



## ALBERTA CIVIL TRIAL LAWYERS ASSOCIATION

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September 30, 2009

Via Facsimile: 780-427-1636

Government of Alberta, Finance and Enterprise  
Financial Sector Regulation and Policy  
Office of the Assistant Deputy Minister  
Room 409, Terrace Building  
9515 – 107<sup>th</sup> Street  
Edmonton, Alberta T5K 2C3

Attention: Dennis Gartner

Dear Sir:

Re: **Proposed Regulatory Changes to the *Insurance Amendment Act, 2008***

Thank you for providing the Alberta Civil Trial Lawyers Association ("ACTLA") the opportunity to provide you with our comments for the proposed regulatory changes to the *Insurance Amendment Act, 2008*.

It is the ACTLA's position that the requirement to notify policy holders in writing at various times is a very good suggestion. Having said this, many disability policies have a one-year limitation period, whereas most other types of claims have two-year limitation periods. The ACTLA recommends a two-year limitation period for all disability policies. There does not seem to be any compelling reason as to why disability insurance companies should see the benefit of a one-year limitation period.

In the area of long-term disability insurance, the ACTLA recommends that an independent body be established with respect to appeals for denial of coverage for long-term disability claims. What seems to often happen is an individual makes a claim for long-term disability coverage, is denied that coverage and is then advised that the appeal process (which essentially involves someone else at the same insurance company) determines whether the appeal is justified in that particular case. There are also situations where the person making the decision was also the same person who "heard the appeal". It would add to the genuineness of the appeal if there was an independent body such as that set out along the lines of an ombudsman service funded by the insurance company but provided by an independent body and the individuals involved in these appeals, would be completely independent of the insurance companies.

... page two



First Vice President  
James M. Kalyta  
Ph. 780-429-5796

Dennis Gartner  
Assistant Deputy Minister  
September 30, 2009  
Page Two

With regard to provision 10, the ACTLA is of the view that this provision is a very good one; however, in addition to the policy itself, claimants often encounter difficulties in obtaining copies of their claim files. The ACTLA recommends that it should be made clear in the regulations that an individual claimant is entitled to a copy of his policy and complete claims file upon request.

The ACTLA thanks you again for your consideration for our input for the proposed regulatory changes to the *Insurance Amendment Act, 2008*.

Yours truly,

**ALBERTA CIVIL TRIAL LAWYERS ASSOCIATION**

Per:

JAMES M. KALYTA  
First Vice President

JK/lb

cc. Lyn Bromilow