

OKLAHOMA INSURANCE DEPARTMENT



JANUARY 1, 2013 –
DECEMBER 31, 2013



Medical Professional Liability Insurance Closed Claim Annual Report 2013

*Oklahoma Insurance Department
Five Corporate Plaza
3625 NW 56th, Suite 100
Oklahoma City, Ok 73112
1.800.522.0071
www.oid.ok.gov*

OKLAHOMA INSURANCE DEPARTMENT

MEDICAL PROFESSIONAL LIABILITY INSURANCE

CLOSED CLAIM ANNUAL REPORT

JANUARY 1, 2013 – DECEMBER 31, 2013

The Oklahoma Insurance Department (OID) presents composite data of medical professional liability closed-claim reports for 2013.

The OID 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 data accuracy supplied by the insurance company. 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 Oklahoma Insurance Department continues to work with the Oklahoma Legislature and others at the state capitol to more accurately define the statutory requirements and enhance data collection and its understanding.

Questions applicable to this report should be directed to:

Cuc Nguyen, CPCU, AIAF, ARC, CIC
 Rate & Form Compliance Division Manager
 Rate & Form Analyst III
 Oklahoma Department of Insurance
 (405) 521 3681
 (405) 522 3761 (fax)
cuc.nguyen@oid.ok.gov

Five Corporate Plaza
 3625 NW 56th, Suite 100
 Oklahoma City, OK 73112-4511
 1-800-522-0071

INSURANCE CLOSED CLAIM ANNUAL REPORT 2013

The policy limits of the medical professional liability insurance policy covering the claim: Per occurrence policy limits, primary coverage.

Insurance Policy Limits	Closed Claim Count
255	1
1000	1
25000	2
100000	3
125000	13
250000	4
500000	18
1000000	442
1500000	1
2000000	53
3000000	8
5000000	60
10000000	2
25000000	1

The policy limits of the medical professional liability insurance policy covering the claim: Annual policy limits, primary coverage.

Insurance Policy Limits	Closed Claim Count
255	1
3000	1
125000	2
300000	3
500000	1
1000000	40
1500000	4
2000000	5
3000000	419
4000000	33
5000000	24
6000000	36
25000000	2
unknown/unreported	38

The medical occupation/field of the provider who was primarily responsible for the medical malpractice incident that led to the claim.

Medical Specialty	Providers Count
Chiropractor	4
Professional counselor	2
Professional counselor-substance abuse	1
Dentist	67
Dentist/Resident	2
Optometrist	2
Registered Nurse	12
Nurse anesthetist	2
Nurse practitioner	5
Licensed practical	1
Nurses aide	1
Home health aide	2
Pharmacist	13
Physician (MD)	240
Physician inter/resident (MD)	2
Osteopathic Physician (DO)	42
Physician assistant allopathic	5
Podiatrist	1
Physical therapist	3
Other health care practitioner-not classified	2
Adult care facility administrator	1
Long-term care administrator	1
NOT AN INDIVIDUAL DEFENDANT	194
UNKNOWN	4

The most relevant specialty of the provider who was primarily responsible for the medical malpractice incident that led to the claim.

Medical Occupation/Field	Providers Count
Cardiovascular diseases	17
Child Psychiatry	1
Diagnostic Radiology	1
Emergency medicine	39
Forensic pathology	2
Gastroenterology	11
General / Family Practice	29
Hospitalist	1
Internal medicine	11
Neurology	2

INSURANCE CLOSED CLAIM ANNUAL REPORT 2013

The most relevant specialty of the provider who was primarily responsible for the medical malpractice incident that led to the claim.

