

June 24,2008
Email to Kris DeFrain:
Staff Support Person
NAIC Casualty Actuarial and Statistical C Task Force

Re: Medical Professional Liability Closed Claim Reporting Model Law

Dear Kris:

Our department is in receipt of a letter dated June 16, 2008 from Commissioner Paulette J. Thabault of Vermont to the National Association of Insurance Commissioners recommending Section 4(A) 4 of the Model Law be amended to add the following subparagraph (d):

(d) Notwithstanding any other provision of this Act, to the extent data required by this Act may be held by a captive insurer or risk retention group domiciled outside of this state, the commissioner shall obtain such data solely from the facility or provider named in a medical professional liability claim.

After a review of Vermont's recommendation and draft Model Law it appears the same issue may be applied to general liability claims and to medical malpractice liability captives that will be licensed in Utah in the future.

While the Utah Insurance Department currently does not have a Captive or RRG that writes Medical Professional Liability we are in support of Vermont's amendment that requires information regarding closed professional liability claims to be provided directly from the facility or provider.

We appreciate the opportunity comment on the new model law draft. Should you have questions you may also reach me at 801-537-9047.

Cordially,
Don Spann, CFE
Captive Insurance Director
Utah Insurance Department