

About MMIC

MMIC becomes a mutual insurance holding company



Dr. Mark Odland
Board Chairman

With final approval by the Minnesota Department of Commerce on November 9, MMIC Group, Inc. has completed its change in governance to a mutual insurance holding company. Earlier in the fall, shareholders and policyholders had overwhelmingly approved the change.

“The change to a mutual insurance holding company will create new opportunities for growth and greater financial strength for MMIC,” Dr. Mark Odland, MMIC Chairman of the Board, wrote in a letter to policyholders.

“As many of you will recall, MMIC was originally formed due to the medical liability insurance crisis of the 1980s, to ensure

that physicians continue to have access to insurance at reasonable rates,” Odland added. “Our new structure enhances our ability to remain a physician-controlled, independent competitor in today’s marketplace, continuing our original mission.”

“Although we are now a mutual insurance holding company, you will see no immediate, outward change in MMIC, and our commitment to serve you remains stronger than ever,” President and Chief Executive Officer Bill McDonough wrote to policyholders. “Instead, our new corporate structure will benefit you in the long run. It improves our ability to invest in new products and services needed by a dramatically changing health care industry.”

McDonough also wrote that, for several years, MMIC has recorded consistently high retention. For several years, he noted, at least 95 percent of physicians insured by MMIC – and, in a couple of instances, almost 100 percent – have renewed their policies.

“That record not only confirms your confidence in us, but it serves as an important reminder to us on the staff of MMIC,” he wrote. “As your medical liability insurer, we have a critical responsibility to work as your partner in helping you succeed in delivering quality care to your patients.”



Bill McDonough
President and CEO

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MMIC records strong market shares and high rankings in most of its state markets

A state-by-state analysis of medical professional liability insurers by research firm SNL Financial indicates that, based on direct written premiums (DWP), MMIC Group, Inc. ranks first in four of the eight states where it currently does business, maintaining market shares of from 14 percent in Wisconsin to 71 percent in South Dakota.

When data for all eight states is combined, MMIC ranks first overall, with a 21 percent total market share.

The rankings are based on data filed by licensed insurers with state insurance regulators. They list each firm's DWP, if available, for four categories: hospitals, other health care facilities, physicians and other health care professionals. SNL provided reports for 2009 and for 2010, the most recent year for which publicly filed data are available.


When the eight-state totals are broken out for the physician and hospital categories, MMIC also ranks very high:

- Number one for physicians' business, with DWP of \$113 million, or 31 percent of the eight-state market, with the second-ranked company well behind at 13 percent; and,

- For hospital business, DWP of \$16 million, a 13 percent market share that is second only to a company with a 21 percent market share. That company, however, writes business only in one state.

In both Minnesota and South Dakota, MMIC ranked number one among medical liability insurers, a ranking it also holds in Iowa and Nebraska. In Iowa, MMIC's DWP were down slightly in 2010, to \$29.9 million from \$30.2 million, but in both years the company had a 37 percent state market share. The premium trend and market share were similar in Nebraska, where MMIC's \$10.9 million in DWP in 2010 represented a 30 percent market share, down from \$11.7 million and 33 percent in 2009.

In Wisconsin, MMIC moved from the number four medical liability writer in 2009, with DWP of \$12.4 million, to number three in 2010, with DWP of \$12.7 million. The company's market share was 13 percent in 2009 and 14 percent in 2010.

In Kansas and Missouri, the company only recently began operations and registered little or no premiums for the SNL rankings. 

The full market share reports can be accessed at:

- 2010 Direct Written Premium at <http://www.mmigroup.com/AgentNews/PDF/MMICInsuranceMarketShareLOB2010.pdf>
- 2009 Direct Written Premium at <http://www.mmigroup.com/AgentNews/PDF/MMICInsuranceMarketShareLOB2009.pdf>

MMIC market shares, ranking

	Total MMIC DWP – 2009	Total MMIC DWP – 2010	2009 MMIC market share	2009 MMIC ranking	2010 MMIC market share	2010 MMIC ranking
Iowa	\$30.2 million	\$29.9 million	37%	No. 1	37%	No. 1
Minnesota	\$52.6 million	\$56.2 million	61%	No. 1	62%	No. 1
Nebraska	\$11.7 million	\$10.9 million	33%	No. 1	30%	No. 1
North Dakota	\$2.5 million	\$4.0 million	21%	No. 2	29%	No. 2
South Dakota	\$16.1 million	\$14.2 million	76%	No. 1	71%	No. 1
Wisconsin	\$12.4 million	\$12.7 million	13%	No. 4	14%	No. 3
Total *	\$125.4 million	\$128.3 million	21%	No. 1	21%	No. 1

* Includes Kansas DWP of \$381,476 in 2010; state DWP figures in the first two columns do not sum to the totals due to rounding.

