

Appendix No. 1
To the Methodology for determining insurance
indemnity by the Insurance Expert Commission

Classification of injuries according to the type of bodily injury

1. Severe bodily injury - A bodily injury shall be considered severe if it has caused: continuous disturbance of consciousness; permanent blindness of one or both eyes; permanent deafness; loss of speech, reproductive incapacity; disfigurement which causes permanent disturbance of the speech or of a sensory organ; loss of one kidney, the spleen or a lung lobe; loss or mutilation of a leg or an arm; permanent general health impairment, dangerous to life.

Continuous disturbance of consciousness: “continuous disturbance of consciousness” shall mean “disturbance of mental activities”. The consciousness of a person is considered disturbed when the mental activities of the injured persons have suffered serious changes that render that person socially incapable due to serious impairment of volition or of the intellectual capacities.

Permanent blindness of one or both eyes: Poor perception of light and inability to use the eye as a sensory organ is considered full blindness. Blindness of one eye only is sufficient to consider this a case of blindness.

Permanent deafness: This means that the injured person is not able to perceive sounds of standard loudness or speech, even from a very close distance. Retention of minimum hearing capacity which the injured cannot use is still considered deafness by the law. Deafness is a permanent condition, i.e. for a lifetime, without prospects for recovery or improvement.

Loss of speech: The incapacity of a person to express his/her thoughts through articulate speech in a manner intelligible for other people, which renders the injured person incapable of verbal communication.

Reproductive incapacity: Reproductive incapacity is considered the inability of a person to enter a sexual intercourse and reproduce.

Disfigurement which causes permanent disturbance of the speech or of a sensory organ: Mainly damage of the face where the sensory organs are located or damage in proximity to it /on the head/ which affects the appearance of the face.

Loss of one kidney, the spleen or a lung lobe.

Loss or mutilation of a leg or an arm: Loss /deterioration/ or injury of a part or separate parts of a leg or arm, of such nature which prevents the limb from performing its main and most essential functions. This is sufficient to classify the injury of the leg or arm as a severe bodily injury.

Permanent general health impairment, dangerous to life: The law requires that the impairment should be permanent and life-threatening at the same time. This means an injury which cannot undergo recovery and represents a real danger to life.

2. Medium bodily injury - A bodily injury shall be considered medium if it has caused: permanent weakening of the eyesight or hearing; permanent disturbance of speech, difficulties of the movement of the extremities, the body or the neck, disturbance of the functions of the genital organs without causing reproductive incapacity; breaking of a jaw or knocking out of teeth, without which chewing or speech are impaired; disfigurement of the face or of other parts of the body; permanent impairment of health not dangerous to life or impairment of health temporarily dangerous to life; injuries which penetrate into the cranial, thoracic and abdominal cavities.

Permanent weakening of the eyesight or hearing: “Permanent” here is understood as a relatively longer period of a medical condition which lasts at least about 30 days. The weakening of the eyesight or hearing could continue longer and turn into a permanent state.

Permanent disturbance of speech: The disturbance of speech should be a long-term one, i.e. without quick recovery, and have a practical impact in order to be considered a medium bodily injury.

Difficulties of the movement of the extremities, the body or the neck: difficulties which restrict or obstruct the movements or reduce the full use of the function of the limb for performing active physical movements.

The following are to be considered medium bodily injury: loss of fingers of the hand when this is not a severe bodily injury; loss of all fingers of a foot; ankylosis of a large joint /shoulder, wrist, hip, knee or ankle joint; fractures of the large bones of the leg or the arm /shoulder, thigh bone, tibia and fibula, etc./; fractures of the bones of the wrist, most commonly fractures of the scaphoid bone /60-80% of all fractures are in the carpal area/; fractures of the metacarpal and metatarsal bones /fissures of one metacarpal and metatarsal bones, especially in the middle section of the 2nd, 3rd and 4th bones are not to be considered medium bodily injuries since the rest of the unimpaired bones can hold it as a brace/; fracture of the thumb’s phalanx /since it plays an important functional role for holding/; fractures of two or three phalanges of the other fingers, fractures of the bones of the foot /anklebone, heel bone, except fractures of the fingers phalanges/, dislocation of joints /shoulder, elbow, knee, ankle joint, etc./

Fractures of the shoulder arch and the pelvic arch at one or more points, the healing process of which exceeds a month. The following should be considered in such cases:

- the period for healing and recovery of use in case of injury /full incapacitation/ of connected muscles and tendon sections;
- the period of immobility and disablement in case of twisting, spraining and tearing of joint connections and fractures of various bones in the body.

