

INSURANCE FOR HEALTHCARE-RELATED INJURIES FOR TREATMENT ABROAD



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Compensation provisions in the Insurer's* insurance for treatment abroad are essentially based on the provisions of the Patient Injury Act. However, an exception is that purely psychological injuries are not compensated.

1. Insurance undertaking

The Insurer* undertakes to pay compensation for healthcare-related injuries for physical injury which the patient suffers in direct connection with health and medical care which is provided at a hospital outside Sweden's borders only provided that the insurance holder** has referred the patient there and is liable for medical care costs.

2. Compensation for healthcare-related injuries

Compensation for healthcare-related injuries is provided for physical injury to the patient in accordance with the provisions on patient injury compensation pursuant to §§ 6 and 7 of the Patient Injury Act.

3. Exceptions

In addition to the exceptions from the entitlement to patient injury compensation stated in § 7 of the Patient Injury Act, compensation for healthcare-related injuries is not provided if the injury in other cases than those stated in § 6, first paragraph, point 4 and in § 6 last paragraph of the Patient Injury Act is caused by contagion which entailed an infection.

4. How compensation for healthcare-related injuries is determined

4.1 Compensation for healthcare-related injuries is determined in accordance with §§ 8-11 of the Patient Injury Act with the restrictions stated here.

4.2 Compensation for healthcare-related injuries is not provided for the share the claimant is entitled to compensation for costs and loss of income from the

employer or through insurance procured by the employer or another party pursuant to agreements with the employer or the employees. Compensation is neither provided for the share the claimant is entitled to compensation from general or special insurance which is administered by a public authority or insurers under the authority of the State, regional or local authorities or under the law.

Compensation for healthcare-related injuries is neither provided for the share the claimant is entitled to compensation on tortious liability grounds or from insurance which regardless of care requirements provides compensation for financial and non-financial injury. However, this does not apply for such compensation for which Löf is entitled to recovery.

Coordination does not take place concerning such compensation which is provided from insurance which is procured by and in its entirety paid by the claimant. However, coordination always takes place for compensation which is provided in accordance with rules on tortious liability and refers to loss of income or costs.

5. Limitation

Those who wish to claim compensation for healthcare-related injuries pursuant to these terms and conditions should notify this to the insurance holder or insurer in writing within three years of becoming aware of the injury, but never later than ten years from the time when the measure which caused the injury was taken.

6. Transfer of damages

Those who accept the offered compensation in accordance with these terms of insurance should transfer to Löf their entitlement to damages by the party which can be held liable for the injury.

7. Disputes

Disputes between the insurer and the claimant are settled by a Swedish court with application of Swedish law.

** Insurer: Landstingens Ömsesidiga Försäkringsbolag (Löf)*

*** Insurance holder: Sweden's county councils and regions.*