

OKLAHOMA INSURANCE DEPARTMENT



Medical Professional Liability Insurance Closed Claim Annual Report

January 1, 2010 – December 31, 2010



**PROTECTING
OKLAHOMA**

JOHN D. DOAK
INSURANCE COMMISSIONER

OKLAHOMA
INSURANCE
DEPARTMENT

Oklahoma Insurance Department
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OKLAHOMA INSURANCE DEPARTMENT

MEDICAL PROFESSIONAL LIABILITY INSURANCE

CLOSED CLAIM ANNUAL REPORT

JANUARY 1, 2010 – DECEMBER 31, 2010

The Oklahoma Insurance Department (OID) hereby presents composite data of medical professional liability closed-claim reports for 2010.

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 OID has established procedures to collect these claim reports and produce this final composite report. However, the closed-claim reports submitted to the Insurance Department are completed without any type of affirmation of accuracy by the insurer. The OID makes neither final nor absolute guarantee about the information contained in this 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 OID collects unedited data from reporting insurers and presents the final aggregate numbers in this annual report. The Department continues to work with the Oklahoma Legislature and with others in the state to more accurately define the statutory requirements and enhance data collection and understanding.

Questions applicable to this report should be directed to:

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The type of health care facility where the medical malpractice incident occurred.

The geographic location, by city, where the medical malpractice incident occurred.

Type of Health Care Facility	Closed Claim Count
Chiropractic Group / Practice	7
Dental Group / Practice	42
Optician/ Optometric Group / Practice	5
Podiatric Group / Practice	3
Medical Group/ Practice	62
Mental health / Substance Abuse Group / Practice	4
General/Acute Care Hospital	399
Psychiatric Unit	2
Nursing Facility/Skilled Nursing Facility	15
Adult Day Care Facility	1
Residential Treatment Facility/ Program	3
Ambulatory Surgical Center	18
Ambulatory Clinic/ Center	17
Health Center/Federally Qualified Health Center/ Community Health Center	2
Rural Health Clinic	5
Radiology/Imaging Center	9
Blood Bank	1
Pharmacy	42
Nursing/Health Care Staffing Service	3
Ambulance Service/ Transportation Company	3
Other not specified	41

City	Closed Claim Count
Ada	15
Altus	4
Antlers	3
Ardmore	10
Bartlesville	10
Beaver	1
Beggs	2
Bethany	2
Big Cabin	1
Bixby	1
Broken Arrow	8
Chandler	2
Chickasha	7
Claremore	9
Cleveland	2
Clinton	4
Cordell	3
Drumright	2
Duncan	10
Durant	8
Edmond	32
El Reno	1
Elk City	7
Enid	11
Frederick	1
Grove	2
Guthrie	1
Guymon	8
Hartshorne	2
Holdenville	4
Jenks	4
Langley	1
Lawton	40
Locust Grove	1
Madil	1
McAlester	4
Midwest City	5
Moore	5
Muskogee	23
Nichols Hills	1
Noble	1
Norman	32
Oklahoma City	176
Okmulgee	1
Owasso	6
Pauls Valley	1
Pawhuska	2
Ponca City	2
Ringling	1
Sallisaw	1
Sapulpa	2
Seminole	1
Shawnee	9

The primary location within a facility where the medical malpractice incident occurred.

Location within a Facility	Closed Claim Count
Catheterization lab	5
Critical care unit	6
Dispensary	1
Emergency department	82
Labor and delivery room	47
Nursery	8
Operating room	159
Outpatient department	9
Patient room	87
Radiation therapy department	3
Radiology department	31
Recovery room	1
Special procedure room	15
Clinical support center - such as a laboratory or radiology center	1
Office	116
Walk-in clinic	8
Other department in hospital	6
Other/Unknown	99

