

Senator William Stouffer, Chairman  
Senator Victor Callahan  
Steve Reintjes, MD  
John Stanley, MD  
David Carpenter



Representative Robert Schaaf, MD  
Representative Curt Dougherty  
Lancer Gates, DO  
Gloria Solis, RN, MSN, MBA

## Health Care Stabilization Fund Feasibility Board

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Monday, April 27, 2009 (Via Teleconference)

Board Members on the Telephone:

Senator Stouffer  
Senator Callahan  
Representative Schaaf  
Dr. Stanley  
Dr. Gates  
Gloria Solis  
Brent Kabler (representing DIFP Director John M. Huff)

Also participating at the Missouri Department of Insurance

Tamara Kopp  
Mark Doerner  
Jackie Kuschel

Also listening in was Jeanie Botkin of the law firm Polsinelli Shughart.

Senator Stouffer started the meeting by explaining that Senate Bill 410 (which contained a number of clarifications to the data collection provisions of Sections 383.105 and 383.106, RSMo) was not going to be enacted by the General Assembly this session. In the alternative, Sen. Stouffer proposed that the Board make a formal motion to direct the Department of Insurance, Financial Institutions and Professional Registration to use its other statutory authority to collect the data the Board needs to make its decisions. He read the following language of the motion:

Pursuant to examination authority in 374.202 – 374.207, RSMo, I move for the Health Care Stabilization Fund Feasibility Board to request that the Department of Insurance, Financial Institutions & Professional Registration request data regarding premium, exposure, and loss information by specialty and by county as described in the “Summary of Proposed Data Elements and Data Categories” attached to the letter from the director dated April 23, 2009 to the board. The call will include information since 1997 and an attachment point of \$300,000. This data is required for the board to meet its statutory duties.

Sen. Stouffer then opened the matter for discussion. Rep. Schaaf asked for an explanation of the concept of the “attachment point.” Brent Kabler of the Department explained that it would be an additional “data element” collected by the Department, designed to mimic the effect of a stabilization fund, had once been in place providing excess coverage in Missouri between 1997 and 2008 (the time span for the data call). In this case, we will want to know the number of

claims and the dollar amounts that exceeded the selected \$300,000 attachment point, which is the threshold of liability for this theoretical Missouri fund. This information will tell us the number and dollar amount of the claims a Missouri fund would have absorbed since 1997 had it been in operation.

Because other portions of the proposed data call will collect “claims” data that has been “aggregated” by the reporting insurers by provider specialty classification codes and by Missouri counties, without this separate data element, we will not be able to identify the individual claims that would have been covered by a hypothetical Missouri stabilization fund. Thus, this additional data element will fill a gap that would otherwise exist in the data call. Rep. Schaaf indicated he understood the need for this extra step once it was clear the main data call would collect “aggregated” data and not data on individual claims.

Rep. Schaaf also asked if the data would be collected from self-insurers and whether the statutory sections cited in the motion apply to Chapter 383 medical malpractice mutual companies. Brent Kabler indicated the data would *not* be collected from self-insurers. Mark Doerner indicated the sections referenced in the motion *do* apply to 383 companies. (See Section 383.030, RSMo.)

After a motion by Dr. Gates, seconded by Dr. Stanley, that the proposed language be voted on, a roll call was taken. All members present voted in favor of the motion except Rep. Schaaf, who abstained from the vote.

Following a brief discussion of other insurance legislation, the meeting was adjourned.