

MEDICAL EXAMINATION GUIDELINES

for Victims of Terrorist Acts

JUNE 2020



CONTENTS

Preamble	3
Important informations	4
1. Preparing for the medical examination	5
2. The examination process	7
3. The examination report	9
Appendices	10

PREAMBLE

The legislator has entrusted the Guarantee Fund for Victims of Terrorist Acts and Other Offences (FGTI) with the mission of compensating victims of terrorist acts. In this context, the evaluation of the physical and/or psychological after-effects suffered by the victims requires a medical examination. To do this, the FGTI employs doctors who are specialised and experienced in the field of personal injury compensation.

The role of these doctors is essential, since it is on the basis of their findings that compensation for victims will be determined.

Acts of terrorism make victims particularly vulnerable. The medical examination can therefore be a difficult time for them. In order to guarantee the quality of examinations to all those involved, especially the victims, the FGTI undertakes, based on these guidelines, to create the best possible conditions for their completion.

The aim of the guidelines is therefore to specify the rules and good practices for medical examinations. It is the result of an initial consultation process conducted in 2017 by Dr Delval, the FGTI's medical advisor, and involving representatives of all stakeholders (doctors, lawyers, victims' associations and the relevant administrations).

A little more than a year after its implementation, the guidelines underwent an implementation review and were revised by a working group led by Dr Alain Miras, the new national coordinating doctor.

This working group held hearings with victims' associations, victim support associations, victims' lawyers, primary care doctors, representatives of the French National Medical Council (Conseil National de l'Ordre des Médecins) and specialists in the care of minor victims.

[Both the FGTI and the doctors it assigns are committed to these guidelines.](#)

Julien Rencki,
Director-General of the Guarantee Fund for Victims

IMPORTANT INFORMATIONS

FOR VICTIMS OF TERRORIST ACTS

A medical examination is required for the FGTI to make you an offer of compensation. This is an important step that is sometimes difficult for victims to go through, which is why doctors assigned by the FGTI are made aware of this and aim to receive you under the most attentive and welcoming conditions possible.

To this end, the FGTI has referred you to a doctor whose contact information was given to you. This doctor will contact you with a suggested **appointment date at least 15 days** away so you can prepare yourself in good conditions. If you wish, you can be assisted by a doctor of your choice and/or your lawyer.

Prior to the examination, it is important for you to put together **your medical records** to be given to the doctor assigned by the FGTI on the day of the examination, bearing in mind that it is ideal if these medical documents can be sent beforehand. The FGTI would like to draw your attention to the fact that the law of 4 March 2002 allows you to request your medical records from the establishment where you were treated (you will find attached the letter allowing you to make this request).

To facilitate the examination process, you can **prepare a document prior to the examination describing all the difficulties you have faced** since the act of terrorism and give it to the doctor assigned by the FGTI.

Within 20 days following the examination, the doctor assigned by the FGTI will send you **the examination report**.

On receipt of the report and once you have read it, the FGTI will ask you for your agreement to forward it to **the medical advisor of your health insurance fund's medical department** and possibly to **the military disability pension department of the Ministry of the Armed Forces**. Indeed, you are likely to receive various benefits from one of these organisations, which will use this report as a basis for taking a position on your rights and thus **avoiding a new examination**.

It is possible that the doctor assigned by the FGTI will consider that your condition is not yet consolidated (stabilised) and that it is not possible to definitively assess your classification of injury. In this case, they will indicate this to you during the examination and will discuss with you a date in the foreseeable future for carrying out **a new examination that will make it possible to determine a date of consolidation**. They will also draw up provisional findings pending the new examination.

The definitive findings will enable the FGTI to make you **an offer of compensation**.

In addition, if you need further information, you can contact the person in charge of your compensation.

1- PREPARING FOR THE MEDICAL EXAMINATION

► DEFINITION

The main purpose of **the medical examination** is to determine the extent of personal injury to the victim and the classifications of injury that can be compensated according to the **Dintilhac nomenclature** used in legal practice.

During the examination, the doctor assigned by the FGTI carries out a **clinical examination** and has a conversation with the victim and, where appropriate, their advisor (doctor and/or lawyer).

To do so, they must answer a series of pre-determined questions as part of a specific examination mission for victims of terrorist acts (appended).

Doctors assigned by the FGTI **carry out these missions independently**, with the sole aim of objectively assessing the physical and psychological after-effects following the terrorist act.

This medical examination is carried out within the amicable framework of victim's injury compensation, provided for by article R. 422-7 of the Insurance Code.

► CONTACTING THE VICTIM

BY THE FGTI : the victim is informed by the FGTI that the examination has been arranged. The FGTI uses a standard letter (see Appendix 1). This letter gives the victim the identity and contact information for the doctor assigned.

