



ATTORNEYS AT LAW

## Medical Malpractice Defense

According to the American Medical Association, Pennsylvania is one of 19 states that are in medical liability crisis. Three of the five major medical liability insurance companies are no longer writing policies in the Commonwealth. Contiguous states, including Ohio, West Virginia, and New Jersey, are in similar dire straits.

## Self-Insurance, Captive Insurance Company, and Risk Retention Group (RRG)

The situation in Pennsylvania is so precarious that a task force was convened in Harrisburg in 2003 to explore ways of reversing the crisis and keeping physicians and medical services in the Commonwealth. According to the Report of the Governor's Medical Malpractice Liability Insurance Task Force, "Medical liability coverage costs for hospitals and health systems have increased by 86 percent over the past 12 months." Research conducted for The Hospital & Healthsystem Association of Pennsylvania indicates 63 percent of hospitals surveyed reported that physicians are retiring early, curtailing practices, or relocating.

As they did in previous crises in 1975 and 1985, many hospitals and physician practices are turning to self-insurance, captive, or Risk Retention Groups (RRG) as a way to secure the coverage they need, while creating long-term stability and predictability in premium costs.

Since 1976 when Dickie, McCamey & Chilcote (DMC) created one of the nation's first two captive insurance programs for one of the main health centers in Pennsylvania, the firm has pioneered the establishment of such programs for clients ranging from tertiary health systems, community and acute care hospitals, nursing homes, and physician practice groups.

While incorporation of these non-profit organizations was formerly done exclusively off-shore, Vermont, South Carolina, and the District of Columbia in particular have established insurance-friendly legislation to encourage incorporation.

## Excess Carrier Representation

No firm has the experience or capability of DMC in providing accurate case assessment and evaluation in catastrophic damage or other high-loss potential cases for excess carriers whether domestic or foreign. As with all of their litigation work, DMC lawyers have earned and enjoy the highest respect and professional relationships with both Bench and Bar for more than 100 years.

Our services include:

- Assistance in conducting a feasibility study
- Structuring, formation, and maintenance of the self-insurance, captive, or RRG programs
- Assistance in reinsurance/excess placements
- Handling all licensure and regulatory compliance
- Support in structuring committees and processes to accomplish premium ratings; risk management; and claim review, reserving, and processing, etc.

- Accounting and actuarial administration and liaison
- Claim evaluation, supervision, and handling
- Case defense handling

In addition, we work closely with existing insurance programs which your hospital or group might be eligible to join. Our attorneys can help determine what direction is the right course of action for you.

## Class Action

Because of our reputation and knowledge of the industry, we have been retained to defend class action cases arising from the provision of health care services. These lawsuits have included claims arising from suspected environmental conditions as well as the release of protected information due to an alleged cybersecurity breach.

## Medical Malpractice Liability Defense

The numbers and values of medical malpractice lawsuits and other professional liability claims against health care providers have risen dramatically in recent years. Defending these claims can be costly, as well as time-consuming and disruptive.

With some 40 lawyers working exclusively in the arena, Dickie, McCamey & Chilcote represents more health systems, hospitals, physicians, registered nurses, and other health care providers than any law firm in the tri-state region and beyond. We also have highly experienced legal nurse consultants on staff to provide invaluable technical support help in case assessment/development and handling.

Most importantly, we provide complete support for the health care professional throughout the course of case evaluation, discovery, and trial. We understand that the litigation process can be unnerving to anyone, and we thoroughly prepare our clients for every step of the process with confidence.

We recognize that a medical malpractice suit is highly personal, often putting the professional reputation of a physician or institution at risk. Our attorneys have earned high respect for being fully sensitive to those concerns and to protecting the confidentiality of the entire malpractice handling process.

For further information on the services of the Medical Malpractice Defense Group, contact **John C. Conti** at 412-392-5235 or [jconti@dmclaw.com](mailto:jconti@dmclaw.com).