



# State of West Virginia

## Medical Malpractice Report Insurers with 5% Market Share

*Provided by the West Virginia Offices of the  
Insurance Commissioner*

November 2010

# Introduction

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The West Virginia Offices of the Insurance Commissioner has prepared this report on Medical Professional Liability Insurance to fulfill the requirements and intent of West Virginia Regulations §114CSR22, §114CSR23, West Virginia Code §33-20B-6, and §33-20B-7. The information used in the preparation of this report encompasses the experience found in the statutorily required “filed information” of those insurers with a 5% or greater written premium market share, the rate filings of those companies, National Association of Insurance Commissioners (*NAIC*) supplementary information, Insurance Services Office (*ISO*) loss cost filings and other *ISO* reports, *A. M. Best* reports, and data from the West Virginia Board of Medicine.

A “*claim for medical malpractice*”<sup>1</sup> means a claim arising out of the rendering of, or the failure to render, medical care services. An “*action of medical malpractice*” is a tort or breach of contract claim for damages due to the death, injury, or monetary loss to any person arising out of any medical, dental, or surgical diagnosis, treatment, or care by any provider of healthcare.

In any action for the recovery of damages based upon medical malpractice, a claimant has the burden of proving the alleged actions of the healthcare provider represented a breach of, or failure to meet, the prevailing standard of care for that type of healthcare provider. The prevailing professional standard of care for a given healthcare provider is the level of care, skill and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar healthcare providers.

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<sup>1</sup> 2003 University of Central Florida Governor’s Select Task Force on Healthcare Professional Liability Insurance

The medical malpractice insurance market has gone through three crisis periods or “hard” markets during the past thirty years. The first medical malpractice crisis occurred in the mid-to-late 1970s. The second medical malpractice crisis occurred in the mid-1980s. The most recent medical malpractice crisis began in early 2001. This hard insurance market was driven by a number of factors<sup>2</sup>:

- Rising loss trends;
- Higher and more volatile jury awards;
- Adverse reserve development on prior accident/report year reserves;
- Reduced carrier capacities;
- Rising cost and availability of reinsurance;
- Varying success of tort reform packages in multiple states (e.g., constitutionality, ability to pass reforms); and
- Declining investment returns.

As this report will show, West Virginia’s **medical malpractice insurance results have displayed continuous improvement compared to that of the years subsequent to the recent “hard” market period.** Rate level changes which have been approved over the last few years, the passage of H.B. 601 and H.B. 2122 creating the policyholder owned *West Virginia Mutual Insurance Company* have all contributed to the change in the Medical Malpractice Liability results in West Virginia. In 2009, we experienced a continued overall general stabilization in rate (*i.e. little to no change*) from the major admitted writers in West Virginia.

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<sup>2</sup> July/August 2004 *Contingencies Magazine* ([www.contingencies.org](http://www.contingencies.org)), *The Medical Malpractice Market: From National Dominance to Regional Focus*, Kevin Bingham.

This year's report covers the following medical malpractice insurance areas:

- **Section I:** An overview of the Industry's *by-line* insurance results in 2009 together with a *comparison* of Industry results and West Virginia results for the Medical Malpractice Insurance line.
- **Section II:** A review of §33-20B-8 closed claim data and the West Virginia Board of Medicine paid claim data covering 1994–2009.
- **Section III:** A *fulfillment of the legislative requirements* examining market positions, rating plans and rules, and a comparison of filed information to rate filings and financial statement information. This section includes a commentary concerning Joint Underwriting Associations pursuant to §33-20B-7. A review of rate filings and investment returns is also provided, as well as a sample comparison of currently approved physician's and surgeon's rates in West Virginia.
- **Section IV:** A review of Medical Liability Fund data, Board of Medicine licensure data, and other claim data gathered from Company financial statements.
- **Section V:** Summary observations

The overall goal of this report is to provide the reader with insight into the current Medical Malpractice Insurance market in the State of West Virginia.

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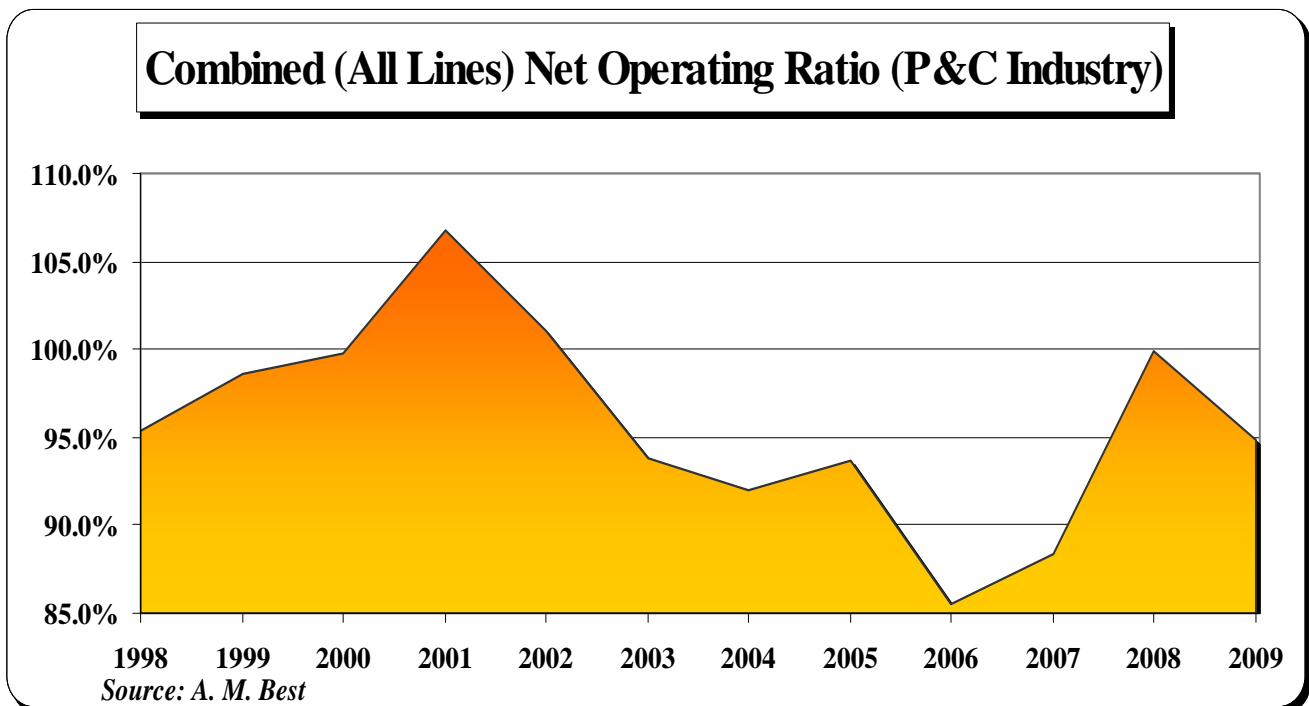
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# **Section I**

## **Overview**

## Section I. Overview of Countrywide P&C Insurance Industry Results for 2009

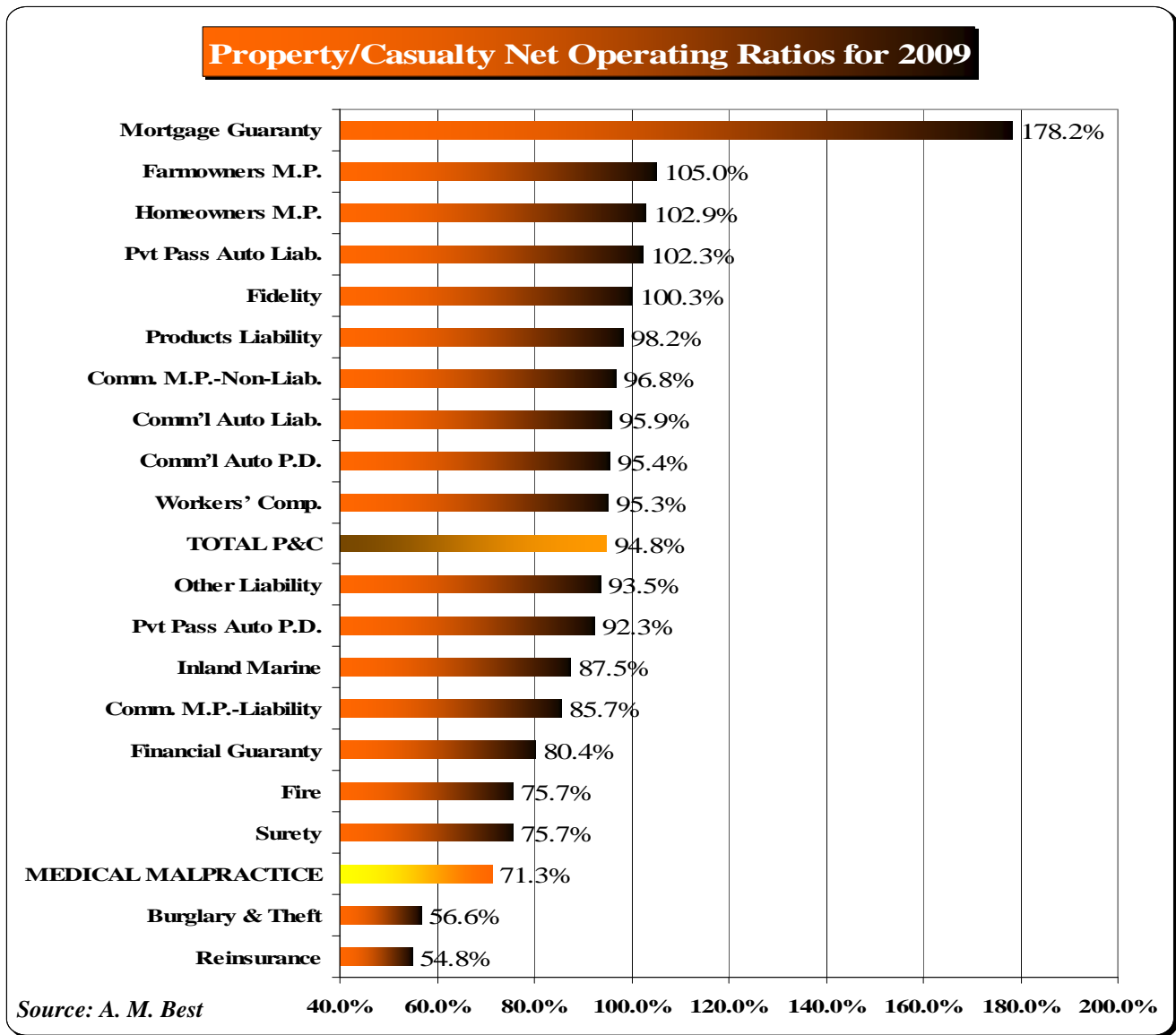
Experience for the combined all lines property and casualty insurance industry improved during 2009 returning once again to overall profitability. However, the results continue to be somewhat influenced by the general recession and further remain above the particularly favorable levels which were realized around 2006 and 2007.



The combined all lines property and casualty insurance industry operating ratio for 2009 was 94.8%. This net operating ratio reflects the results after paying/reserving for all claims and claim expenses; paying underwriting expenses and dividends; paying and collecting on reinsurance agreements; and accounting for investment gains/losses.



The 2009 net operating experience of the P& C Industry as compared to some of its key element lines were as follows:

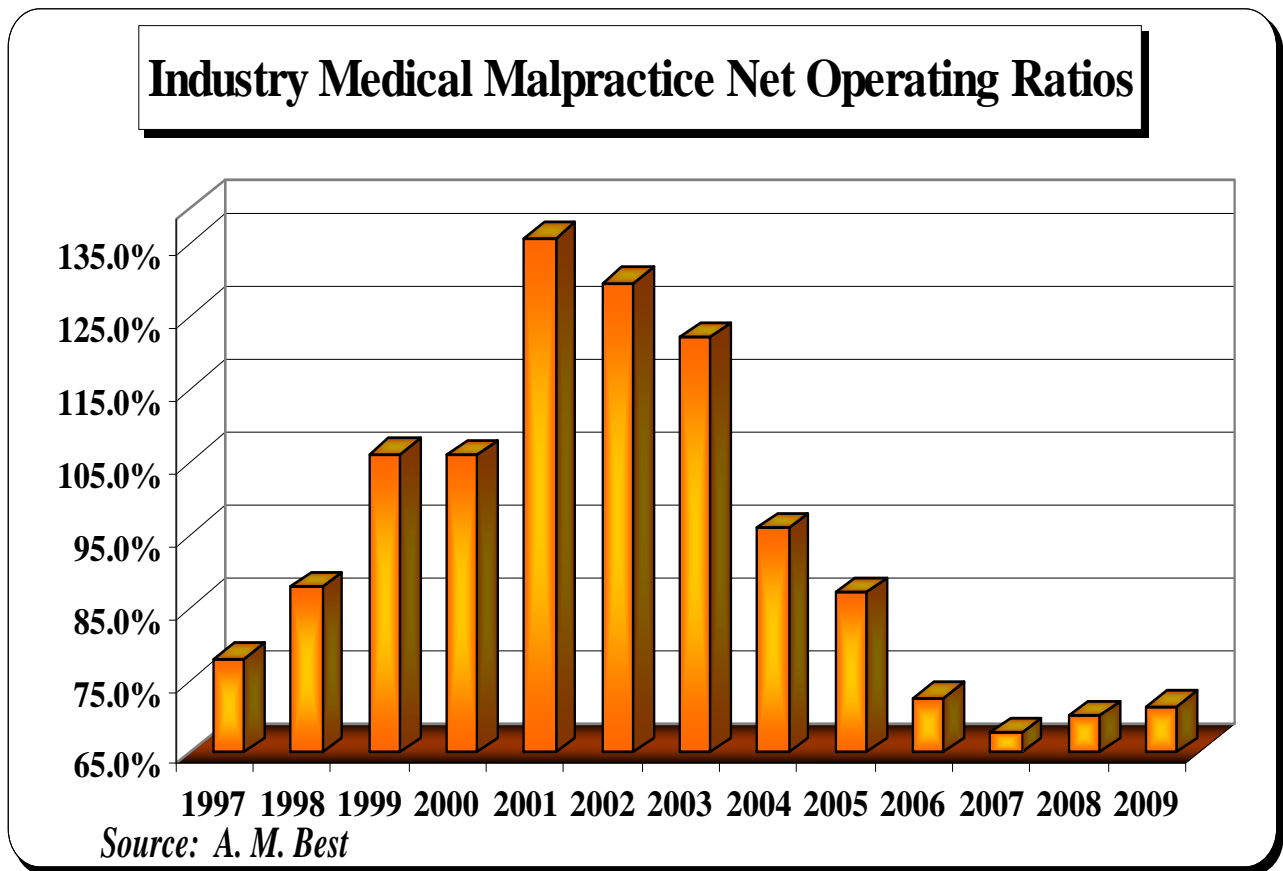


Several points can be noted from the industry results for 2009:

