

## Update

Ministry

Health

### Describe: Basic Job Details

#### Position

Position ID

Position Name (30 characters)

Senior Claims Officer

Current Class

Job Focus

Supervisory Level

Agency (ministry) code

Cost Centre

Program Code: (enter if required)

#### Employee

Employee Name (or Vacant)

#### Organizational Structure

Division, Branch/Unit

☒ Current organizational chart attached?

Supervisor's Position ID

Supervisor's Position Name (30 characters)

Supervisor's Current Class

### Design: Identify Job Duties and Value

#### Changes Since Last Reviewed

Date yyyy-mm-dd

Responsibilities Added:

Responsibilities Removed:

#### Job Purpose and Organizational Context

Why the job exists:

- Maximize recoveries of health service costs incurred by the Crown on behalf of recipients injured due to the wrongdoing of third parties. Do so in accordance with the *Crown's Right of Recovery Act* and Regulations and pursuant to TPL unit policies and procedures.
- Responsible for assisting in the establishment of the annual aggregate assessment payable to Alberta automobile insurers.

## Responsibilities

Job outcomes (4-6 core results), and for each outcome, 4-6 corresponding activities:

### **1. Develop and Settle Claims with an Unlimited Value**

#### **Activities:**

- Know and interpret the *Crown's Right of Recovery Act* and Regulations to determine whether the Crown has a claim.
- Decide which health services provided to an injured recipient were the result of the injuries sustained. This requires knowledge of medical terminology, the mechanism of injuries, and the causes and effects of traumatic and non-traumatic medical conditions. Must be able to review reports, chart notes, and other documents from hospitals, physicians and other health service providers.
- Decide whether the injured recipient will require future health care. Must be able to read, interpret, and act upon medical-legal reports written by physicians and other health experts. Must be able to calculate health service costs and appropriately discount for future contingencies. Must be able to provide clear, concise instructions to health services providers to ensure that the correct information is received in order to calculate future health service cost claims.
- Determine limitation dates for claims and decide what steps need to be taken to ensure the Crown's claim is protected. Must have legal knowledge of contents and effects of limitations laws.
- Decide what steps need to be taken to protect the Crown's interests. This typically includes, but is not limited to, hiring legal counsel and giving them instructions, ensuring that the Crown's claim is protected and advanced in legal proceedings, and negotiating agreements with insurance companies. Must have excellent working knowledge of lawsuit proceedings, the requirements of the Alberta Rules of Court, and types of legal agreements that can be made to protect and advance a claim.
- Decide upon and complete appropriate settlements for claims and class action files. In order to settle files, must have excellent working knowledge of legal liability issues, quantum of damages, and other legal issues that may affect a claim. Must also have superior working knowledge of the *Crown's Right of Recovery Act* and Regulations and contributory negligence law. Settlement decisions are made without any requirement for further approval, and can be on claims of an unlimited value. Settlements can also be on class action lawsuits involving large numbers of claimants and very complex medical and legal issues.
- Class actions: the number, complexity, and scope of national class action lawsuits related to third party liability claims have increased dramatically and it is expected cases will continue to increase. The TPL unit went through an internal review of resources and the team structure was re-organized to leverage resources optimally. A separate team (Class Action Claims Team) focusing on national class action lawsuits was established and the SCO is the Team Lead reporting to the Director.
- Ensure that all necessary steps are taken to conclude claims, including payment of appropriate amounts of legal fees and disbursements, providing legal releases, and ensuring that the necessary Court documents are filed to conclude the Crown's involvement in claims. Must have excellent working knowledge of the litigation process and requirements to settle claims in litigation.

### **2. Assist in Establishing Annual Aggregate Assessment**

#### **Activities:**

- Develop and implement ongoing procedures to review the aggregate assessment payable by Alberta automobile insurers for the cost of health services provided to motor vehicle accident victims.
- Decide upon and recommend appropriate contributory negligence, liability and other factors to be applied in establishing the assessment if new studies are undertaken. Must have knowledge of legal liability issues in motor vehicle accidents, and the ability to determine fault in collision situations. Must also have knowledge of contributory negligence issues, such as appropriate

amounts to reduce claims if injured persons are not wearing seatbelts etc.

- If undertaking a new study, retain and work with actuarial and other experts to determine an appropriate assessment amount. Analyze and provide feedback on expert reports. Must have excellent working knowledge of health service cost data, liability and contributory negligence issues, data on motor vehicle collisions and injuries, and other relevant information. Must also be able to clearly understand study procedures and methodologies, and how they can affect conclusions and outcomes.
- Participate in negotiations with the automobile insurance industry in setting the aggregate assessment.

