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Meet Robert L. Wheeler, M.D.



Robert L. Wheeler, M.D.

Robert L. Wheeler, M.D., was elected to the Mutual's Board and began his tenure on July 1, 2009. Dr. Wheeler serves on the Risk Management, Claims and Underwriting Committee.

Dr. Wheeler was born in Gainesville, Florida. In 1978, he received his medical degree from University of Florida and completed his residency at the University of Colorado.

Specializing in Obstetrics and Gynecology, Dr. Wheeler began his practice at Greenbrier Physicians in Lewisburg, West Virginia in July of 1982. Dr. Wheeler is certified by The American Board of Obstetrics/Gynecology. He resides in Lewisburg with his wife.

QUARTERLY COVERAGE

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Letter from the Chairman

Since we physicians and our advocates exercised our political muscle in 2001 and 2003, leading to medical liability reform that is the envy of the nation, we have remained ever vigilant with regard to potential court threats that could undo our hard-fought and hard-won reforms. We all realize that these reforms enabled the formation of your Mutual and created an environment where your Mutual could thrive by dramatically reducing frivolous lawsuits that caused our state to be a significant outlier in comparison to other states. This, in turn, has led to the ability of your Mutual to dramatically reduce malpractice insurance premiums down to much more affordable levels. Most importantly,

West Virginians have been able to continue to enjoy high quality healthcare as a result of a cessation of the exodus of physicians from our state prior to the reforms. Indeed, there has been an actual increase of around 250 physicians actively practicing in our state since 2004. Furthermore, research has documented a significant reduction in the percentage of the uninsured in states that have caps on non-economic damages, presumably due to a reduction in defensive medicine costs making health insurance more affordable. However, we all know that we are just one bad state Supreme Court decision away from a return to the bad old days and another crisis.

Recent experience in Illinois, Washington and Georgia offers a cautionary tale to all West Virginia physicians. The Illinois Supreme Court recently struck down, for the third time since 1976, caps on non-economic damages as unconstitutional, throwing that unfortunate state back into turmoil. Late last year, the State of Washington's Court struck down their Certificate of Merit requirement, which will allow lawyers to once again file lawsuits, without discretion, against Washington physicians. Most recently, in March 2010, the Georgia Supreme Court struck down the amount of money that people can recover in addition to their economic losses in medical liability cases. This repeal of the non-economic damage caps put in place by the Georgia Tort Reform Act of 2006 does not bode well for Georgia physicians. Insurance companies who insure physicians in Illinois, Washington or Georgia will more than likely be adversely affected by these court decisions.

It has long been my belief that our absolute best chance for keeping our reforms intact is to stand united under the banner of a West Virginia company, as the West Virginia Supreme Court should be less inclined to create havoc with us than with a faceless out-of-state, for-profit company. Your Mutual is that West Virginia company. We must remain united.

As you know, we are in an election year. I would urge you to be an active part of the process in choosing those who will govern our state in the coming years. We need to protect that which we already have by electing a legislature and judiciary that supports healthcare providers and their patients. Otherwise, we will return to the conditions of a few years ago where physicians could no longer tolerate the adverse legal environment that produced exorbitant malpractice premiums. We must act now to control our own destiny and thereby ensure the continuing outstanding success of your Mutual in "Physicians Insuring Physicians."

Sincerely,

R. Austin Wallace, M.D.

Answer This Question: Do Representatives Represent *Your* Interests?

by Bill Perry, Perry & Associates

Achievement Statistics

The following are a few numbers from underwriting:

Total Number of Policyholders Covered: **1,543**

Year-to-Date:

Number of New Policyholders Written: **34**

(20 joining currently insured groups)

Number of Policyholders Renewed: **653**

Number of Policyholders Non-renewed: **3**

Statistics as of June 18, 2010

This is not an article supporting any candidate in any race in any area. This is an article about your involvement in the process, so that you protect your practice, your livelihood, your community and your patients.

As you are aware, this is an election year. Once again, West Virginians have an opportunity to choose among several new candidates who could make a difference in our state.

Unfortunately, this is also a time that fewer than forty percent of eligible voters actually vote. Think about that, year-after-year a shrinking number of voters make choices for one hundred percent of the population. And, we as residents of West Virginia live with the decisions made until the next election.

Six years ago the healthcare community, business leaders and legislators worked very hard to achieve tort reforms. This legislation dramatically improved the medical professional liability environment in our state. No legislature is bound by any preceding legislature, so the gains made in the last five years could be lost in any given session. The struggle to maintain the tort reforms are a constant battle that will never end. As a physician, you should have an interest in helping to retain those hard-fought tort reforms.

As West Virginia Mutual Insurance Company policyholders, it is imperative you stay abreast of the positions and track record on tort reform of those running for public office. You should take the time to know your delegates and senators, being able to contact them and express your views concerning any issue that is important to you.