It reminds the victim of the adversarial nature of examination procedures and indicates to the victim that they may be assisted by a doctor of their choice and/or their lawyer, it being specified that the doctor's fees will be paid by the FGTI in accordance with current practice, from the moment they are unlikely to be paid by an insurer. This letter is accompanied by the text of the examination mission.

The FGTI's Board of Directors has validated a specific mission for victims of terrorist acts which is addressed to the victim at the same time as the information letter for arranging an examination.

BY THE DOCTOR : a letter template has been developed by the FGTI and sent to all the doctors assigned by the Guarantee Fund for Victims.

The doctor assigned by the Guarantee Fund for Victims proposes to the victim, through this letter (see letter in Appendix 2), an appointment for this examination. The following points must be specified :

- their credentials and expertises, without reference to whether they are on a list of forensic experts, insofar as this is an amicable examination.
- the purpose of the mission: when the doctor contacts the victim, they must clearly specify that it is an examination following an act of terrorism and remind the victim that they were assigned by the FGTI.
- the examination process, mentioning the phases during which people who are not doctors may be present.
- the need for the victim to have all the medical documents relating to the injury in question.

1- LA PRÉPARATION À L'EXPERTISE MÉDICALE

- the **possibility for the victim to be assisted by a doctor** (preferably one trained in personal injury), by their lawyer and also to be accompanied by a person of their choice.
- the availability of a reception desk if there is a need to change the appointment.
- useful information for getting to the place of the examination.

► SENDING MEDICAL DOCUMENTS

It is **essential** that the medical expert assigned by the FGTI receive these documents. The victim must, in their interest, **appear for the examination** with their medical records and with all the medical items relating to the consequences of the terrorist act. The victim must first send these medical docu-

► PLACE OF THE EXAMINATION

For the most seriously injured victims, an initial provisional examination can be arranged at the hospital or rehabilitation centre. Another examination can then be organized in their home, in particular to **assess the technical and human aids and adjustments** needed to com-

► THE EXAMINATION'S PARTICIPANTS

Various people may be present for the examination :

- with the victim: the person who accompanies them, the assisting doctor and their lawyer.
- for the FGTI: the lawyer in charge of compensation and the victim's lawyer.
- the medical advisor from the medical department of the victim's health insurance fund.
- the medical advisor from the military disability pension department.
- the insurer's medical advisor within the framework of a policy (e.g. personal accident cover, legal protection).
- in certain cases and where necessary, an interpreter, with the victim's agreement.

When setting the date of the examination, the doctor assigned by the FGTI must take care to avoid the anniversary date of the terrorist act in question.

The sending of the letter of contact must respect a minimum legal time frame of 15 days between the notification and the examination. However, a longer period of time is desirable to allow the victim to properly prepare for the examination.

ments to the medical expert assigned by the Guarantee Fund for Victims, either directly or with the help of their lawyer or medical advisor.

Their doctor and/or lawyer may assist them in compiling their claim.

pensate for the lack of autonomy.

The other victims are examined at the office of the doctor assigned by the FGTI, who will be chosen based on their closest proximity the victim's home (or their greatest accessibility).

2 - THE EXAMINATION PROCESS

The doctor assigned by the FGTI undertakes to have a benevolent and attentive attitude towards the victim, as well as to devote the necessary time to the victim and their advisor so that they can express themselves.

The quality of the reception given to the victim and the conditions of the examination contribute to the smooth examination process and allow the victim to express their complaints, feelings and traumatic experience.

Throughout the examination, the doctor makes sure to express themselves in clear and precise language, with an accessible vocabulary, pro-

viding the necessary explanations, and ensures that the victim and their accompanying family member understand.

In order to better determine the after-effects, the doctor assigned will explain to the victim the possible need for an additional examination with specialist doctors in other medical fields.

A psychiatric exam is frequently sought, as the trauma caused by the exceptional nature of the situation to which the victim was exposed often leads to psychological after-effects.

► PRESENTATION OF THE EXAMINATION PROCESS AND REMINDER OF FACTS

The doctor assigned by the FGTI goes over the nature of their mission as well as its origin and **explains how their procedures will unfold**, mentioning, in particular, the phases during which non-doctors may be present. **They specify who is present and their role.**

The **beginning of the examination** is generally devoted to the **course of the victim's life** prior to the events, before dealing with **the terrorist act itself and its consequences**, which allows the victims to feel more confident to continue the examination.

► COMPLAINTS

When hearing complaints, the doctor assigned may suggest to the victim, if they have not already done so, **to draw up a document detailing their experience** and all the difficulties resul-

ting from the act of terrorism. It is in the victim's interest to quickly send it to the doctor assigned.