### **3. *Improve Governing Legislation and Program Policies / Procedures***

#### **Activities:**

- Analyze, decide upon, and recommend beneficial and/or required amendments to governing legislation and regulations. Must thoroughly understand governing legislation and regulations to be able to apply working knowledge and legal knowledge to identify problems and potential improvements.
- Review, revise and implement TPL unit policies and procedures to improve efficiency and effectiveness to increase recoveries of health service costs.

### **4. *Prepare Briefing Memoranda and Respond to Action Requests***

#### **Activities:**

- Prepare and review briefing notes, correspondence and respond to action requests. Must have superior research, analysis and writing skills, and be able to decide which issues and information are the most important for recipients.

### **5. *Assist with Projects as required***

#### **Activities:**

- Provide assistance with projects as may be required.
- For example - MAESTRO (formerly ENMOC): the SCO was the key point of contact for inquiries/issues regarding ENMOC in the past 3 years and will continue to be so for MAESTRO and, along with the Director and/or Manager, represents the TPL unit in all meetings to ensure the new system will meet the unit's requirements. The SCO will also be responsible for training Claims Officers on the new system. This initiative requires significant involvement from the SCO.

### **6. *Act as Resource Person and Team Lead for TPL Class Claims Team***

#### **Activities:**

- Provide legal education and information to Claims Officers. Must have excellent working knowledge of legal liability, quantum, and damages issues, and be able to communicate that knowledge efficiently and effectively.
- Assist Claims Officers with difficult, complex, or problematic files. Must have superior working knowledge and ability to communicate with lawyers and insurers who are often opposed in interest to the Crown. (Example - If a limitation period has expired and the Crown's claim has not been properly protected, must be able to effectively communicate with the insurance company, lawyers, and Claims Officer how and why the Crown's claim is still being advanced and defend the legitimacy of that claim.)
- Create and update legal reference material by reviewing case law and providing updates to the TPL unit. Must have strong research, analytical and communication skills.

- Oversee file limitation diary system to ensure the Crown is pled or a standstill agreement is entered into prior to the limitation date on files being handled by Claims Officers. Must have excellent organizational and communication skills.
- Supervision of TPL Class Claims Officers' files: files are reviewed on an ongoing basis to ensure proper policies and procedures are being followed by Claims Officers. As issues are identified, the SCO will discuss these with Claims Officers and remind regarding best practices and suggest next steps to remedy any problems. Settlements are also reviewed to ensure a fair amount was received for the Crown and the SCO will suggest strategies and procedures to be followed when settling claims in the future. Settlement amounts received and accounts for legal fees are also reviewed to ensure accuracy;

## **7. *Communication With, and Provision of Advice to, Stakeholders***

### **Activities:**

- Communicate with lawyers and insurance companies to provide information, advice, and instructions on the TPL program, on governing legislation and regulations, and to address their issues and concerns.
- Promote and ensure compliance of lawyers and insurance companies with the *Crown's Right of Recovery Act* and Regulations and other relevant legislation and procedures affecting the Crown's claims. Must have the ability to clearly and effectively communicate with legal and insurance professionals and have superior working knowledge of relevant law.
- Develop and carry out educational presentations to lawyers and insurance companies about the TPL program. Decide upon contents of presentations and which lawyers and insurance companies to approach for meetings. Meet with lawyers and insurance companies to deliver presentations and address their issues and inquiries. Follow-up with insurance companies and lawyers on possible improvements to processes and procedures in order to develop strong ongoing working relationships with TPL.

## **8. *Assist TPL Director with Team Management Functions***

### **Activities:**

- Leadership role within TPL and assistance with team supervision and management.
- Assist with determining and monitoring accruals for the fiscal year.

## **Problem Solving**

Typical problems solved:

- Senior Claims Officer is responsible for claims of an unlimited value, specializing in complex medical malpractice files and class action lawsuits.
- Must decide how to maintain and settle files to maximize the recovery of health care costs. Decisions must be based on sound knowledge of legal liability issues, damages quantum assessments, and use of effective negotiation skills.
- Must take appropriate action to ensure that the Crown's interests are protected and claims advanced, and that legal counsel are made aware of the nature of the Crown's claims and the legal requirements to advance such claims. Often requires similar legal knowledge to that of lawyers who act for the Crown and the ability to educate lawyers and communicate that knowledge.
- To recover future care costs, must be able to calculate the costs that will be incurred. This will involve obtaining and reviewing medical-legal expert reports, liability reports, and assessments.