Source: SNL Financial

Cyber Solutions[®] provides advanced data security coverage

Tapping its specialized capabilities in health care information technology, MMIC is introducing Cyber Solutions data security coverage for physicians and hospitals.

MMIC previously offered data security coverage separately from its medical liability coverage, through a second, specialist insurer. Cyber Solutions is underwritten entirely by MMIC.



Jeff Pearson
Vice President
Underwriting

“Given the type of data collected and stored by most health care organizations, patient data is often a target for fraudulent use,” said Jeff Pearson, vice president of Underwriting, MMIC Group. “In addition, physicians and hospitals are required by law to safeguard and protect personal health information.


“Cyber Solutions will help physicians and hospitals protect against a variety of risks that arise as they

incorporate the latest technologies into their practices and operations,” Pearson said.

He added that the expertise of MMIC Health IT – which also provides such information technology products and services as electronic health records systems and consulting – offers unique advantages in understanding the risks.

“No other medical liability insurer has the added benefit of the in-house knowledge and expertise of an operation like MMIC Health IT,” Pearson said.

Through this new program, the first two hours of MMIC Health IT consulting on complying with the U.S. Health Insurance Portability and Accountability Act (HIPAA) – which governs the privacy of individual health information – are free.

Cyber Solutions will be available effective Jan. 1, 2012, as an endorsement to the policies of eligible physicians and hospitals, pending approval in the states where MMIC does business. 

COVERAGE SPECIFICS: PHYSICIANS

Risks covered include:

Third-party losses resulting from unauthorized access to computer networks, failure to prevent identity theft and similar risks to network security and privacy

Breach of control and use of financial or medical information, including breaches of regulations under HIPAA

Who's eligible:

Independently owned and operated physicians' practices with deductibles of less than \$250,000

Liability limits:

Up to \$100,000 per claim

Annual aggregate limits based on the number of physicians on the policy, with limits available of up to \$500,000 for groups of 21 or more physicians

Option to purchase limits of up to \$10 million

COVERAGE SPECIFICS: HOSPITALS

Risks covered include:

The same privacy and security risks as in physicians' coverage (see above)

Also: claims alleging that electronic media on a hospital's Web site or print media resulted in an invasion of privacy, defamation or similar damages

Who's eligible:

Hospitals with annual revenues of less than \$250 million and deductibles under \$250,000

Liability limits:

Up to \$100,000; option to purchase up to \$10 million in limits

MMIC succeeding in “ARTs” marketplace



Jerry O'Connell
Vice President
Alternative Risk
Transfer Solutions

Alternative risk financing isn't so “alternative” anymore. It's become more mainstream for institutions such as hospitals and health care systems – who have the capital needed to assume and manage more of their own risk – to opt for alternative risk financing programs.

Jerry O'Connell, vice president, Alternative Risk Transfer Solutions (ARTS), MMIC Group, explained

that MMIC is succeeding by leveraging unique competitive advantages.


“There are two sides to the alternative risk financing coin: first, having the capacity to assume more of your risk through self-insured retentions, large deductibles and other financing measures, and second, managing and reducing your loss experience through quality control, risk management and claim management,” O'Connell said. “With the first step, we've helped clients with a variety of program structures. With the second, we provide access to all necessary services entirely through MMIC.”