► THE CLINICAL EXAMINATION

It is carried out meticulously, completely and tactfully. The French National Medical Council (Conseil National de l'Ordre des Médecins) has sent a letter to the Guarantee Fund in which it states (): « *The position taken...that the lawyer's presence is legitimate during the reception, history-taking, the collection of complaints and the discussion, and therefore excluded during the medical examination, is respectful of the privacy and dignity of the person being exa-*

mined. The clinical, physical or psychiatric examination is of an intimate nature which requires a relationship of trust to be established between the doctor assigned and the person examined ». In practice, it is customary for non-doctors not to attend the actual clinical examination and for the lawyer and the FGTI representative to be present during the reception, the history-taking, the collection of complaints and the medico-legal discussion.

2 - THE EXAMINATION PROCESS

► THE POST-EXAMINATION MEDICO-LEGAL DISCUSSION

At the end of the expert assessment, the doctor appointed by the FGTI will summarize the clinical and forensic situation of the victim.

If the victim is assisted by a doctor and/or a lawyer, a discussion takes place between the

doctor assigned by the FGTI and the other parties. The victim may be present and it is up to the doctor assisting the victim or his lawyer to exempt him, if he wishes, from attending the forensic discussion.

► ADVERSARIAL PRINCIPLE

The examination of victims of terrorist acts is an **amicable adversarial examination**. The doctor assigned by the FGTI undertakes to respect this principle.

The principle of an adversarial procedure is respected when the victim is informed of the option to be accompanied, that their doctor or lawyer may speak freely during the medico-legal discussion and that their opinion is included in the report.

In terms of formality, at the end of the examination :

- If it appears, during the discussion between the doctor assigned by the FGTI and the doctor assisting the victim, that there is agreement on the medical conclusions, drawing up a co-signed report may be suggested.

- if there is disagreement, and in order to respect the principle of the adversarial procedure, as well as the legal deadline for sending the report, the observations of the doctor assisting the victim or possibly those of the lawyer must be sent in writing, quickly and in any case within a maximum of 10 days after the examination, to the doctor assigned by the FGTI.

This doctor integrates these observations and responds to them in their report, but, beyond this 10-day period after the examination, no statements or arguments will be admissible or integrated into the report.

The examination report shall be written in a clear, precise and reasoned manner for all the classifications subject to evaluation in the mission and shall be comprehensible to all parties, particularly the victim.

The doctor assigned by the FGTI must answer all the mission's questions.

After the adversarial debate, they create a summary table of the various classifications of injury, which summarises the respective assessments of the doctor assigned by the Guarantee Fund for Victims and the doctor assisting the victim.

This table must be included with the examination report (see Appendix 7).

3 - LE RAPPORT D'EXPERTISE

► SENDING A PROVISIONAL TECHNICAL NOTE

In the event of non-consolidation, the doctor assigned by the FGTI draws up an assessment note concerning the provisional medico-legal conclusions.

This point will have undergone an adversarial debate during the discussion. These conclusions are sent to the victim, the doctor assisting the

victim, the FGTI and, upon confirmation of the victim's agreement within 10 days of receipt of the report, to the medical advisor from the medical department of the victim's health insurance fund, where appropriate, to the medical advisor of the insurer concerned.

► DEADLINE FOR SENDING THE REPORT

The legal deadline for sending the report is **20 days after the examination.**

Consequently, in order to meet this time limit and in their interest, the parties undertake to submit any observations they may have made quickly and, in all cases, within a maximum pe-

riod of 10 days after the examination meeting.

The doctor assigned by the Guarantee Fund for Victims must reply to these observations, but, beyond this 10-day period after the examination, no statement or argument will be admissible or included in the report.

► RECIPIENTS OF THE REPORT

The report is sent to the victim, the doctor assisting the victim and the FGTI.

With the victim's consent, the report may also be forwarded by the FGTI to the medical advisor from the medical department of the victim's health insurance fund and, where appropriate, to the military disability pension department's medical advisor.

Indeed, in order to ensure the continuity of the victim's medical care, the medical department

of the health insurance fund requires medical information and specifically the examination report that was issued in the context of the compensation procedure initiated by the FGTI.

With the victim's explicit consent, this report 8 will thus be forwarded within 10 days of its receipt to the medical advisor from the medical department of the victim's health insurance fund and, where appropriate, to the military disability pension department's medical advisor.

► MONITORING COMPLIANCE WITH THE GUIDELINES

Any victim who considers that the examination was not carried out properly and was unaware of a rule or commitment provided for in these guidelines may submit a **complaint to the FGTI's ombudsman.**

The FGTI undertakes to meet regularly with the doctors it assigns in order to share feedback on

the application of these guidelines and any difficulties encountered.

Interdisciplinary discussion meetings between the different parties involved in the development of these guidelines will be organised every year as part of its follow-up.

