

prostate cancer and underwent surgery. One year later, the patient sued Dr. A for alleged failure to diagnose. A settlement was reached in the amount of \$250,000.

A 57-year-old female outpatient had a mammogram. One year later, the patient was diagnosed with breast cancer and she underwent chemotherapy and radiation. The patient sues the physician for alleged failure to diagnose and treat. A settlement was reached in the amount of \$100,000.

A 45-year-old male came to the emergency department with complaints of shoulder and chest pain, and he was discharged after evaluation. Six hours later, he had a cardiac arrest and could not be resuscitated. The estate sued the treating emergency room physician for alleged failure to diagnose and treat. The case went to trial and resulted in a verdict in favor of the plaintiff for \$1,000,000.

A 9-month-old girl was seen in a private office with fever and treated symptomatically. The next day she was brought to the hospital in convulsions. Her parents allege that a delay in the diagnosis of meningitis caused permanent neurological damage. A settlement was reached in the amount of \$2,000,000.

A 31-year-old pregnant woman was admitted to the hospital by her physician in the early stages of labor. After four hours, the woman began to show signs of fetal distress. The hospital staff attempted to contact the physician but could not locate her for four hours. The patient sued the physician, alleging that the physician's abandonment caused permanent neurological damage to the child. A settlement was reached in the amount of \$2,000,000.

(Portions adopted from the Harvard Risk Management Foundation Sample Claims Descriptions.)

### **Reporting of Payments by Individuals**

Individual subjects are not required to report payments they make for their own benefit to the NPDB. On August 27, 1993, the Circuit Court of Appeals for the District of Columbia held that [445 (DC Cir. 3 F.3D 1993)] the NPDB regulation requiring each "person or entity" that makes a medical malpractice payment was invalid, insofar as it required individuals to report such payments. The NPDB removed reports previously filed on medical malpractice payments made by individuals for their own benefit.

A professional corporation or other business entity comprised of a sole practitioner that makes a payment for the benefit of a named practitioner must report that payment to the NPDB. However, if a practitioner or other person, rather than a professional corporation or other business entity, makes a medical malpractice payment out of personal funds, the payment is not reportable.

### **Payments for Corporations and Hospitals**

Medical malpractice payments made solely for the benefit of a corporation such as a clinic, group practice, or hospital are currently not reportable to the NPDB. A payment made for the benefit of a professional corporation or other business entity that is comprised of a sole practitioner is reportable if the payment was made by the entity rather than by the sole practitioner out of personal funds.