Responsible for negotiating cost-sharing arrangements with legal counsel when disbursements must be incurred.

- Must have strong working knowledge of lawsuit processes, procedures, and requirements. Knowledge must include case law, legislation and regulations and the Rules of Court. Must also have strong foundation in, and knowledge of, medical terminology, the cause and effect of medical conditions, and the diagnosis, treatment, and nature of traumatic and non-traumatic medical conditions.
- Position requires a thorough understanding of legal liability, quantum, and damages issues. Must ensure to take part in continuing legal education and to pass on knowledge and information to TPL team members.
- Automobile insurers throughout Alberta are affected by the aggregate assessment. The amount of the assessment has significant implications for overall TPL recoveries. The Senior Claims Officer is responsible for helping establish an annual aggregate assessment that is fair and reasonable and reflects the costs incurred by the Government of Alberta in treating motor vehicle collision victims.

Types of guidance available for problem solving:

- *Crown's Right of Recovery Act* and Regulations and other relevant legislation (i.e. *Insurance Act*, *Limitations Act*, *Contributory Negligence Act*, etc.)
- Alberta Rules of Court
- Third Party Liability Policy and Procedure Manual
- Director and Manager of Third Party Liability

Direct or indirect impacts of decisions:

- Job impacts Alberta Health revenue and budgetary expenditure targets.
- Amount of health care costs recovered directly affects insurance companies and lawyers who represent the Crown.

## Key Relationships

Major stakeholders and purpose of interactions:

- Stakeholders include other government Departments, such as Alberta Finance and Treasury Board; insurance companies in Alberta, other provinces in Canada, the United States and globally; the public; lawyers in Alberta and elsewhere in Canada, the United States and globally; and all possible wrongdoers causing injuries to recipients. The purpose of interactions is to maximize recoveries of health service costs incurred by the Crown on behalf of recipients injured due to the wrongdoing of third parties.
- The Senior Claims Officer must play a strong leadership role within the TPL team.

## Required Education, Experience and Technical Competencies

Education Level

Bachelor's Degree (4 year)

Focus/Major

Law

2nd Major/Minor if applicable

Business

Designation

LLB

If other, specify:

Job-specific experience, technical competencies, certification and/or training:

- Must have extensive and current legal knowledge. Knowledge and experience with the Crown's claims must usually be equivalent to the knowledge and experience of lawyers representing the Crown.

Must often educate lawyers and insurers about the Crown's claims, which requires a very high degree of knowledge and experience.

- Requires exceptional negotiation skills, as often deal with lawyers and insurers opposed in interest to the Crown.
- Extensive working knowledge of the *Crown's Right of Recovery Act* and Regulations, personal injury law, and general legal principles (i.e limitations of actions and the Rules of Court) is critical in order to provide instructions to legal counsel and to appropriately advise and inform stakeholders.

#### Knowledge

- Personal injury law;
- Legal practice rules and procedures, including the Rules of Court and steps in lawsuits;
- *Crown's Right of Recovery Act* and Regulations and other relevant legislation (i.e. *Insurance Act, Limitations Act, Contributory Negligence Act*, etc.);
- Insurance practices and procedures;
- Medical/trauma knowledge;
- Process and format for ministerial correspondence, including briefing notes, action requests, ministerial orders, etc.

#### Skills and Abilities

- Superior negotiation skills;
- Legal research;
- Public speaking / presentation;
- Strong writing and inter-personal communication skills;
- Strong human resource management skills;
- Understanding of financial transactions

#### Education/Courses/Certificates/Licenses

- Degree in Law is required;
- Membership in the Law Society of Alberta is recommended;
- Business/Commerce degree would be an asset;
- Medical education and knowledge sufficient to perform job functions;
- Insurance training;
- Management development and staff relations.

#### Work Experience

- Previous experience in government is useful;
- Extensive experience in negotiation;
- Strong background in personal injury law, insurance principles, medical malpractice, and civil procedures;
- Background in insurance or dealing with insurers.

## Behavioral Competencies

Pick 4-5 representative behavioral competencies and their level.

