



ACADEMIC GROUP

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Academic has a very active Claims Committee, Chaired by Dr. John McCabe (Chairman, Emergency Medicine at SUNY Upstate Medical University). It meets frequently, reviews material claims, and provides guidance for defense.

Recently Dr. Michael Zenilman, Claims Committee Member and Chair of Surgery at SUNY Downstate, created an analysis of “The Real Costs of Malpractice in Surgery, and Factors Which Determine Outcomes.” The study included national and New York data in comparison with Academic’s closed surgical claims.

Here are some of the salient points in the study:

Average American malpractice claim payment \$323,000

Average payment in New York \$440,000

Academic’s mean payout per case settled was \$220,000, and mean expenses per case were \$40,000

Average time from suit to closure is 4.5 years

73% of cases were won (closed, dismissed, won at trial)

27% lost (settled before or at trial)

No cases lost at trial

When are our faculty surgeons sued?

- During mid career
- For common, elective cases and not uncommon complicated ones
- Trauma apparently is not a risk
- Death is only a factor in 1/3 of cases

What did we conclude?

Making correct surgical decisions and correctly directing patient care are critical. Simulations may help. Communication and supervision are very important.

When communication is a problem, indemnity was \$344,000 vs. average payout of \$220,000

When supervision is a problem, indemnity was \$400,000 vs. average payout of \$220,000

Why is July important? Big spike in cases then.

A final report will be published soon. We thank Dr. Zenilman and members of the Claims Committee for their work on this study.

Please contact Marty Kern, Executive Director, with any questions, at marty@academicins.com

Academic carefully selects quality experts and the staff is closely involved with defense and attorneys. Academic cares about its insureds and will follow them through the process of a suit to the end, with the goal of protecting their careers and reputations as clinical faculty.