APPENDIXES

APPENTIX 1 THE FGTI'S CONTACT LETTER TO THE VICTIM
PAGE 11

APPENTIX 2 LETTER OF CONTACT WITH THE VICTIM BY THE DOCTOR ASSIGNED BY THE FGTI
PAGE 12

APPENTIX 3 FGTI LETTER SENT TO THE DOCTOR ASSIGNED
PAGE 15

APPENTIX 4 EXAMINATION MISSION FOR VICTIMS OF TERRORIST ACTS
PAGE 18

APPENTIX 5 AUTHORISATION TO FORWARD THE EXAMINATION REPORT
PAGE 23

APPENTIX 6 SAMPLE MEDICAL RECORD REQUEST LETTER
PAGE 26

APPENTIX 7 SAMPLE SUMMARY TABLE OF CHANGES IN CLASSIFICATIONS OF INJURY
PAGE 27

APPENTIX 8 GLOSSARY
PAGE 29

APPENTIX 1

THE FGTI'S CONTACT LETTER TO THE VICTIM

Guarantee Fund for Victims of Terrorist Acts and Other Offences *

Reference number that must be retained : *

Your contact : *

Phone : *

Vincennes, on */*/*

*,

As part of the compensation of your injury by the FGTI, it is now necessary to have a medical examination carried out by a doctor specialising in personal injury (physical and/or psychological) compensation.

The purpose of this examination will be to assess your injury in a personalised manner so that the FGTI can then compensate you for all your losses.

I shall therefore ask Doctor *, * (address), telephone: *, to examine you and, to this end, (he/she) will contact you to propose a date for an appointment leaving sufficient time (which should not be less than 15 days) to allow you to prepare your medical records.

If the proposed date does not work for you, you can, as soon as possible, request a later date.

In order to ensure that the adversarial nature of the examination is respected, please know that you can ask a doctor and/or a lawyer of your choice to prepare you for the examination (to compile your medical record, express your experiences and difficulties) and to assist you during the examination. You can also be accompanied by any person of your choice.

This doctor's fees will be covered by the FGTI in accordance with current practice, as long as they are not likely to be covered by an insurer. For this purpose, your doctor should contact your FGTI correspondent or your lawyer.

Likewise, any travel expenses you may incur to attend this examination will be covered.

If necessary, you can be accompanied by an interpreter of your choice, whose costs can also be covered by the Guarantee Fund for Victims.

APPENTIX 2

LETTER OF CONTACT WITH THE VICTIM BY THE DOCTOR ASSIGNED BY THE FGTI

For the proper conduct of the examination and to avoid unnecessary postponements, please provide Dr... with the contact details of the doctor whose assistance you wish to have.

To supplement your information, I am sending you the text of the specific medical examination mission for victims of acts of terrorism. The doctor assigned by the FGTI will comply with it, independently, for the sole purpose of objectively assessing your personal injury.

Within 20 days following the examination, Doctor ** will send a copy of (his/her) report to you as well as to your doctor and the Guarantee Fund for Victims.

After you have read this report, I will contact you promptly to ask for your agreement to forward a copy of it, within 10 days, to the medical advisor of your health insurance fund's medical department, in order to ensure continuity of care and, if necessary, to the medical advisor of the military disability pension department of the Ministry of the Armed Forces.

Afterwards, I will certainly contact you or the person representing you again to continue the process of compensating you for your injuries.

For any further information, you can contact your correspondent mentioned at the top of the letter, but also consult the 'Examination Guidelines for Victims of Terrorist Acts' to which Dr... must refer. (<https://www.fondsdegarantie.fr/>).

Finally, the FGTI would like to clarify that, as part of its mission and its legitimate interest in ensuring the quality of medical examinations, you will be consulted after the examination to find out how you feel. To this end, you will receive a short questionnaire to fill out. For your convenience, we will send this questionnaire by SMS to your mobile number that you have given us, unless between now and the examination you inform us of your position and that you prefer we email you or send a letter by post.

In the event of non-compliance with the commitments set out in the Guidelines, you can refer the matter to the FGTI's Ombudsman (mediateur@fgti.fr).

Sincerely,

For the FGTI, Name of the person in charge of the claim

Decree no.2016-1 of 2 January 2016, article 1.

APPENTIX 2

LETTER OF CONTACT WITH THE VICTIM BY THE DOCTOR ASSIGNED BY THE FGTI

Doctor XXXX

Reference FGTI numbers :

Our reference numbers :

M.

The Guarantee Fund for Victims of Terrorist Acts and Other Offences (FGTI) has instructed me to examine you to assess the consequences of the terrorist act of which you were a victim.

I would like to make an appointment at my medical office on

DATE – TIME

Please confirm that this appointment is acceptable or request another date or time by contacting the office by telephone.

In respect of the adversarial nature of the examination, you can be assisted by the doctor of your choice (doctor specialising in personal injury compensation, attending doctors). Please provide me with this person's contact information quickly so **that I can make sure of their availability.**

For the examination to be conducted smoothly, it is essential that, either directly or through your lawyer, you send me all the medical documents related to the consequences of the act of terrorism in advance (medical certificates, situation reports, surgery reports, reports of specialised investigations, hospitalisation reports, etc.). On the day of the assessment, you will want to bring in x-ray images and radiology CDs as well as any photographs of your injuries. All these documents will be returned to you at the end of the examination meeting.

