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FLA. DEPARTMENT OF INSURANCE

FLORIDA DEPARTMENT OF INSURANCE
FLORIDA MEDICAL PROFESSIONAL LIABILITY
CLOSED CLAIM REPORTING FORM

9300828
DEPT. FILE NO.

INSURER'S CLAIM NUMBER: 60-548966

1. PRIMARY INSURER NAME: NATIONAL FIRE INS CO INSURER CODE: 0,1,5,9,5 (See Table A)

2. EXCESS INSURER NAME: _____ INSURER CODE: _____ (See Table A)

3a. HEALTH CARE PROVIDER: RIVERA, MIGUEL R.
(Last Name, First and Middle Name or Hospital Name from Table D)

3b. IF HEALTH CARE PROVIDER (above) IS A PHYSICIAN, DENTIST OR PODIATRIST ENTER DEPARTMENT OF PROFESSIONAL REGULATION LICENSE NUMBER: 0,0,1,8,4,1,6

3c. INSURED'S NAME: MIGUEL R RIVERA MD

STREET ADDRESS: 1395 N. COURTENAY PKWY

CITY: MERRIT ISLAND STATE: FL ZIP: 3,2,9,5,3, COUNTY CODE: 1,9, (See Table B)

4.

	POLICY NUMBER	PER CLAIM POLICY LIMITS	AGGREGATE POLICY LIMITS
PRIMARY INSURER:	PSC 5182002	$ 1,000,000 .00	$ 3,000,000 .00
EXCESS INSURER:	_____	$ _____ .00	$ _____ .00

5. IS THE INSURED PHYSICIAN A FOREIGN MEDICAL GRADUATE? ✓ (01) Yes ___ (02) No (If yes, enter the country in which primary medical education was received: ~~GOVT OF~~ MEXICO [MX]

6. PROFESSION OR BUSINESS: (Check one)
- ✓ (01) Physicians & Surgeons
- ___ (02) Hospitals
- ___ (03) Podiatrists
- ___ (04) Dentist
- ___ (05) Abortion Clinics
- ___ (06) Ambulatory Surgical Centers
- ___ (07) Crisis Stabilization Unit
- ___ (08) Health Maintenance Organization

7. SPECIALITY CODE: 8,0,2,8,8 (See Table C) (Applies to physicians, surgeons, and dentists. Use ISO Common Statistical Base Classification Codes.)

8. BOARD CERTIFICATION: (Check one)
- ✓ (01) In specialty coded in Item 7, above.
- ___ (02) In a different specialty.
- ___ (03) In the specialty in Item 7 and another. Enter the additional specialty code here: _____ (See Table C)
- ___ (04) Insured is not board certified.

9. PLACE WHERE INJURY OCCURRED: (Check one)
- ___ (01) Hospital Inpatient Facility
- ___ (02) Emergency Room
- ___ (03) Hospital Outpatient Facility
- ___ (04) Nursing Home
- ✓ (05) Physician's Office
- ✓ (06) Patient's Home
- ___ (07) Other Outpatient Facility
- ___ (08) Other Location
- ___ (09) Other Hospital/Institution

10. IF PLACE OF INJURY (above) IS CHECKED AS ((08) OTHER), THEN PROVIDE A DESCRIPTION OF THE PLACE WHERE THE INJURY OCCURRED: _____

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11. NAME OF INSTITUTION: N/A INSTITUTION CODE: _____ (See Table D)

12. LOCATION OF INSTITUTIONAL INJURY: (Check one)

N/A (01) Patient's Room
___ (02) Operating Suite
___ (03) Recovery Room
___ (04) Labor & Delivery Room
___ (05) Physical Therapy Dept.
___ (06) Nursery
___ (07) Critical Care Unit
___ (08) Special Procedure Room
___ (09) Radiology
___ (10) Emergency Room
___ (11) Other _____

13. DATE OF OCCURRENCE: 2/26/89

DATE REPORTED TO INSURER: 5/31/91

14. INJURED PERSON'S AGE: 39 Years (If less than one year, enter 00; if unknown, enter UNK.)

INJURED PERSON'S SEX: (M) F (Circle one)

14.1 INJURED PERSON'S NAME: _____

STREET ADDRESS: _____

CITY: _____

15. FINAL DIAGNOSIS FOR WHICH TREATMENT WAS SOUGHT OR RENDERED: (LEAVE BLANK)
NUMBNESS IN RIGHT ARM, LEFT LEG, HANDS AND FINGERS 15.

