

(1/10/05)

TYPES OF CLAIMS

“CLAIM” MEANS EITHER A **“SUIT,”** A FORMAL DEMAND FOR **“DAMAGES”** OR **“INCIDENT.”**

Generally, claims come in three forms:

- (1) Lawsuits filed in a trial court beginning with a physician being served with a summons and complaint alleging a patient suffered personal injury arising out of the physician providing or failing to provide professional services.
- (2) Attorney lien, which is a formal demand for a portion of funds recovered by a patient in an action against the physician to pay the attorneys’ fees.
- (3) Direct patient claim is a written demand by a patient for payment of damages for alleging a patient suffered personal injury arising out of the physician providing or failing to provide professional services.

An attorney lien or direct patient claim may be converted into a lawsuit.

ISMIE MUTUAL POLICY DEFINITIONS

“Claim” means either a **“suit,”** a formal demand for **“damages”** or **“incident.”**

“Damages” means monetary compensation which is owed as a result of **“personal injury.”**

“Incident” means a specific event that a **“named insured”** has reason to believe will result in a formal demand for **“damages”** or **“suit”** in the future. There must be some specific basis for the belief that the patient will pursue an **“insured”** for **“damages”** in the future. Reporting a list of patients treated or simply reporting an unexpected outcome will not be considered **“incidents”** under this policy.

“Personal Injury” means bodily injury to, death of, libel of, slander of, defamation of character of or invasion of privacy of any patient and bodily injury to or death of any other person involved in providing health care services to patients which arises out of the rendering or failure to render **“professional services.”**

“Professional Services” means only those services which an **“insured”** is licensed to perform and disclosed in the application for this policy that are performed in providing health care services to patients.

“Suit” means a lawsuit, or arbitration proceeding seeking **“damages”** and includes a counterclaim asserted against any **“insured.”**