

The following ideas are submitted by Lee Barclay and Lisa Smego of Washington for purposes of discussion at the CASTF Statistical Issues Group conference call on October 21, 2008. We believe that, if the Statistical Issues Group can achieve a consensus on these principles, the guideline can be completed more expeditiously.

**SUGGESTED PRINCIPLES APPLICABLE TO
AN NAIC GUIDELINE FOR IMPLEMENTATION OF
MEDICAL PROFESSIONAL LIABILITY CLOSED CLAIM REPORTING**

1. The guideline cannot require reporting of data elements that are not required by the model law.
2. The guideline cannot say that certain data required by the model law will not be collected (e.g., estimated economic and noneconomic damages).
3. The guideline cannot give the regulator responsibility for creating data that is the responsibility of the reporting entity under the model law. For example, allocation of economic and noneconomic damages by a regulator merely opens the regulator to charges that he or she manipulated data to validate a particular conclusion or conclusions.
4. Because some states will need to adopt rules to implement the model law, requirements for reporting data must be distinct from internal insurance department processes and procedures to store and analyze the data.
5. The guideline should be consistent with the NAIC's commitment to modernization. The NAIC is moving toward on-line services, and the guidelines should anticipate that data will be entered into a portal by reporting entities. Coding of data and paper reporting by reporting entities should not be considered best practices.
6. The guideline should recognize that data should not be segmented into buckets that are so small that they are useless for analysis.