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

Medical Occupation/Field	Providers Count
Nuclear medicine	1
Obstetrics & Gynecology	39
Ophthalmology	3
Otolaryngology	3
Pediatrics	9
Psychiatry	2
Public health	17
Physical medicine & rehabilitation	5
Pulmonary diseases	2
Anatomic/clinical pathology	4
Radiology	14
Colon and rectal surgery	1
General surgery	41
Neurological surgery	3
Orthopedic surgery	33
Plastic surgery	9
Thoracic surgery	6
Urological surgery	3
other specialty, unspecified, unknown	231
General dentistry (no specialty)	51
Oral and maxillofacial surgery	2
Pediatric Dentistry	16

Location within Facility	Closed Claim Count
Catheterization lab	1
Critical care unit	8
Emergency department	65
Labor and delivery room	28
Laboratory	3
Operating room	150
Outpatient department	9
Patient room	97
Physical therapy department	3
Radiology department	16
Recovery room	2
Rehabilitation center	2
Special procedure room	32
Clinical support center - such as a laboratory or radiology center	2
Office	110
Walk-in clinic	14
Other department in hospital	3
Other/Unknown	64

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

Type of Health Care Facility	Closed Claim Count
Chiropractic Group / Practice	4
Dental Group / Practice	69
Optician / Optometric Group / Practice	2
Podiatric Group / Practice	1
Medical Group / Practice	52
Mental health / Substance Abuse Group / Practice	1
Home Health Agency / Organization	2
General/Acute Care Hospital	359
Rehabilitation Hospital	2
Federal Hospital	2
Rehabilitation Unit	2
Laboratory/CLIA Laboratory	2
Nursing Facility/Skilled Nursing Facility	27
Adult Day Care Facility	2
Intermediate Care Facility for Mentally Retarded/ Substance Abuse/ Hospice / Hospice Care Provider	3

Type of Health Care Facility	Closed Claim Count
Residential Treatment Facility/Program	2
Outpatient Rehabilitation Center/Comprehensive Outpatient Rehabilitation Center	3
Ambulatory Surgical Center	14
Ambulatory Clinic/Center	10
Health Center/Federally Qualified Health Center/ Community Health Center	1
Mental Health Center/Community Mental Health Center	1
Rural Health Clinic	3
Radiology/Imaging Center	5
Pharmacy	14
Nursing/Health Care Staffing Service	8
Ambulance Service/Transportation Company	1
Other not specified	17

INSURANCE CLOSED CLAIM ANNUAL REPORT 2013

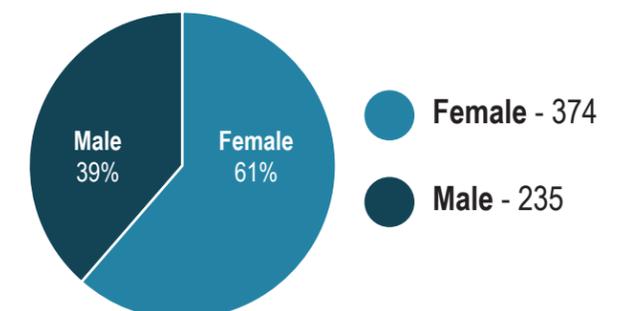
The geographic location, by city, where the medical malpractice incident occurred.

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

City	Closed Claim Count	City	Closed Claim Count
Ada	14	Moore	3
Altus	5	Muskogee	18
Ardmore	9	Norman	18
Bartlesville	5	Nowata	1
Broken Arrow	5	Okeene	1
Buffalo	3	Oklahoma City	181
Carnegie	1	Owasso	1
Chickasha	5	Pauls Valley	2
Claremore	4	Pawhuska	1
Cleveland	1	Pawnee	1
Clinton	1	Perkins	1
Colbert	1	Ponca City	4
Cushing	1	Porum	1
Dewey	1	Poteau	3
Drumright	3	Pryor	2
Duncan	2	Purcell	3
Durant	5	Sand Springs	1
Edmond	20	Sapulpa	5
El Reno	5	Seminole	3
Elk City	3	Shawnee	13
Enid	1	Stillwater	7
Frederick	3	Stroud	2
Glenpool	1	Tahlequah	5
Grove	1	Tulsa	131
Guthrie	5	Tuttle	1
Guymon	1	Vinita	6
Harrah	3	Wagoner	1
Hennessey	1	Waurika	2
Holdenville	2	Waynoka	1
Hugo	3	Weatherford	4
Idabel	5	Woodward	2
Inola	1	Yukon	1
Lawton	20	Unknown/ Unreported	6
Mannford	1		
McAlester	16		
Meeker	1		
Miami	1		
Midwest City	17		