16. DESCRIBE MISDIAGNOSIS MADE, IF ANY, OF THE PATIENT'S ACTUAL CONDITION:
NONE - IT REFUSED DIAGNOSTIC TESTING (ARTERIOGRAM 16.

17. DESCRIBE ACTION WHICH CAUSED CLAIM TO BE MADE:
THE PLAINTIFF HAD A MASSIVE STROKE ON 2.26.89 17.

18. DESCRIBE THE OPERATION, DIAGNOSTIC OR TREATMENT PROCEDURE CAUSING THE INJURY. USE NOMENCLATURE AND/OR DESCRIPTIONS OF THE PROCEDURES USED. INCLUDE METHOD OF ANESTHESIA, OR NAME OF DRUG USED FOR TREATMENT, WITH DETAIL OF ADMINISTRATION:
NONE 18.

19. DESCRIBE THE PRINCIPAL INJURY GIVING RISE TO THE CLAIM. USE NOMENCLATURE AND/OR DESCRIPTIONS OF THE INJURY. INCLUDE TYPE OF ADVERSE EFFECT FROM DRUGS WHERE APPLICABLE: 19.
THE Π Presented 7.26.88 with PRIOR complaints of numbness in his right arm, left leg hands & fingers. TESTS SHOWED NO EVIDENCE OF THROMBI OR ARTERIOSCLEROSIS. THE INSD PRESCRIBED ASPIRIN. THE Π Returned on 8.2.88 AND WAS ASYMPTOMATIC. THE Recommended an arteriogram which was refused.

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20. SEVERITY OF INJURY: (check only one -- rate most serious injury if several are involved.)

___(01) Emotional only - Fright, no physical damage.

___(02) Insignificant - Lacerations, contusions, minor scars, rash. No delay.
Temp- ___(03) Minor - - - - - Infections, misset fracture, fall in hospital. Recovery delayed.
orary ___(04) Major - - - - - Burns, surgical material left, drug side effect, brain damage. Recovery delay

___(05) Minor - - - - - Loss of fingers, loss or damage to organs. Includes nondisabling injuries.
Perma- ___(06) Significant - - Deafness, loss of limb, loss of eye, loss of one kidney or lung.
nent ✓(07) Major - - - - - Paraplegia, blindness, loss of two limbs, brain damage.
___(08) Grave - - - - - Quadraplegia, severe brain damage, lifelong care or fatal prognosis.

___(09) Death

21. DATE OF SUIT, IF ANY: 10/14/91

21.1 CIRCUIT COURT CASE NUMBER: 91-13237-88

21.2 COUNTY CODE OF COUNTY SUIT FILED IN: 19 (SEE TABLE B)

22. LIST OTHER DEFENDANTS INVOLVED IN THIS CLAIM, THE INSURER'S NUMBER AND THE COMPANION CLAIM FILE ID NUMBER:

	DEFENDANT'S NAME (Last Name, First Name)	INSURER CODE NO.	INSURER FILE ID.
1)	MIXCO, ROBERTO		
2)	ARAJ, JEFFREY		
3)	CAPE CANAVERAL HOSPITAL		
4)	NEUROLOGIC ASSOC OF BREVARD		
5)			

23. WAS PLAINTIFF REPRESENTED BY AN ATTORNEY? (Check one)
✓(01) Yes ___(02) No

24. DATE OF FINAL CLAIM DISPOSITION: 3/29/93

25. FINAL METHOD OF CLAIM DISPOSITION:
✓(01) Settled by parties.
___(02) Disposed of by a court.
___(03) Disposed of by arbitration.

26. STAGE OF THE LEGAL SYSTEM AT WHICH SETTLEMENT WAS REACHED OR AWARD MADE: (Check one)
___(01) Within the presuit period as set forth in Section 768.57, Florida Statute (usually within 90 days).
___(02) After arbitration is initiated or prior to suit being filed.
___(03) Within 90 days of suit being filed.
✓(04) More than 90 days after suit filed and prior to or during the course of mandatory settlement conference
___(05) During trial but before court verdict.
___(06) After court verdict and prior to filing of notice of appeal.
___(07) After notice of appeal is filed or post-judgement relief or action is required for recovery.
___(08) During appeal.
___(09) After appeal.
___(10) Claim or suit abandoned.

