

# Notes

MEDICAL  MUTUAL  
Liability Insurance Society of Maryland

## FROM THE CHAIR OF THE BOARD

October 2017

Dear MEDICAL MUTUAL Member:

Consistency. As Doctors, we appreciate its value more than many other people. Our profession ensures that we are in a constant state of change – between new medical innovations, new regulations, new documentation requirements and the everyday knowledge that the next patient to walk through our door could present an entirely new challenge, we learn to live without consistency in many aspects of our professional lives.

That is why I am particularly proud that MEDICAL MUTUAL has been a source of consistency in defending Maryland Doctors for more than four decades. Combining the unmatched skills of the state's best medical malpractice defense attorneys with our team of uniquely experienced Maryland claims professionals, we deliver a gold-standard, aggressive claims defense; we advocate in the legislature and the courts to protect your professional liability interests; we continually strive to keep your rates as low as possible while maintaining the financial security that allows us to ensure your practice is protected now and in the future; and we are constantly developing coverages, benefits and risk management materials to help defend you from a changing world with emerging threats.

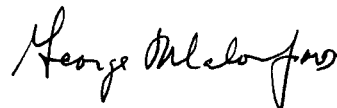
This year saw another success in our relentless efforts to create a fairer legal environment for Doctors defending against allegations of malpractice. We obtained a favorable verdict at the Court of Appeals on *Copsey v. Park*, which prevents plaintiffs' attorneys from obscuring the full medical picture of a case from the jury. Such efforts are critical in establishing boundaries that preserve the rights of Doctors. You can read more about this important verdict in this newsletter.

Additionally, I am pleased to announce that stability in claims frequency has allowed us to match the 15% renewal dividend credit you received last year. And you will notice on your 2018 renewal policy that we have reduced manual rates by an additional 2.7% (certain rate class changes may provide additional rate reductions to those whose situation was affected). Together, this dividend and rate change mean you should see a price reduction from your 2017 renewal policy.

Last year, our constant drive to do more for you led to the introduction of the *Mutual Advantage Plan* financial reward program. Many Doctors who have retired in the past year have already taken advantage of this valuable program and received their allocations. On behalf of the Board of Directors, I am delighted to report that we have authorized another allocation to MAP accounts. If you have enrolled in MAP and were eligible for our 2017 allocation, upon renewal you will receive a 2018 allocation in the amount of 10% of your base premium, which includes part-time, suspension and government credits.

In a time of such great change for the medical profession, MEDICAL MUTUAL stays resolute in our dedication to defending quality medicine and serving the Doctors of Maryland. We look forward to remaining consistent in these values for years to come.

Sincerely,



George S. Malouf, Jr., M.D.  
Chair of the Board

## HEADLINES

### Rates to Decrease for 2018 Renewals

MEDICAL MUTUAL announces a 2.7% manual rate reduction as well as a 15% dividend credit.

### Mutual Advantage Plan 2018 Allocation Announced

Eligible Participants will receive a 10% allocation to their MAP accounts upon 2018 renewal.

### Favorable Verdict in *Copsey v. Park* Case

The Court of Appeals rules to allow evidence of superseding causation.

### MEDICAL MUTUAL Receives "A" Rating from A.M. Best

This rating comes in recognition of our positive financial condition and stability.

### Online Payments May Require Browser Update

Older web browsers may need to be updated to comply with a security upgrade after Feb. 1.

### Free Online Program Provides CME Credit

*Opioid Prescribing: Avoid the Pain* is a Risk Management education program available free online to MEDICAL MUTUAL Insureds.

## Rate Decrease and Dividend Announced for 2018 Renewals

The MEDICAL MUTUAL Board of Directors has declared a 2.7% manual rate decrease and a 15% dividend credit for all 2018 renewal policies. Certain rate class changes may provide additional rate reductions to those whose situation was affected.

As a result of this rate decrease and dividend, you will see a reduced price on your 2018 renewal policy, unless you have experienced any other changes to your coverage or exposure, such as a claims-made step increase, a change to your claims-free discount status, or other policy changes. We are proud to be able to provide these savings on account of stability in claims frequency and the Company's overall positive financial condition.

In order to receive the rate reduction and dividend credit, you must have a MEDICAL MUTUAL policy in force and renew for 2018. The reduced rate will be reflected on your 2018 invoice, which will be mailed on Nov. 1, 2017.

If you have any questions concerning your policy, the rate reduction or the dividend credit, please contact your Producer or our Customer Service Department at 800-492-0193 or 410-785-0050.

## Mutual Advantage Plan Celebrates Successful Anniversary

In September 2016, MEDICAL MUTUAL introduced one of our most exciting Policyholder benefits: the *Mutual Advantage Plan*. We are delighted to say that over the past year we have received an overwhelming response to this program. Thousands of Doctors have joined the *Plan*, and more than 150 retiring Doctors have already experienced the benefit of MAP and received their allocations.