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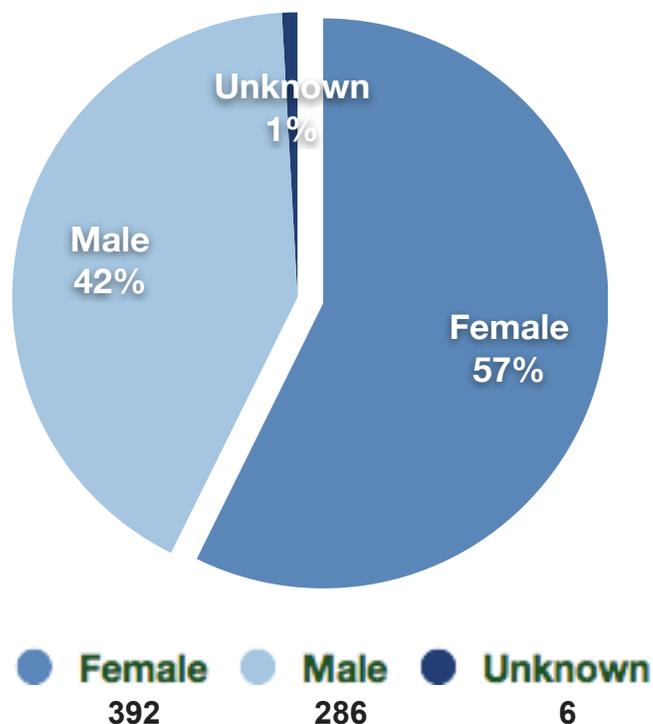
City	Closed Claim Count
Skiatook	1
Stillwater	11
Stilwell	1
Stroud	1
Sulphur	1
Tahlequah	4
Tishomingo	2
Tulsa	153
Vinita	1
Wagoner	2
Watonga	4
Weatherford	1
Wilburton	1
Yukon	1
Unknown	7

County	Closed Claim Count
Muskogee	23
Oklahoma	221
Okmulgee	3
Osage	4
Pawnee	2
Payne	11
Pittsburg	6
Pontotoc	14
Pottawatomie	9
Pushmataha	3
Rogers	11
Seminole	1
Sequoyah	1
Stephens	10
Texas	8
Tillman	1
Tulsa	171
Wagoner	2
Washington	8
Washita	3

The geographic location, by county, where the medical malpractice incident occurred.

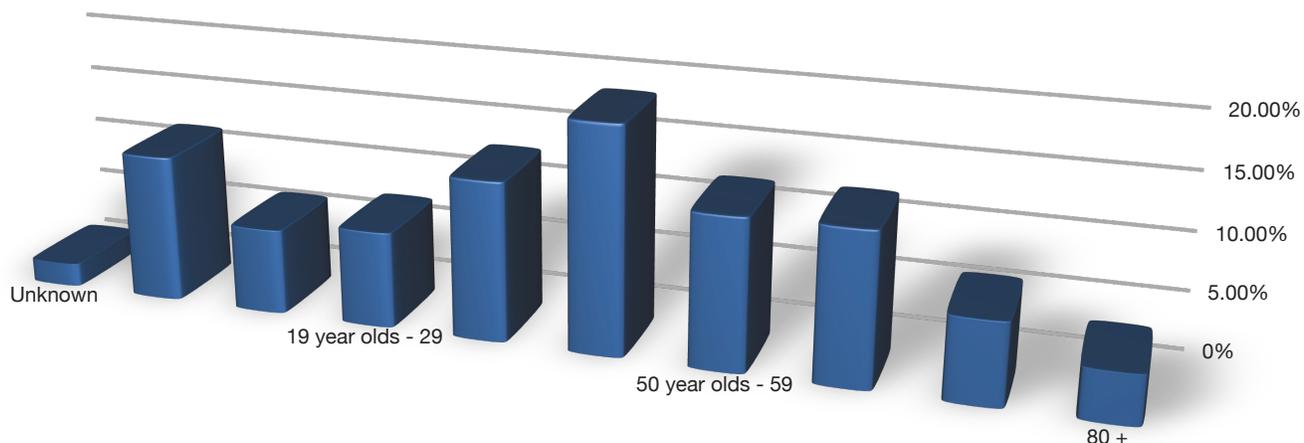
County	Closed Claim Count
Adair	1
Beaver	1
Beckham	7
Blaine	3
Bryan	8
Canadian	2
Carter	8
Cherokee	4
Cleveland	36
Comanche	39
Craig	2
Creek	4
Custer	4
Delaware	2
Garfield	11
Garvin	1
Grady	8
Hughes	5
Jackson	4
Jefferson	1
Johnston	2
Kay	2
Kiowa	1
Latimer	1
Lincoln	3
Logan	1
Marshall	1
Mayes	3
Murray	1