£
The assessment will be conducted in several phases, including biography, medical history, clinical examination, medico-legal discussion and conclusions.

It is customary for non-doctors not to attend the actual clinical examination and for the lawyer and the FGTI representative to be present during the reception, the history-taking, the collection of complaints and the medico-legal discussion.

I will make sure to send you my examination report, which will also be communicated to the Guarantee Fund for Victims and to the doctor who assisted you.

APPENTIX 2

LETTER OF CONTACT WITH THE VICTIM BY THE DOCTOR ASSIGNED BY THE FGTI

For any further information, you can also view the « Examination Guidelines for Victims of Terrorist Acts » on the website of the Guarantee Fund for Victims (<https://www.fondsdegarantie.fr/>)

Sincerely, Mr, ...

Copy of this letter sent for information to :

- Guarantee Fund for Victims

APPENTIX 3

FGTI LETTER SENT TO THE DOCTOR ASSIGNED

Guarantee Fund for Victims of Terrorist Acts and Other Offences

Doctor*

Reference number that must be retained : *

Your contact : *

Phone : *

VICTIM OF TERRORISM – ACT OF TERRORISM OF... /... /... at ...

Vincennes, on */**

Doctor,

I would like to ask you to please examine, in accordance with the terms of the « medical examination mission for victims of terrorist acts » and with respect for the victim and the principles of independence and objectivity, in accordance with the examination guidelines, the person whose contact information is given below :

- First and Last Name : *
- Address :*
- Phone :
- Email :
- Date of birth : */**
- Occupation : *
- Lawyer : *
- Dr. (Doctor assisting the victim) : *

You will find enclosed a photocopy of the medical documents sent by the victim and, if applicable, any helpful documents.

If you refuse or are unable to do so, please let me know as soon as possible.

You will want to contact this victim quickly to suggest an appointment, leaving a sufficient period of time (which should not be less than 15 days, in accordance with article R. 422-7 of the Insurance Code) to allow (him/her) to prepare (his/her) medical records under good conditions and to request, if desired, a doctor to assist (him/her) during the examination.

Respect for the adversarial process is a principle to which the Guarantee Fund for Victims is particularly attached.

ANNEXE 3

COURRIER DU FGTI ENVOYÉ AU MÉDECIN MISSIONNÉ

The assessment should be conducted in several phases, including biography, medical history, clinical examination, medico-legal discussion and conclusions.

It is customary for non-doctors not to attend the actual clinical examination and for the lawyer and the FGTI representative to be present during the reception, the history-taking, the collection of complaints and the medico-legal discussion.

If the victim comes to your office with the assistance of one of your colleagues, it will be essential to include the observations of this doctor in your report and to respond to them. If there is agreement on the medical findings during the discussion following the clinical examination, you may suggest that you and your colleague co-sign your report.

If, at the time of your examination, the patient's condition has not consolidated, please inform the victim of this and specify that (he/she) will be re-examined at a later date. In this case, please attach to your provisional report a **provisional assessment** of the classification of injury which will be sent to the victim, (his/her) doctor and the Guarantee Fund for Victims. This provisional assessment must have undergone an adversarial debate during the examination procedures.

At the end of the examination procedure, please fill in the **summary table for the various classifications of injury** (see Appendix 7) and attach it to your report.

If the victim is not assisted by a doctor or a legal advisor, the doctor assigned by the FGTI must explain the different classifications of injury and their significance.

If necessary, you can, now or during your next examination, request the opinion of a specialist colleague. It is then important that you explain to the victim why further examination is needed.

If there is disagreement, you must mention it in your report and invite your colleague to formalise (his/her) **arguments within 10 days** to allow you to respect the legal deadline of 20 days.

Your report should include responses to your colleague's arguments.

Beyond this deadline, no statement or argument will be admissible or incorporated into your report.

You will send me your report, **within two months** of this letter, if possible, together with your bill of fees for the purpose of payment.

ANNEXE 3

COURRIER DU FGTI ENVOYÉ AU MÉDECIN MISSIONNÉ

The report must be sent, within 20 days of the examination, to the **Guarantee Fund for Victims**, the victim and the doctor who assisted (him/her), in accordance with the aforementioned article R. 422-7.

I would like to draw your attention to the fact that the FGTI, once the victim has read your report, will request (his/her) consent to send a copy of it to the medical advisor of the health insurance's medical department and, if applicable, to the medical advisor of the military disability pension department of the Ministry of the Armed Forces.

Thank you for providing the excellent care that you will no doubt bring to this mission.

Sincerely,

Enclosures

For the FGTI,
Name of the person in charge of the claim

APPENTIX 4

EXAMINATION MISSION FOR VICTIMS OF TERRORIST ACTS

This specific mission for victims of terrorist acts refers to the classifications of injury in the Dintilhac nomenclature used in legal practice.