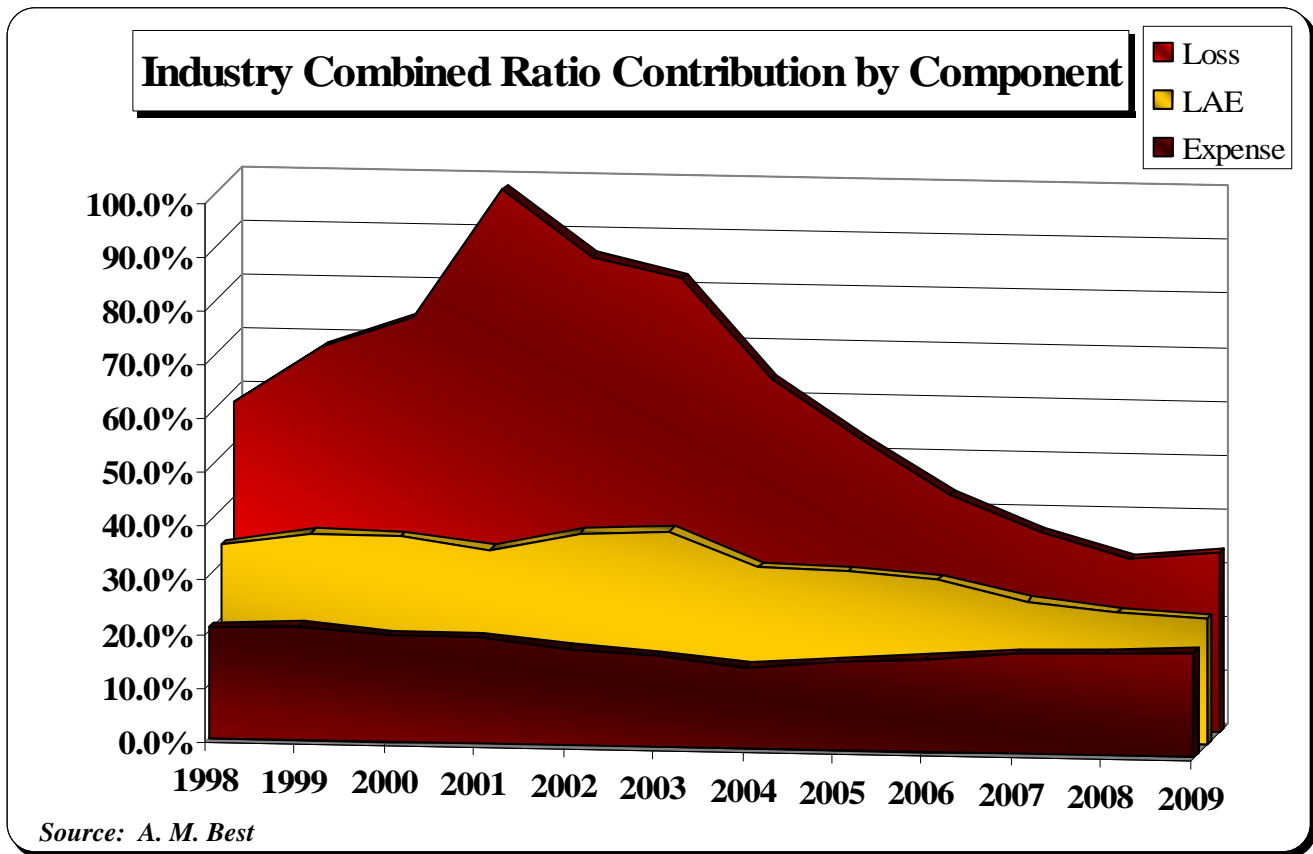
- The highly adverse impact of the national financial crisis upon the Mortgage Guaranty line, having begun in 2008, is shown to have continued during this time.
- Reinsurance industry results, which often influence future outcomes for other lines of business, again remained favorable (54.8%) as its net operating ratio had been 234.3% in 2005.
- Results for Medical Malpractice continue to be very encouraging.

### I-A. Medical Malpractice Insurance Results for the Industry

Medical Malpractice, which was the poorest performing line of insurance shortly after the millennium, has continued to show improvement since the adverse level which occurred in 2001, and is now performing well below the total combined industry results. The graph below displays industry net operating ratios occurring since 1997:



The next chart displays the combined ratio contribution by component excluding investment income:



**Profitability** for medical malpractice writers can be examined in the following table. Profitability can be volatile from year to year, thus *it is important to look at a number of years*:

Profitability - 86 Medical Malpractice Organizations										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>Net Income (\$M)</b>	\$523	(\$263)	(\$782)	(\$544)	\$77	\$652	\$1,615	\$1,658	\$1,220	\$1,708
<b>Surplus (\$M)</b>	\$7,102	\$6,678	\$5,786	\$6,150	\$6,638	\$7,195	\$7,958	\$9,443	\$10,274	\$11,879
<b>Return on Surplus</b>	7.4%	-3.9%	-13.5%	-8.8%	1.2%	9.1%	20.3%	17.0%	4.80%	11.9%

Source: A. M. Best

Over the past ten years, the 86 medical malpractice organizations above have amassed a fairly substantial policyholder surplus. Note that whereas our 2005 report had indicated an overall loss of net income in hundreds of millions of dollars, the 2009 results demonstrate the just opposite with a 11.9% return. Note also that the diminishing return on surplus beginning in 2007, and stemming from the U.S. financial market crisis, did not continue into 2009.

## I-B. Medical Malpractice: Industry vs. West Virginia Comparison

The following exhibit provides a comparison of Medical Malpractice results for the Industry along with results for West Virginia specifically over the past decade. In reviewing this exhibit, a few key areas of difference (other than the premium totals) are noted. A continued decline in total West Virginia premiums since 2004; greater volatility in direct West Virginia loss ratios and loss adjustment expenses (due to our relatively small market size), and a quicker return to overall profitability than that which was experienced on a countrywide basis.

### Industry vs. West Virginia Medical Malpractice Results

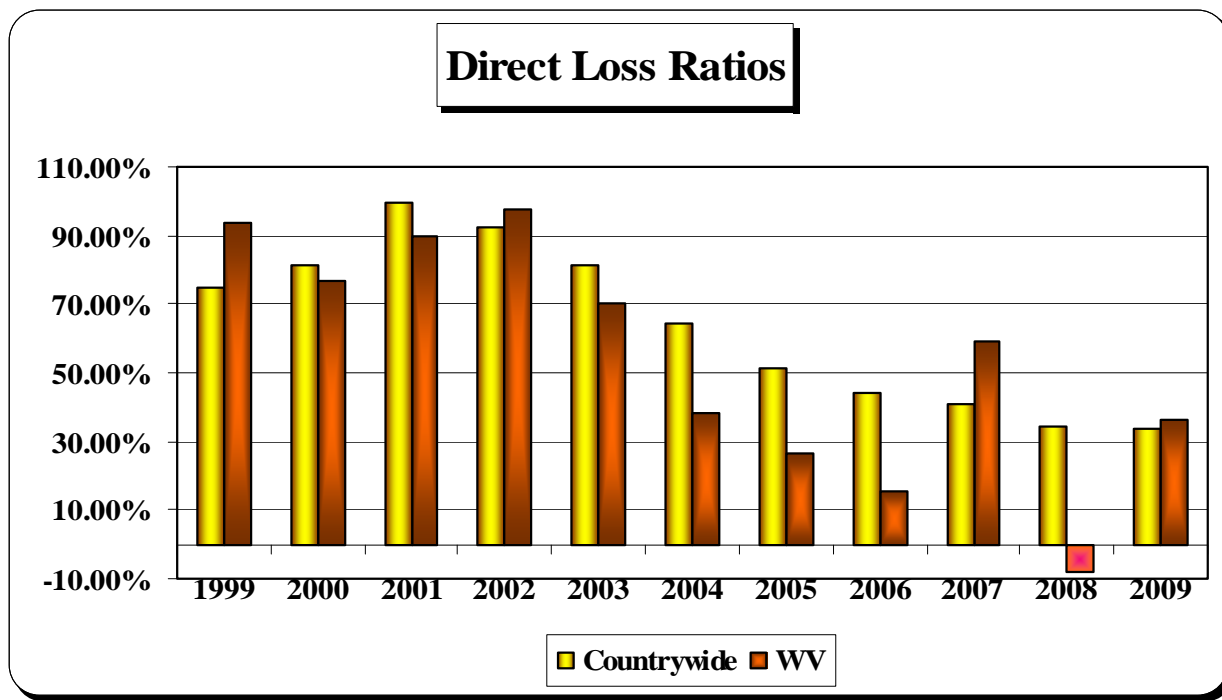
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<b>INDUSTRY (Best's Aggregates &amp; Averages)</b>						
Year	Direct Written Premium	Direct Earned Premium	Direct Loss Ratio	Loss Adjustment Expense	Underwriting Expense	Direct Combined Ratio
1999	\$6,027,964	\$6,013,442	74.60%	32.10%	20.10%	126.80%
2000	\$6,376,040	\$6,329,556	81.00%	32.10%	19.20%	132.30%
2001	\$7,457,325	\$6,928,413	99.60%	34.30%	18.50%	152.40%
2002	\$9,308,354	\$8,796,700	92.10%	31.70%	17.40%	141.20%
2003	\$10,755,416	\$10,268,287	81.60%	31.00%	15.20%	127.80%
2004	\$10,665,495	\$10,330,639	64.50%	27.40%	14.20%	106.10%
2005	\$10,988,548	\$10,795,144	51.20%	27.80%	15.40%	94.40%
2006	\$11,458,078	\$11,361,475	43.90%	26.90%	15.80%	86.60%
2007	\$10,653,232	\$10,766,483	40.70%	23.40%	17.40%	81.50%
2008	\$10,307,742	\$10,495,895	34.20%	23.20%	17.90%	75.30%
2009	\$9,458,646	\$9,548,279	33.40%	23.50%	19.40%	76.30%
<b>Total</b>	<b>\$103,456,840</b>	<b>\$101,634,313</b>	<b>63.20%</b>	<b>28.40%</b>	<b>16.80%</b>	<b>108.40%</b>

