

FACT SHEET

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

HCV Late Claims Benefit Plan

Note: All dollar amounts set out below are based on 2014 payment amounts.

Payments are indexed annually for inflation to the date of payment.

All payments will be initially made at 75%.

The remaining 25% of the compensation payment will be held in the HCV Late Claims Benefit Account and paid out with interest at a future date if the Courts determine that the Account is sufficient to make the payment.

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 compensation payments for damages	Compensation payments for damages	Loss of income OR compensation for loss of home services (claim one or the other)	Additional payment if you take Compensable HCV Drug Therapy with interferon or ribavirin	Reimbursement for uninsured treatment and medication costs and out-of-pocket expenses	Reimbursement for costs of care
6	You are considered a Disease Level 6 claimant if: You receive a liver transplant or develop: <ul style="list-style-type: none"> a) decompensation of the liver b) hepatocellular cancer c) B-cell lymphoma d) symptomatic mixed cryoglobulinemia e) glomerulonephritis requiring dialysis f) renal failure. 	\$328,537.06*	75% of \$146,016.47 upon reaching Disease Level 6 plus a further 25% if and when the Courts say that the Account is sufficient	Yes 75% immediately and a further 25% if and when the Courts say that the Account is sufficient	75% of \$1,345.77 per month of completed therapy	Yes 75% immediately and a further 25% if and when the Courts say that the Account is sufficient	Yes 75% to a maximum of \$80,746.43 per annum and a further 25% if and when the Courts say that the Account is sufficient
5	You are considered a Disease Level 5 claimant if you develop: <ul style="list-style-type: none"> 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, b) unresponsive porphyria cutanea tarda which is 	\$182,520.59*	75% of \$94,910.70 upon reaching Disease Level 5 plus a further 25% if and when the Courts say that the Account is sufficient	Yes 75% immediately and a further 25% if and when the Courts say that the Account is sufficient	75% of \$1,345.77 per month of completed therapy	Yes 75% immediately and a further 25% if and when the Courts say that the Account is sufficient	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 30×10^9</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>	\$94,910.70*	<p>There is no compensation payment for damages at Disease Level 4</p>	<p>Yes 75% immediately and a further 25% if and when the Courts say that the Account is sufficient</p>	<p>75% of \$1,345.77 per month of completed therapy</p>	<p>Yes 75% immediately and a further 25% if and when the Courts say that the Account is sufficient</p>	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>OPTION 2 If you waive the \$43,804.94 compensation payment, you may claim loss of income and the amount payable for inability to contribute to pension OR</p>	<p>Yes 75% immediately and a further 25% if and when the Courts say that the Account is sufficient</p>	<p>75% of \$1,345.77 per month of completed therapy</p>	<p>Yes</p>	Not Available

	b) you receive Compensable HCV Drug Therapy with interferon or ribavirin; or, c) you have met or meet a protocol for Compensable HCV Drug Therapy with interferon or ribavirin even though you have not taken the therapy.		compensation for loss of services in the home				
		If you elect OPTION 1 \$87,609.89*	OPTION 1 75% of \$43,804.94 upon reaching Disease Level 3 plus a further 25% if and when the Courts say that the Account is sufficient	No			
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.	\$43,804.94	75% of \$29,203.30 upon reaching Disease Level 2 plus a further 25% if and when the Courts say that the Account is sufficient	No	Not Available	Yes 75% immediately and a further 25% if and when the Courts say that the Account is sufficient	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.	\$14,601.65	75% of \$14,601.65 for being at Disease Level 1 plus a further 25% if and when the Courts say that the Account is sufficient	No	Not Available	Yes 75% immediately and a further 25% if and when the Courts say that the Account is sufficient	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 any higher disease level.

What compensation is payable at Disease Level 1?

An HCV-infected person approved at Disease Level 1 will be paid 75% of the \$14,601.65 compensation payment for that disease level.

Are there other benefits recoverable at Disease Level 1?

Yes. An HCV-infected person approved at Disease Level 1 may also be compensated for 75% of:

- 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 treatments 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:

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- 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 2 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 any higher disease level.

What compensation is payable at Disease Level 2?

An HCV-infected person approved at Disease Level 2 will be paid 75% of the \$29,203.30 Disease Level 2 compensation payment (plus 75% of the Disease Level 1 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 75% of:

- 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 treatments 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; or
- has taken treatment which includes interferon or ribavirin; or
- has met or meets a protocol for treatment which includes interferon or ribavirin, even if the therapy was not taken.

What compensation is payable at Disease Level 3?

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

Disease Level 3, Option 1:

An HCV-infected person approved at Disease Level 3 who chooses Option 1 will be paid 75% of the \$43,804.98 Disease Level 3 compensation payment. He or she will also be paid 75% of the compensation payment for Disease Level 2 and/or Disease Level 1, if they haven't already been paid.

Disease Level 3, Option 2:

An HCV-infected person approved at Disease Level 3 who chooses Option 2 can waive the \$43,804.98 Disease Level 3 compensation payment and instead choose to be paid either 75% of his or her loss of income and the amount payable because of his or her inability to contribute to a pension plan OR 75% of his or her loss of services in the home to a maximum of 75% of \$355.30 weekly. He or she will also be paid 75% of the 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 75% of:

- the monthly payment of \$1,345.77 for each completed month of treatment which includes interferon or ribavirin;

- 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 treatments 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.

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 75% of his or her loss of income and the amount payable because of his or her inability to contribute to a pension plan OR 75% of his or her loss of services in the home to a maximum of 75% of \$355.30 weekly. He or she will also be entitled to be paid 75% of the 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 75% of:

- the monthly payment of \$1,345.77 for each completed month of treatment which includes interferon or ribavirin;
- 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 treatments 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 30×10^9
- glomerulonephritis not requiring dialysis.

What compensation is available at Disease Level 5?

An HCV-infected person approved at Disease Level 5 will be paid 75% of the \$94,910.70 Disease Level 5 compensation payment. He or she will also be entitled to be paid 75% of the 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 75% of:

- 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;
- 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 treatments 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:

- had a liver transplant; or
- 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 75% of the \$146,016.47 Disease Level 6 compensation payment. He or she will also be paid 75% of the 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 75% of:

- 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;
- 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 treatments in accordance with federal expense guidelines;
- out-of-pocket medical expenses incurred in successfully establishing a claim in accordance with a court approved tariff; and
- care costs such as home nursing services paid to a maximum of \$80,746.43 per year.

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.