POINT 1

CONTACT WITH THE VICTIM

In compliance with the applicable texts, within a minimum period of 15 days, inform by post (Mr/Mrs) X, victim of an act of terrorism that occurred on the date of the medical examination (he/she) will have to undergo.

POINT 2

PERSONAL AND PROFESSIONAL SITUATION

Gather the necessary information on the victim's identity and situation, his/her professional activity, specifying status, years of experience in the profession, type of activity, educational level if a child or student, status and/or training in the case of a job seeker, lifestyle prior to the terrorist act and current situation.

POINT 3

MEDICAL RECORD

Using the victim's statements, if necessary, from his/her relatives and from everything known, and the medical documents provided, in particular, the initial medical certificate, describe in detail the initial injuries, the treatment methods, specifying, where appropriate, the exact duration of hospitalisation and, for each period of hospitalisation, the name of the establishment, the services concerned and the nature of the care.

POINT 4

COMPLAINTS OF THE VICTIM

Collect the victim's complaints and, if necessary, those of his/her relatives, and ask them about the conditions in which the injuries occurred, the extent of the pain, the functional difficulties suffered and their consequences.

POINT 5

CARE PRIOR TO CONSOLIDATION

Describe all medical and paramedical care provided up to the time of consolidation, specifying attributable character, nature, duration and the exact dates of hospitalisation with, for each period, the nature and name of the establishment and the service(s) concerned.

POINT 6

CLINICAL EXAMINATION

Carry out a detailed clinical examination based on the initial injuries and the complaints expressed by the victim.

ANNEXE 4

EXAMINATION MISSION FOR VICTIMS OF TERRORIST ACTS

POINT 7

DESCRIPTION OF INJURIES, AFTER-EFFECTS AND ATTRIBUTION

At the end of this examination, analyse in a precise summarising report :

- the initial injuries
- the condition of after-effects
- the direct and certain attribution of the after-effects to the initial injuries, specifying, if necessary, the impact of a previous condition, retaining only the medical history that may have a negative impact on the injuries or their after-effects.
-

POINT 8

TEMPORARY FUNCTIONAL IMPAIRMENT

Indicate the periods during which the victim was, as a result of the temporary functional impairment, totally or partially unable to carry out his/her usual personal activities. In case of partial disability, specify the degree and duration.

POINT 9

CURRENT LOSS OF EARNINGS

Specify the duration of work stoppages with regard to welfare agencies in light of the supporting documents produced; if this duration is greater than the temporary disability, state whether these stoppages are linked to the harmful event.

Indicate the periods during which the victim was, as a result of his/her temporary functional impairment, totally or partially unable to carry out his/her professional activity. In case of partial disability, specify the degree and duration.

POINT 10

SUFFERING ENDURED

Describe the physical, psychological or emotional suffering endured during the traumatic illness (before consolidation), as a result of the injuries sustained.

Assess the suffering endured on a scale of 1 to 7.

Then, as needed, and without any numerical rating but by qualifying them as « **average** », « **significant** » or « **major** » :

- describe in detail the psychological suffering expressed by the victim assessed in relation to the existence of fear of imminent death during the act of terrorism (part of **Harm Caused by a Fear of Imminent Death**).
- if one or more family members were killed during the act of terrorism, describe in detail the psychological suffering expressed by the victim being assessed as a result of the waiting and worrying caused by the traumatic situation (part of the Specific Injury of Waiting and Worrying of Relatives).

APPENTIX 4

EXAMINATION MISSION FOR VICTIMS OF TERRORIST ACTS

POINT 11

TEMPORARY DISFIGUREMENT

Provide an opinion on the existence of temporary disfigurement. Describe the nature, location, extent, intensity and determined duration of the temporary alteration of physical appearance.

POINT 12

CONSOLIDATION

Set the date of consolidation, which is the time when the injuries stabilise and become permanent such that treatment is no longer necessary, except to avoid aggravation. If there is no consolidation, indicate when it will be appropriate to re-examine the victim.

POINT 13

PERMANENT FUNCTIONAL IMPAIRMENT

Quantify, with reference to the indicative scale of functional impairments in common law, the degree of any permanent functional impairment (permanent disability) attributable to the act of terrorism resulting from the permanent harm to one or more functions that persists at the time of consolidation. The degree of functional impairment must take into account not only the impairment of the victim's physiological functions, but also the permanent physical and psychological pain he/she experiences, the loss of quality of life and the difficulties in living conditions that he/she encounters on a daily basis after consolidation; in the event of a previous condition, specify how the act of terrorism has affected that condition and describe the consequences of that condition.

