$146,016.47 Disease Level 6 lump sum compensation payment. He or she will also be paid the lump sum compensation payment for Disease Level 1, Disease Level 2, Disease Level 3 (provided he or she did not choose Disease Level 3, Option 2) and/or Disease Level 5, if they haven't already been paid.

#### **Are there other benefits payable at Disease Level 6?**

Yes. An HCV-infected person approved at Disease Level 6 may also be compensated for:

- care costs such as home nursing services paid to a maximum of \$80,746.43 per year;
- either his or her loss of income and the amount payable because of his or her inability to contribute to a pension plan OR his or her loss of services in the home to a maximum of \$355.30 weekly;
- the monthly payment of \$1,345.77 for each completed month of treatment which includes interferon or ribavirin or each month of DAA treatment causing side effects that significantly interfered with activities of daily living as certified by his or her treating physician;
- uninsured HCV treatment and medication expenses incurred on the recommendation of his or her treating physician;
- out-of-pocket expenses such as travel, hotels, meals and other similar expenses attributable to seeking medical advice regarding HCV in accordance with federal expense guidelines; and

- out-of-pocket medical expenses incurred in successfully establishing a claim in accordance with a court approved tariff.

**Are there any benefits which are not recoverable at Disease Level 6?**

No. An HCV-infected person approved at Disease Level 6 is entitled to all applicable benefits under the HCV Late Claims Benefit Plan.