The Board of Directors is pleased to announce an additional allocation for 2018 of 10% of each eligible Participant's base premium (including part-time, suspension and government credits) per the underwriting characteristics upon 2018 renewal. Participants must complete their 2018 renewal in order to receive this allocation.

This allocation is in continued recognition of the commitment of our Policyholders to the long-term success and stability of the Company and to the practice of quality medicine. If you have not yet joined the *Mutual Advantage Plan*, contact your insurance Producer or MEDICAL MUTUAL Customer Service at 1-800-492-0193 or 410-785-0050.



## Court of Appeals Rules in Favor of Superseding Causation

In the case of *Copsey v. Park*, the plaintiffs alleged that Dr. Park negligently misread Mr. Copsey's MRI/MRA six days before he suffered a fatal stroke. During trial, the defense presented evidence of negligence by subsequent treating Physicians who ordered a second MRI/MRA, and asserted that it was their negligence, not Dr. Park's, that caused Mr. Copsey's death. The plaintiffs objected to the introduction of this superseding causation evidence, but the Judge allowed it, and the jury, having the complete picture of the case, ultimately found Dr. Park to be not negligent.

The plaintiffs appealed first to the Court of Special Appeals and then to the Court of Appeals, stating that the Circuit Court should not have allowed the defense to admit evidence of the negligence of subsequent treating Physicians or provided a jury instruction on superseding causation. The Court of Appeals ultimately upheld the Circuit Court's decision and concluded that a defendant who generally denies liability may present evidence of another's subsequent negligence and causation as a defense. In the case of Dr. Park, such evidence was both relevant and necessary to providing him a fair trial.

*Copsey v. Park* has further clarified our right to defend our Insureds by providing a full picture of the facts to the jury and allowing evidence of superseding causation. This decision strengthens the scope of our defense for future Maryland malpractice trials and helps create a fairer legal environment for Doctors.

## MEDICAL MUTUAL Earns an "A" Rating from A.M. Best



A.M. Best, the most widely recognized rating agency for the insurance industry, has awarded MEDICAL MUTUAL a rating of "A" (Excellent). This is an upgrade from the "A-" (Excellent) rating that we held for more than 20 years.

Among the reasons A.M. Best cites for the upgrade are our continued strong operating performance, our history of providing dividends to our Policyholders and our superior risk management programs and materials. This validates our commitment to consistently providing excellent service to our Insureds. This effort is the cornerstone of our company philosophy and

has been the inspiration behind many of the programs, services and coverages we have introduced.

MEDICAL MUTUAL is proud to reaffirm that our Insureds enjoy the highest levels of financial security in addition to the many benefits of being members of a company created for Maryland Doctors and directed by Maryland Doctors.

## Notice: Online Payments May Require Browser Update

Please be aware that on Feb. 1, 2018, the secure payment feature on mmlis.com will receive a security upgrade. Older web browsers will not be compatible with the new security software, so you may need to update your browser in order to submit future online payments.

Please review the chart to the right and confirm that your browser meets the minimum version requirements. You should be able to check the version of your web browser by going into the browser settings. If your browser does not meet the requirements, you will need to update it in order to submit online payments on mmlis.com after Feb. 1, 2018. Downloading a browser update should take only a few minutes.

Browser	Required version as of Feb. 1, 2018
Internet Explorer	v11 or newer
Google Chrome	v30 or newer
Mozilla Firefox	v27 or newer
Apple Safari	v7 or newer
Opera	v17 or newer

This upgrade comes from the host of our online payment portal, and you may see that other web sites where you submit online payments experience this same upgrade over the next few months. We apologize for any inconvenience this may cause, but it is of the utmost importance to MEDICAL MUTUAL that our Insureds' data is protected. We are committed to maintaining online security to keep our network and your personal information secure.

## Free Online Program Provides a CME Credit

Did you know that MEDICAL MUTUAL Insureds have exclusive access to a free online risk management program? *Opioid Prescribing: Avoid the Pain* is a 60-minute course that addresses the use of opioid treatments. Upon completion, participants earn one (1) Continuing Medical Education Credit.

*Opioid Prescribing: Avoid the Pain* focuses on the recommended steps that should be taken prior to, during and after prescribing opioid treatment. Participants learn how to effectively communicate the risks and benefits of treatment to patients and how to assess risk of opioid addiction and abuse. The information covered is beneficial to all Physicians who prescribe opioids or have patients who are currently prescribed opioids.



This online program is presented by John Sly, a trial attorney and partner at Waranch & Brown, LLC who specializes in the aggressive defense of Physicians and health care facilities throughout Maryland.

To register for *Opioid Prescribing: Avoid the Pain*, go to [mmlis.com](http://mmlis.com) and select "Find an Education Program."

# Notes

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## FROM THE CHAIR OF THE BOARD

October 2017  
ISSUE

- **2018 Renewals to Receive Rate Decrease**
- **Mutual Advantage Plan Allocation Announced for 2018**
- **Court of Appeals Delivers Favorable Verdict**
- **MEDICAL MUTUAL Earns A.M. Best "A" Rating**
- **New Online Security May Require Browser Update**

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