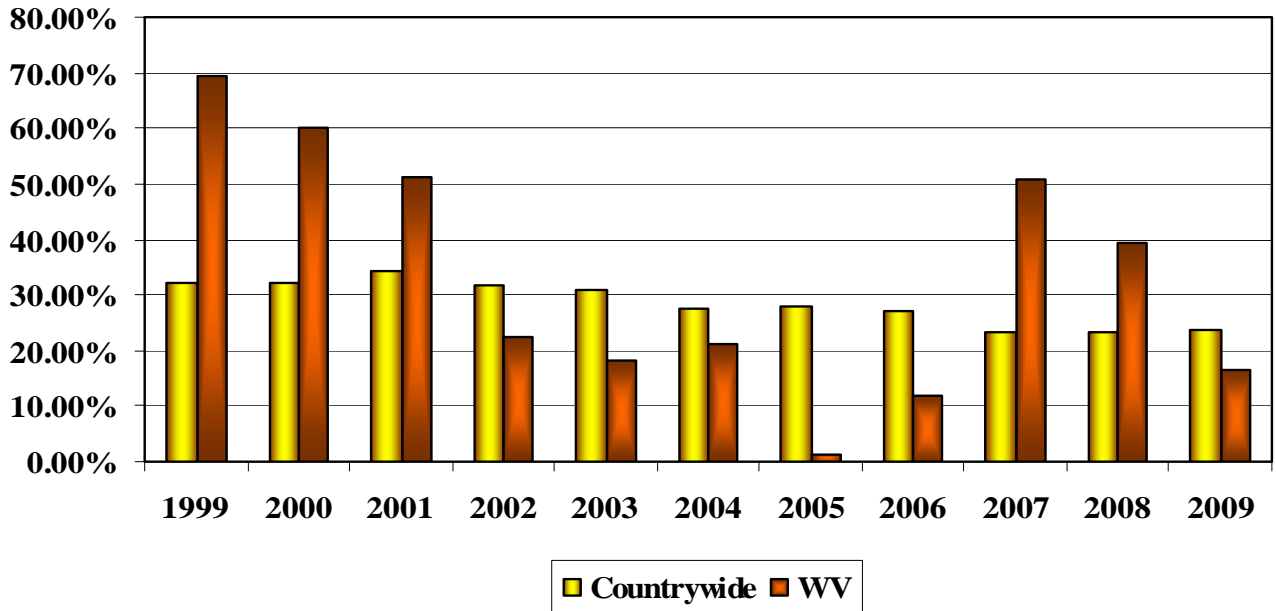
<b>WEST VIRGINIA (NAIC Annual Statement Data)</b>						
Year	Direct Written Premium	Direct Earned Premium	Direct Loss Ratio	Loss Adjustment Expense	Underwriting Expense	Direct Combined Ratio
1999	\$44,387	\$42,565	93.82%	69.48%	15.23%	178.53%
2000	\$67,635	\$57,081	76.51%	59.91%	13.54%	149.96%
2001	\$67,248	\$67,451	89.68%	51.23%	13.61%	154.51%
2002	\$71,909	\$86,550	97.76%	22.56%	9.41%	129.73%
2003	\$50,312	\$52,792	70.17%	18.27%	9.01%	97.44%
2004	\$113,237	\$94,994	38.23%	20.99%	8.00%	67.22%
2005	\$83,680	\$79,774	26.59%	1.25%	14.21%	42.05%
2006	\$78,739	\$77,969	15.72%	11.86%	14.00%	41.58%
2007	\$60,323	\$60,264	59.39%	50.76%	14.32%	124.47%
2008	\$53,272	\$54,743	-8.35%	39.42%	11.88%	42.96%
2009	\$51,721	\$52,199	36.55%	16.67%	11.13%	64.35%
<b>Total</b>	<b>\$742,463</b>	<b>\$726,382</b>	<b>54.40%</b>	<b>31.13%</b>	<b>12.05%</b>	<b>97.58%</b>

As indicated in last year's report, note that the 2007 West Virginia results appear to be somewhat of an anomaly, and upon detailed review were shown to be largely driven by the exit of just two companies from our market during that year. Specifically, *Health Care Indemnity Incorporated* (a hospital policy writer, included in the 2006 report with 5.26% market share) did not renew their single hospital policy for 2007 and posted a Direct Defense Cost Containment and Expense Incurred figure of \$19.3M for the year. Note that this amount (\$19.3M) is 4.7 times larger than their entire earned premium for that same exposure (\$4.1M) in 2006, and that the same heavily influenced the LAE ratio noted above as it was more than half of all incurred LAE (\$30.6M). Secondly, *NCRIC, Inc.* (the 9<sup>th</sup> largest admitted writer in West Virginia by market share in 2006, and 4<sup>th</sup> largest in 2004) fully exited the West Virginia market during 2007, posting negative earned premium figures for 2007, and a direct incurred DCCE figure (\$1.7M) that were more than 50% of their last positive earned premium (\$3.3M) amounts for 2006. Were it not for the two companies mentioned above leaving our market during 2007, the State-wide results would have been significantly different.

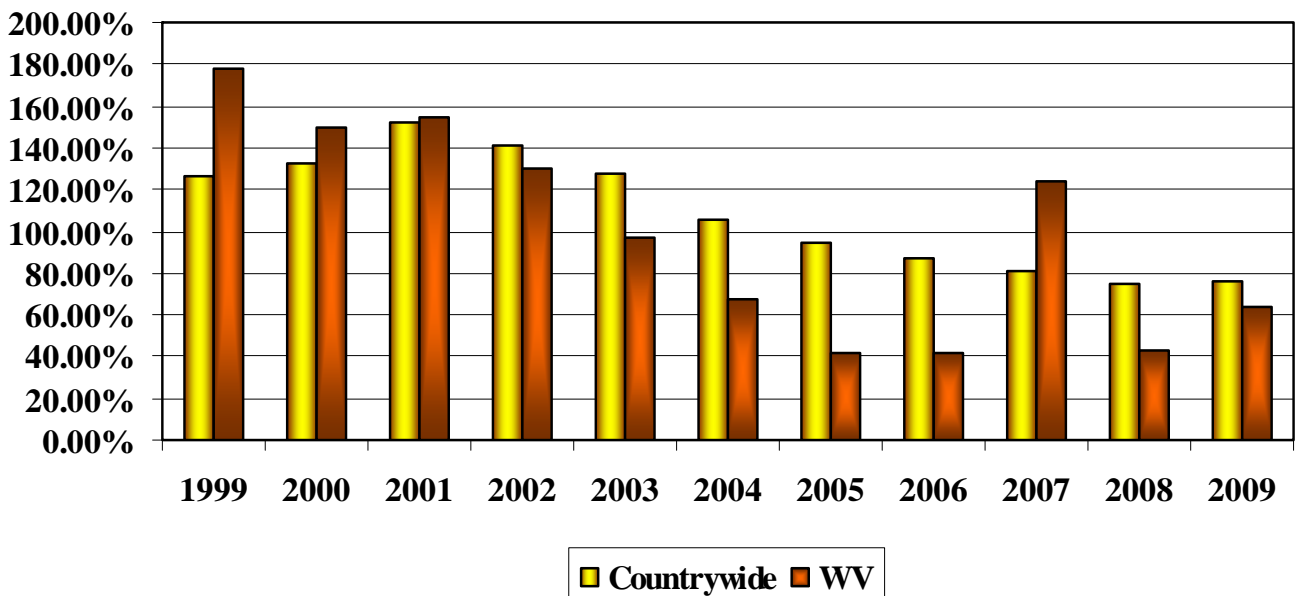
Visually, a comparison of Industry results with West Virginia results for Medical Malpractice in the decade from the proceeding table can be seen in the three graphs which follow:



### Allocated Loss Adjustment Expense (DCCE)



### Direct Combined Ratios



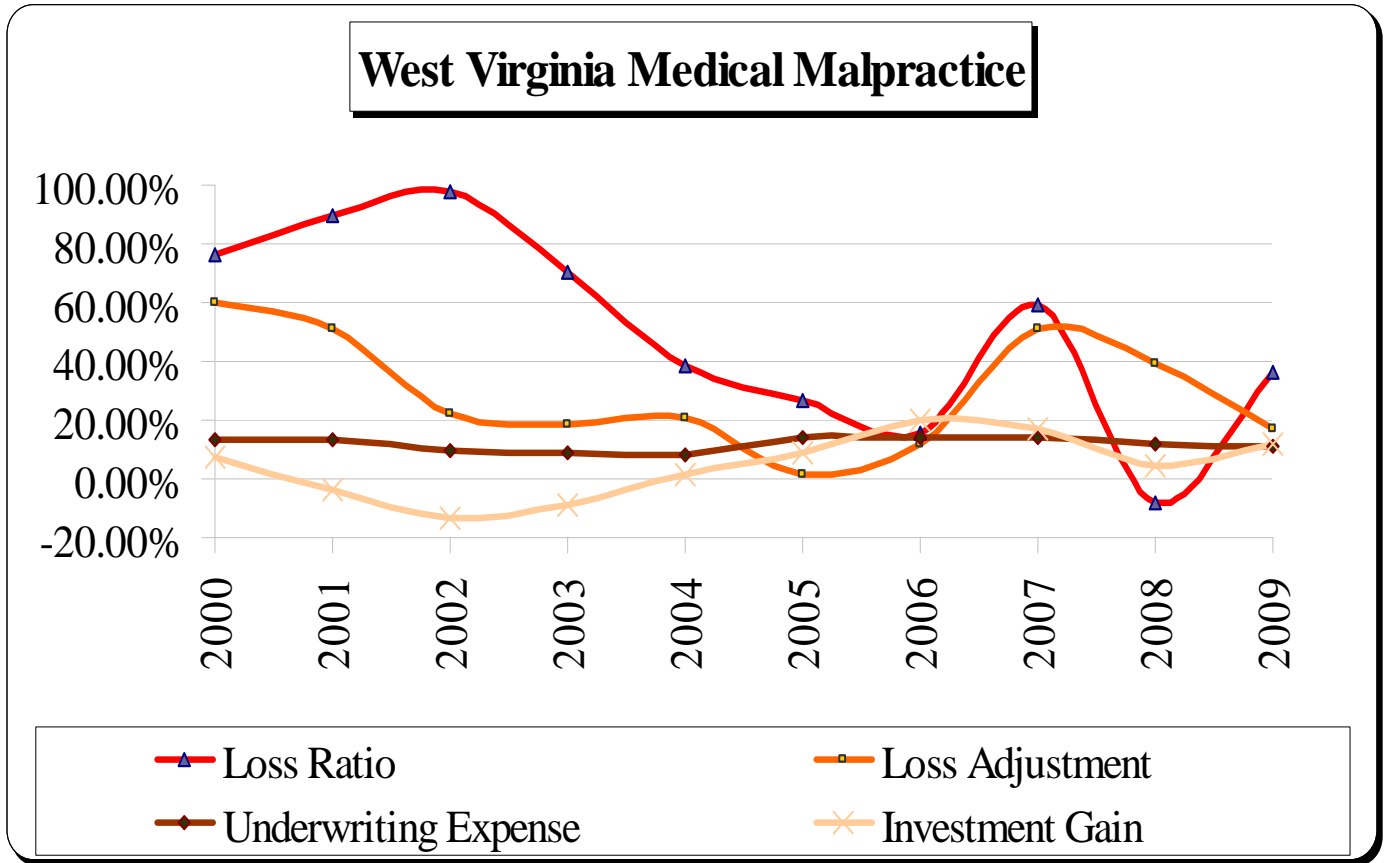
A review of the Direct *Operating* Ratio (which further reflects Dividends Paid and Investment Gain/Loss) produces the results which follow:

<b>INDUSTRY (Best's Aggregates &amp; Averages)</b>					
<b>Year</b>	<b>Direct Combined Ratio</b>	<b>Dividend</b>	<b>Combined Ratio (after Dividend)</b>	<b>Investment Gain</b>	<b>Direct Operating Ratio</b>
2000	132.30%	3.70%	136.00%	7.40%	128.60%
2001	152.40%	2.70%	155.10%	-3.90%	159.00%
2002	141.20%	1.60%	142.80%	-13.50%	156.30%
2003	127.80%	0.40%	128.20%	-8.80%	137.00%
2004	106.10%	0.50%	106.60%	1.20%	105.40%
2005	94.40%	0.60%	95.00%	9.10%	85.90%
2006	86.60%	0.70%	87.30%	20.30%	67.00%
2007	81.50%	2.30%	83.80%	17.00%	66.80%
2008	75.30%	2.30%	77.60%	4.80%	72.80%
2009	76.30%	2.50%	78.80%	11.90%	66.90%
<b>Total</b>	<b>108.40%</b>	<b>1.10%</b>	<b>109.50%</b>	<b>5.04%</b>	<b>104.46%</b>

<b>WEST VIRGINIA (NAIC Annual Statement Data)</b>					
<b>Year</b>	<b>Direct Combined Ratio</b>	<b>Dividend</b>	<b>Combined Ratio (after Dividend)</b>	<b>Investment Gain</b>	<b>Direct Operating Ratio</b>
2000	149.96%	0.06%	150.01%	7.40%	142.61%
2001	154.51%	0.05%	154.57%	-3.90%	158.47%
2002	129.73%	0.05%	129.78%	-13.50%	143.28%
2003	97.44%	0.05%	97.49%	-8.80%	106.29%
2004	67.22%	0.02%	67.24%	1.20%	66.04%
2005	42.05%	0.04%	42.08%	9.10%	32.98%
2006	41.58%	0.06%	41.64%	20.30%	21.34%
2007	124.47%	0.11%	124.58%	17.00%	107.58%
2008	42.96%	0.19%	43.15%	4.80%	38.35%
2009	64.35%	0.15%	64.50%	11.90%	52.60%
<b>Total</b>	<b>97.58%</b>	<b>0.07%</b>	<b>97.65%</b>	<b>5.04%</b>	<b>92.61%</b>

- The figures above demonstrate that after accounting for dividends and investment gain, medical malpractice produced an *operating profit* in West Virginia from 2004 to 2006 and again in 2008 and 2009, and that it remains profitable and notably more profitable overall than that of the countrywide average over the period shown above.

