

Medical Professional Liability Insurance Closed Claim Annual Report

January 1 2008 – December 31 2008



Commissioner Kim Holland

Oklahoma Insurance Department
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OKLAHOMA
INSURANCE
D E P A R T M E N T

OKLAHOMA INSURANCE DEPARTMENT

MEDICAL PROFESSIONAL LIABILITY INSURANCE

CLOSED CLAIM ANNUAL REPORT

JANUARY 1 2008 – DECEMBER 31 2008

The Oklahoma Insurance Department is pleased to present composite data of medical professional liability closed claim reports for 2007. 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 activities.

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 applicable to this report should be directed to:

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P.O. Box 53408
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THE POLICY 2008

Business or Profession	Closed Claim Count	Type of Insurance Coverage	Closed Claim Count
Physicians & Surgeons	402	Claims Made	417
Hospitals	83	Occurrence	266
Other Medical Professionals	78		
Other Health Care Facilities	120		
Unknown			
Insurance Policy Limits	Closed Claim Count	Insured's Practice Type	Closed Claim Count
25,000/25,000	3	Institutional (academic)	48
25,000/250,000	1	Professional Corporation or Partnership (group)	218
100,000	2	Self-employed	287
100,000/300,000	14	Employed Physician	102
500,000/1,000,000	12	Employed Nurse	10
1,000,000	78	All Other Employees	8
1,000,000/1,000,000	56	Intern or Resident	10
1,000,000/3,000,000	322		
1,000,000/4,500,000	1		
2,000,000/2,000,000	19		
2,000,000/4,000,000	57		
2,000,000/6,000,000	1		
3,000,000	1		
3,000,000/3,000,000	35		
4,000,000	1		
5,000,000	7		
5,000,000/5,000,000	46		
10,000,000	19		
10,000,000/10,000,000	7		
25,000,000	1		

Reserved For All The Claims

Reserves in the quarterly statement immediately preceding the date of each claim's closure, as filed with the state of domicile

\$61,310,000

INJURY OR LOSS 2008

Injury Location - Facility	Closed Claim Count	Injury Location - County	Closed Claim Count
Hospital Inpatient Facility	327	Jackson	2
Emergency Room	96	Jefferson	
Hospital Outpatient Facility	32	Johnston	
Nursing Home	15	Kay	9
Physician's Office	128	Kingfisher	
Patient's Home	39	Kiowa	4
Other Outpatient Facility	30	Latimer	1
Other	12	Le Flore	3
Other Hospital/ Institutional Location	4	Lincoln	2
Unknown		Logan	1
		Love	1
		Major	
		Marshall	4
		Mayes	
		McClain	1
		McCurtain	1
		McIntosh	5
		Murray	1
		Muskogee	15
		Noble	2
		Nowata	
		Okfuskee	
		Oklahoma	282
		Okmulgee	2
		Osage	
		Ottawa	1
		Pawnee	1
		Payne	7
		Pittsburg	5
		Pontotoc	5
		Pottawatomie	15
		Pushmataha	2
		Roger Mills	
		Rogers	4
		Seminole	1
		Sequoyah	5
		Stephens	8
		Texas	
		Tillman	
		Tulsa	144
		Wagoner	3
		Washington	12
		Washita	1
		Woods	1
		Woodward	5
		Unknown	4
Injury Location - County	Closed Claim Count		
Adair	7		
Alfalfa			
Atoka			
Beaver			
Beckham	3		
Blaine	1		
Bryan	4		
Caddo	2		
Canadian	3		
Carter	7		
Cherokee	13		
Choctaw			
Cimarron	1		
Cleveland	31		
Coal			
Comanche	16		
Cotton	1		
Craig	6		
Creek	3		
Custer	3		
Delaware	2		
Dewey			
Ellis			
Garfield	11		
Garvin	1		
Grady	6		
Grant			
Greer			
Harmon			
Harper			
Haskell			
Hughes	2		

CLAIMS PROCESS 2008 CONTINUED

Stage the Claim was Closed	Closed Claim Count	Number of Defendants	Closed Claim Count
Claim settled prior to suit being filed	109	One	218
Claim dismissed after suit filed	359	Two	121
Claim settled after suit was filed	172	Three	76
During trial	12	Four	83
After verdict	27	Five	36
During appeal	1	Six	25
After appeal	3	More than Six	89
		Not Applicable or Unknown	35
Were Attorneys Involved?	Closed Claim Count	Was a Court Verdict Appealed?	Closed Claim Count
Yes	642	Yes	4
No	41	No	679
Was the Verdict Issued?	Closed Claim Count		
Yes	49		
No	634		

AMOUNT PAID 2008

Total amount of the court award or settlement	\$63,647,203
Amount paid on behalf of your insured or insureds exclusive of attorney fees or case costs	\$55,217,064
Amount paid by another insurer, if available to the medical professional liability insurer	\$1,267,500
Amount paid by another defendant, if available to the medical professional liability insurer	\$6,622,500
Amount of any collateral source of payment	\$254
Amount of prejudgment interest	\$0
Amount paid for defense cost	\$21,799,377
Amount paid for punitive damages	\$0
Amount of allocated loss adjustment expenses (including defense cost)	\$23,677,694

OKLAHOMA INSURANCE DEPARTMENT

MEDICAL PROFESSIONAL LIABILITY INSURANCE

CLOSED CLAIM ANNUAL REPORT SUPPLEMENT*

2008 SUPPLEMENTAL INFORMATION

Number of claims with payment by insurer	212
Number of claims with no payment by insurer	471
Average claim settlement or award with payment by insurer	\$297,481
Total amount of ALAE for claims with payment by insurer	\$14,882,324
Total amount of ALAE for claims with no payment by insurer	\$8,795,370
Average ALAE for claims with payment by insurer	\$70,200
Average ALAE for claims with no payment by insurer	\$18,674

* The information on this page is provided as a courtesy by the Oklahoma Insurance Department to supplement your Medical Professional Liability Insurance Closed Claim Annual Report and is not required to be furnished by statute.

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.