

**Frequently Asked Questions
Regarding the
Wyoming Medical Malpractice Reporting Forms**

The medical malpractice reporting forms are included on the property and casualty annual report form check list. Do all property and casualty companies have to file the reports?

No. Under Wyoming law, any insurer licensed to sell property and casualty insurance is authorized to sell malpractice insurance. Thus, the reporting forms are included on the property and casualty annual report form check list. **However, the reports are required only if the insurer has written premium for a medical malpractice policy.**

What is the definition of a health care provider?

The Department interprets "health care provider" broadly as no specific definition is provided for in the statute. The Department requires a report for claims against any person or entity that provides health care. This includes, but is not limited to: physicians, surgeons, nurses, hospitals, pharmacies, pharmacists, chiropractors, acupuncturists, podiatrists and nursing homes.

If no claims have been reported to the insurer, is the insurer required to file the Wyoming Health Care Malpractice Report Form for Individual Claims showing no claims?

No, the insurer is not required to file the Wyoming Health Care Malpractice Report Form for Individual Claims if there are no claims. The Wyoming Health Care Malpractice Report Form for General, Aggregate Information requires an insurer to report the number of claims. If no claims are reported , the individual claim form is not required.

Does an insurer have to file a Wyoming Health Care Malpractice Report Form for Individual Claims for every claim?

Yes, an insurer required to report under Wyo. Stat. § 26-3-124 must file a Wyoming Health Care Malpractice Report Form for Individual Claims for **each** claim open during the relevant reporting period. The requirement is not limited to closed claims. **In addition**, the insurer is required to file an updated report on or before March 1 of each year as to the status of all claims previously reported but not yet closed during the previous reporting year.

Will the information be treated as "confidential" by the Department?

Yes, Wyo. Stat. § 26-3-124(b) states that "any information provided to the commissioner [in these reports] shall be confidential, including the names of health care providers and any records pertaining thereto." The commissioner will summarize the information on the reports in his or her annual report to the governor. The statute authorizes the commissioner to use information in the aggregate if necessary to protect the identity of health care providers.

Do surplus lines and risk retention groups have to file the reports?

Wyoming Statute § 26-3-124 provides that "*any insurer* writing coverage for health care malpractice in this state" (emphasis added) shall file the reports required by that statute. In enacting the statute, the legislature did not limit the application to authorized insurers. Therefore, the Department is requesting all insurers, including risk retention groups and surplus lines insurers, to file the reports.

Must Report Forms for Individual Claims be reported as they are closed or may all claims for the reporting period be submitted at one time, prior to Mach 1 of each year?

Report forms for individual claims may be reported throughout the year or collectively prior to March 1 of each year. This is up to the company's discretion.