### I-C. Key Drivers of West Virginia Medical Malpractice Insurance Results



#### Negative Factors

- Increase in Loss Ratio for 2009
- Highly volatile Loss Adjustment Expenses

#### Positive Factors

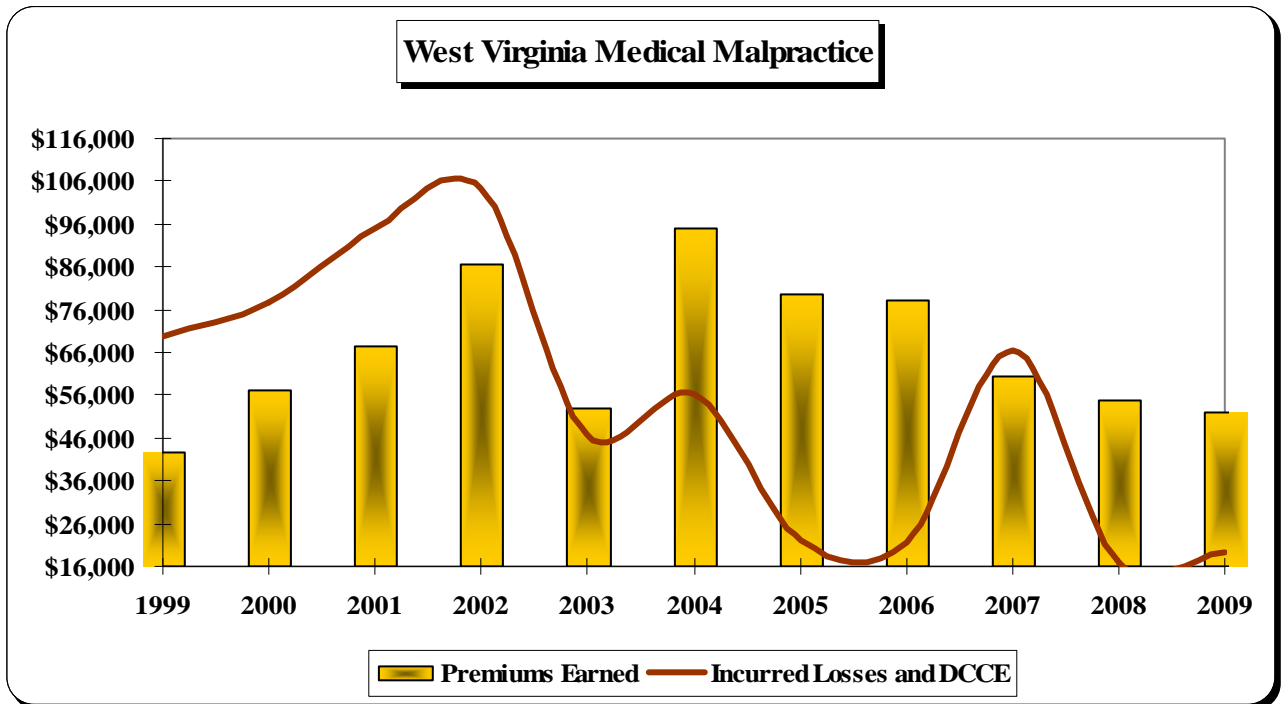
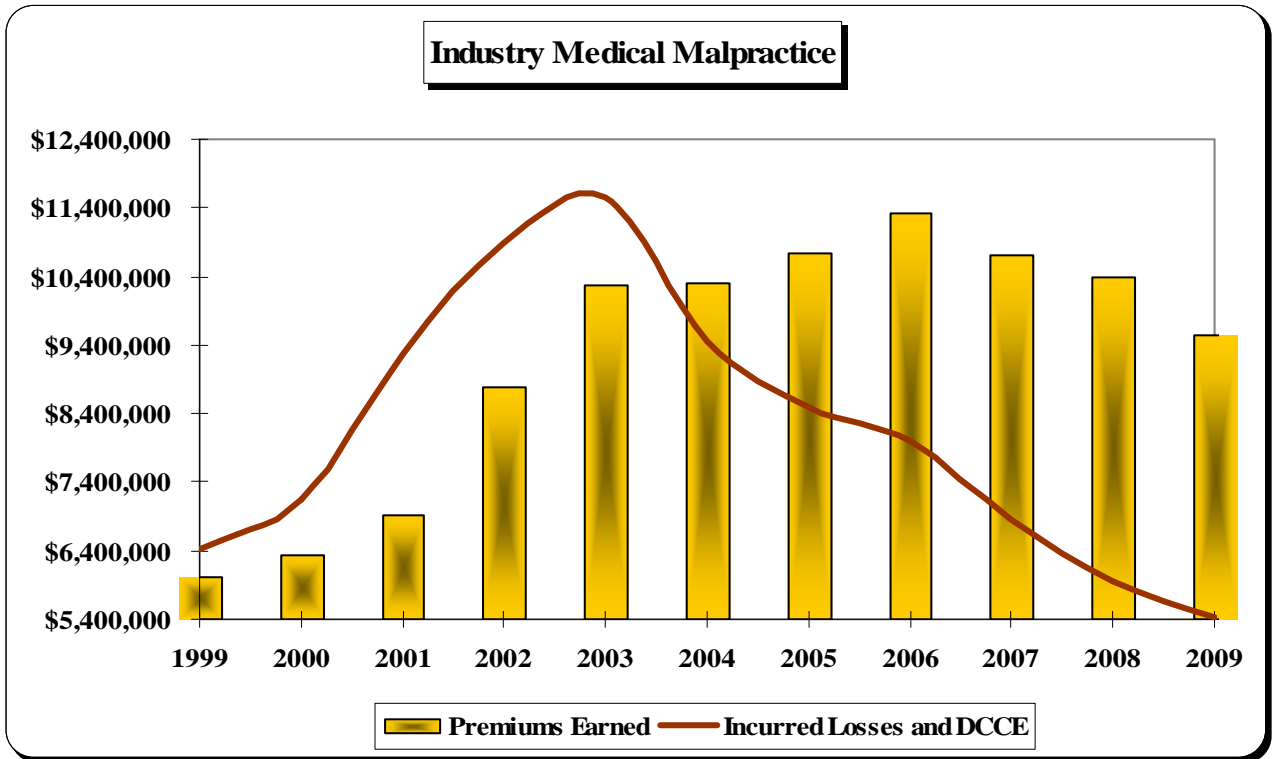
- General overall decline in Loss Ratio since 2002
- Relatively stable Underwriting Expense
- Generally favorable Investment income (offset)

Overall, the *graph above visually demonstrates a marked and continued improvement over the experience of earlier years for the West Virginia Medical Malpractice market.*



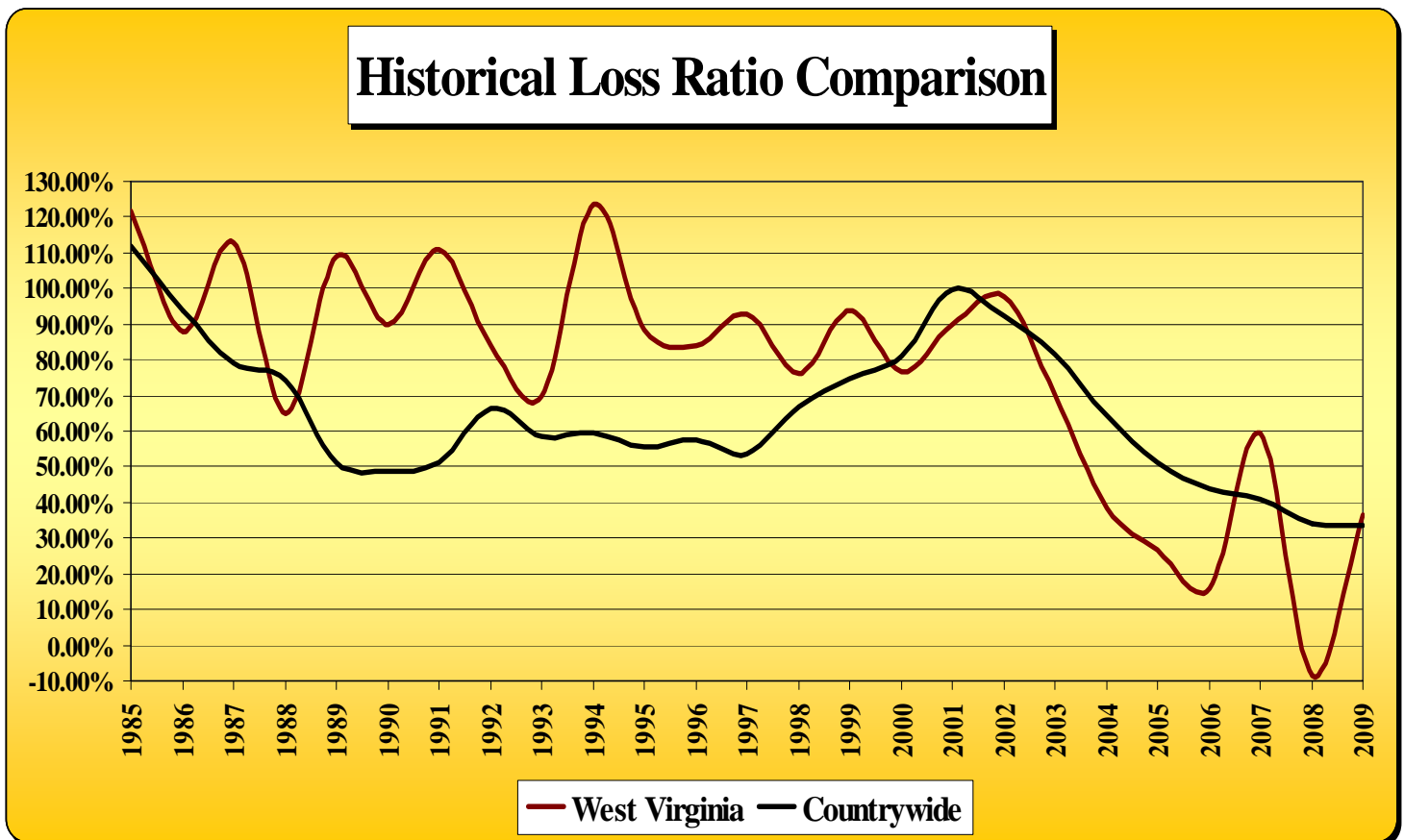
**I-D. Loss and Defense Costs Incurred vs. Premiums Earned**

The charts below compare losses and defense costs for the Industry (countrywide basis) against the comparable figures for West Virginia alone. They clearly show that results for loss and defense cost in West Virginia had far exceeded premiums until the turnaround reported for 2003, and afterward have remained favorable overall, yet somewhat volatile. *Note that each graph is on a per thousand basis.*



### I-E. A Cautionary Note

Recent loss ratio experience in West Virginia for Medical Malpractice clearly remains as an improvement over that experienced as recently as 2002. However, as the graph below (*comparing West Virginia Loss Ratios with those countrywide*) suggests, West Virginia Medical Malpractice loss ratios have not been stable historically. This is likely the result of the limited volume of business written in our State, and the potential for significant variance will likely increase if overall premium volumes continue their decline. Accordingly, *rate changes (or stabilization provided by a lack thereof) will likely play an increasingly crucial role for future results.*



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## **Section II**

# **A Review of Paid / Closed Claim Data**

## **Section II. Analysis of Paid Claim Information provided by the WV Board of Medicine**

*Cautionary note: The Board of Medicine information is **not insurance data**; rather it is information provided to the **West Virginia Board of Medicine** about Medical Malpractice claims after their disposition, and as such, it has not been audited for accuracy. “**Disposition**” in this case means claims which have been dismissed, settled, or adjudicated. These data represent indemnity payments only, thus, loss adjustment expense amounts are necessarily excluded. While not strictly matching insurance data, this information is useful in attempting to identifying trends. It should also be noted that the data does not include hospitals or doctors working within corporate structures. Even with seventeen years of data, the number of claims and loss dollars are still small enough to limit the credibility of the information. Additionally note that this information does include **BRIM** claim payments.*

*Advisory: The sections below which review both Judgments and Settlements with payment where the data is noted to have been capped at \$1,000,000 differs from that included in reports prior to 2007 due to the application of the \$1,000,000 cap. Specifically, the 2004 report only considered Judgments and Settlements under \$1,000,000 (excluding all those above that amount), the 2005-2006 reports continued to provide the data in this manner, but noted it as having been capped at \$1,000,000 (i.e. all individual payment amounts greater than \$1M only count only as \$1M each) as a smoothing procedure. However, only the 2007 and later reports, including this report, actually apply the noted capping methodologies in order to limit large swings in the data from year to year, yet also fully consider indemnity amounts over \$1,000,000 (counted as capped at \$1M) in order to attempt to identify any notable trend in payments. This creates some disparity between the figures provided within this report and that of earlier reports.*

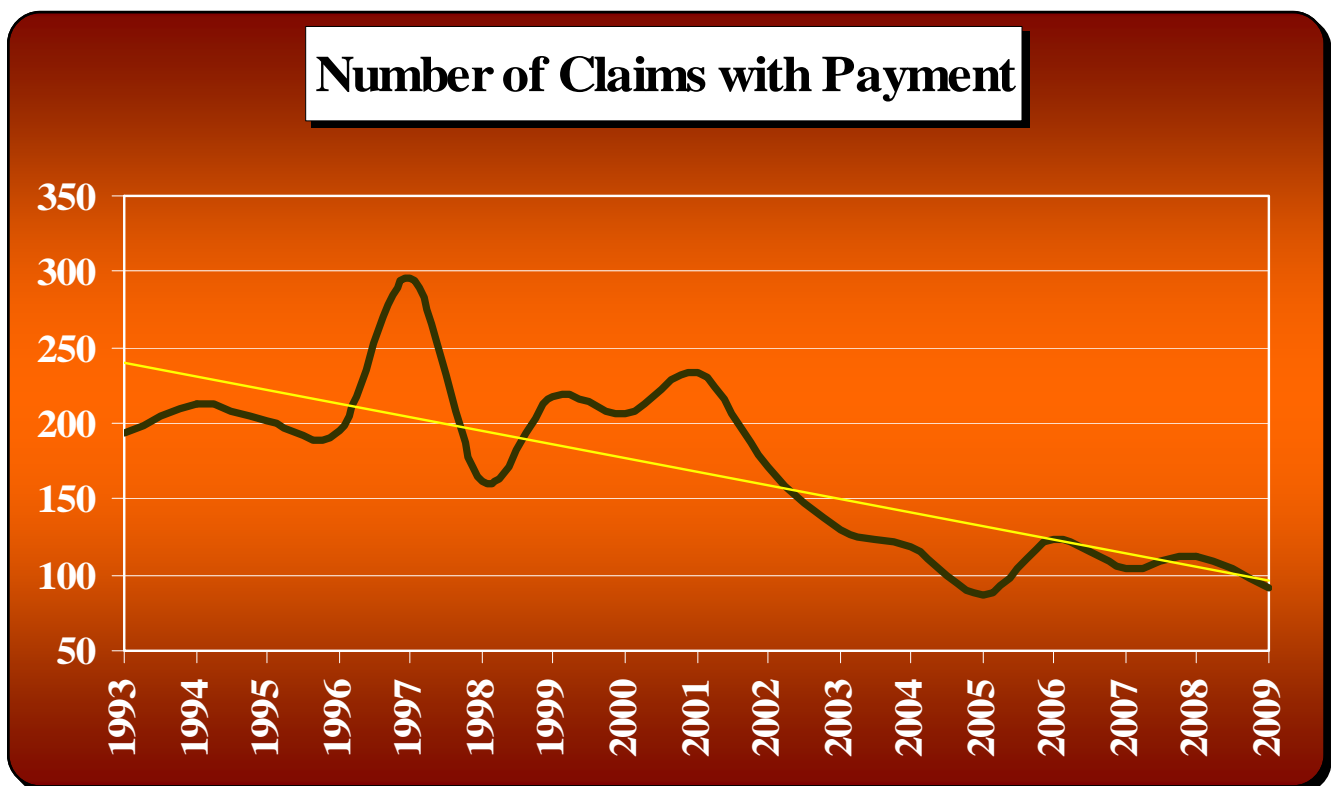
## II-A. How Malpractice Claims are disposed in West Virginia

The exhibit below displays paid claim count information for 1993 – 2009.