Alternative risk financing accounts written by MMIC include:

- A multi-specialty physician teaching institution that comprises more than 750 physicians
- A multi-state health care system with 31 hospitals and more than 900 physicians
- A two-state health care system encompassing 15 hospitals and 130 physicians
- A multi-state, physician-led health care system with 500 physicians and three hospitals

“An added advantage for us is that we can include specific coverage and service features that other carriers may not provide,” he added. Those include:

- Limits of up to \$20 million per physician are available to physician groups
- On health care system accounts, separate limits for physicians of \$1 million above self-insured retentions
- Admitted paper, in the states where MMIC has secured that license
- The opportunity for profit sharing for clients who utilize MMIC's claim services
- A proprietary litigation support program designed to reduce the stress and anxiety health care professionals may experience during the claim and litigation process (see page 7)
- A day-long assessment of the client's technology systems and support by MMIC's Health IT unit

“With our access to underwriting capacity, flexible and creative program structures and our comprehensive suite of services, we're demonstrating how we can help health care systems and institutions take control of their risks and better manage their insurance costs,” O'Connell said. 



RRG extends MMIC coverage and services beyond core territory

It's becoming more common as technology and communications link employees in far-flung locations: a professional works "remotely," often several states away from headquarters, linked by the Internet and new technology.

But what if the employee is a health care professional who works in one state, but is employed by a group or practice headquartered in another state? And what if the group is insured by MMIC Group and based in a state where MMIC is licensed by the state to do business, but the "remote" employee is based in a state where MMIC is not licensed?

Professionals who fall into this category can now be included under their employer's coverage program through our MMIC Risk Retention Group, Inc., or "MMIC RRG."

"For individuals employed by groups, clinics or hospitals in states where we are licensed, who move out of those states but continue to practice and work for their employers, MMIC RRG can provide an easy and effective way to continue their coverage," explained Jerry O'Connell. "With increasing consolidation in health care, this may also be an option for MMIC accounts that are acquiring organizations in other states."

State and federal regulations

RRGs are authorized under federal law, which allows an insurer to be admitted in one state but engage in the business of insurance in other states, subject to certain specific and limited restrictions. Currently, approximately 270 RRGs operate in the United States, with health care RRGs accounting for more than half that total.

O'Connell said MMIC is offering the RRG option to accounts which are headquartered and conduct most of their operations in MMIC's eight "core" states, where the company is licensed to underwrite business on an "admitted" basis, including Minnesota, Wisconsin, Iowa, Kansas, Nebraska, North Dakota, South Dakota, Illinois and Missouri.

O'Connell added that an RRG is not intended as a substitute for being licensed and admitted in a state.


"In such cases, the majority of the exposure we insure has to be in a state where we are licensed. If MMIC were to seek serious expansion in a given state, we would apply for a license in that state."

MMIC RRG, Inc. has been registered in several states, and eventually will be registered in all 37 states where MMIC Group is not admitted to do business. For additional information on MMIC Alternative Risk Transfer Solutions or RRG, contact Jerry O'Connell at 952-838-6800. 

"Consent to settle" available for policyholders

For 2012, MMIC is offering a "Consent to settle" endorsement for physicians' and surgeons' policies and clinic policies. As the name implies, this specifies that MMIC will not settle any claim to a policy without the consent of the first named insured in that policy.

This isn't entirely new – it's been a general practice for years at MMIC. With the endorsement, however, the client has the specific, stated assurance that MMIC will act on claims entirely in the interest of the policyholder.

The endorsement is not available in Wisconsin, where "consent to settle" is prohibited by statute. 



MMIC Health IT helps clinic make leap to electronic health records

The federally required conversion from paper recordkeeping to electronic health records (EHRs) – particularly for independent physicians or smaller clinics – has become a major concern and, for many, is viewed as a daunting task.

For one physician group, however – Family Practice Associates, based in Winner, S.D. – that anxiety was eased by experts from MMIC Health IT, who not only facilitated the change but introduced a system with features that will improve the efficiency of clinic operations and help doctors deliver patient care effectively.

The U.S. Centers for Medicare & Medicaid services describes an EHR as “an electronic version of a patient’s medical history,” including progress notes, medications, laboratory data and other information. It notes that EHRs can reduce the incidence of medical error by improving the accuracy and clarity of medical records.

“NextGen not only met, but exceeded, our expectations.”

MMIC Health IT provides a complete range of health information technology (IT) products and services, including EHR consulting and the NextGen™ EHR and practice management systems.



Kimberly Mosford

MMIC Health IT customizes such systems for a specific group or clinic. Then, MMIC Health IT staff follows up with the services, training and consultation needed to support the systems.