Competency	Level					Level Definition	Examples of how this level best represents the job
	A	B	C	D	E		
Creative Problem Solving	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<p>Works in open teams to share ideas and process issues:</p> <ul style="list-style-type: none"> <li>• Uses wide range of techniques to break down problems</li> <li>• Allows others to think creatively and voice ideas</li> <li>• Brings the right people together to solve issues</li> <li>• Identifies new solutions for the organization</li> </ul>	<ul style="list-style-type: none"> <li>- Creative problem solving is required especially for dealing with novel matters such as some class actions. Taking a role on the National TPL Committee allows collaboration for the creative resolution of matters.</li> <li>- Collaboration among numerous internal and external stakeholders for projects such as legislative changes and the aggregate assessment studies allows the sharing of expertise to come up with creative solutions to issues.</li> <li>- New ways of undertaking functions are considered and evaluated to improve processes and effectiveness.</li> <li>- Policies and procedures and legislation are continually reviewed to determine if changes should be made to enhance effectiveness and potentially increase recoveries of the Crown's health care costs from wrongdoers.</li> </ul>
Develop Networks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<p>Builds trust to fairly represent every party:</p> <ul style="list-style-type: none"> <li>• Uses network to identify opportunities</li> <li>• Establishes credibility and common purpose with a range of people</li> <li>• Actively represents needs and varying groups</li> <li>• Creates strategic impression by inspiring and connecting with values and beliefs</li> </ul>	<ul style="list-style-type: none"> <li>- This position communicates, and collaborates, with numerous internal and external stakeholders and provides advice regarding the Third Party Liability program and governing legislation and regulations. Such interactions establish rapport and trust.</li> <li>- Informative</li> </ul>

			<p>presentations establishing credibility are provided to stakeholders including the insurance industry, the Canadian Bar Association, the Alberta Civil Trial Lawyers Association, the Automobile Insurance Rate Board and law firms regarding the requirements under our legislation.</p> <p>- This position liaises with the other provincial and territorial Third Party Liability units across Canada to share information on common issues and plays a significant role on this Provincial/Territorial National Committee especially regarding class action matters and our interactions with counsel for such matters.</p> <p>- The establishment of the Aggregate Assessment (being the Minister's annual estimate of the health care costs incurred from motor vehicle accidents) requires networking and collaboration with internal and external stakeholders such as TBF, Alberta Transportation, other areas of Alberta Health and the insurance industry.</p>
Build Collaborative Environments	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input checked="" type="radio"/>	<p>Creates an open environment of communication:</p> <ul style="list-style-type: none"> <li>• Promotes sharing of expertise</li> <li>• Initiates strategic communication systems</li> <li>• Anticipates and addresses potential conflict areas</li> <li>• Inspires with a bold, complete and shared vision</li> </ul>	<p>- Collaboration is very important for this role, including internally within other areas of Health. TPL obtains health service costing information from numerous other areas and so sharing information, and learning the processes, from such areas is vital to ensure that the most appropriate</p>



		<ul style="list-style-type: none"> <li>• Leads cross-functional collaboration</li> </ul>	<p>costing information is obtained and utilized.</p> <ul style="list-style-type: none"> <li>- For projects such as ENMOC and the aggregate assessment studies, leading cross functional collaboration for such matters is important strategically to determine the best course of action.</li> <li>- For this role it is important to maintain a mutually beneficial relationship with counsel who act for the Crown and so strategic communication and resolving any concerns or conflict is imperative.</li> <li>- This is also reflected in taking a role on the National TPL Committee to share expertise and to strategically discuss, and act in concert, for national class action matters.</li> </ul>
Systems Thinking	○ ○ ○ ● ○	<p>Integrates broader context into planning:</p> <ul style="list-style-type: none"> <li>• Plans for how current situation is affected by broader trends</li> <li>• Integrates issues, political environment and risks when considering possible actions</li> <li>• Supports organization vision and goals through strategy</li> <li>• Addresses behaviours that challenge progress</li> </ul>	<ul style="list-style-type: none"> <li>- This role is vital to the recovery of the Crown's health care costs from wrongdoers and so contributes to the government's fiscal sustainability. Continually evaluating the policies and procedures and legislation which TPL operates under is important to take into account changes in the health system, such as increasing homecare services.</li> <li>- Taking into account the political and legal landscape, including Court decisions is vital to consider during the contemplation of potentially beneficial legislative amendments.</li> <li>- It is vital to undertake cost/benefit risk assessments of matters to determine whether to</li> </ul>