West Virginia Board of Medicine									
Claim Count Review									
Year	Number of Dismissals	% of Total	Judgments		% of Total	Settlements		% of Total	All Total
			Non Zero	Total		Non Zero	Total		
1993	79	28%	8	18	6%	186	187	66%	284
1994	74	23%	10	36	11%	203	208	65%	318
1995	103	31%	14	38	11%	187	190	57%	331
1996	81	27%	5	20	7%	191	194	66%	295
1997	114	27%	9	28	7%	286	286	67%	428
1998	53	22%	9	27	11%	153	156	66%	236
1999	99	30%	15	28	8%	203	206	62%	333
2000	104	30%	7	37	11%	199	203	59%	344
2001	112	30%	9	37	10%	225	226	60%	375
2002	122	39%	7	25	8%	164	165	53%	312
2003	108	42%	4	23	9%	125	127	49%	258
2004	87	39%	6	24	11%	113	113	50%	224
2005	77	44%	5	15	9%	81	82	47%	174
2006	72	35%	3	12	6%	120	120	59%	204
2007	40	24%	1	15	9%	104	109	66%	164
2008	73	37%	8	14	7%	105	108	55%	195
2009	71	41%	5	14	8%	86	89	51%	174
<b>Total</b>	<b>1,469</b>	<b>32%</b>	<b>125</b>	<b>411</b>	<b>9%</b>	<b>2,731</b>	<b>2,769</b>	<b>60%</b>	<b>4,649</b>

- West Virginia now averages 273 malpractice claims per year (*down from 280 in 2008, and from a high of 327 in 2001*). Over the past seventeen years, **32% of malpractice claims have been dismissed** (*31 in 2008*). In 2001, H.B. 601 was passed. One of its key elements was §55-7B-6, requiring that a “*certificate of merit*” be obtained prior to the filing of a medical professional liability action against a health care provider. Specifically, “[*the*] *certificate of merit shall be executed under oath by a health care provider qualified as an expert under the West Virginia rules of evidence and shall state with particularity: (1) the expert’s familiarity with the applicable standard of care in issue; (2) the expert’s qualifications; (3) the expert’s opinion as to how the breach of the applicable standard of care resulted in injury or death*”. (Emphasis Added) We believe that this new *screening process explains in part the increase in the percentage of dismissals seen beginning in 2002*.

- In general, **the number of claims filed has dropped significantly since the passage of the 2001 legislation**. Specifically, the 2009 claim count was about 46% of the 2001 total.
- On average, only about 9% of malpractice claims go to court. Of the claims that do go to court, roughly 70% receive a judgment of \$0. In other words, only about 30% of the claims that are adjudicated actually receive a judgment with payment.
- On average, **60% of malpractice claims are settled** without court involvement.
- Graphically, note the downward linear trend (yellow line) in the number of paid claims since 1997:



This is consistent with previous reports which have noted a decline in Medical Malpractice claims countrywide.

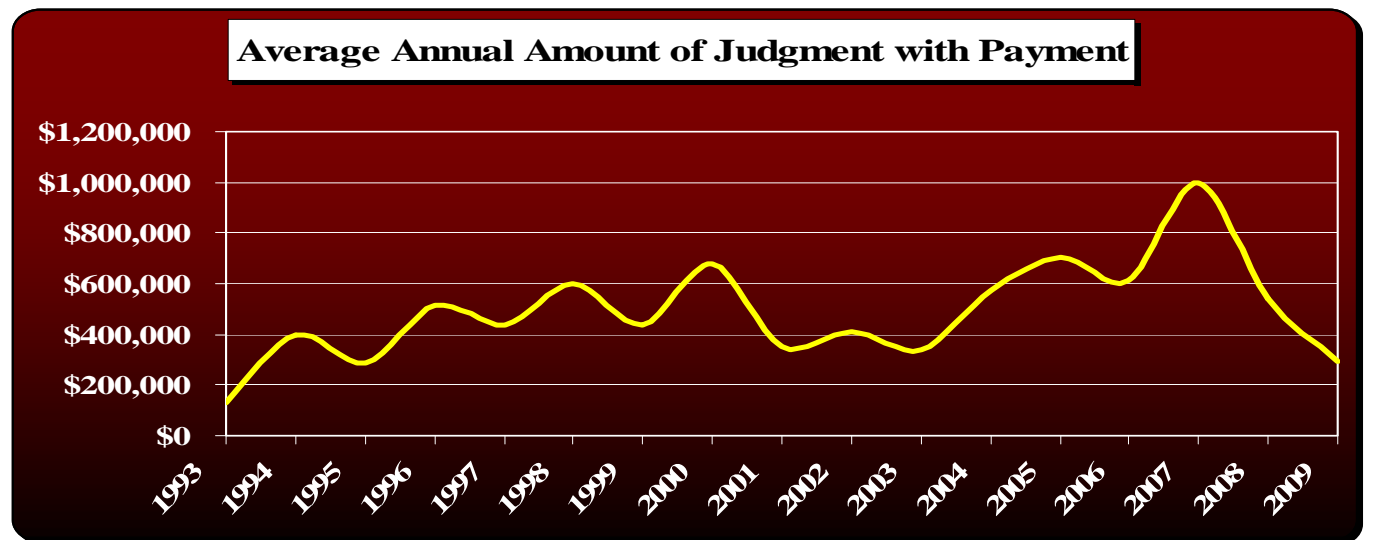
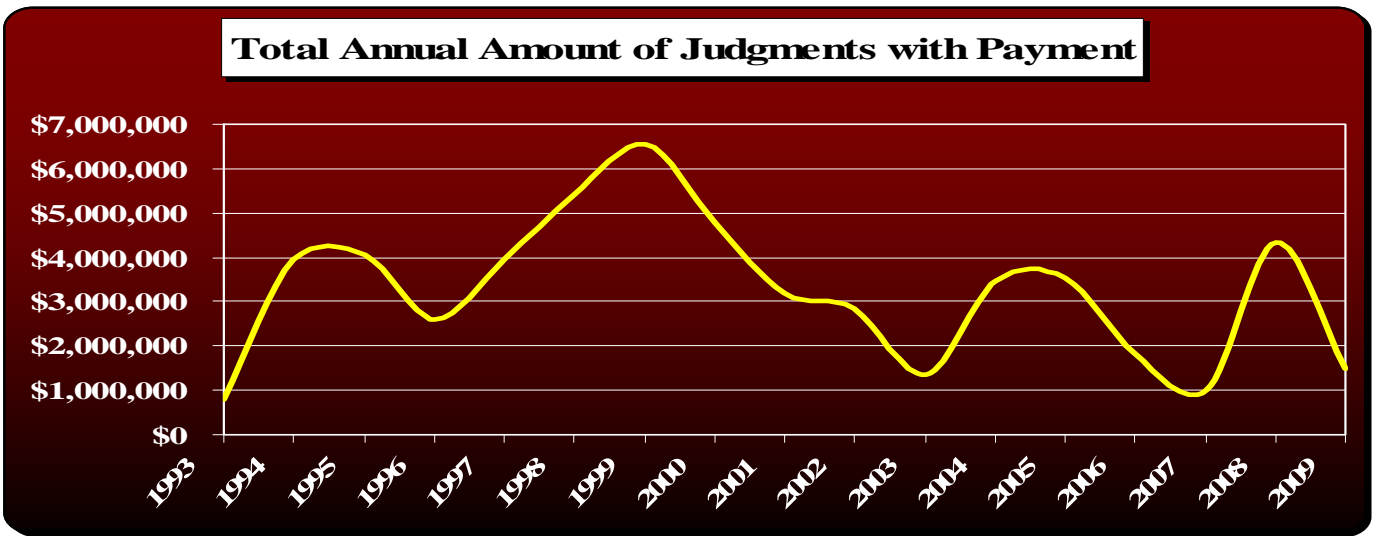
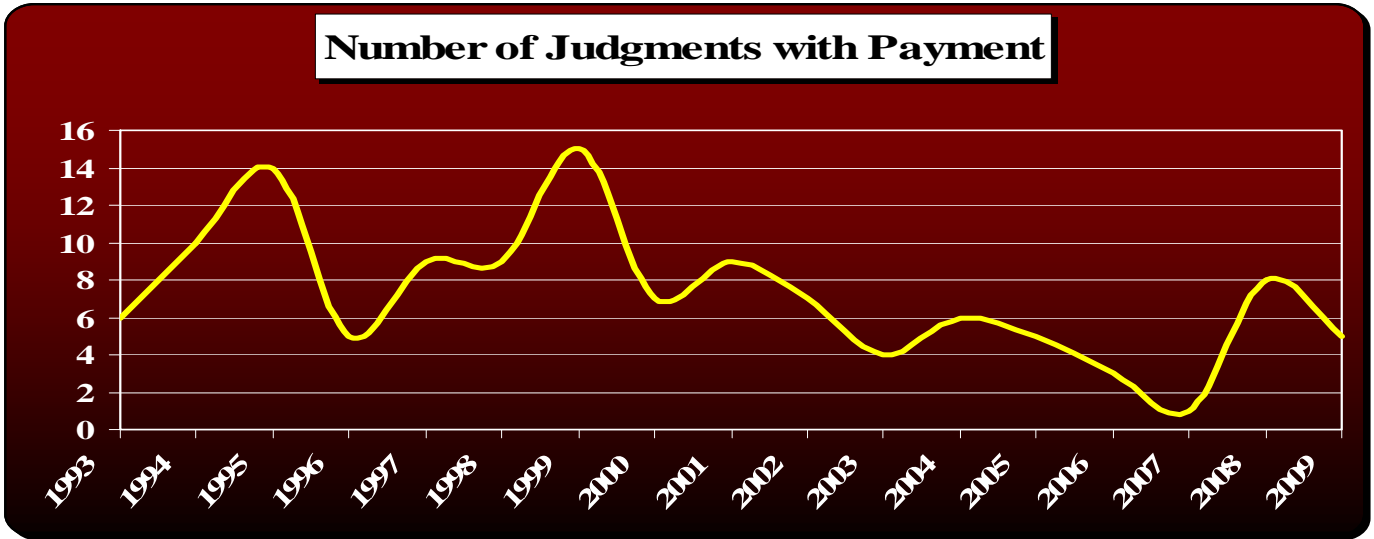
## II-B. Historical Judgments

Capping large awards at \$1,000,000 (as a smoothing procedure) leads to the following:

<b>West Virginia Board of Medicine</b>			
<b>Judgments</b> with payments capped at \$1,000,000			
<b>Year</b>	<b>#</b>	<b>Amount</b>	<b>Average</b>
1993	6	\$785,547	\$130,925
1994	10	\$3,946,419	\$394,642
1995	14	\$4,055,745	\$289,696
1996	5	\$2,585,837	\$517,167
1997	9	\$3,951,907	\$439,101
1998	9	\$5,409,154	\$601,017
1999	15	\$6,566,669	\$437,778
2000	7	\$4,767,554	\$681,079
2001	9	\$3,179,290	\$353,254
2002	7	\$2,855,223	\$407,889
2003	4	\$1,355,000	\$338,750
2004	6	\$3,456,244	\$576,041
2005	5	\$3,524,909	\$704,982
2006	3	\$1,830,989	\$610,330
2007	1	\$1,000,000	\$1,000,000
2008	8	\$4,325,596	\$540,700
2009	5	\$1,475,000	\$295,000
<b>17 Years</b>	<b>123</b>	<b>\$55,071,083</b>	<b>\$447,732</b>

- This table shows that even after limiting large awards to reduce volatility, there is *no clear pattern* of either an increasing number of judgments or a consistent increase in total paid judgments. Rather, the *small number of judgments restricts credible inferences*.
- A general historical decline in the number of judgments with payment over the period reviewed above can be observed.
- A general historical increase in the average annual amount of judgments with payment over the period reviewed above can also be observed.