According to Kimberly Mosford, sales manager, MMIC Health IT, most large hospitals and health care systems have made the move to EHRs, but many independent physicians and smaller

groups – for example, of 20 doctors or fewer – still need to implement the technology. Family Practice Associates was such a group.

A thorough review of candidates

“In selecting a vendor, we were deliberate and careful with our process,” said Dr. Teresa Marts, a physician with the group. “We took the time to identify the goals that were most important to us, which included better workflow, especially around phone calls and nurses’ activities, and the ability to create meaningful reports. And, we really wanted a system that was user friendly.”

NextGen not only met, but exceeded, the expectations of Family Practice Associates. Marts said one NextGen feature the physicians particularly like is the ability to access everything in the EHR from one page, including the list of medications, the record of previous visits, “just about everything.”

Dispelling initial concerns

Dr. Mary Carpenter, a physician with the group, admitted to having strong opinions about how the implementation would go. “I was pretty sure that I wanted new templates [for example, for health and wellness information] made. I was wrong about that. We use the standard templates almost exclusively and they work out great for us,” she said.



Dr. Mary Carpenter

Carpenter was especially impressed by NextGen’s electronic prescription function. “That was definitely a success,” she said. “I also like the fact that even when I am not in the office I am able to keep track of my patients refills, labs, etc. in a real time fashion and I think that provides better care for my patients.”

Doctors praise Litigation Support Program



Dr. Ronald Hofeldt

“Like watching a bad play unfold, you predicted almost every ploy and twist from the other side.” So wrote a physician to Dr. Ronald Hofeldt, who leads MMIC Group’s Litigation Support Program. The doctor participated in the program in preparation for medical liability litigation. The suit eventually was dismissed, and the physician gave Hofeldt much of the credit for a successful outcome.

“For instance, I knew that when I was called as a hostile witness it probably was going to work in my favor, so instead of freaking out I participated in a calm and proactive way,” the doctor wrote. “You really helped me stay focused and, truthfully, I slept better at night and am sure I presented myself better because of that.”

The program is designed to remove the mystery of litigation and help prepare clients for what they’ll encounter during the process.

Tim Schultz, assistant vice president, Claim, MMIC Group, said that every such case received by the company – approximately 30 each month – is referred to Hofeldt. In each case, Hofeldt initiates a call to the doctor who is the subject of the claim.

It wasn’t always like that.

“Previously, we offered doctors similar services via a toll-free number, but the doctor had to take the initiative and call,” Schultz said. “The service received perhaps five calls each year.

“We surveyed physicians, and learned just how stressful the experience of going through the litigation process can be,” Schultz said. He added that the company had also seen cases it knew it could defend, but where the doctor, just prior to the trial, exhibited panic and stress, demonstrating that he or she was not emotionally prepared to be an effective witness. In those cases, the company had little choice but to settle.

“You really helped me stay focused and, truthfully, I slept better at night.”

“Since Dr. Hofeldt has been conducting this program, that has never happened again,” Schultz said.

A special rapport

Hofeldt has worked with health care professionals for more than 20 years. He educates them about the strategic and emotional realities of litigation.

“I clearly recall our conversation early in the process,” another doctor wrote to Hofeldt. “You spent over an hour on the phone with me and described what I could expect to happen, how I would likely feel and what the gory details of the behind-the-scenes process would be. Your caring was genuine, and your advice was invaluable.”

“Dr. Hofeldt has the expertise, demeanor and approach doctors need in this situation,” Schultz commented.

“You discussed everything from how to respond to clinical questions, how to dress, how to sit and how to react,” one doctor wrote. “With this in mind, I was completely prepared and, in an odd way, very at ease during the process.”

“We believe that no one else has a program quite like ours – most have something similar to our earlier service, where the doctor must take the initiative and call a toll-free number,” Schultz said.

“But the biggest difference between us and other companies is Dr. Hofeldt. He’s one of a kind.”



Tim Schultz
Assistant Vice President
Claim

MMIC adds to crisis management bench strength

You're the administrator of a hospital, nearing the end of a relatively quiet day. The phone rings; at the other end of the line is a reporter, who says it's been reported that several of your patients may have been infected by contaminated needles. What now?

