

Indiana Medical Malpractice Act

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This unique Indiana Professional Liability statute: I.C. Title 34, Section 18 took effect July 1, 1975 and was most recently enhanced effective July 1, 1999.

Insurance in combination with the Act provides:

\$250,000 each claim and \$750,000 annual aggregate plus the cost of defense.

The limit of insurance is supplemented by the Indiana Patients Compensation Fund in the amount of \$1,000,000 for a statutory claim capitation maximum of \$1,250,000.

If the claim is not within the authority of the Act \$250,000/750,000 will be the limit of protection.

A potential solution for claims covered by the Act is \$1,000,000 excess contingent liability; protection is available as an option from some companies.

The annual aggregate for hospitals is determined by the number of beds and is \$5,000,000 or \$7,500,000.

The Fund surcharge for physicians and hospitals is based on an IDOI indexed formula.

The Fund surcharge for all other classifications of providers is currently based on a formula determined by the IDOI and is currently 110% of the premium.

Payment of the Fund surcharge and filing of the Certificate of Insurance is required with the Indiana Department of Insurance, (IDOI) within 30 days of the effective date of insurance.

The Act will not recognize third party contractual indemnification and hold harmless agreements.

Statute of Limitations is two years from the date of occurrence; for minors two years after age six.

Protection under the Act is not provided for services provided outside the State of Indiana.

The Act also established the Indiana Residual Malpractice Insurance Authority (IRMIA)

The insurance company may settle a claim without the consent of the insured when the Medical Review Panel (MRP) has issued a unanimous opinion that the insured failed to comply with the appropriate standard of care.

There is some suggestion that the MRP contributions to a higher frequency of claims in Indiana.

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