APPLIES TO ACADEMIC YEAR 2014/2015

FAK 2619 Personal Injury Claims Handling, part II

Programme
Bachelor of Management, Banking and Insurance, Single courses

Responsible for the course
Kristian Trosdahl

Department
Department of Accounting - Auditing and Law

Term
According to study plan

ECTS Credits
7,5

Language of instruction
Norwegian

Introduction

An in-depth introduction to evaluation and calculation of compensation after personal injuries. Main focus on injuries after motor accidents, but also occupational injury and disease and injury caused by negligence or malpractice by a hospital or a medical professional are discussed. Topics from tort law and legal practice are discussed with focus on contributory negligence by the injured party recourse and limitation period.

Learning outcome

Acquired knowledge

The students shall obtain the necessary knowledge to appreciate liability after an evaluation of casual connection, from both a legal and medical point of view, and whether they can claim contributory negligence by the injured party or identification. Further they shall have knowledge about the principles of casual connection and calculation of compensation regarding workmen's compensation insurance. They shall also be familiar with the regulations regarding reopening of a case and the limitation period specified in relevant laws, and regulations regarding recourse in the Motor vehicle liability act and the Act relating to compensation in certain circumstances and agreement between the companies.

Acquired skills

The students shall be able to discuss if there is adequate casual connection between an accident and the compensation claimed. Further if there's contributory negligence by the injured party, sufficient grounds to reopen a case or whether the limitation period has expired. Further they shall be able to establish if an injury is included in the liability basis of workmen's compensation insurance and calculate the compensation. Finally they shall be able to consider cases related to recourse regulations based on laws and agreement between the companies.

Reflection

The students shall acquire a conscious attitude to the fact that their professional advice and decisions they make, especially when they decide if an injury is covered by the insurance or not and the claims settlement, might be of great importance for other people than themselves. Advice and claims handling shall be based on respect for the injured party and his or her situation after the injury.

Prerequisites

BI courses: Introduction to Insurance, Introduction to Law 1, Motor Insurance, Motor Insurance Claims Handling 1 and Personal Injury Claims Handling 1 or equivalent.
This course is a follow-up of Personal Injury Claims Handling 1.

Compulsory reading

Books:
Skårberg, Lars Olav og Marianne Reusch. 2003. Yrkesskade: forsikring og trygd. Cappelen akademisk forlag. Kapittel 9 og 10
Trosdahl, Kristian, red. 2013. Personskadeoppgjør. 8. utg. BI Forsikring. Kapittel 2.7, 3, 12, 13 og 15.1 – 15.3

Other:
Domssamling: Sentrale høyesterettsdommer, satt sammen av BI Forsikring
Følgende utvalgte artikler fra Tidsskrift for erstatningsrett:.
Bjørn Engstrøm: Skadelidtes medvirkning - bilansvarsloven (BAL) § 7 fra 2005, s. 3ff (i sin helhet – finnes i forkortet utgave som kap. 13 i læreboka).

Bjørn Engstrøm: ”Kravet til årsakssammenheng – særlig om hovedårsakslæren” fra 2007, s. 67ff (noe omarbeidet 2011).
Truls Nygård: ”Gjenopptak av personskadeoppgjør” fra 2007, s. 33ff.
Lover, forskrifter og utdelt materiell

Recommended reading

Course outline

Calculation of compensations - overview, repetition from Personal Injury Claims Handling 1

Casual connection

- De facto casual connection – medical assessment and legal problems
- Terms introduced in Norwegian courts and legal theory as means of evaluation of casual connection ("betingelseslære", "sårbarhetsprinsipp", "uvesentlighetslære")
- Biomecanics
- Foreseeable casual connection

Compensation according to Third party motor insurance – Motor Vehicle Liability Act (bal.) § 7

- Contributory negligence on the part of the claimant
- Overview of bal. § 7 - related to bal. § 8
- Relation to Act relating to compensation in certain circumstances (skl.)

Workmen's compensation insurance

- Casual connection
- Calculation of compensation

Liability for injuries caused by medical malpractice

- Casual connection
- Calculation of compensation

Limitation period according to Insurance Contracts Act and other statutes

Doctrine of identification

Right of recourse

- Third party motor insurance – Motor Vehicle Liability Act §§ 8, 12 and 13.
- Other liability insurance - Act relating to compensation in certain circumstances (13.6.1969, no. 26) §§ 3-7, 5-1 and 5-4.

Compensation as per agreement

- Settlement
- Reopening – invalidity, Contract Act §36
- Reconciliation

Ethical dilemmas connected to claims handling

Interpretation and understanding of court decisions

Development in the legislation regulating compensation for personal injuries - NOU(Official Norwegian Report) 2011:16

Computer-based tools

It's learning (virtual classroom/intranet facilities)

Learning process and workload

Part-time
The course comprises four days (1 + 3) of classroom teaching - a total 21 hours.
Further there are two written assingments (not mandatory) with individual feed-back.

Activity	**Hours used**
Classroom participation	21 hours
Two written assingments	12 hours
Exam	4 hours
Preparation for class and exam	25 hours
Self-study	130 hours
Follow - up of feedback from teacher	8 hours
Total	**200 hours**

Examination

Four hour individual written exam.
Grade C or better is required for the exam to be accepted for authorization as claims officer by Finance Norway (FNO).

Examination code(s)
FAK 26194 Personal Injury Claims Handling, part II, which account for 100 % of the final grade in the course FAK 2619, 7.5 ECTS credits.

Examination support materials
The Norwegian code of laws and The booklet “Hjelpemidler til eksamen i personskadeoppgjør” published by BI Forsikring. BI-defined exam calculator is allowed. TEXAS INSTRUMENTS BA II Plus™
Examination support materials are specified under examination information in our web-based Student Handbook. Please note the use of calculator and dictionary. http://www.bi.edu/studenthandbook/examaids

Re-sit examination
A re-sit is held at the next scheduled exam in the course.

Additional information