Graphical linear representations of the above tabled data:





- It should be noted that the number of judgments in each year is very small and that actual paid amounts can vary significantly from year to year. For example, the Average Annual Amount of Judgments with Payment graphic above appears to indicate a significant increase in this average for 2007. Yet, note in the tabled data that the number of non-zero judgments for 2007 was only 1.

The next exhibit displays Paid Judgments by size of payment.

**West Virginia Board of Medicine**  
**Size of Paid Judgments**

Interval	1994		1995		1996		1997		1998	
	#	\$	#	\$	#	\$	#	\$	#	\$
Loss=\$0	26	\$0	24	\$0	15	\$0	19	\$0	18	\$0
\$0<loss<=\$100K	0	\$0	7	\$301,907	1	\$18,000	0	\$0	2	\$132,514
\$100K<loss<=\$250K	2	\$320,000	2	\$355,200	1	\$130,337	5	\$914,921	2	\$336,640
\$250K<loss<=\$500K	5	\$1,731,819	2	\$647,127	1	\$437,500	0	\$0	0	\$0
\$500K<loss<=\$1M	3	\$1,894,600	1	\$751,511	1	\$1,000,000	3	\$2,036,986	2	\$1,940,000
\$1M<loss	0	\$0	2	\$3,966,624	1	\$1,500,000	1	\$3,684,822	3	\$4,270,552
<b>Total Judgments</b>	36	\$3,946,419	38	\$6,022,369	20	\$3,085,837	28	\$6,636,729	27	\$6,679,706
<b>Total Non-Zero*</b>	10	\$3,946,419	14	\$4,055,745	5	\$2,585,837	9	\$3,951,907	9	\$5,409,154

Interval	1999		2000		2001		2002		2003	
	#	\$	#	\$	#	\$	#	\$	#	\$
Loss=\$0	13	\$0	30	\$0	28	\$0	18	\$0	19	\$0
\$0<loss<=\$100K	6	\$197,576	0	\$0	3	\$210,000	3	\$175,073	0	\$0
\$100K<loss<=\$250K	2	\$371,829	0	\$0	3	\$440,557	0	\$0	1	\$160,000
\$250K<loss<=\$500K	0	\$0	3	\$1,157,054	0	\$0	2	\$680,150	3	\$1,195,000
\$500K<loss<=\$1M	4	\$2,997,264	2	\$1,610,500	1	\$528,733	1	\$1,000,000	0	\$0
\$1M<loss	3	\$3,527,451	2	\$2,381,508	2	\$3,612,000	1	\$6,238,000	0	\$0
<b>Total Judgments</b>	28	\$7,094,120	37	\$5,149,062	37	\$4,791,290	25	\$8,093,223	23	\$1,355,000
<b>Total Non-Zero*</b>	15	\$6,566,669	7	\$4,767,554	9	\$3,179,290	7	\$2,855,223	4	\$1,355,000

Interval	2004		2005		2006		2007		2008	
	#	\$	#	\$	#	\$	#	\$	#	\$
Loss=\$0	18	\$0	10	\$0	9	\$0	14	\$0	6	\$0
\$0<loss<=\$100K	1	\$75,000	0	\$0	0	\$0	0	\$0	1	\$75,000
\$100K<loss<=\$250K	0	\$0	1	\$250,000	1	\$227,449	0	\$0	2	\$450,000
\$250K<loss<=\$500K	2	\$811,994	1	\$274,909	0	\$0	0	\$0	2	\$800,596
\$500K<loss<=\$1M	3	\$2,569,250	0	\$0	1	\$603,540	0	\$0	0	\$0
\$1M<loss	0	\$0	3	\$8,321,888	1	\$1,014,165	1	\$1,705,936	3	\$8,350,000
<b>Total Judgments</b>	24	\$3,456,244	15	\$8,846,797	12	\$1,845,154	15	\$1,705,936	14	\$9,675,596
<b>Total Non-Zero*</b>	6	\$3,456,244	5	\$3,524,909	3	\$1,830,989	1	\$1,000,000	8	\$4,325,596

Interval	2009	
	#	\$
Loss=\$0	9	\$0
\$0<loss<=\$100K	0	\$0
\$100K<loss<=\$250K	3	\$575,000
\$250K<loss<=\$500K	1	\$300,000
\$500K<loss<=\$1M	1	\$600,000
\$1M<loss	0	\$0
<b>Total Judgments</b>	14	\$1,475,000
<b>Total Non-Zero*</b>	5	\$1,475,000

\*The second Total excludes claims which resulted in no indemnity payment and caps individual claims greater than \$1M at a \$1M value.

- Over the last 16 years, there have been a total of 23 judgments in excess of \$1,000,000; or an average of 1.4 per year.

## II-C. Historical Settlements

In a manner similar to judgments, we now look at settlements.

### West Virginia Board of Medicine Size of Paid Settlements

Interval	1994		1995		1996		1997		1998	
	#	\$	#	\$	#	\$	#	\$	#	\$
Loss=\$0	5	\$0	3	\$0	3	\$0	3	\$0	3	\$0
\$0<loss<=\$50K	78	\$1,704,102	79	\$1,811,405	75	\$1,718,264	177	\$1,756,801	67	\$1,152,744
\$50K<loss<=\$100K	40	\$3,199,200	23	\$1,892,250	33	\$2,642,584	24	\$2,040,933	19	\$1,612,092
\$100K<loss<=\$250K	38	\$6,665,678	44	\$8,410,952	37	\$6,786,025	33	\$5,987,500	28	\$4,700,000
\$250K<loss<=\$500K	32	\$11,980,951	26	\$10,015,000	33	\$11,947,319	39	\$14,664,111	21	\$7,188,000
\$500K<loss<=\$1M	15	\$11,694,010	15	\$11,940,000	13	\$8,560,000	13	\$9,425,000	18	\$13,660,000
\$1M<loss	5	\$9,175,000	3	\$7,650,000	3	\$4,159,000	3	\$6,550,000	3	\$5,468,431
<b>Total Settlements</b>	<b>213</b>	<b>\$44,418,941</b>	<b>193</b>	<b>\$41,719,607</b>	<b>197</b>	<b>\$35,813,192</b>	<b>292</b>	<b>\$40,424,345</b>	<b>159</b>	<b>\$33,781,267</b>
<b>Total Non-Zero*</b>	<b>208</b>	<b>\$40,243,941</b>	<b>190</b>	<b>\$37,069,607</b>	<b>194</b>	<b>\$34,654,192</b>	<b>289</b>	<b>\$36,874,345</b>	<b>156</b>	<b>\$31,312,836</b>

Interval	1999		2000		2001		2002		2003	
	#	\$	#	\$	#	\$	#	\$	#	\$
Loss=\$0	3	\$0	4	\$0	1	\$0	1	\$0	2	\$0
\$0<loss<=\$50K	87	\$1,488,737	65	\$1,633,255	84	\$1,806,781	57	\$1,229,665	26	\$625,434
\$50K<loss<=\$100K	28	\$2,278,500	36	\$2,892,600	37	\$2,934,401	15	\$1,214,000	15	\$1,252,000
\$100K<loss<=\$250K	34	\$5,936,000	45	\$8,124,710	48	\$8,350,814	49	\$8,500,031	35	\$6,725,418
\$250K<loss<=\$500K	42	\$13,884,542	34	\$12,753,796	29	\$10,671,417	26	\$10,065,000	29	\$11,363,125
\$500K<loss<=\$1M	12	\$9,615,000	19	\$16,152,535	27	\$21,817,833	18	\$13,255,516	16	\$13,878,750
\$1M<loss	3	\$10,995,605	4	\$5,675,000	1	\$1,250,000	0	\$0	6	\$14,438,368
<b>Total Settlements</b>	<b>209</b>	<b>\$44,198,384</b>	<b>207</b>	<b>\$47,231,896</b>	<b>227</b>	<b>\$46,831,246</b>	<b>166</b>	<b>\$34,264,212</b>	<b>129</b>	<b>\$48,283,095</b>
<b>Total Non-Zero*</b>	<b>206</b>	<b>\$36,202,779</b>	<b>203</b>	<b>\$47,231,896</b>	<b>226</b>	<b>\$46,581,246</b>	<b>165</b>	<b>\$34,264,212</b>	<b>127</b>	<b>\$39,844,727</b>

Interval	2004		2005		2006		2007		2008	
	#	\$	#	\$	#	\$	#	\$	#	\$
Loss=\$0	0	\$0	1	\$0	0	\$0	5	\$0	3	\$0
\$0<loss<=\$50K	40	\$861,532	29	\$803,164	47	\$1,352,631	27	\$605,014	36	\$982,998
\$50K<loss<=\$100K	16	\$1,362,500	8	\$660,000	19	\$1,452,250	11	\$705,800	16	\$1,261,000
\$100K<loss<=\$250K	21	\$4,016,403	19	\$3,198,750	26	\$4,812,500	29	\$4,486,666	27	\$4,543,528
\$250K<loss<=\$500K	24	\$9,529,000	16	\$5,752,500	18	\$6,393,000	17	\$6,062,500	13	\$5,127,500
\$500K<loss<=\$1M	5	\$3,550,000	8	\$5,731,250	7	\$5,400,000	13	\$9,288,182	12	\$9,900,000
\$1M<loss	7	\$11,500,000	2	\$3,250,000	3	\$6,350,000	7	\$8,896,822	1	\$1,900,000
<b>Total Settlements</b>	<b>113</b>	<b>\$30,819,435</b>	<b>83</b>	<b>\$19,395,664</b>	<b>120</b>	<b>\$25,760,381</b>	<b>109</b>	<b>\$30,044,984</b>	<b>108</b>	<b>\$23,715,026</b>
<b>Total Non-Zero*</b>	<b>113</b>	<b>\$26,319,435</b>	<b>82</b>	<b>\$18,145,664</b>	<b>120</b>	<b>\$22,410,381</b>	<b>104</b>	<b>\$28,148,162</b>	<b>105</b>	<b>\$22,815,026</b>

Interval	2009	
	#	\$
Loss=\$0	3	\$0
\$0<loss<=\$50K	23	\$697,523
\$50K<loss<=\$100K	18	\$1,397,458
\$100K<loss<=\$250K	23	\$4,327,625
\$250K<loss<=\$500K	16	\$5,999,490
\$500K<loss<=\$1M	6	\$4,900,000
\$1M<loss	0	\$0
<b>Total Settlements</b>	<b>89</b>	<b>\$17,322,096</b>
<b>Total Non-Zero*</b>	<b>86</b>	<b>\$17,322,096</b>

\*The second Total excludes claims which resulted in no indemnity payment and caps individual claims greater than \$1M at a \$1M value.

