



Commissioner Kim Holland

Oklahoma Insurance Department

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**Medical Professional Liability Insurance
Closed Claim Six Month Report**

July 1, 2003 – December 31, 2003

Oklahoma Insurance Department

Medical Professional Liability Insurance Closed Claim Six Month Report July 1, 2003 – December 31, 2003

The Oklahoma Insurance Department is pleased to present composite data of medical professional liability closed claim reports for 2003. The Department publishes this report pursuant to Title 36, Section 6813 of the Oklahoma Statutes. This report contains aggregate numbers from statewide closed claims data. Information about specific closed claims is confidential pursuant to Title 36, Section 6816 and is unavailable for public inspection.

The Oklahoma Insurance Department has procedures to collect the claim reports and produce the final composite report. However, the closed claim reports submitted to the Insurance Department are done without any type of affirmation of accuracy by the insurer. The Insurance Department makes no final and absolute guarantees about the information contained within the report. This information should not be viewed as a substitute for any type of financial or actuarial opinion about a reporting insurer's claims activity.

The Oklahoma Insurance Department collects unedited data from reporting insurers and presents the final aggregate numbers in the annual report. The Department continues to work with the Oklahoma Legislature and with other Oklahomans to more accurately define the statutory requirements and to enhance the data collection understanding and process.

Questions about this report should be directed to:

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The Policy 2003

Business or Profession	Closed Claim Count
Physicians & Surgeons	248
Hospitals	25
Other Medical Professionals	17
Other Health Care Facilities	57

Insurance Policy Limits	Closed Claim Count
100,000	1
100,000/300,000	3
500,000/1,000,000	1
500,000/2,500,000	2
900,000	2
1,000,000	43
1,000,000/1,000,000	49
1,000,000/3,000,000	51
1,000,000/5,000,000	3
2,000,000	7
2,000,000/2,000,000	24
2,000,000/4,000,000	2
3,000,000	3
3,000,000/3,000,000	60
3,000,000/5,000,000	1
5,000,000	1
5,000,000/5,000,000	74
5,000,000/10,000,000	1
10,000,000	19

Type of Insurance Coverage	Closed Claim Count
Claims Made - basic	32
Claims Made - tail	16
Occurrence	299

Insured's Practice Type	Closed Claim Count
Institutional (academic)	2
Corporation or Partnership (group)	86
Self-employed	236
Employed Physician	15
Employed Nurse	4
All Other Employees	3
Intern or Resident	1

Composite Amount Reserved for All Claims

\$12,719,400.00

(This component is an example of the data refinement previously mentioned. The component was interpreted differently by insurers. In the 2005 report the component was separated into Reserve at Onset and Last Reserve.)

Injury or Loss 2003

Injury Location - Facility	Closed Claim Count
Hospital Inpatient Facility	189
Emergency Room	38
Hospital Outpatient Facility	9
Nursing Home	12
Physician's Office	74
Patient's Home	14
Other Outpatient Facility	10
Other	0
Other Hospital/Institutional Location	0
Unknown	1

Injury Location - County	Closed Claim Count
Adair	1
Alfalfa	0
Atoka	0
Beaver	0
Beckham	2
Blaine	0
Bryan	3
Caddo	1
Canadian	0
Carter	5
Cherokee	2
Choctaw	0
Cimarron	0
Cleveland	20
Coal	0
Comanche	23
Cotton	0
Craig	2
Creek	1
Custer	1
Delaware	3
Dewey	0
Ellis	2
Garfield	4
Garvin	2
Grady	9
Grant	0
Greer	0
Harmon	0
Harper	0
Haskell	0
Hughes	0
Jackson	3
Jefferson	0

Injury Location - County	Closed Claim Count
Johnston	0
Kay	1
Kingfisher	0
Kiowa	0
Latimer	1
Leflore	1
Lincoln	0
Logan	0
Love	0
Major	0
Marshall	0
Mayes	0
McClain	2
McCurtain	0
McIntosh	0
Murray	0
Muskogee	11
Noble	0
Nowata	0
Okfuskee	0
Oklahoma	144
Okmulgee	7
Osage	1
Ottawa	0
Pawnee	1
Payne	3
Pittsburg	1
Pontotoc	2
Pottawatomie	8
Pushmataha	0
Roger Mills	0
Rogers	0
Seminole	2
Sequoyah	1
Stephens	1
Texas	0
Tillman	0
Tulsa	62
Wagoner	2
Washington	8
Washita	0
Woods	0
Woodward	0
Unknown	4
Out of State	0
Not Applicable	0

