

## Board of Medicine

### Exempt Regulation

#### **18VAC85-20-290. Reporting of medical malpractice paid-claims judgments and settlements ~~and board actions~~.**

A. In compliance with requirements of §54.1-2910.1 of the Code of Virginia, a doctor of medicine, osteopathic medicine, or podiatry licensed by the board shall report all medical malpractice paid-claims judgments and settlements of \$10,000 or more in the most recent 10-year period within 30 days of the initial payment. A doctor shall report a medical malpractice judgment or settlement of less than \$10,000 if any other medical malpractice judgment or settlement has been paid by or for the licensee within the preceding 12 months. Each report of a settlement or judgment shall indicate:

1. The year the ~~claim~~ judgment or settlement was paid.
2. The specialty in which the doctor was practicing at the time the incident occurred that resulted in the ~~paid-claim~~ judgment or settlement.
3. The total amount of the ~~paid-claim~~ judgment or settlement in United States dollars.
4. The city, state, and country in which the ~~paid-claim~~ judgment or settlement occurred.

B. The board shall not release individually identifiable numeric values of reported ~~paid-claims judgments or settlements~~ but shall use the information provided to determine the relative frequency of ~~paid-claims judgments or settlements~~ described in terms of the number of doctors in each specialty and the percentage ~~who~~-with malpractice ~~paid-claims judgments and settlements~~ within the most recent 10-year period. The statistical methodology used will include any specialty with more than 10 ~~paid-claims judgments or settlements~~. For each specialty with more

than 10 ~~paid-claims judgments or settlements~~, the top 16% of the ~~paid-claims judgments or settlements~~ will be displayed as above average payments, the next 68% of the ~~paid-claims judgments or settlements~~ will be displayed as average payments, and the last 16% of the ~~paid-claims judgments or settlements~~ will be displayed as below average payments.

C. For purposes of reporting required under this section, a ~~malpractice paid-claim~~ medical malpractice judgment and medical malpractice settlement shall ~~mean a payment for the benefit of a doctor of medicine, osteopathic medicine, or podiatry in satisfaction in whole or in part of a settlement or a judgment in response to a written demand for monetary payment of damages based on the provision of health care or professional services rendered, or which should have been rendered~~ have the meanings ascribed in § [54.1-2900](#) of the Code of Virginia. A medical malpractice paid-claim judgment or settlement shall include:

1. A lump sum payment or the first payment of multiple payments;
2. A payment made from personal funds;
3. A payment on behalf of a doctor of medicine, osteopathic medicine, or podiatry by a corporation or entity comprised solely of that doctor of medicine, osteopathic medicine, or podiatry; or
4. A payment on behalf of a doctor of medicine, osteopathic medicine or podiatry named in the claim where that doctor is dismissed as a condition of, or in consideration of the settlement, judgment or release. If a doctor is dismissed independently of the settlement, judgment or release, then the payment is not reportable.

## **Certification**

*I certify that this regulation is full, true, and correctly dated.*

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William L. Harp, M.D.  
Executive Director  
Virginia Board of Medicine

Date: \_\_\_\_\_