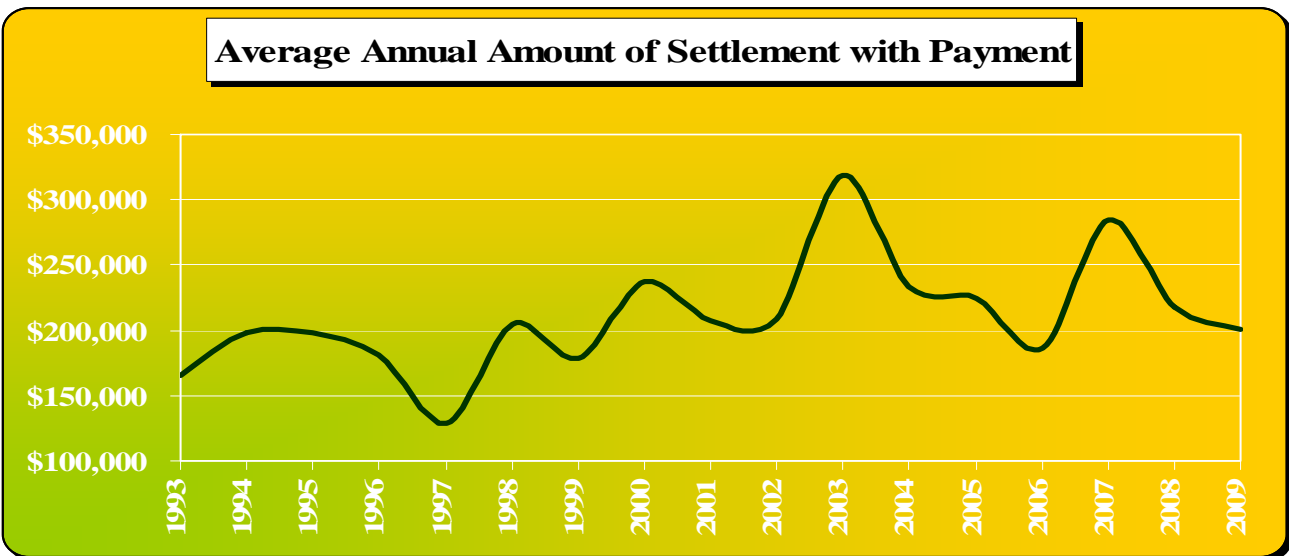
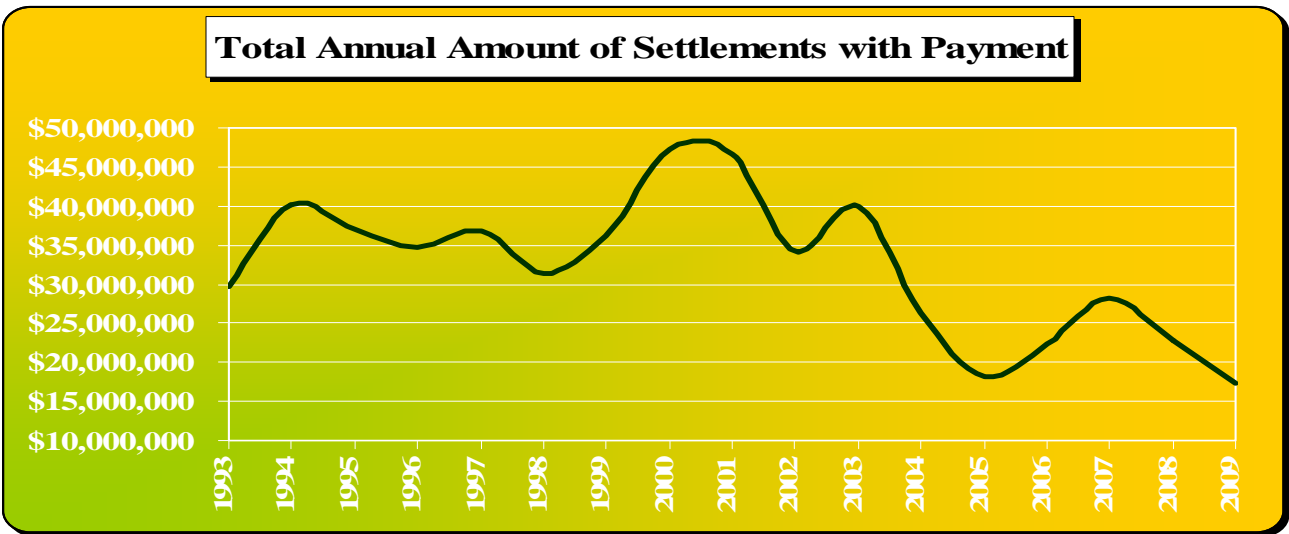
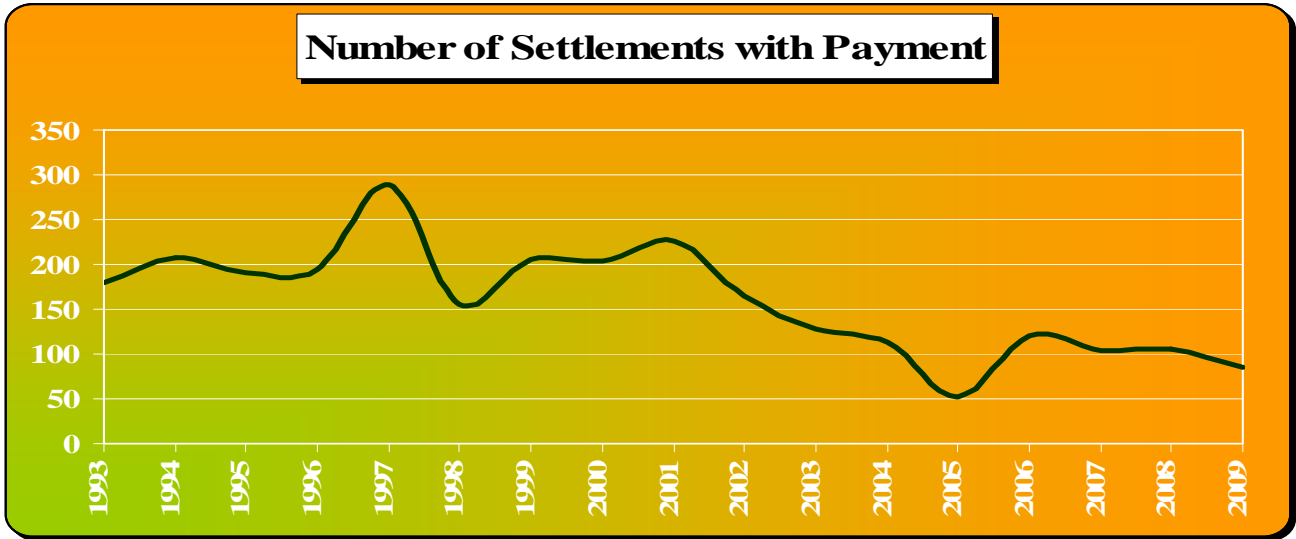
- Settlements comprise the most common resolution for claim payments. Over the last 16 years, 51 settlements have exceeded \$1,000,000, or about 3.2 per year on average.
- For this entire period, the average settlement over \$1M is \$1,907,024. The average for 2006 and all prior years was slightly more than \$2,000,000.

As was done for judgments, we will cap claims at \$1,000,000 and look for trends:

<b>West Virginia Board of Medicine</b>			
<b>Settlements with payment capped at \$1,000,000</b>			
<b>Year</b>	<b>#</b>	<b>Amount</b>	<b>Average</b>
1993	180	\$29,789,721	\$165,498
1994	208	\$40,243,941	\$198,246
1995	190	\$37,069,607	\$198,233
1996	194	\$34,654,192	\$181,436
1997	289	\$36,874,345	\$128,931
1998	156	\$31,312,836	\$204,659
1999	206	\$36,202,779	\$178,339
2000	203	\$47,231,896	\$237,346
2001	226	\$46,581,246	\$207,028
2002	165	\$34,264,212	\$208,928
2003	127	\$39,844,727	\$318,758
2004	113	\$26,319,435	\$232,915
2005	52	\$18,145,664	\$224,021
2006	120	\$22,410,381	\$186,753
2007	104	\$28,148,162	\$284,325
2008	105	\$22,815,026	\$217,286
2009	86	\$17,322,096	\$201,420
<b>17 Years</b>	<b>2,724</b>	<b>\$531,908,170</b>	<b>\$195,267</b>

- From the above data, which limits claims to \$1,000,000, a general escalation in the average settlement paid can be observed. For example, for the years of 1993-2001 combined the average paid settlement was \$212,465. For 2001-2009 combined, the average paid settlement was \$260,179.
- As with judgments, the small number of settlements restricts the credibility of the data. The actual number of settlements occurring since 2001 indicates a general decline in the frequency of paid settlements.

Again, graphical linear representations of the Settlement data:



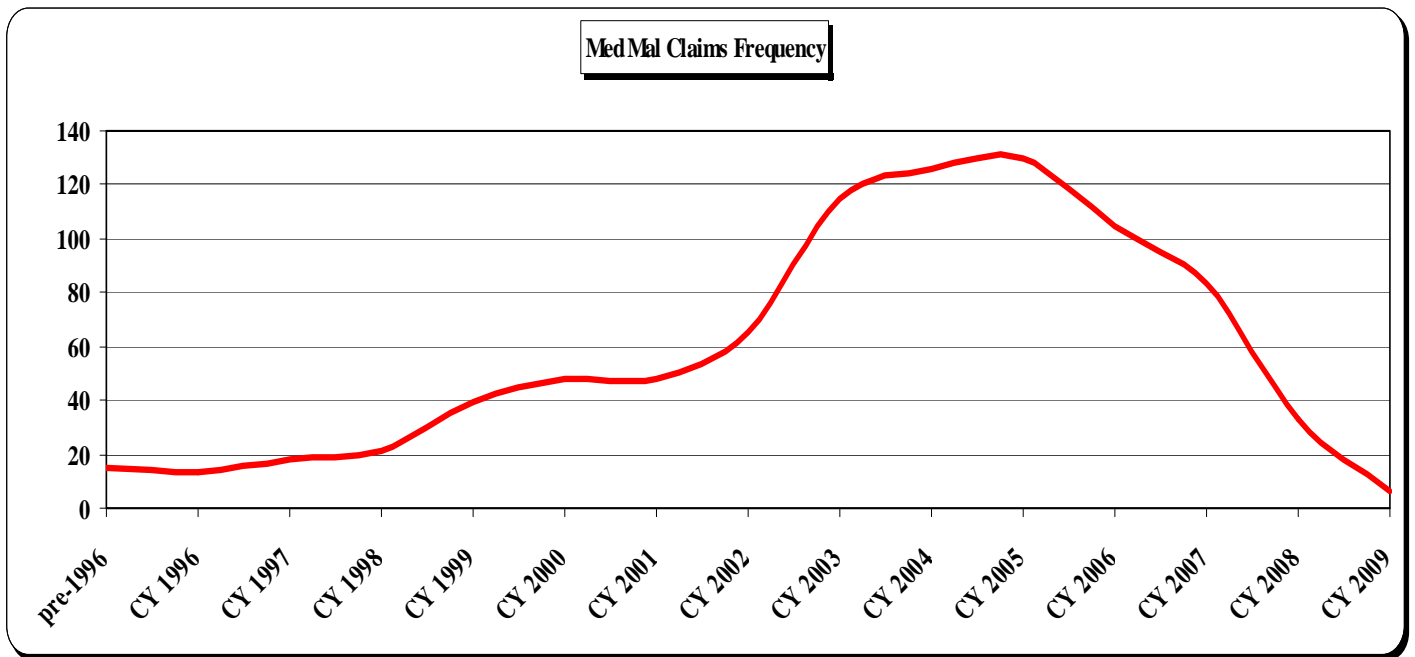
## II-D. Closed Claim (20B-8) Data

In accordance with §33-20B-8, enhanced closed/paid medical malpractice information has been collected from insurers. This information includes the physician's primary specialty, the 'cause of loss', amount paid on defense costs for each filed claim and the split of the indemnity payment between economic and non-economic damages. In review of this data, and examining only physician and surgeon claims, the following general financial overview can be found on a accident year basis.

Date of Injury	Claims	Indemnity Pd	Economic Damages	Non-Economic Damages	Punitive Damages
pre-1996	15	\$748,500	\$80,100	\$223,500	\$0
CY 1996	13	\$2,105,822	\$47,000	\$678,000	\$0
CY 1997	18	\$1,053,000	\$0	\$478,000	\$0
CY 1998	21	\$884,285	\$0	\$40,000	\$0
CY 1999	39	\$6,954,929	\$518,767	\$562,823	\$0
CY 2000	48	\$3,344,260	\$918,777	\$1,763,723	\$0
CY 2001	48	\$5,009,500	\$10,728,093	\$3,496,907	\$0
CY 2002	65	\$9,698,081	\$3,223,119	\$1,099,546	\$0
CY 2003	115	\$17,874,974	\$10,589,691	\$5,312,828	\$0
CY 2004	126	\$8,856,043	\$4,915,840	\$3,845,304	\$42,180
CY 2005	130	\$6,238,986	\$3,011,445	\$4,484,540	\$139,500
CY 2006	105	\$6,343,428	\$2,934,939	\$2,393,489	\$0
CY 2007	83	\$2,671,961	\$762,575	\$1,379,386	\$0
CY 2008	33	\$1,921,473	\$1,068,306	\$790,167	\$0
CY 2009	6	\$575,913	\$913	\$575,000	\$0

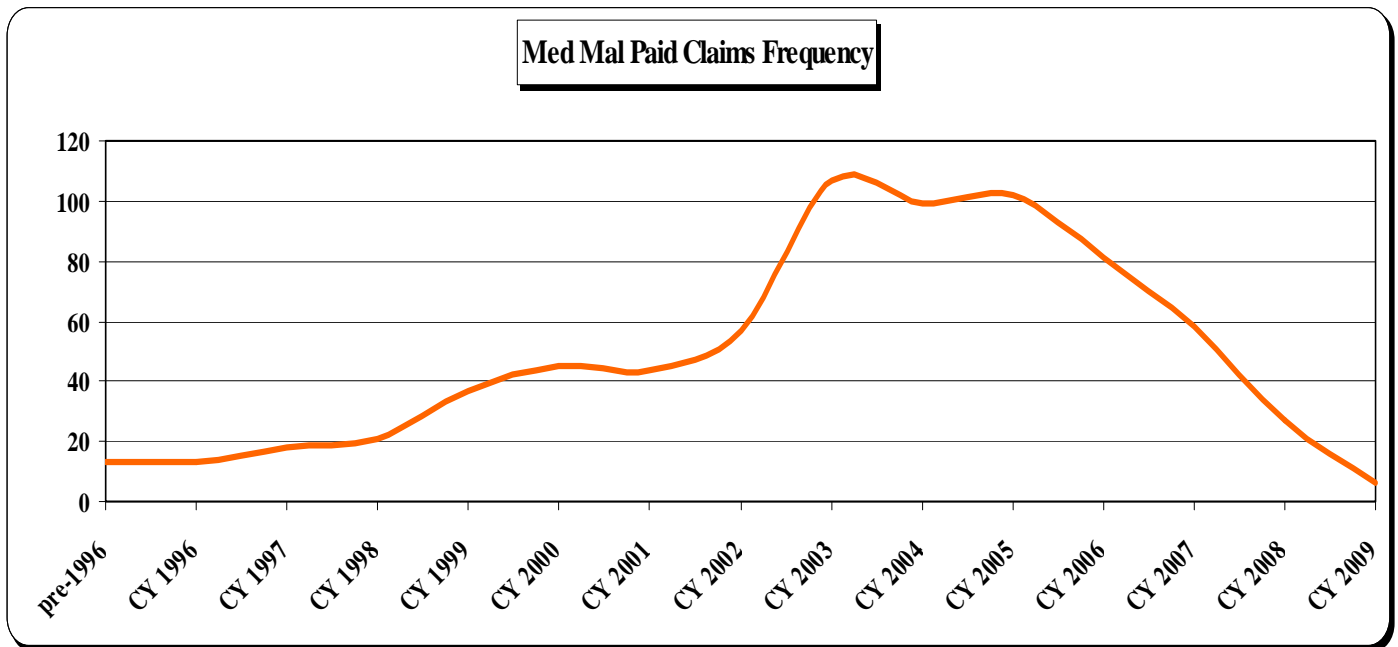
Date of Injury	Non-LAE Total	Non-LAE Avg	LAE Pd	Total Claim Payments	Total Avg	Zero Pairs
pre-1996	\$1,052,100	\$70,138	\$935,665	\$1,987,765	\$132,516	2
CY 1996	\$2,830,822	\$217,756	\$1,062,522	\$3,893,344	\$299,488	0
CY 1997	\$1,531,000	\$85,056	\$1,594,304	\$3,125,304	\$173,628	0
CY 1998	\$924,285	\$44,014	\$2,276,269	\$3,200,554	\$152,407	0
CY 1999	\$8,036,519	\$206,063	\$5,097,173	\$13,133,692	\$336,759	2
CY 2000	\$6,026,760	\$125,554	\$3,625,824	\$9,652,584	\$201,093	3
CY 2001	\$19,234,500	\$400,715	\$4,080,283	\$23,314,783	\$485,721	4
CY 2002	\$14,020,745	\$215,696	\$4,397,833	\$18,418,578	\$283,355	8
CY 2003	\$33,777,493	\$293,709	\$7,316,376	\$41,093,869	\$357,330	8
CY 2004	\$17,659,367	\$140,127	\$4,536,539	\$22,195,905	\$176,131	27
CY 2005	\$13,874,471	\$106,699	\$3,954,626	\$17,829,097	\$137,119	28
CY 2006	\$11,671,855	\$111,137	\$2,503,921	\$14,175,776	\$134,983	24
CY 2007	\$4,813,922	\$57,974	\$691,615	\$5,505,538	\$66,307	25
CY 2008	\$3,779,946	\$114,538	\$294,882	\$4,074,827	\$123,474	6
CY 2009	\$1,151,826	\$191,971	\$16,416	\$1,168,242	\$194,707	0