Breaking of the jaw: Fracture of one of the two jaw bones, which restricts their two main functions, chewing or speaking.

Knocking out of teeth, without which chewing or speech are impaired: “Knocking out of teeth” shall mean not only the loss but also the fracturing of teeth at the gum level or their loosening to such a degree which renders their removal inevitable.

Disfigurement of the face or of other parts of the body: Disfigurement implies not only a deformation in which the face and body substantially change, but

also the lasting or permanent nature of such changes.

Permanent impairment of health not dangerous to life: This means such damage to the human body which reduces its vitality or resilience. It may affect certain parts of the body, individual organs or lead to reduction of their functions, or it may affect the whole organism resulting in an illness. The health disorder must be of such nature that at no time does it pose a threat for the life of the injured person. Such chronic health disorders which are not dangerous to life could include: stricture of the esophagus, cardia or pylorus of the stomach; large pleural or peritoneal adhesions; difficulties with breathing due to improper healing of nasal bones; traumatic hernias; chronic changes of the skins due to X-ray irradiation; disorders which lead to constant discharge of feces or urine; rectovaginal fistula due to trauma; post-concussion cerebral syndrome and irreparable lagophthalmos with subsequent inflammation without eyesight impairment; irreparable condition of excessive lacrimation; intercostal neuralgia due to compression of a nerve in the callus area of a broken rib.

Impairment of health temporarily dangerous to life: this means the chances that a specific disorder may heal or lead to death are equal, irrespective of any medical intervention. The danger to the life of the injured person should be an actual one, i.e. it should be manifest through certain features and of a nature which could lead to death.

Injuries of the nervous system /central and peripheral/.

Brain concussion.

Quantitative changes /stages/ of disturbed consciousness are:

Obnubilation - The mildest stage of disturbed consciousness. The injured person has good orientation but is slightly drowsy, appearing “deaf” and very exhausted, unable to focus his/her attention actively. Verbal contact with the patient is unimpaired.

Somnolence /drowsiness/ - The injured person appears lethargic and drowsy. He/she is able to understand simple questions only and gives laconic, brief answers. He/she is able to perform simple actions only and is disoriented.

Sopor - Severe stage of disturbed consciousness, bordering on comatose.

Coma /unconsciousness/ - The most severe stage of quantitative alteration of consciousness; full loss of consciousness.

3. Minor bodily injury – health impairment other than the ones defined as medium and severe bodily injuries.

This implies a short-term health disorder, resulting in mild impairment of the anatomic integrity of the organism or the tissues, as well as slight changes in physiological functions.

For a bodily injury to be assessed as “temporary impairment not dangerous to life”, it should meet one of the following two criteria: anatomical impairment /small injuries or damages – minor burns, small cicatrices (scars), fissures, fractures of bones, except the cases listed under Art. 128 of the Penal Code, etc./, or *functional impairment of the physiological functions /eyesight, chewing, difficulties with the fine prehensile movements, etc./*; also, the impairment should have a brief or short-term duration.

Under “impairment of health not dangerous to life” it is possible to classify the following injuries: wounds which require surgical intervention; larger bruises on the body; fracture of nasal bones; short-term disfiguration of the face due to bruises, burns from corrosive acids, etc.; bruises with traumatic swelling of the eyelids, resulting in closed eyelid; massive hematoma with swelling of the lips; burst eardrums /causing hearing loss for a period less than three weeks/; fractures of distal phalanges on the hand or foot; twisting or lighter spraining of limbs; large bruises on the body; minor burns; brain concussion with consciousness disorder without loss of consciousness; minor cases of poisoning, etc.

Note: The classification of bodily injuries and their characteristics according to the type of bodily injury are adopted from the Penal Code of the Republic of Bulgaria.

June 2010
Sofia