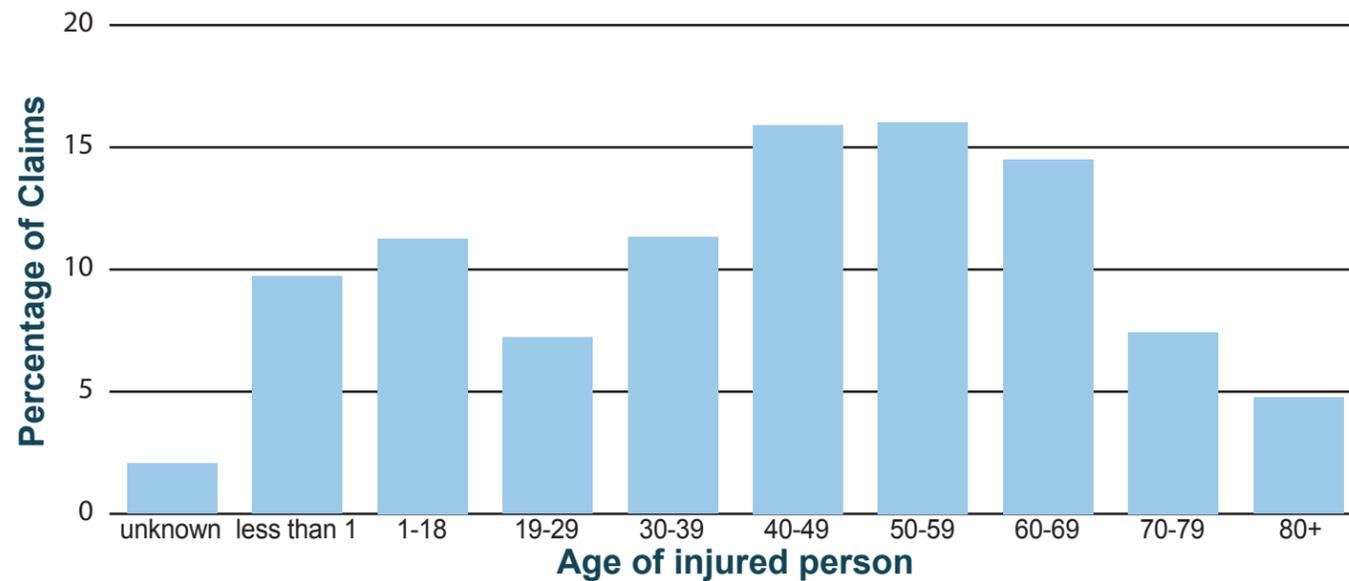
County	Closed Claim Count	County	Closed Claim Count
Adair	2	Mayes	2
Beckham	3	McClain	3
Bryan	5	McCurtain	5
Caddo	2	Muskogee	19
Canadian	5	Nowata	1
Carter	9	Oklahoma	228
Cherokee	5	Okmulgee	3
Choctaw	3	Osage	3
Cleveland	17	Ottawa	1
Coal	4	Payne	7
Comanche	19	Pittsburg	15
Cotton	1	Pontotoc	13
Craig	6	Pottawatomie	11
Creek	8	Rogers	4
Custer	6	Seminole	5
Garfield	1	Stephens	2
Garvin	1	Texas	1
Grady	5	Tillman	3
Grant	2	Tulsa	136
Harper	3	Unknown	5
Hughes	2	Wagoner	1
Jackson	5	Washington	6
Jefferson	2	Washita	1
Kay	4	Woods	1
Kingfisher	1	Woodward	2
Leflore	3		
Lincoln	2		
Logan	5		

The sex of the injured person on the incident date.