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27. COURT: (Check one)

- ✓ (01) No court proceedings.
- ___ (02) Directed verdict for plaintiff.
- ___ (03) Directed verdict for defendant.
- ___ (04) Judgment notwithstanding the verdict for plaintiff.
- ___ (05) Judgment notwithstanding the verdict for defendant.
- ___ (06) Judgment for the plaintiff.
- ___ (07) Judgment for the defendant.
- ___ (08) Judgment for the plaintiff after appeal.
- ___ (09) Judgment for the defendant after appeal.
- ___ (10) Other
- ___ (11) Summary judgment for the plaintiff.
- ___ (12) Summary judgment for the defendant.

28. ARBITRATION: (Check one)

- ✓ (01) Claim not subject to arbitration.
- ___ (02) Claim subject to arbitration, but settlement reached in lieu of award.
- ___ (03) Award for plaintiff.
- ___ (04) Award for defendant.

29. Was there an itemized verdict? (Check one)
___ (01) Yes ✓ (02) No (If yes, please attach copy of settlement or verdict.)

30. INDEMNITY PAID BY YOU ON BEHALF OF THIS DEFENDANT: - $ 300,000 .00

30.1 AMOUNT OF DEDUCTIBLE PAID BY THIS DEFENDANT: - $ -0- .00

31. INDEMNITY PAID BY EXCESS CARRIER ON BEHALF OF THIS DEFENDANT: - - - - - - - - - - - - - - - $ -0- .00

32. LOSS ADJUSTMENT EXPENSE PAID TO DEFENSE COUNSEL: - - - - - - - - - - - - - - - - - - - $ 63403 .00

33. ALL OTHER LOSS ADJUSTMENT EXPENSE PAID: - $ 19707 .00

34. NUMBER OF DAYS OF INJURED PERSON'S WAGE LOSS PAID TO DATE: - - - - - - - - - - - - - - - 800 days

35. ESTIMATED NUMBER OF FUTURE DAYS OF INJURED PERSON'S WAGE LOSS: - - - - - - - - - - - - - 400 days

36. INJURED PERSON'S GROSS WEEKLY INCOME: - $ 350. .00

37. INJURED PERSON'S TOTAL ECONOMIC LOSS:

	MEDICAL	WAGE LOSS	OTHER EXPENSES
A) INCURRED TO DATE - - - -	$ 50000 .00	$ 72800 .00	$ N/A .00
B) ESTIMATED FUTURE - - - -	$ 100,000 .00	$ 364,000 .00	$ ↓ .00

38. AMOUNT PAID FOR INJURED PERSON'S NON-ECONOMIC LOSS: - $ .00

39. IF A STRUCTURED SETTLEMENT OR PERIODIC PAYMENTS USED IN THIS CLAIM:

A) PRESENT VALUE OF PERIODIC PAYMENTS - $ N/A .00

B) COST TO THE INSURER OF THE PAYMENTS - $ ↓ .00

C) TOTAL EXPECTED PAYMENT TO PLAINTIFF - $ ↓ .00

D) DID YOU PURCHASE AN ANNUITY? ___ (01) Yes ✓ (02) No

40. BRIEFLY DESCRIBE THE STRUCTURED SETTLEMENT INCLUDING HOW IT IS FINANCED: N/A

41. TYPE OF NON-ECONOMIC DAMAGE LIMIT: (Check one)

✓
___ (01) No limit (neither party requests or agrees to voluntary binding arbitration).
___ (02) No limit (defendant refuses claimant's offer of voluntary binding arbitration).
___ (03) $250,000 limit (both parties accept arbitration). (See Item 42 for exception.)
___ (04) $350,000 limit (plaintiff rejects arbitration).
___ (05) Does not apply because occurrence happened before the 02-08-88 law.

42. IF (03) IS CHECKED IN ITEM 41 AND THE LIMIT ON NON-ECONOMIC DAMAGES IS DIFFERENT THAN $250,000, THEN INDICATE THE MODIFIED LIMIT: - $ _____ .00

43. COLLATERAL SOURCE INFORMATION:
ENTER TO THE NEAREST PERCENT (use no decimals) THE PERCENT RECOVERY FOR ECONOMIC LOSS FROM:

A. 80 % Health		D. ___ % Automobile	
B. ___ % Disability		E. ___ % Medicare, Medicaid & Social Security	
C. ___ % Workers' Compensation		F. ___ % Other sources, specify: _____	

44. SAFETY MANAGEMENT STEPS TAKEN BY INSURED TO MAKE SIMILAR OCCURRENCES LESS LIKELY:
NONE

CONTACT PERSON: Jeff Dufresne ADDRESS PO Box 154
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