

MARTIN O'MALLEY
Governor

ANTHONY G. BROWN
Lt. Governor



RALPH S. TYLER
Commissioner

BETH SAMMIS
Deputy Commissioner

525 St. Paul Place, Baltimore, Maryland 21202-2272
1-800-492-6116 TTY: 800-735-23062258
www.mdinsurance.state.md.us

BULLETIN 09-09

To: Property and Casualty Insurers and Interested Parties

Re: Revised Instructions For Reporting Closed Medical Malpractice Claims as Required Under §4-401 and §4-405 of the Insurance Article

Date: April 21, 2009



Sections §§4-401 and 405 of the Insurance Article and Code of Maryland Regulations 31.08.10 requires that each insurer providing professional liability insurance to:

1. a physician, nurse, dentist, podiatrist, optometrist, or chiropractor licensed under the Health Occupations Article; or
2. a hospital licensed under the Health-General Article; and
3. each self-insured hospital

must submit certain Closed Claim Report Information to the Maryland Insurance Administration. This statute has been in effect since April 1, 2005 and in the past, insurers have provided this required information by accessing the Maryland Insurance Administration's ("MIA's") on-line reporting tool accessible via the MIA's website at: www.mdinsurance.state.md.us, going to Insurer Services, clicking on Company Filing Requirements, scrolling down to Other Filing Requirements, and then clicking on Medical Liability Closed Claim Reporting or insurers could go directly to the survey tool by using the web address: <http://www.slsclienttrack.com/custom/s311.php>.

The purpose of this bulletin is to notify these insurers that ON or BEFORE July 1, 2009, the MIA will be substituting a new on-line reporting tool. The MIA's new on-line reporting tool is accessible via the internet at the MIA's website: www.mdinsurance.state.md.us, going to Insurer Services, clicking on Company Filing Requirements, scrolling down to Other Filing Requirements, and then clicking on New Excel Medical Liability Closed Claim Reporting.

Please note that as of July 1, 2009, the older tool will cease accepting data and insurers will be required to use the new tool.

QUESTIONS AND ANSWERS:

1. Why is the on-line survey tool being changed?

The tool is being changed, in part, as a result of the many requests the MIA received from insurers who are required to use the tool to submit closed claim data. Insurers commented that the tool lacked sufficient instructions for use and was very labor intensive to complete. In addition, because the data being reported by insurers was not in a consistent format, it was difficult for the MIA to analyze the material being reported.

2. How will the new tool differ from the old tool?

- a.) The new tool was created using excel. This format will permit insurers to map data already contained within their computers directly into the appropriate cells.
- b.) The new tool utilizes cell drop-down boxes instead of being free-form. This format significantly enhances ease of completion and improves consistency within each cell.
- c.) The new tool is accompanied by detailed instructions for the completion of each cell.
- d.) The new tool allows the MIA to immediately correct any problems that may be discovered.

3. How does the MIA know the new tool will work?

In addition to extensive in-house testing, the MIA received input and recommendations from multiple insurers that assisted in this endeavor.

4. How was the effective date selected?

The date was selected to provide insurers with sufficient lead time to test the new tool and make any internal adjustments that may be needed.

5. May an insurer begin using the new tool prior to the cut-off date?

Yes. Insurers may begin using the new tool immediately – if they choose to do so. The July 1, 2009 effective date is actually the cut-off date. After that date, the current tool will be closed and no data will be accepted. The sooner an insurer begins using the new tool, the sooner any potential issues will be identified.

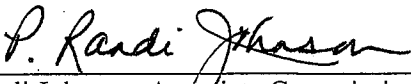
6. How will an insurer know if changes are made to the tool?

The website referenced above will contain a chronological history of changes section which will be in a **Date Notice Posted– Type of Change – Detail of Change - Effective Date of Change** format. Change will be posted and show the date the change was posted, a brief description of the change and the effective date the change becomes effective. Because of this, it is essential that insurers periodically check the website to learn of any changes.

Any questions regarding the use of the tool, technical questions or suggestions for improvement of the tool should be addressed to: Contact Linas Glemza , P&C Actuary, Maryland Insurance Administration, telephone: 410-468-2044 or via email: LGlemza@mdinsurance.state.md.us.

Any questions concerning the content of this bulletin should be addressed to: Dave Diehl, Chief Administrator, Property & Casualty, Maryland Insurance Administration, telephone: 410-468-2320 or via email: DDiehl@mdinsurance.state.md.us.

Ralph S. Tyler, Insurance Commissioner

By: 
P. Randi Johnson, Associate Commissioner
Property & Casualty