INSURANCE CLOSED CLAIM ANNUAL REPORT 2013

The age of the injured person on the incident date.



Age	How many	Percentage
Unknown	13	2.1
less than 1	59	9.7
1-18	68	11.2
19-29	44	7.2
30-39	69	11.3

Age	How many	Percentage
40-49	96	15.8
50-59	97	15.9
60-69	88	14.4
70-79	45	7.4
80+	30	4.9

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

Temporary		
NPDB code	Type of Injury	Count
1	Emotional injury	38
2	Insignificant	31
3	Minor	150
4	Major	68

Permanent		
NPDB code	Type of Injury	Count
5	Minor	37
6	Significant	33
7	Major	50
8	Grave	12
9	Death	142
	Unknown	48

Settlement information that identifies the final method of claim disposition.

Method of claim disposition	Closed Claim Count
Claim is abandoned by the claimant .	255
Claim is settled by the parties.	184
Directed verdict for the defendant	14
Involuntary dismissal	53
Judgment for the defendant	15
Judgment for the defendant after appeal	2
Judgment for the plaintiff	2

Method of claim disposition	Closed Claim Count
Judgment for the plaintiff after appeal	1
Judgment notwithstanding verdict f or the plaintiff (judgment for the defendant)	1
Mediation	68
Unknown/Unreported	10
Other type of alternative dispute resolution process	4

INSURANCE CLOSED CLAIM ANNUAL REPORT 2013

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	126
Unknown/Unreported	12
Before trial, arbitration or mediation	345
During trial, arbitration or mediation	104
After judgment or decision, but before appeal	11
After an appeal	10
During review panel or non-binding arbitration	1

The reason for the medical professional liability claim, allegation group

Reason	Closed Claim Count
Diagnosis related	102
Anesthesia related	5
Surgery Related	130
Medication Related	47
IV & Blood Products Related	2
Obstetrics related	13
Treatment related	185
Monitoring related	47
Equipment / Product Related	17
Other / Miscellaneous	49
Behavioral Health	7
Unknown/Unreported	5

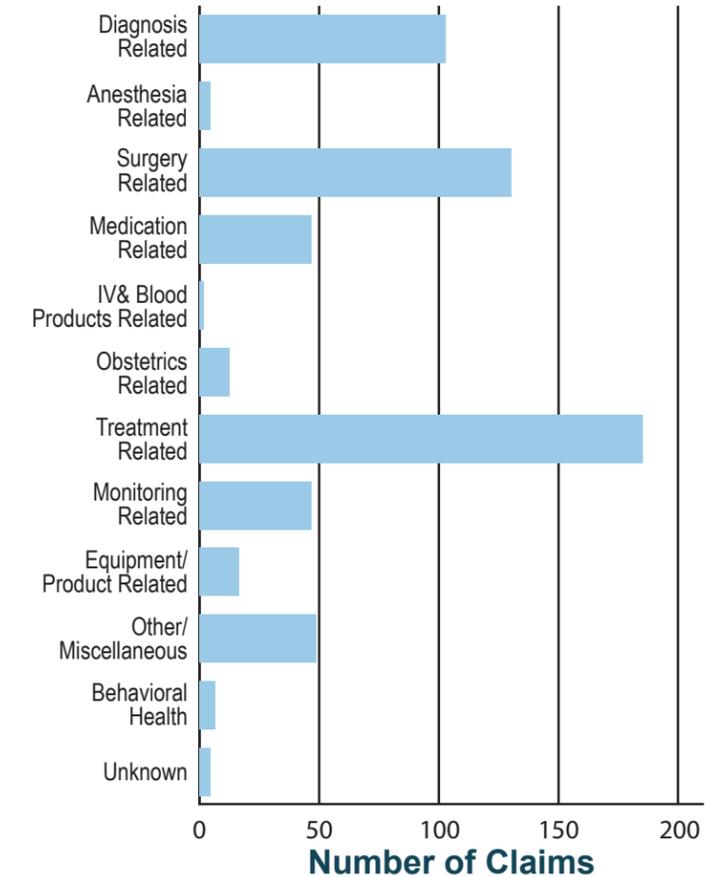
Specific information about the indemnity payments and defense and cost-containment expenses for claims disposed of by a court THAT RESULT in a verdict or judgment that itemizes damages.

