

NV Closed Claim Reporting Comments.txt

From: Moskowitz, Janice
Sent: Tuesday, October 14, 2008 12:36 PM
To: Bieniek, Joe
Subject: Medical Malpractice Closed Claim Reporting

Please consider adding high/low agreements as a topic of discussion. These agreements are sometimes used in cases that are arbitrated or tried. The parties agree in advance to a low amount that is paid in the event the case is decided in favor of the defense and a high amount that is paid in the event the case is decided in favor of the plaintiff. As far as I know, there is very little information available on the use of such agreements in medical malpractice cases. There would be some benefit to learning more about these agreements – how common they are and how they affect case outcomes.

I corresponded on this topic with Dr. Black and he agreed that collecting information on high/low agreements would be interesting and useful. He suggested collecting the following information:

Did the parties reach a high-low agreement which limited the amount payable following the trial (or arbitration)?

If yes:

What was the “high” amount?

What was the “low” amount?

Sincerely,

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