In 1975, Indiana was the first state to pass medical malpractice reform in response to the malpractice crisis. This order helped ensure health care providers could continue to receive malpractice insurance. As a result, Indiana has consistently ranked as one of the top states in which to practice medicine, and has been a favorable environment for great talent, strong medical schools, and top-notch hospitals. Starting July 1, 2017, statutory changes will go into effect that will impact qualified health care providers.

Summary of Changes to Patient’s Compensation Fund (PCF)

- The cap on total damages available to a patient for an act of malpractice increases in 2017 from $1,250,000 to $1,650,000 and in 2019 will increase to $1,800,000.
- The cap on attorney fees will increase from 15% to 32% of total judgment. (IC 34-18-18-13)
- The amounts paid to medical review panel members increases from $350 to $500 and from $2,000 to $2,500 to the panel chair. (IC 34-18-10-25)
- Anesthesiology assistants are added as Qualified Health Care Providers. (IC 34-18-2-14)
- Payments of awards cannot be made later than 60 days after the issuance of a court-approved settlement or a final, non-appealable judgment. The PCF previously only paid plaintiffs twice per year. (IC 34-18-2-12.5 and IC 34-18-6-4)
- Health care providers’ financial responsibility will also change.

<table>
<thead>
<tr>
<th></th>
<th>CURRENT</th>
<th>EFFECTIVE 7/1/2017</th>
<th>EFFECTIVE 7/1/2019</th>
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</thead>
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<tr>
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<td>Per Occurrence/Aggregate</td>
<td>Per Occurrence/Aggregate</td>
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<td>Health care provider</td>
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<td>Hospital more than 100</td>
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<td>licensed beds</td>
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</tbody>
</table>

Did You Know?

- If excess coverage is purchased by a health care provider participating in the PCF, the fund will not recognize erosion of the limits until the excess has also been eroded.*
- If an individual health care provider is a sole proprietor who wants to provide coverage to employees they must file with the County Recorder as a Sole Proprietorship and receive a Certificate of Assumed Business Name in order to qualify in the PCF.*

*Indiana Patient’s Compensation Fund FAQs
Indiana Senate Bill 28: Per Occurrence Limit Changes

Prior to 7.1.17:
- $1,000,000
- $250,000

Effective 7.1.17:
- $1,250,000
- $400,000

Primary per occurrence limits of liability provided by insurance company (which is equal to a health care provider’s individual cap of damages) + Per occurrence limits of liability provided by PCF = Per occurrence limits of liability (which is equal to the total cap of damages)

For more information or questions, please contact:

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