

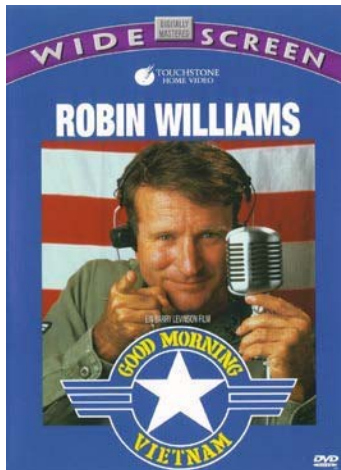


# VIRGINIA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION PROGRAM



*A lifetime of help*

# Lets go back to 1987



**POPULAR MOVIE:**  
Good Morning  
Vietnam



**IN THE NEWS:**  
Thatcher Wins  
Third Term as  
Britain's Prime  
Minister



**IN THE NEWS:**  
The Iran Contra  
Affair



**OTHER NEWS:**  
Black Monday –  
Stock Market  
drops 508 points  
(22.6%)



# But in 1987 Virginia:

- One-fourth of Virginia's OBs may lose insurance coverage by end of year
- Thousands of patients face no OB provider
- Several malpractice insurers leaving Va. or will stop writing policies
- Malpractice rates often doubling with no associated lawsuits
- Va. General Assembly passes reforms including Birth-Injury Act



# History

- Established in 1987 during malpractice insurance crisis
- Successful in keeping insurers in Va. markets
- In conjunction with med-mal cap, helps control malpractice premiums in Va.



# JLARC Study Results

- *... As a result, ob/gyns in Virginia were able to obtain malpractice insurance at lower rates than their counterpart in many other ...and the birth-injury program appears to have had a positive effect on claims costs, and subsequent malpractice premiums. (Page 32)*
- *...the malpractice cap and birth injury program appear to have had a positive effect on claims costs, and subsequent malpractice premiums. (Page 32)*
- Some issues of concern pointed out as well including funding needs.



# How it Works

- Delivering physicians and hospitals participate
- When a qualifying event takes place involving participating provider or hospital, child is admitted into Program – no tort alternative
- Determination made by Workers Compensation Commission



# Definition of Injury

- ...injury to the brain or spinal cord of an infant caused by the deprivation of oxygen or mechanical injury....
- ...occurring in the course of labor, delivery or resuscitation necessitated by a deprivation of oxygen or mechanical injury that occurred in the course of labor or delivery.



# Definition of Injury, (continued)

...renders the infant permanently motorically disabled and developmentally disabled...





# Definition of Injury, (continued)

...such disability shall cause the infant to be permanently in need of assistance in all activities of daily living.



# Benefits For Child & Family

Pays medically related expenses for life of child including:

- Home nursing care
- Medical expenses (after any existing insurance)
- Rehabilitation expenses
- Housing benefit – will cover cost of modifying home
- Special equipment
- Compensation for lost earnings – beginning age 18
- Attorney's fees



# Funding

- Participating physicians and midwives – \$6,200 annually
- Participating hospitals – \$55 per live birth in prior year (\$200,000 max)
- All physicians practicing in Va. pay \$300 annually (reinstated 2002)
- Liability insurers (reinstated 2002)  
Pay  $\frac{1}{4}$  of 1% of collected premiums



# Who Should Participate?

- Delivering physicians & midwives
- Delivering hospitals



# 5 Reasons to Participate

1. Provides best possible care for qualifying child
2. Eliminates expensive and time consuming malpractice lawsuits
3. A malpractice insurance credit for MDs and Hospitals
4. A no-fault approach
5. Begin anytime (after a 30-day waiting period)



# Program Status

- 209 accepted claimants
- More than 700 participating physicians
  - Additional physicians in residency programs
- 41 participating hospitals
  - All major hospital systems included
- \$449 million in reserves



# In The News

Currently transitioning claimants with Medicaid to private insurance



# Faces of Those Helped





# Faces of Those Helped



# Faces of Those Helped



# Contact Information

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