

How We're Different: The Benefits of the KAMMCO Approach to Claims

Tucker Poling, JD

Vice President, Claims and General Counsel

The KAMMCO Difference is Real

At KAMMCO, our advocacy-centered approach to claims defines and distinguishes us in the medical liability insurance marketplace. While other companies focus on settlements as a cost-cutting strategy, KAMMCO's primary goal is protecting and advocating for our insured healthcare providers.

To understand our approach to claims, it's essential to understand why KAMMCO exists and what makes KAMMCO different.

Kansas healthcare providers founded KAMMCO in 1989, following waves of crisis in the Kansas healthcare environment caused by increasing malpractice litigation. Lawsuits against healthcare providers were causing liability insurers to either abandon the Kansas market or increase insurance premiums to unsustainable levels to maintain profit margins. While some legislative measures improved conditions, the problem of instability in the availability and affordability of medical malpractice insurance persisted.

Kansas healthcare providers recognized a core problem that made long-term stability in a state like Kansas illusive—the way malpractice insurers handled claims. The liability insurance companies to which Kansas providers had access regularly settled claims that could be defended because it was easier and cheaper than defending their insureds in expensive medical malpractice litigation.

KAMMCO's founders wanted a different kind of liability insurance company. One created, owned, and guided by healthcare providers—a company whose core mission is to aggressively defend its members and to defend the practice of good medicine. KAMMCO is an advocacy company that provides insurance, not an insurance provider that advocates for healthcare professionals only when it benefits the bottom line.

I spent most of the first decade of my legal career as a defense attorney, with the majority of my practice focused on defending healthcare providers. I worked with many different liability insurance carriers, including KAMMCO. I can attest that the KAMMCO advocacy-centered approach to claims is different. And it works.

I'm convinced that our continued success lies in fidelity to the first principles in our approach to claims.



KAMMCO's Commitment to Our Insured Providers

But what does KAMMCO's commitment to our insureds mean in the real world? It means that when one of our insured healthcare providers faces a liability claim, they can rely on our claims team to translate the company's commitment to our insureds into action. Here are just a few ways our insured members can expect us to put this into practice on their behalf:

- Unrelenting advocacy: the core difference in KAMMCO's approach to claims
- Personal, consistent, and excellent support from a KAMMCO Medical Liability Analyst
- Proactive, confidential, and thorough internal medical investigation and analysis
- Confidential peer-to-peer support
- Exceptional legal support

Unrelenting Advocacy: The Core Difference in KAMMCO's Approach to Claims

Although they don't always say the quiet part out loud, I've found that most liability insurance companies usually take a mathematical approach to claims. They tend to focus on spending the least amount of money possible to resolve the claim.

In other words, if it will cost more money to defend a claim than to settle, they pay the settlement and consider it a "win" from a claims management perspective. Medical malpractice claims are among the most expensive to defend effectively, so this strategy tends to lead to a settlement-focused approach to claims.

This settlement-focused approach works well for many insurance companies. But their success can come at the expense of the healthcare provider and the communities they serve. Settling malpractice claims that could have been defended may leave a provider unnecessarily saddled with the responsibility of reporting the settlements to various credentialing and licensing entities for years to come. This can make it more difficult and costly for a provider to access high-quality malpractice liability insurance in the future.

The settlement-focused approach can also incentivize plaintiffs' attorneys to file more lawsuits lacking merit. Skillful plaintiffs' attorneys pay attention. They know which insurance companies settle claims to avoid the high expense of aggressively defending medical malpractice claims. They often refer to those companies as "easy to work with" and often view providers insured by those companies as easy targets for malpractice claims. They like those companies.

Rest assured, plaintiffs' attorneys **do not** like KAMMCO. Going forward, I expect that they're going to like us even less.

As a member-owned company, we're careful about ensuring we control our claims costs, but we do so systematically. We focus on efficient processes that control costs over time without sacrificing aggressive advocacy. **At KAMMCO, we won't settle defensible claims as a claims cost-cutting shortcut.**

Personal, Consistent, and Excellent Support from a Medical Liability Analyst

The support a KAMMCO Medical Liability Analyst (MLA) provides is unique in the insurance industry. Our MLAs personally support and guide our insured healthcare providers throughout their claims experience.

Most liability insurance companies assign a claims adjuster to monitor and manage a claim. While they may have some contact with the insured during the life of the claim, their primary focus is often to calculate how to resolve the claim at the lowest total cost to the company. If they come to the mediation or trial, it's often the first time they meet the insured provider.

In contrast, the primary role of a KAMMCO MLA is to proactively support and help defend the healthcare provider, not crunch numbers to determine the lowest cost method to close the company's file. Our MLAs meet personally with the insured healthcare provider as soon as feasible after the claim is made. They talk the provider through the process and what to expect, listen to and address the provider's concerns, and continue to be a consistent, substantive, and engaged advocate and member of the overall defense team throughout the life of the claim.

Proactive, Confidential, and Thorough Internal Medical Investigation and Analysis

Physicians founded KAMMCO, and physicians continue to guide the company today. It's, therefore, not surprising that our approach to claims focuses heavily on expert analysis of the medical issues involved in each claim.

We take a proactive approach to ensuring that the entire defense team has an informational and analytical advantage throughout the life of a claim. Again, this approach sets KAMMCO apart.

When a provider notifies us that a claim of alleged professional liability has been made against them, KAMMCO assigns an experienced nurse reviewer to their case. The nurse reviewer collects, organizes, and analyzes the relevant medical records. This is a unique asset and a key component in KAMMCO's successful advocacy for our insureds.

In addition, we engage trusted Kansas physicians to conduct expert, confidential internal reviews of the claim. This provides the defense team with medical guidance on the potential strengths and weaknesses of the case.

For claims litigated in the court system, we work with our insured's legal defense counsel to engage additional high-quality medical experts. These medical experts analyze the case and potentially provide an expert report and testimony on behalf of our insured provider.

Confidential Peer-to-Peer Support

Liability claims are, unfortunately, a reality of modern healthcare practice, even for the best of the best healthcare providers.

Facing a professional liability claim can be one of the most challenging experiences a healthcare provider faces in their career. That's why our approach to claims includes the KAMMCO CARES Litigation Support Program. The program provides our insured with peer-to-peer support from a fellow healthcare provider who has successfully navigated the experience of defending themselves against a claim of alleged malpractice. Only a professional peer can provide this kind of support: it can't be replicated, and its value can't be overstated.

Exceptional Legal Support

At KAMMCO, we only hire medical malpractice attorneys whom we know to be highly qualified, experienced, willing, and able to aggressively advocate for and advise our insured providers. I'm confident that no other insurance company knows the medical malpractice legal environment and our region's medical malpractice defense bar better than KAMMCO.

The KAMMCO Approach Works

In litigation, I've found that—if you pay attention—the evidence will eventually cut through the noise and reveal the truth. At KAMMCO, our approach to claims works. Here are a few points of evidence that reveal that truth:

- Over the last decade, we've closed nearly three out of every four claims against our insureds (74%) with **zero settlement paid** on behalf of our insured.
- Over the last decade, **our insureds won** a defense verdict **more than 92% of the time** when their claim resulted in a jury trial.
- Nearly all insured providers who returned our claims evaluation told us **they felt supported by KAMMCO** during the claim.

We are proud of the work we do at KAMMCO. Our mission to stand up for the best interests of healthcare providers and the communities they serve drives our commitment to our advocacy-centered claims approach.

For more information, please contact Vice President of Claims and General Counsel Tucker Poling, JD at tpoling@kammco.com or 1 (800) 232-2259.