

Instructions for Preparation of the Tennessee Health Care Liability Counsel for Claimant Reporting Form for the Reporting Period of January 1, 2011 through December 31, 2011

Applicable Law

Tenn. Code Ann. §§ 56-54-101, *et seq.*, may be viewed by entering the statute number in the “Search” box at the following web address:

<http://www.lexisnexis.com/hottopics/tncode/>.

Penalties

Failure to submit all required information in the reporting form prescribed by the Commissioner on or before the March 1 deadline will subject a reporting attorney to a penalty of \$100 per day in accordance with Tenn. Code Ann. § 56-54-109. For those reporting in a timely manner, the Division will notify you if there are questions or corrections are necessary. You will be allowed fourteen (14) days from the date of the notification to answer or correct the issues before penalties of \$100 per day begin accruing.

Information and Guidelines for the 2011 Counsel for Claimant Reporting Form due March 1, 2012:

- Each claimant attorney who worked on a case shall report fee arrangements, even if pro bono, including their portion of any payment received pursuant to settlement, judgment, or alternative dispute resolution, less case-specific expenses. A separate reporting form prescribed by the Commissioner must be submitted by each individual attorney receiving a fee. If only one attorney within a firm received the fee, that attorney is required to report the total fees received. If the check was sent to the firm, either the lead counsel shall report all fees or each individual attorney shall report a prorated share of the fees. If the lead counsel reports the fee arrangements, the requested information for all other attorneys who worked on the case but did not receive a portion of the fees should be listed on the “Multiple Attorney” spreadsheet of the reporting form. A separate line should be used for reporting each additional attorney working on a case. Group reporting cannot be accepted.
- Do not report pending claims; report only those that have been adjudicated, settled or resolved through a method of alternative dispute resolution.
- Attorneys must complete the contact information at the top of the reporting form. This portion of the reporting form includes shaded areas. Successful insertion of the required information automatically removes the shading. This information is required to confirm compliance with the law.

- Instructions have been embedded within the reporting form. To view the instructions for filling out the form, hold the cursor over the first row under each column heading. These instructions explain the correct formatting and type of data required. In some instances if the attorney attempts to include information in a format other than the established format, an error message will occur.
- The reporting form will expand to include additional rows as needed to accommodate the number of claims to be reported.
- The reporting form is a Microsoft Excel workbook that contains two (2) worksheets. All data submitted in the reporting form must be submitted on a compact disk (“CD”) or through electronic mail at the address listed at the end of these instructions. The complete and compliant report must be received at the contact address listed at the end of these instructions on or before March 1, 2012. The reporting attorney’s name must be clearly marked on the CD. Reporting attorneys must use the updated form dated 2011 in Excel 2010. The form can be found on our web site at <http://tn.gov/commerce/insurance/medExpRpt.shtml>.
- Any column requiring currency data which is left blank will be assumed to be zero (0).
- The Department expects attorneys to use due diligence to discern the facts required to be reported. In the past, claimants’ counsel has disagreed with insurers or facilities as to whether certain claims fall within these reporting requirements. This Department reports to the General Assembly medical malpractice claim information as reported by insurers, facilities and providers. As such, reports regarding fee arrangements associated with these claims are being sought.
- All data located in columns should be in alpha-numeric format unless otherwise stated. When using numeric data, only regular decimal formats should be used. No compressed or binary (small or larger integer) data will be accepted as valid.
- There is an embedded formula in columns 14-16 checking for the presence of a correct entry in columns 1, 2 and 4. If information has been correctly entered in columns 1, 2 and 4, a prompt of “Good” should appear in columns 14-16 of each row where information was entered. If “Good” does not show in the prompt columns, check the column heading showing “Not Good” and change information in columns 1, 2, or 4, appropriately. “Good” should, then, appear in the prompt columns. If not, repeat the process until the incorrect information is located and corrected, and “Good” appears in columns 14-16.

COLUMN HEADING	DESCRIPTION OF DATA SOUGHT	TECHNICAL FORMATING OF DATA SOUGHT
(1) Docket Number	This should be the docket number assigned to the case if a lawsuit was filed.	Data should be in alpha-numeric format.
(2) Tracking Number	This should be the identifier assigned to the claim or your internal file name or number.	Data should be in alpha-numeric format.

(3) Date of Incident	This should be the date on which the incident occurred that was the proximate cause of the med mal claim.	Data should be in Gregorian USA format with a four (4) digit year (MM/DD/YYYY). This means a two (2) digit month (with leading zeros when necessary), a slash (/), a two (2) digit day (with leading zeros when necessary), a slash (/), and a four (4) digit year.
(4) Was a Lawsuit Filed?	This should be a “yes” or “no” answer.	Data should be selected from the drop down menu provided on the reporting form.
(5) Injured or Deceased Party’s Social Security Number	This should be the social security number held by the injured or deceased party.	Data shall be entered in numerals without dashes.
(6) Portion of Settlement Amount Received By Claimant’s Counsel as Fees in 2011	This should be the portion of fee received in 2011 by the reporting attorney from a settlement. If settlement was reached through mediation, enter amount under the appropriate ADR column instead of the settlement column.	Data should be presented as currency data in units of U.S. dollars rounded to the nearest whole dollar amount.
(7) Total Settlement Amount	This should be the total settlement amount paid to claimant, including all expenses and attorney fees. If the settlement was reached through mediation, enter amount under the appropriate ADR column instead of the settlement column.	Data should be presented as currency data in units of U.S. dollars rounded to the nearest dollar amount.
(8) Portion of Judgment Amount Received By Claimant’s Counsel as Fees in 2011	This should be the portion of fee received in 2011 by reporting attorney through judgment.	Data should be presented as currency data in units of U.S. dollars rounded to the nearest dollar amount.
(9) Total Judgment Amount	This should be the total judgment amount awarded to claimant; including all expenses and attorney fees.	Data should be presented as currency data in units of U.S. dollars rounded to the nearest dollar amount.

(10) Portion of Alternative Dispute Resolution (ADR) by Mediation Amount Received By Claimant's Counsel as Fees in 2011	This should be the portion of fee received by reporting attorney in 2011 through an alternative dispute resolution by mediation.	Data should be presented as currency data in units of U.S. dollars rounded to the nearest dollar amount.
(11) Total ADR by Mediation Amount	This should be the total alternative dispute resolution by mediation amount awarded to claimant; including all expenses and attorney fees.	Data should be presented as currency data in units of U.S. dollars rounded to the nearest dollar amount.
(12) Portion of ADR Other Than by Mediation Amount Received By Claimant's Counsel as Fees in 2011	This should be the portion of fees received by reporting attorney in 2011 through an alternative dispute resolution other than by mediation.	Data should be presented as currency data in units of U.S. dollars rounded to the nearest dollar amount.
(13) Total ADR Other Than by Mediation Amount	This should be the total alternative dispute resolution other than by mediation amount awarded to claimant; including all expenses and attorney fees.	Data should be presented as currency data in units of U.S. dollars rounded to the nearest dollar amount.

Contact Information

Questions should be sent in writing via U.S. Mail, hand delivered, facsimile, or electronic message to the following:

Tennessee Health Care Liability Reporting
c/o Ms. Jacquie Fortenberry
Tennessee Department of Commerce and Insurance
Insurance Division – Policy Analysis Section
Davy Crockett Tower, Fourth Floor
500 James Robertson Parkway
Nashville, Tennessee 37243-1133
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