The indemnity payment made on behalf of the defendant	\$5,215,000
Economic damages	\$457,500
Noneconomic damages	\$4,557,500
Punitive damages, if applicable	\$0
Total Defense and Cost Containment Expense	\$1,858,522

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	\$54,639,216
The insuring entity's or self-insurer's best estimate of economic damages included in the settlement *	\$3,064,239
The insuring entity's or self-insurer's best estimate of noneconomic damages included in the settlement *	\$36,202,781
Total Defense and Cost Containment Expense	\$28,789,537

Reason for Claims



* multiple companies did not provide the amount

INSURANCE CLOSED CLAIM ANNUAL REPORT 2013

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 diagnose	51	326	Wrong equipment	3
101	Failure to identify fetal distress	1	327	Wrong patient	1
102	Failure to medicate	2	328	Contraindicated procedure	2
104	Failure to monitor	25	329	Unnecessary procedure	12
105	Failure to order appropriate medication	6	330	Unnecessary treatment	4
106	Failure to order appropriate test	3	332	Communication problem between practitioners	4
107	Failure to perform procedure	1	333	Failure to instruct or communicate with patient of family	7
108	Failure to recognize a complication	22	334	Failure to supervise	2
109	Failure to treat	21	400	Failure/delay in admission to hospital	4
110	Delay in diagnosis	42	402	Failure/delay in referral or consultation	4
112	Delay in performance	5	404	Premature discharge from institution	3
113	Delay in treatment	14	500	Assault and Battery	2
200	Delay in treatment of identified fetal distress	1	501	Breach of patient confidentiality	2
201	Equipment utilization problem	5	502	Equipment malfunction	7
202	Improper choice of delivery method	4	504	Failure to ensure patient safety	20
203	Improper management	52	505	Failure to obtain consent / lack of informed consent	2
300	Improper performance	117	600	Failure to protect 3rd party	2
303	Improperly performed vaginal delivery	3	601	Failure to test equipment	1
304	Improperly performed test	1	702	(Legal, ethical, or moral) improper conduct	2
305	Improper technique	10	703	Product liability	3
306	Lab error	1	704	Sexual misconduct	3
308	Pathology error	4	706	Vicarious liability	19
309	Patient history	1	707	Wrong life/birth	1
311	Problems with patient monitoring in recovery	1	711	Cannot be determined from available records.	2
314	Patient monitoring problem	2	715	Allegation not otherwise classified	39
316	Problem with appliance	14			
318	Radiology or imaging error	1			
319	Surgical or other foreign body retained	12			
320	Wrong diagnosis or misdiagnosis	11			
321	Wrong dosage administered	5			
322	Wrong dosage dispensed	7			
323	Wrong medication administered	3			
324	Wrong medication dispensed	6			
325	Wrong body part	4			

*2013 Supplemental Information

Number of claims with payment by insurer	221
Number of claims with no payment by insurer	388
Average claim settlement or award with payment by insurer	\$270,833
Total defense and cost containment expense for claims with payment by insurer	\$19,511,757
Total defense and cost containment expense for claims with no payment by insurer	\$11,366,880
Average defense and cost containment for claims with payment by insurer	\$88,288
Average defense and cost containment for claims with no payment by insurer	\$29,296

*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.