Claims Process 2003

Was a Lawsuit Filed?	Closed Claim Count
Yes	302
No	45

County Where Suit Was Filed	Closed Claim Count
Adair	1
Alfalfa	0
Atoka	0
Beaver	0
Beckham	1
Blaine	0
Bryan	3
Caddo	1
Canadian	0
Carter	5
Cherokee	2
Choctaw	0
Cimarron	0
Cleveland	16
Coal	0
Comanche	16
Cotton	0
Craig	1
Creek	2
Custer	0
Delaware	4
Dewey	0
Ellis	2
Garfield	1
Garvin	2
Grady	7
Grant	0
Greer	0
Harmon	0
Harper	0
Haskell	0
Hughes	0
Jackson	3
Jefferson	0
Johnston	0
Kay	2
Kingfisher	0
Kiowa	0

County Where Suit Was Filed	Closed Claim Count
Latimer	1
Le Flore	0
Lincoln	0
Logan	0
Love	0
Major	0
Marshall	0
Mayes	0
McClain	2
McCurtain	1
McIntosh	0
Murray	0
Muskogee	11
Noble	0
Nowata	0
Okfuskee	0
Oklahoma	140
Okmulgee	7
Osage	0
Ottawa	0
Pawnee	0
Payne	1
Pittsburg	1
Pontotoc	2
Pottawatomie	6
Pushmataha	0
Roger Mills	0
Rogers	0
Seminole	2
Sequoyah	0
Stephens	1
Texas	1
Tillman	0
Tulsa	55
Wagoner	1
Washington	7
Washita	0
Woods	0
Woodward	0
Unknown	4
Out of State	1
Not Applicable	34

Claims Process 2003 (continued)

Were Attorneys Involved?	Closed Claim Count
Yes	328
No	18
Not Applicable	1

Stage the Claim Was Closed	Closed Claim Count
No Suit	40
Suit Filed No Trial	267
Trial No Verdict	12
Court Verdict	25
Not Applicable	3

Was a Court Verdict Issued?	Closed Claim Count
Yes	33
No	300
Not Applicable	14

Result of Court Verdict	Closed Claim Count
Directed Verdict for Plaintiff	1
Directed Verdict for Defendant	6
Judgment for Plaintiff	4
Judgment for Defendant	20
All Others	8
Not Applicable	308

Was the Verdict Appealed?	Closed Claim Count
Yes	6
No	242
Not Applicable	99

Who Requested Appeal?	Closed Claim Count
Plaintiff	5
Not applicable	342

Number of Defendants	Closed Claim Count
One	142
Two	83
Three	27
Four	23
Five	18
Six	11
More than Six	27
Not Applicable	15
Unknown	1

Settled Outside of Court	Closed Claim Count
Yes	130
No	208
Not Applicable	9

Legal Stage of Settlement	Closed Claim Count
Alternative Dispute Resolution: No Suit	7
No Suit Filed	12
Alternative Dispute Resolution: with Suit	2
Suit Filed, Settled Before Trial	81
Court Verdict	2
Dismissal or Summary Judgment	184
Not Applicable	59

Amount Paid 2003

Amount of Court Award		\$104,228,139
Amount Paid by the Medical Professional Liability Insurer		\$25,649,523
Amount of any Collateral Source	\$	0
Amount of any Structured Settlement	\$	678,750
Amount of Economic Compensatory Damages	\$	11,678,271
Amount of Noneconomic Compensatory Damages	\$	11,649,174
Total:	\$	24,006,195
Amount of Allocated Loss Adjustment Expenses		\$511,751
Amount Paid for Defense Cost		\$8,888,205
Amount Paid by Another Insurer, if Known		\$53,884,424
Amount Paid by Another Defendant, if Known		\$2,234,750
Amount of Prejudgment Interest		\$11,010
Amount Paid for Punitive Damages		\$13,124

Please Note:

1. Because of ambiguity and reporting differences, some amounts, which should have a relationship with one another, do not agree.
2. Allocated Loss Adjustment Expense (ALAE) may include defense attorney expenses, court costs, stenographer costs, expenses for expert testimony, specific research, etc. However, it is important to note that insurers may not have reported this data consistently. Some carriers may have included defense attorney expenses in the Amount of Allocated Loss Adjustment Expense category and the Amount Paid for Defense costs or one category but not the other.
3. The original statutes do not allow the Department to collect the precise data that we believe is necessary to adequately interpret and/or suggest any findings of fact. During the 2006 Legislative Session, minor changes were made to the statute to improve data collection methodologies; however, we believe additional changes are necessary to produce a reliable report. The Department will continue to work with the Oklahoma Legislature and, on a national scale, with the National Association of Insurance Commissioners' Statistical Information Task Force to enhance the data collection. This Task Force is in the initial stages of drafting a Medical Malpractice Closed Claim Reporting Model Law that should be beneficial to Oklahoma and to other states as well.