



**O K L A H O M A**  
**I N S U R A N C E**  
D E P A R T M E N T

**MEDICAL PROFESSIONAL LIABILITY INSURANCE**  
**CLOSED CLAIM ANNUAL REPORT**  
**JANUARY 1, 2009 – DECEMBER 31, 2009**

**COMMISSIONER KIM HOLLAND**

Oklahoma Insurance Department  
P.O. Box 53408-Oklahoma City, OK 73152-3408  
1-800-522-0071

# OKLAHOMA INSURANCE DEPARTMENT

## MEDICAL PROFESSIONAL LIABILITY INSURANCE

### CLOSED CLAIM ANNUAL REPORT

JANUARY 1 2009 - DECEMBER 31 2009

The Oklahoma Insurance Department is pleased to present composite data of medical professional liability closed claim reports for 2009. 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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OKC, OK 73152-3408

# THE POLICY 2009

Business or Profession	Closed Claim Count	Type of Insurance Coverage	Closed Claim Count
Physicians & Surgeons	371	Claims Made	481
Hospitals	70	Occurrence	196
Other Medical Professionals	100		
Other Health Care Facilities	136		
<b>Insurance Policy Limits</b>	<b>Closed Claim Count</b>	<b>Insured's Practice Type</b>	<b>Closed Claim Count</b>
25,000/25,000	2	Institutional (academic)	50
100,000	2	Professional Corporation or Partnership (group)	220
100,000/300,000	4	Self-employed	310
200,000/600,000	1	Employed Physician	73
500,000	1	Employed Nurse	4
500,000/1,000,000	14	All Other Employees	16
1,000,000	102	Intern or Resident	4
1,000,000/1,000,000	62		
1,000,000/3,000,000	300		
1,000,000/4,500,000	14		
1,000,000/6,000,000	1		
1,000,000/12,000,000	1		
2,000,000	3		
2,000,000/2,000,000	14		
2,000,000/4,000,000	70		
2,000,000/6,000,000	3		
3,000,000/3,000,000	25		
3,000,000/6,000,000	2		
4,000,000	1		
5,000,000	5		
5,000,000/5,000,000	30		
10,000,000	14		
10,000,000/10,000,000	4		
25,000,000	2		

## 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

**\$48,757,502**

# INJURY OR LOSS 2009

Injury Location - Facility	Closed Claim Count	Injury Location - County	Closed Claim Count
Hospital Inpatient Facility	301	Jefferson	
Emergency Room	45	Johnston	
Hospital Outpatient Facility	38	Kay	3
Nursing Home	20	Kingfisher	
Physician's Office	129	Kiowa	1
Patient's Home	50	Latimer	
Other Outpatient Facility	73	Le Flore	2
Other	12	Lincoln	1
Other Hospital/ Institutional Location	9	Logan	1
		Love	1
		Major	1
		Marshall	7
		Mayes	2
		McClain	
		McCurtain	
		McIntosh	1
		Murray	
		Muskogee	13
		Noble	
		Nowata	
		Okfuskee	
		Oklahoma	262
		Okmulgee	5
		Osage	
		Ottawa	1
		Pawnee	1
		Payne	8
		Pittsburg	4
		Pontotoc	7
		Pottawatomie	9
		Pushmataha	
		Roger Mills	
		Rogers	5
		Seminole	2
		Sequoyah	1
		Stephens	4
		Texas	1
		Tillman	
		Tulsa	160
		Wagoner	6
		Washington	11
		Washita	
		Woods	
		Woodward	14
		Unknown	6
Injury Location - County	Closed Claim Count		
Adair	1		
Alfalfa			
Atoka			
Beaver			
Beckham	5		
Blaine	2		
Bryan	6		
Caddo			
Canadian	8		
Carter	3		
Cherokee	5		
Choctaw			
Cimarron			
Cleveland	21		
Coal			
Comanche	38		
Cotton			
Craig	5		
Creek	6		
Custer	4		
Delaware	6		
Dewey	7		
Ellis			
Garfield	8		
Garvin	2		
Grady	5		
Grant			
Greer			
Harmon			
Harper			
Haskell	1		
Hughes			
Jackson	4		



## CLAIMS PROCESS 2009 CONTINUED

Stage the Claim was Closed	Closed Claim Count	Was a Court Verdict Issued?	Closed Claim Count
Claim settled prior to suit being filed	130	Yes	28
Claim dismissed after suit filed	324	No	649
Claim settled after suit was filed, but before trial	148	Number of Defendants	Closed Claim Count
During trial	55	One	209
After verdict	13	Two	129
During appeal		Three	83
After appeal	7	Four	67
Were Attorneys Involved?	Closed Claim Count	Five	29
Yes	625	Six	48
No	52	More than Six	63
		Not Applicable or Unknown	49
		Was the Verdict Appealed?	Closed Claim Count
		Yes	7
		No	670

## AMOUNT PAID 2009

Total amount of the court award or settlement	\$82,285,993
Amount paid on behalf of your insured or insureds exclusive of attorney fees or case costs	\$65,843,284
Amount paid by another insurer, if available to the medical professional liability insurer	\$8,555,813
Amount paid by another defendant, if available to the medical professional liability insurer	\$2,341,000
Amount of any collateral source of payment	\$0
Amount of prejudgment interest	\$0
Amount paid for defense cost	\$21,879,584
Amount paid for punitive damages	\$0
Amount of allocated loss adjustment expenses (including defense cost)	\$30,033,127

# OKLAHOMA INSURANCE DEPARTMENT

## MEDICAL PROFESSIONAL LIABILITY INSURANCE

### CLOSED CLAIM ANNUAL REPORT SUPPLEMENT\*

## 2009 SUPPLEMENTAL INFORMATION

Number of claims with payment by insurer	240
Number of claims with no payment by insurer	437
Average claim settlement or award with payment by insurer	\$341,016
Total amount of ALAE for claims with payment by insurer	\$20,109,142
Total amount of ALAE for claims with no payment by insurer	\$9,923,985
Average ALAE for claims with payment by insurer	\$83,788
Average ALAE for claims with no payment by insurer	\$22,709

\*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.