Here are three simple ways you can be involved:

- **Learn.** Invite candidates to hold informational meetings at your practice or in your community.
- **Offer Support.** Through word-of-mouth and personal financial contributions. Campaigns need money. Without financial support, candidates cannot run an effective campaign.
- **Vote.** It is all for naught if you do not take the time to vote for the candidates that are aligned with your interests.

Make sure you learn about, offer support and vote for candidates that represent your interests in the November elections.

Recent Medical Professional Liability Reform Changes

Three State Supreme Courts have overturned medical professional liability tort reforms since the fall of 2009. Here is a brief summary of those changes:

State: Washington

Reform: Certificate of Merit Statute

Reform Lost: September 2009

Change: The Washington State Supreme Court found unconstitutional a state law requiring patients, at the initial filing of a lawsuit, to submit a statement from a medical expert certifying that there was a reasonable basis for the allegations. The court unanimously said the certificate of merit statute encroached on the court's ability to set its own procedural rules, violating the separation of powers between the Legislature and the judiciary. Washington adopted a certificate of merit requirement in 2006.

State: Illinois

Reform: Non-Economic Damage Cap

Reform Lost: February 2010

Change: The Illinois State Supreme Court struck down the state's \$500,000 cap on non-economic damages, declaring the cap an unconstitutional violation of the Illinois constitution's separation of powers doctrine. The cap was enacted by statute in 2005.

State: Georgia

Reform: Non-Economic Damage Cap

Reform Lost: March 2010

Change: The Georgia State Supreme Court overturned the state's five-year-old law that placed a non-economic damage cap of \$350,000 in medical professional liability cases. This change also provides juries the right to set non-economic damages as they see fit.

Unprecedented Rate Relief Continues

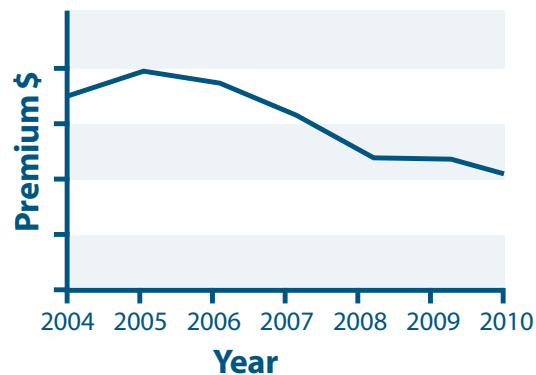
By standing united, the healthcare community and our state government has created an environment that attracts physicians to West Virginia instead of chasing them away. One major improvement has been the Mutual's ability to provide unprecedented rate relief for policyholders every year since 2005.

As an example of the physician-led Board's commitment to premium relief, the Mutual is providing a twelve percent renewal dividend credit to all policyholders who renew in 2010.

Since its inception, the West Virginia Mutual Insurance Company has operated in a manner that positions it to be a source of medical professional liability insurance today and tomorrow and is constantly seeking ways to lower the cost of your medical professional liability insurance and provide valuable services to our policyholders.

Average WVMIC Premium

30–40% Reduction



WVRHITEC: Offering health information technology support to WV physicians

The West Virginia Regional Health Information Technology Extension Center (WVRHITEC) is a new, federally funded project that assists healthcare providers in the effective implementation and use of certified health information technology. WVRHITEC also helps providers achieve health improvement outcomes through "meaningful use."

WVRHITEC offers services and support to all healthcare providers in West Virginia. Examples include education, outreach and guidance to West Virginia providers, whether they have adopted electronic health record systems or not. WVRHITEC will provide technical services as well. Rural clinics and small practices may be eligible for subsidized services.

WVRHITEC will provide participating providers with assistance in:

- Selecting a certified EHR product that offers the best value for the providers' needs,
- Achieving effective implementation of a certified EHR product,
- Enhancing clinical and administrative workflows to optimally leverage an EHR system's potential to improve quality and value of care. This includes the patient experience as well as outcomes of care,
- Observing and complying with applicable legal, regulatory, professional, and ethical requirements to protect the integrity, privacy, and security of patients' health information

For more information call (877) 775-7535 or visit www.wvrhitec.org.

Risk Management CME

For a complete and up-to-date listing of Loss Control CME presentations:

- Visit www.wvmic.com
- Click on Risk Management
- Click CME Programs

The Mutual's Loss Control CME programs are approved for 1.5 CME credit hours. A 1% premium may apply to your next policy renewal after attendance and will be effective for two years.

Stay Informed of New HIPAA Requirements

Last February the American Recovery and Reinvestment Act (ARRA) was signed into law. Part of that new federal legislation was the Health Information Technology for Economic and Clinical Health (HITECH) Act. The HITECH Act strengthens HIPAA's original Privacy and Security requirements. Some of the new requirements are already in effect while others are still in development. The Mutual can provide assistance to its policyholders in the form of guidance and in-office education programs upon request. * Contact Michael Harmon at (304) 348-5378, Compliance Specialist, if you would like additional information or would like to schedule an educational program for you or your staff.

*This is not legal advice. You should consult your attorney if you need legal advice on this topic.