POINT 14

LOSS OF AUTONOMY

In the event of loss of autonomy, whether the victim's condition is consolidated or not, if necessary, with the assistance of a doctor specialised in the examination of severe personal injury :

- draw up a situational assessment by describing precisely how the various acts of daily life are carried out and how a day unfolds (over 24 hours).
- specify the needs and means of assistance to the person, necessary to compensate for the impossibility or difficulty of carrying out the actions and movements of everyday life, whether this assistance is provided by family and friends or by external staff.
- indicate the frequency and duration of the intervention for the person assigned to this aid, specifying, as regards the external person, any professional qualifications.
- mention the palliative technical means necessary for the patient (equipment, technical assistance, specially-fitted vehicle, etc.).
- describe the inconveniences caused by the unsuitability of the residence, it being understood that it is up to the expert to limit this to a description of the environment in question and the difficulties arising from it.

ANNEXE 4

EXAMINATION MISSION FOR VICTIMS OF TERRORIST ACTS

Regarding serious neuropsychological after-effects :

- specify their consequences when they are the cause of a major initiative deficit or behavioural disorder creating the need for third party encouragement or supervision.

POINT 15

PERMANENT DISFIGUREMENT

Give an opinion on the existence, nature and extent of permanent disfigurement. Rate it on a scale of 1 to 7.

POINT 16

LOSS OF FUTURE PROFESSIONAL EARNINGS AND PROFESSIONAL IMPACT

- Indicate whether the victim is or will be able to resume his/her pre-attack work under the same conditions.
- if not, indicate whether this occupational disability is total or only partial and, if the latter, what are the possible repercussions on the continuation of a current or future activity (obligation to reassign, increased difficulty, devaluation on the labour market, etc.).

POINT 17

IMPACT ON EDUCATION OR TRAINING

If the victim attends school or is in an academic program, state whether, as a result of the injuries caused by the traumatic event, he/she has lost a year of school, university or training, forcing him/her, if applicable, to transfer or drop certain training courses.

POINT 18

LOSS OF ENJOYMENT OF LIFE

Please provide a medical opinion on the impossibility for the victim to engage in specific sports or leisure activities actually practised prior to the terrorist act, and on the permanence of this.

POINT 19

SEXUAL HARM

If there is sexual harm, describe it, specifying whether it covers one or more of the three aspects that can be impaired separately or cumulatively, partially or totally: libido, the sexual act itself (impotence or frigidity) and fertility (reproductive function).

POINT 20

SOCIAL DYSFUNCTION AND SOCIAL DISABILITY

Indicate whether, as a result of the after-effects, the victim suffers a serious loss of hope or a serious loss of opportunity to have a family future.

ANNEXE 4

EXAMINATION MISSION FOR VICTIMS OF TERRORIST ACTS

POINT 21

MEDICAL CARE AFTER CONSOLIDATION/FUTURE EXPENSES

State the nature of the medical, paramedical, orthopaedic or prosthetic care required after consolidation and, where appropriate, on the frequency of its repetition; justify how the care is attributable to the act of terrorism in question, specifying whether the expense is occasional, i.e. of limited duration, or lifelong, i.e. incurred throughout life.

POINT 22

CONCLUSIONS

Conclude by restating the date of the terrorist act, the date and place of the examination, the date of consolidation and the medico-legal assessment used for points 8 to 21.

Guarantee Fund for Victims of Terrorist Acts and Other Offences

References numbers :

Your contact :

Phone :

« Victim's address »

« Place, date »

Subject : Request for authorisation to forward the examination report

Madam, Sir,

You were the victim of an attack on at

As such, if you are affiliated with a welfare agency, your healthcare expenses will be waived. In particular, you are exempt from the daily fee, contributions and deductibles, and you benefit from a third-party payment mechanism with healthcare institutions and professionals.

In order to ensure the continuity of your care, the medical department of your health insurance fund needs to have medical information, and in particular the examination reports that were issued in the context of the compensation procedure initiated by the FGTI. Decree no. 2016-1 of 2 January 2016 provides for the forwarding of your examination report to the medical advisor of the medical department of your health insurance fund within 10 days of receipt of the report, unless you object.

In addition, you are likely to have various medical expenses covered, particularly from the lifelong free healthcare record book and possibly a military disability pension. If you have not already done so, you may submit a request for coverage directly to the military disability pension department, which will contact the FGTI to obtain the examination report(s).

As these one or more reports contain confidential information covered under medical secrecy, you can :

- send a copy of these documents directly to the medical department of your health insurance fund and, where appropriate, to the medical advisor of the military disability pension department of the Ministry of the Armed Forces ;

ANNEXE 5

AUTORISATION DE TRANSMISSION DU RAPPORT D'EXPERTISE

- authorise the FGTI, using the form below, to send them to the medical department of your health insurance fund and, where appropriate, to the medical advisor of the military disability pension department, marked confidential.

Should you refuse, please be aware that these bodies may ask for a new examination independent of the one organised by the FGTI.