The sex of the injured person on the incident date.



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The age of the injured person on the incident date.



Age	How Many	Percentage
Unknown	13	2.00%
Less than one year old	86	12.60%
1 - 18	50	7.30%
19 - 29	56	8.20%
30 - 39	93	13.60%

Age	How Many	Percentage
40 - 49	132	19.30%
50 - 59	88	12.90%
60 - 69	89	13.00%
70 - 79	48	7.00%
80 +	29	4.20%

The severity of malpractice injury using the National Practitioner Data Bank severity scale.

TEMPORARY

NPDB Code	Type of Injury	Closed Claim Count
1	Emotional Injury	41
2	Insignificant	80
3	Minor	115
4	Major	77

PERMANENT

NPDB Code	Type of Injury	Closed Claim Count
5	Minor	41
6	Significant	34
7	Major	58
8	Grave	16
9	Death	192
	Unknown	30

Settlement information that identifies the final method of claim disposition.

Method of claim disposition	Closed Claim Count
Claim is abandoned by the claimant	325
Claim is settled by the parties	157
Directed verdict for the defendant	5
Directed verdict for the plaintiff	1
Involuntary dismissal	68
Judgment for the defendant	32
Arbitration	1
Mediation	87
Other Type of Alt. Dispute Resolution	5
Unknown - N/A - Coverage Denied	3

Settlement information that identifies the timing of claim disposition.

Timing of claim disposition	Closed Claim Count
Before filing suit or requesting arbitration or a mediation hearing	121
Before trial, arbitration or mediation	416
During trial, arbitration or mediation	134
After trial or hearing, but before judgment or award	3
After judgment or decision, but before appeal	4
After an appeal	1
Unknown	5

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Specific information about the indemnity payments and defense and cost-containment expenses for claims disposed of by a court **THAT RESULT in a verdict or judgment** that itemizes damages.

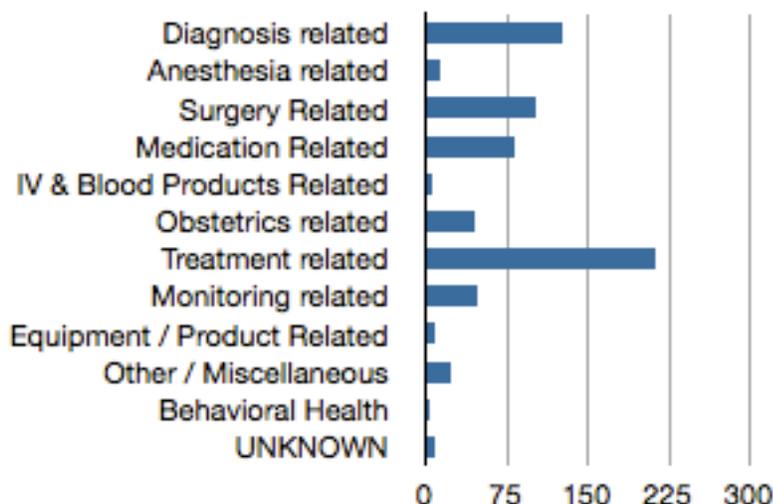
The indemnity payment made on behalf of the defendant	\$1,000,000
Economic damages	\$1,000,000
Noneconomic damages	\$0
Punitive damages, if applicable	\$0
Total Defense and Cost Containment Expense	\$740,163

Specific information about the indemnity payments and defense and cost-containment expenses for claims that **DO NOT result in a verdict or judgment** that itemizes damages.