When a potential medical liability claim is suddenly thrust into the "court of public opinion," the reputation of the defendant and his or her employer is immediately at risk. To help clients in such situations, MMIC Group, Inc. since 2010 has offered crisis management assistance.

Recently the company expanded its panel of crisis consultants, adding the Minneapolis-based firm of Padilla Speer Beardsley Public Relations to the firms available to MMIC policyholders.



Tim Smith
Vice President
Claim


"When a client is the target of a suit, we may call upon various experts to help deal with the claim and mitigate any loss," said Tim Smith, vice president, Claim, MMIC Group. "For example, we may enlist outside legal counsel, or tap such services as the Litigation Support Program, which counsels physicians during the litigation process."

A reporter is on the phone. What now?

"Crisis management experts bring one more type of expertise to the situation, helping ensure that it is managed properly and in the best interests of the client," Smith said. "They counsel clients not only on communicating with the media, but on how to deal with all concerned audiences – employees, patients and the community at large."

"The goal is to bring to bear the resources needed to deal with the situation and protect the client's reputation."

The service is available to a policyholder when an MMIC claims professional deems that an event could generate adverse publicity or a negative public reaction. The services available include media relations, spokesperson training, communications counseling as well as assistance in the design and implementation of processes to deal with affected patients. The specific firm is selected by the client from the approved list of vendors.

For more information, clients are encouraged to contact their risk management or claim consultant. 

Managing Risk

Just Culture helps hospitals assess employee behavior that may affect patient care

Just Culture was developed by the consulting firm Outcome Engineering. It provides managers of hospitals and other health care institutions with tools designed to promote shared accountability by employees in ensuring patient safety. An initial training session, followed by the ongoing use of a proprietary algorithm, is designed to help managers determine if an event, near miss or staff behavior falls into one of three categories:

- Human error, which could be addressed by coaching and discussions with the employee
- At-risk behavior, to be addressed by counseling that emphasizes that such behavior is unacceptable
- Reckless behavior, necessitating disciplinary or punitive action to ensure patient safety



Dale Hustedt

The initial Executive Briefing on *Just Culture*, by Outcome Engineering and MMIC staff, is free for MMIC policyholders. The full management training program carries additional costs.

Traditionally, after an adverse event or a near-miss, managers tended to focus on the severity of

the event in a judgmental manner. *Just Culture* changes the focus to an evaluation of the behavioral choices that led to the event.

A new perspective on handling behavioral issues

“Moving toward the environment of a *Just Culture* wasn’t that big of a change for us,” commented Dale Hustedt, chief administrative officer of Rice Memorial Hospital

in Willmar, Minn. “For a long time, we promoted a non-punitive work environment that fostered a staff commitment to quality patient care.

“After Outcome Engineering and MMIC conducted a *Just Culture* workshop for our hospital and other area hospitals, we looked at all of our policies and safety plans, and found that the vast majority of our plans and policies didn’t need to be changed,” Hustedt added, “but a couple of them implied that for some actions there would be no punishment at all. We didn’t want to say that we were not punitive in any respect.”

Hustedt’s colleague Wendy Ulferts, chief nursing officer, is chair of Rice Memorial Hospital’s clinical safety committee. Employees report safety incidents and the committee reviews those reports once a month.




Wendy Ulferts

“In the past, when we read that report we would be looking solely at hospital system issues,” Ulferts said.


“But now that we have incorporated *Just Culture* into our policies, if a safety report form identifies not a system issue but a case of reckless behavior, we funnel that to Human Resources.”

“*Just Culture* has provided us with a different perspective on how to handle safety issues related to employee behavior – to know when it’s appropriate to bring this into a discussion with an employee,” Hustedt said.

For additional information on *Just Culture*, please contact your MMIC risk management consultant. 

Webinar scheduled for December 7

Just Culture provides management of hospitals and other health care institutions with tools designed to promote shared accountability by employees in ensuring patient safety. The program focuses on managing behavior to achieve required patient safety outcomes.

A webinar on *Just Culture* is scheduled for noon (CST) Wednesday, Dec. 7, 2011. The program is available to MMIC policyholders. Registration information is available via the **My Account** section of MMICGroup.com. 