I remain at your disposal to answer any questions you may have.

Sincerely,

For the FGTI
Name of the person in charge of the claim

APPENTIX 5

PROPOSED LETTER TO BE ENCLOSED WITH APPENDIX 5

Letter to be sent completed to the FGTI :

FGTI
64 bis avenue Aubert
94682 VINCENNES cedex

Madam, Sir,

In order to ensure the continuity of my care, I understand that the medical department of my health insurance fund requires medical documents, particularly the examination reports that were issued in the context of my compensation procedure initiated by the FGTI.

Furthermore, I understand that the military disability pension department may also contact the FGTI for these examination reports.

I have been made aware that, if I refuse the forwarding of the reports, these bodies may ask to carry out a new examination independent of the one organised by the FGTI.

I, the undersigned, having read this document, authorise a copy of the examination report(s) concerning me to be forwarded, marked confidential, by the Guarantee Fund for Victims of Terrorist Acts and Other Offences (FGTI) :

To the medical advisor from the medical department of the health insurance fund,

To the medical advisor from the military disability pension department of the Ministry of the Armed Forces.

On :

Signature :

APPENTIX 6

SAMPLE MEDICAL RECORD REQUEST LETTER

First and Last Name :
Address

Director
Hospital
Address

Place, date

Subject : Request for consultation or forwarding of the medical record

Madam, Sir,

I was hospitalised in your department (or your establishment) from to because of

In accordance with Law No. 2002-303 of 4 March 2002, I would like to have access to the information contained in my medical record.

I request that you please :

- let me know the day and time I can visit your establishment to view it

OR

- send me a copy (or please send a copy to Dr... who is my attending doctor)

Thank you in advance for taking the time to fulfil my request.
Sincerely,

Signature

APPENTIX 7

SAMPLE SUMMARY TABLE OF CHANGES IN CLASSIFICATIONS OF INJURY

		Dr X, DOCTOR ASSIGNED BY THE FGTI	Dr X, VICTIM'S MEDICAL ADVISOR
TOTAL AND/OR PARTIAL TEMPORARY FUNCTIONAL IMPAIRMENT			
CURRENT LOSS OF EARNINGS	Periods of full-time medical leave		
	Periods of part-time medical leave		
SPECIFIC INJURIES	Fear of imminent death		
	Specific injury of waiting and worrying		
SUFFERING ENDURED			
DISFIGUREMENT	Temporary disfigurement		
	Permanent disfigurement		
MEDICO-LEGAL CONSOLIDATION DATE			
PERMANENT FUNCTIONAL IMPAIRMENT			
LOSS OF AUTONOMY	Substituting and stimulating (active) third party		
	Monitoring third party (passive)		
IMPACT ON PROFESSIONAL LIFE			

ANNEXE 7

SAMPLE SUMMARY TABLE OF CHANGES IN CLASSIFICATIONS OF INJURY

		Dr X, DOCTOR ASSIGNED BY THE FGTI	Dr X, VICTIM'S MEDICAL ADVISOR
IMPACT ON EDUCATION OR TRAINING	Impact on education school		
	Academic harm		
	Impact on training		
LOSS OF ENJOYMENT OF LIFE			
SEXUAL HARM			
SOCIAL DYSFUNCTION AND SOCIAL DISABILITY			
CURRENT HEALTHCARE COSTS			
MEDICAL CARE AFTER CONSOLIDATION / FUTURE EXPENSES / TECHNICAL AIDS	Médical care after consolidation		
	Future expenses		
	Technical Aids		

APPENTIX 8

GLOSSARY

History-taking

All the information provided to the doctor by the patient or their family members on the history of an illness or the circumstances that preceded it

Adversarial

Action performed in the presence of all involved parties

Medico-legal discussion

Phase of the examination during which the medical information is summarised and the various classifications of injury are discussed in an adversarial manner in the presence of all parties

Complaints

Somatic and psychological complaints expressed by the victim during the medical examination and which reflect their state of health on the day of the examination as well as their medical experience. They may be supplemented by a handwritten or typed document entrusted by the victim to the doctor carrying out the examination

After-Effect

A relatively incapacitating symptom, disorder, disability, consequence or scar which is expected to persist permanently. After-effects are related to the state of health as of the date of medico-legal consolidation

Psychological

Relating to the psyche (or mental life), that is to say, to the processes, conscious or unconscious, pertaining to the mind, thinking, intelligence, affectivity, etc.

Physical

Relating to the body, in its physical scope

Guarantee Fund for Victims

- Head Office -

64 bis avenue Aubert
94682 Vincennes cedex
Phone : +33(0)1 43 98 77 00

Guarantee Fund for Victims

- Delegation-

39, boulevard Vincent Delpuech
13281 Marseille cedex 06
Tel : +33(0)4 91 83 27 27
Fax : +33(0)4 91 79 58 38



www.fondsdegarantie.fr