



# PERSPECTIVES

ONTARIO'S LEADING DISABILITY INSURANCE LAWYERS

## IN PERSON

### Marijuana usage and insurance claims

One Sunday morning, Vik woke up and set about his usual Sunday routine. He kissed his wife Priscilla who slept in on Sundays, freshened himself up then proceeded to start making breakfast for his family of four. Vik's job as head of IT at the local college kept him busy during the week so Vik, a stickler for good work-life balance, tried to make the most of the weekend. He spent his Saturdays with his wife doing different activities around the house and the



Vik had suffered a heart attack which resulted in his inability to return to work.

neighbourhood, then took the family out to dinner at a restaurant often chosen by his 16-year old daughter Zahra. On Sundays, he cooked the family breakfast before heading out with his son Rohan for a game of football with friends at the local college's field.

This particular Sunday, Vik was in the middle of his football game when he felt a sudden tightness in his chest, followed by intense chest pains and shortness of breath. Vik was just able to signal for help before he became light headed and collapsed from the pain. An ambulance arrived within minutes and took him to the hospital, but Vik was unconscious. Vik suffered a heart attack which resulted in his inability to return to work. His wife Priscilla immediately contacted work to arrange for Vik's Disability Benefits, and she applied within a few weeks. Vik received his short term disability benefits, but when he applied for the Long Term benefits he did not get any response for several weeks.

Vik phoned to find out what was going on, and the insurance company said that they were investigating and needed to see all of Vik's medical records from his family doctor.



### YOU SAID IT:

"I have received a surprising Purolator package from you and I want to say thank you."

- Nader P.

### FREE DISABILITY BOOKLET

Call (416) 488-9000 for your free copy of Disability Benefits Denied: What To Do When The Insurance Company Denies Your Disability Claim.

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Vik immediately arranged to get all the records and forwarded them to the insurance. Vik had been told by the cardiologist that he would not be returning to work any time soon, so he needed the benefits urgently.

Finally the insurance company responded saying that Vik was not eligible for his Long Term Disability benefits because his records showed that he smoked marijuana regularly and that he did not disclose that information when he applied for the insurance.

Vik and Priscilla felt like they were running out of options. A colleague of Priscilla's came across Share lawyers on Facebook and advised her to give them a call. She made an appointment for a free consultation during which Share Lawyers informed her that as a result of marijuana's growing normalization in Canada and globally, they felt they could fight and win the non disclosure of this information.

Share Lawyers fought the case and eventually Vik did receive his Disability benefits. Vik will never return to work full time again, but they were thankful to Share Lawyers for helping them get the insurance benefits they deserved.



[All names and identifying details have been changed to protect the confidentiality of all involved.]

## ASK A LAWYER



**Q:** My doctor prescribed me medical marijuana drops for my arthritis pain, but the insurance company says that I am not seeking treatment, so they do not have to pay me. What can I do?

**A:** If conventional medicine suggests that no further active treatment will help you to overcome your disability, then you do not have to do more than what your own physicians can offer you in that regard. If your doctors feel that there is some medication that you ought to take, and you do not take it, then that could be construed as failure to be in active treatment. Legally, if the only treatment your health-care providers suggest is taking medication, and you are doing so, that should be enough to establish compliance with conventional medical treatment. If you cannot follow the recommendations of your doctors because, for instance, the drugs make you feel worse, then you must explore this with them so that they support your decision not to take the customary medications. In those circumstances, you should explore alternative therapies so that no insurer can say that you are doing nothing to overcome your disability.

**Q:** I enjoy a very occasional cigar (weddings, etc.) but have listed myself as a non-smoker on my life insurance policy. Is this going to cause a problem?

**A:** Denial of a claim based on the insured smoking a cigar at a celebration should be reviewed by a lawyer with expertise in life insurance. The cliché, "Where there's smoke, there's fire" seems appropriate in these circumstances, as the insurance company might not be disclosing the whole reason for denying the claim. Even so, if that is the only basis for denying the claim, then it would seem spurious and should be challenged.

Always #AskALawyer  
if you have any questions!

## INSPIRATION

"Tough times  
don't last,  
tough people  
do, remember?"

- Gregory Peck



"Life is an  
individual  
race of  
endurance."

- Lailah Gifty Akita

## DID YOU KNOW?



### Legalizing Marijuana

More than 20 US states have already legalized medical marijuana and the government of Canada is currently working towards introducing a bill to legalize medical marijuana by spring 2017. These are being driven by the growing recognition of marijuana's health benefits globally.

Among the many cannabinoids contained in marijuana, THC and CBD are the two that have drawn medical interests. THC increases appetite as well as reduces nausea and most FDA-approved THC-based medications are used to that effect. Further research is being conducted into THC's use in decreasing pain and inflammation as well as muscle control problems.

Unlike THC, CBD does not affect the mind or behavior. It's been found to be useful in reducing pain and inflammation, controlling epileptic seizures and possible even treating mental illness and addictions. More often, CBD is being used to treat certain

conditions such as epilepsy in children. CBD has been found to lessen the effect and occurrences of the violent seizures experienced by children with epilepsy.



The National Institute on Drug Abuse reports that scientists are conducting pre-clinical and clinical trials of the medical effects of marijuana in combating diseases and conditions like HIV/AIDS, MS, Alzheimer's disease, cancer (multiple types), mental disorders and even substance use disorders.

**Website Source:** <https://www.drugabuse.gov/publications/drugfacts/marijuana-medicine>

## REFER A FRIEND

When you refer a friend you make a real difference

Share Lawyers is a leading Toronto law firm that specializes in insurance disputes in Ontario. Following an accident or illness, Share Lawyers helps people to get the support they need and deserve.

Please recommend Share Lawyers to your family and friends with long-term disabilities who struggle with private or group insurance claims.



## YOU SAID IT!

Comments from Actual Clients

"From the first consultation I felt at ease knowing I had an experienced firm working and supporting my case. The staff were very informative at all times and always made me feel relaxed. My thanks to Shira for her patience and understanding. Thank you for all the positive results. I can now move on with my life knowing that going after the insurance company had a good outcome." - Valerie K.

## REMEMBRANCE DAY:

Every year on November 11 we commemorate the brave members of our armed forces who gave their lives in the line of duty. We also recognize the end of all the hostilities that resulted from the war. We talked to our employees to see what Remembrance day means to each of them.

"In short, Remembrance Day prompts me to reflect on how lucky and blessed we are to live in a country like Canada, where we, as a people, have not been touched by the ravages of war, as so many millions around the

world continue to suffer. I think of the young men and women that have served our country and those that have been damaged, or have lost their lives doing so. I think of the parents of those young men and women, and in some small way, I grieve their loss. I could say so much more, but will leave it at that."

- Volker

"My father-in-law was a Canadian soldier in WWII. He wrote letters to his wife, which we have. They tell the story of real history unfolding. Fascinating reading."

- Shira

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