Webinars focus on “e-risks”

Even with today’s advances in communications technology, people can still “mis”-communicate – conveying the wrong information or simply misunderstanding a message. And nowhere is the risk of miscommunication a bigger concern than in medical liability.

A series of webinars on “e-risks,” focusing on the risks and challenges of the electronic age, is now archived at MMICGroup.com. Lori Atkinson, senior manager, Risk Management, MMIC Group, who led the first webinar in the series, said that communication breakdowns have long been a leading cause of medical malpractice claims.

“When we analyze all claims and incidents, and look for the root causes, again and again, communication breakdowns are a key source,” Atkinson said. “Often, an injury to a patient is the result of a cascade of communication breakdowns, whether between the doctor and the patient, or between different health care providers.”

Risks and promises of social media

The advent of social media, she noted, has contributed to both the risks, as well as the opportunities, in communications between health care providers and patients.


“Hospitals and clinics are starting to tap the power of social media to interact with patients and clients, in a

two-way conversation, through secure patient portals,” Atkinson said. “This can greatly enhance not only communications, but also patient care – but it has to be done the right way.”

Atkinson noted that secure portals already provide such information as test results and blood pressure readings, or enable patients to make appointments. Providers, however, are also using them to counsel and advise patients, recommending other self-management or social support sites that patients can access.

“Social media, however, poses its own set of risks she said. “For example, patient confidentiality laws must be adhered to. On sites such as Facebook, it’s not advisable for a professional to ‘friend’ a patient. And, for certain information, such as critical test results, patient communication still needs to be direct and quick, not through social media.”

The final webinar in the series, “Discovering ESI,” will look at the different forms of media that contain discoverable electronically stored information is scheduled for noon on Wednesday, Dec. 14, 2011.

To register, or to access archived webinars in the series, visit the **Risk Management Services** section of MMICGroup.com. 




Program offers training in electronic fetal monitoring

Electronic fetal monitoring is used in more than 85 percent of all births, yet only recently have professional organizations and providers of obstetric care agreed on consistent ways to define, classify and describe fetal monitoring patterns – and not all clinicians have been trained in how to properly evaluate and communicate the patterns.

That's now addressed in a training program available at no cost to MMIC insured physicians, nurse midwives and hospital nurses. The GE Healthcare Electronic Fetal Monitoring Program, part of MMIC OB Risk Solutions, enables providers to understand the most current, standardized definitions to describe, interpret and communicate fetal heart rate tracings.

“Obstetric cases continue to rank at or near the top in terms of the frequency and severity of medical liability claims,” commented Betty Van Woert, senior risk management consultant, MMIC Group. She explained that electronic fetal monitoring issues often are singled out in obstetrical medical malpractice claims. Claimants have identified such factors as failures in assessment, timely and appropriate responses to fetal monitoring, and conflicting interpretations of electronic fetal monitoring.

“This five-course, interactive program uses actual scenarios to reinforce NICHD standardized fetal heart rate terminology, review maternal and fetal physiology, and highlight clinical management issues,” Van Woert added. The program can be accessed under the **My Account** section of [MMICGroup.com](https://www.MMICGroup.com). 

November 30 webinar to address fetal heart rate monitoring

Insured physicians, nurse midwives, nurses and others interested in addressing potential sources of preventable error in fetal heart rate monitoring can register for a free webinar, “Maximizing Benefits of Intrapartum Fetal Monitoring”, scheduled from noon to 1 p.m. CST November 30.

The webinar will be presented by David A. Miller, M.D., FACOG, professor of obstetrics, gynecology, maternal-fetal medicine and pediatrics and director of the CHLA-USC Institute for Maternal Fetal Health in Los Angeles. Dr. Miller will review fetal heart rate monitoring nomenclature and interpretation and offer a practical, standardized management decision model.

Registration is accessible via the **My Account** section of [MMICGroup.com](https://www.MMICGroup.com). 

Be protected, stay cool.

We protect your peace of mind. It's what we do for medical professionals and specialists. We know your organization is unique. We are too. MMIC provides medical liability insurance coverage, and delivers personalized peace of mind. It's a movement and we'd love to have you join us.

Contact your independent agent or broker, or go to **PeaceofMindMovement.com** to see what MMIC can do for you.

