

West Virginia Board of Medicine Guidelines for Identifying and Reporting Practitioners on a Medical Professional Liability Claim Report

In order for a medical professional liability claim report to be submitted on a specific health care practitioner:

1. The practitioner must be either named, identified or otherwise described in **both** the:
 - a. written complaint or claim demanding monetary payment for damages and
 - b. the settlement release agreement or final judgment; and
2. A payment must be made by the insurer on behalf of the insured practitioner.

The given name of the practitioner does not have to appear in the complaint, release, or final adjudication as long as the practitioner is sufficiently described as to be identifiable. A practitioner may be sufficiently identified by title or role in the procedure, such as “chief of surgery” or “the anesthetist who participated in the patient’s surgery,” without being specifically named.

For example, if a practitioner is named, identified or described in the body of the written complaint or claim but is not named as a defendant in the lawsuit, the payment would be reportable if (1) the practitioner is also named, identified or described in the settlement release agreement or final judgment; and (2) payment was made on behalf of the named identified or described practitioner.

A practitioner named, identified or described in the written complaint or claim who is subsequently dismissed from the lawsuit and is not named, identified or described in the settlement release agreement should not be reported to the Board, unless the dismissal results from a condition in the settlement or release.

A medical malpractice payment made under an insurance policy that covers more than one health care practitioner should be reported only for the individual practitioner(s) for whose benefit the payment was made, not for every practitioner named on the policy.

A medical professional liability claim report should be submitted on a specific health care practitioner, not an organization. A payment made as a result of a suit or claim solely against an entity (for example, a hospital, clinic or group practice) that does not identify an individual practitioner should not be reported to the Board.

If you have any questions, please contact Joshua Waine at 304.558.2921 ext. 70004.



West Virginia Board of Medicine Medical Professional Liability Claim Report

Pursuant to W. Va. Code §30-3-14(b), please submit the following information within thirty days from any judgment or settlement of a medical professional liability claim. Please be advised that Information provided to the Board is subject to public disclosure.

Reporting Entity

Name of Insurer _____

Insurance File Number _____

Person Submitting Report _____

Telephone Number _____

Practitioner Information

Practitioner's Name _____

Last

First

Middle

License Number _____ Practitioner is _____ M.D. _____ P.A.-C _____ D.P.M.

Information Reported

Nature and Substance of Allegations _____

Date of Loss _____

Adjudicating Body _____ Case No. _____

Date of Settlement _____ **OR** Date of Judgment _____

Amount for this practitioner _____ Amount for this practitioner _____

Has an appeal been filed? _____ Yes _____ No

If yes, who appealed? _____

Return To: West Virginia Board of Medicine
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Charleston, West Virginia 25311
Telephone: (304) 558-2921
Facsimile: (304) 558-2084