
Medical Malpractice Review Panels

Joint Committee on Health
August 21, 2017



West Virginia
Board of
Medicine

Mark A. Spangler
Executive Director

Board of Medicine Concerns

- Potential for conflicting decisions –
Complaint process vs. Civil process
- Separation of staff
- Breadth of professions covered
- Cumbersome and costly process



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Costs

- Fiscal note - \$365,000 annually
- Conservative estimate
- Staff – Executive Director, Full-Time Prelitigation Manager, Paralegal, Office Assistant, Financial Officer
- Office space for staff, review hearings
- Office equipment and furnishings



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Other Costs

- Panel chairperson - \$2,000 per case cap (\$250 per diem)
- Panel members - \$350 per case
- Travel expenses



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Other Issues

- SB 560 does not compel participation by practitioners or attorneys in the Review Panel process
- No funding stream identified



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Other States / Jurisdictions

- Surrounding states – KY
 - Kentucky: SB 4 passed in 2017 (effective 6/29) establishes MRPs under the Cabinet for Health & Family Services (DHHR equivalent); requires \$125 filing fee and \$12 mailing fee
 - A copy of the Kentucky bill can be found here: <http://www.lrc.ky.gov/recorddocuments/bill/17RS/SB4/bill.pdf>



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Other States / Jurisdictions

- Surrounding states – VA
 - Virginia Supreme Court
 - Panel consists of one judge, two practitioners, two attorneys
 - Medical Malpractice Rules of Practice can be found at:
<http://www.vacourts.gov/courts/scv/medmalrules.pdf>



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Other States / Jurisdictions

- Surrounding states – OH, PA, MD
 - OH: voluntary arbitration
 - PA: certificates of merit
 - MD: Health Care Alternative Dispute Resolution Office (arbitration)



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Other States / Jurisdictions

- Idaho: Only state/jurisdiction in which panel rests with the Board of Medicine
- 100-138 hearings completed annually over the past decade
- Impact is unclear



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Other States / Jurisdictions

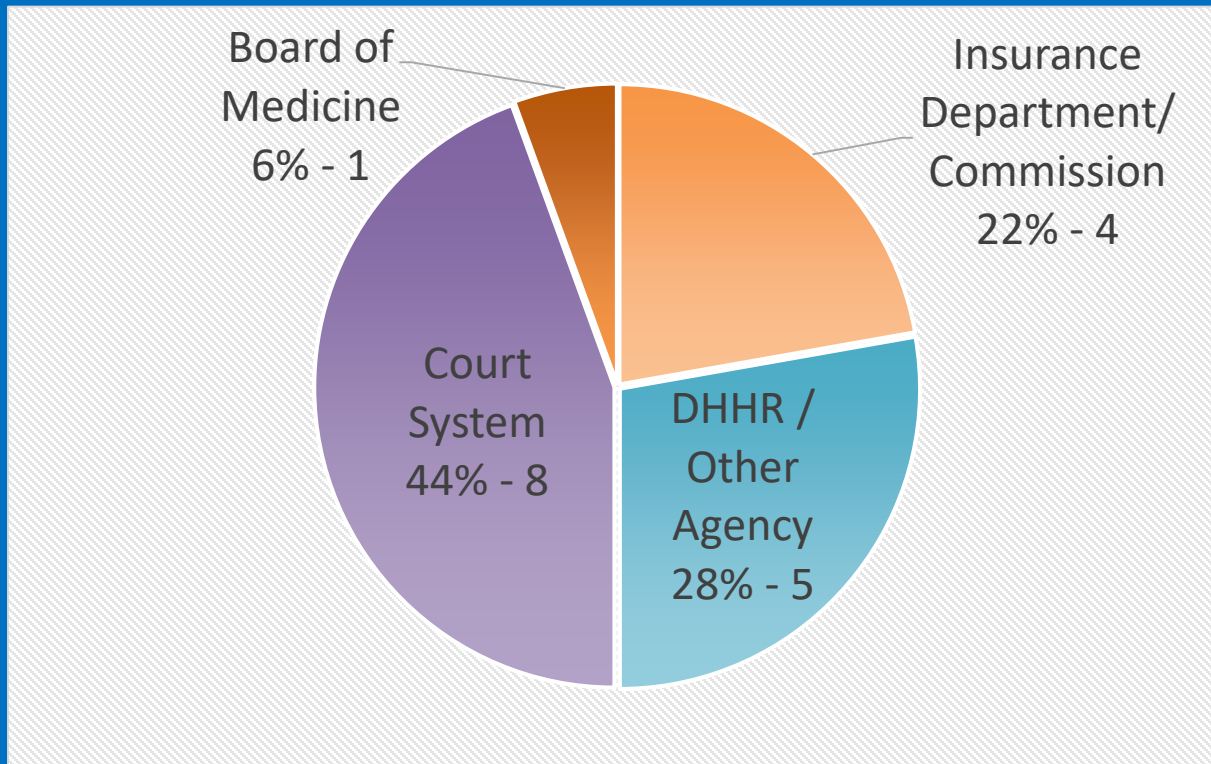
- States – Alaska, Delaware, Hawaii, Indiana, Kansas, Louisiana, Maine, Massachusetts, Montana, Nebraska, New Hampshire, New Mexico, Utah, Wyoming
- Jurisdiction – U.S. Virgin Islands



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Administrative Alternatives



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Administrative Alternatives

- Department of Insurance/Commission (4)
– DE, IN, NE, VI
- DHHR/HCA/Other State Agency (5) – HI, KY, LA, UT, WY
- Court System (8) – AK, KS, ME, MA, MT, NH, NM, VA



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