



**Physician Insurers
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Protecting Healthcare

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February 11, 2008

The Honorable Thomas R. Sullivan
Chairman, NAIC Casualty Actuarial and Statistical (C) Task Force
Commissioner, Connecticut Insurance Department
P.O. Box 816
Hartford, CT 06142-0816

SUBJECT: Draft NAIC Medical Malpractice Closed Claim Reporting Model Law

Dear Commissioner Sullivan:

It is our understanding that the Casualty Actuarial (C) Task Force and the Statistical Information (C) Task Force have now been merged into the Casualty Actuarial and Statistical Task Force. We are aware the Closed Claim Model Law is projected for completion in time for the spring national NAIC meeting for consideration by the "C" Committee. The PIAA has been contributing on a regular basis regarding the evolution of this Model Law and therefore felt, with respect to the current changes in the Task Force structure and process, that we needed to communicate to you PIAA's position.

The PIAA has always supported the development of a model law which will provide for consistent and uniform data collection among the states, however we feel that the overly-broad provisions of the model law will not achieve this goal, and in fact, could result in the opposite. Insurers are already overwhelmed with varying state reporting requirements, and we welcome anything the NAIC can do to provide uniformity. In addition, we are disappointed that the SITF did not fully consider our comments regarding technical issues, which are intended to improve the data reporting process. Please see the attached information previously sent to the SITF outlining the PIAA's position.

Further the PIAA does not support the public release of data as might be collected by the adoption of this model law. The confidentiality language has been dropped from the current Model Law and the "C" Committee has accepted responsibility for addressing this issue. Please note the PIAA's position in the attached materials.

Thank you for considering our comments.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Lawrence E. Smarr".

Lawrence E. Smarr,
President

cc: Lee Barclay, Washington State Office of the Insurance Commissioner
Kris DeFrain, NAIC P/C Actuary
Joe Bieniek, NAIC Statistical Information Manager
PIAA Regulatory Affairs Committee
PIAA Board of Directors