The total amount of the settlement on behalf of the defendant	\$49,527,028
The insuring entity's or self-insurer's best estimate of economic damages included in the settlement	\$8,387,734
The insuring entity's or self-insurer's best estimate of noneconomic damages included in the settlement	\$41,678,977
Total Defense and Cost Containment Expense	\$19,882,787

The reason for the medical professional liability claim, allegation group.

Reason	Closed Claim Count	Reason	Closed Claim Count
Diagnosis related	127	Treatment related	213
Anesthesia related	14	Monitoring related	49
Surgery Related	101	Equipment / Product Related	9
Medication Related	83	Other / Miscellaneous	24
IV & Blood Products Related	6	Behavioral Health	3
Obstetrics related	46	Unknown	9



■ Reason for the medical professional liability claim, allegation group

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The reason for the medical professional liability claim, specific allegation.

NPDB Code	Reason	Closed Claim Count	NPDB Code	Reason	Closed Claim Count
100	Failure to use aseptic technique	4	325	Wrong dosage dispensed	9
101	Failure to diagnose	78	326	Wrong dosage ordered of correct medicine	1
102	Failure to delay case when indicated	2	327	Wrong medication administered	3
103	Failure to identify fetal distress	12	328	Wrong medication dispensed	27
104	Failure to treat fetal distress	1	330	Wrong body part	2
105	Failure to medicate	7	333	Wrong patient	1
106	Failure to monitor	23	334	Wrong procedure or treatment	8
107	Failure to order appropriate medication	15	402	Unnecessary procedure	4
108	Failure to order appropriate test	3	404	Unnecessary treatment	5
110	Failure to perform procedure	3	501	Failure to instruct or communicate with patient or family	12
112	Failure to recognize a complication	16	502	Failure to report on patient condition	4
113	Failure to treat	19	504	Failure to supervise	5
200	Delay in diagnosis	43	505	Improper supervision	7
201	Delay in performance	10	601	Failure/delay in referral or consultation	2
202	Delay in treatment	19	602	Premature discharge from institution	1
203	Delay in treatment of identified fetal distress	2	700	Abandonment	1
300	Administration of blood or fluid problems	1	701	Assault and Battery	4
302	Complimentary or alt. medication problem	2	703	Breach of patient confidentiality	2
303	Equipment utilization problem	5	704	Equipment malfunction	1
304	Improper choice of delivery method	4	706	Failure to ensure patient safety	8
305	Improper management	41	707	Failure to obtain consent / lack of	3
306	Improper performance	126	708	Failure to protect 3rd party	1
308	Improperly performed vaginal delivery	5	711	(Legal, ethical, or moral) improper conduct	1
311	Improper technique	20	712	Inadequate utilization review	2
312	Intubation problem	4	715	Product liability	3
315	Medication administered via the wrong route	1	717	Sexual misconduct	2
318	Patient monitoring problem	12	719	Vicarious liability	3
319	Patient position problem	1	720	Wrong life/birth	1
320	Problem with appliance	1	899	Cannot be determined from available records	19
321	Radiology or imaging error	4	999	Allegation not otherwise classified	16
322	Surgical or other foreign body retained	18	099	UNKNOWN	11
323	Wrong diagnosis or misdiagnosis	11			
324	Wrong dosage administered	2			

*2010 SUPPLEMENTAL INFORMATION

Number of claims with payment by insurer	214
Number of claims with no payment by insurer	470
Average claim settlement or award with payment by insurer	\$236,108
Total defense and cost containment expense for claims with payment by insurer	\$9,968,644
Total defense and cost containment expense for claims with no payment by insurer	\$10,654,306
Average defense and cost containment for claims with payment by insurer	\$46,582
Average defense and cost containment for claims with no payment by insurer	\$22,668

*This supplemental information 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.