Accordingly, from this dataset the accident year claim incidence is as follows:

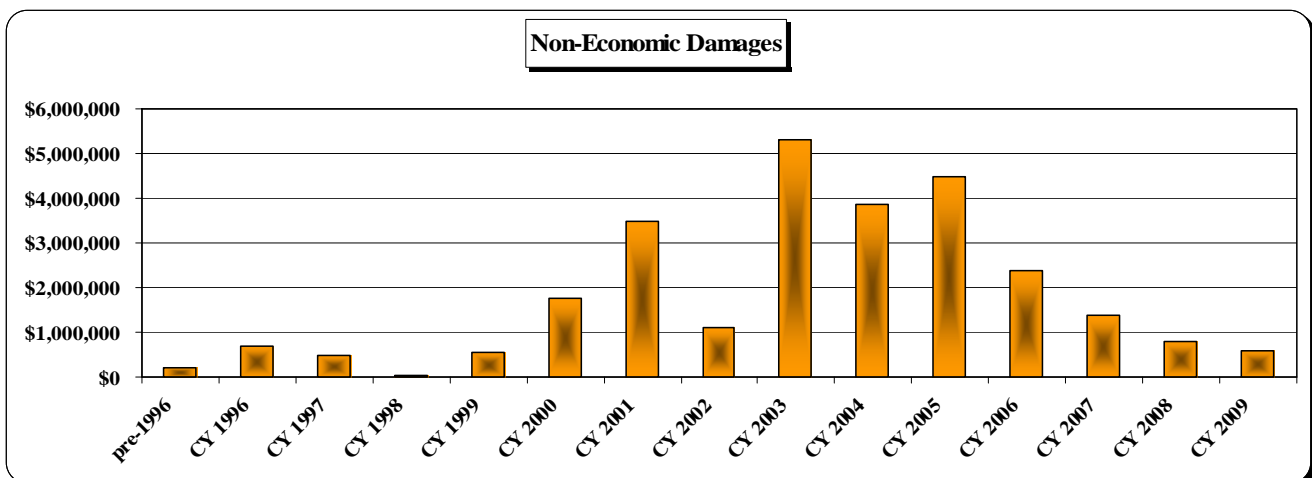
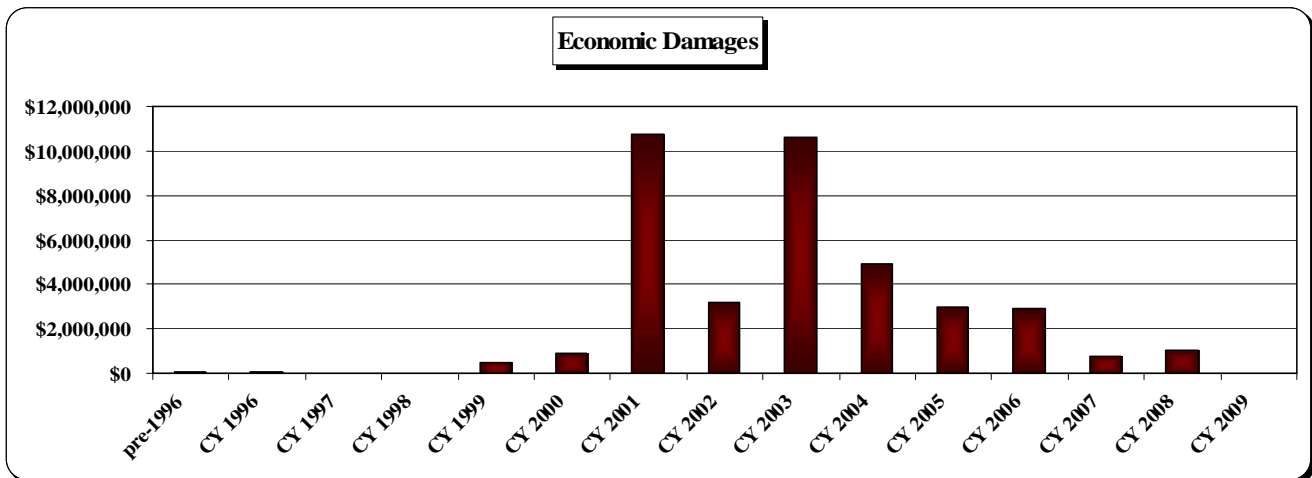
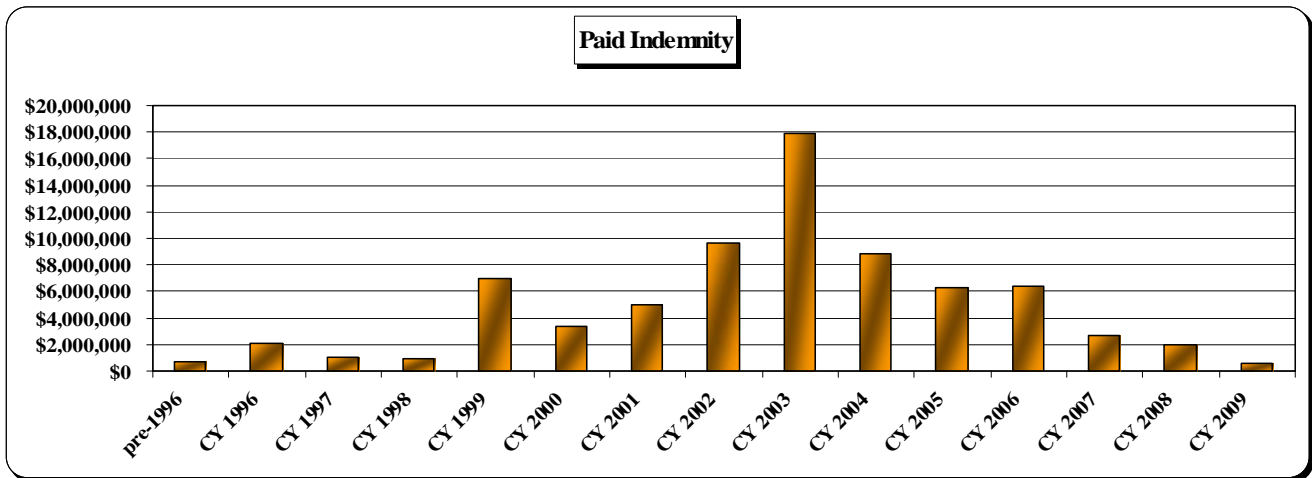


Note from the table and the preceding paragraph, that this incidence frequency does not exclude zero paid claims and again is comprised of closed claims only. Further, these claims are distributed on a accident year basis and not on a policy year basis.

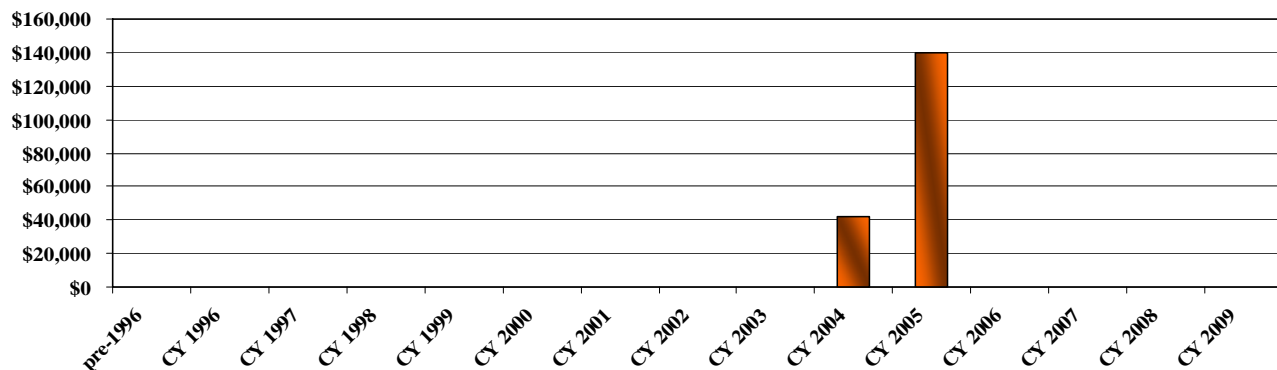
Removing the zero paid claims results in the following distribution:



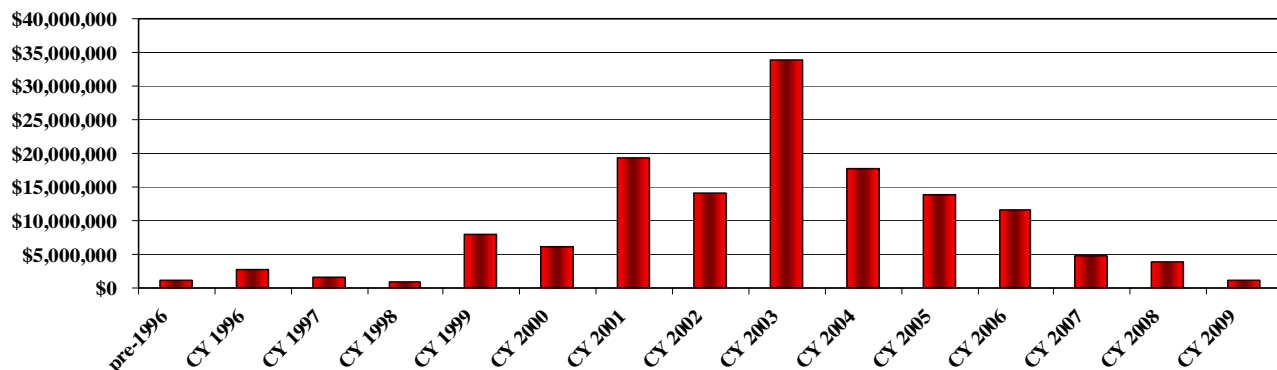
Utilizing the data from the table on page 28, we will now review the breakdown of payments between indemnity, economic damages, non-economic damages, punitive damages, and loss adjustment expenses over time, again on a accident year basis.



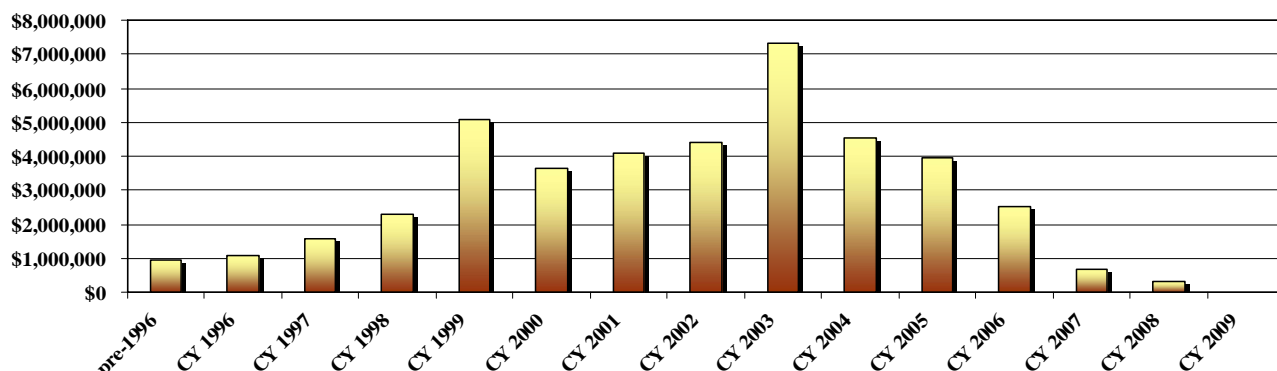
**Punitive Damages**



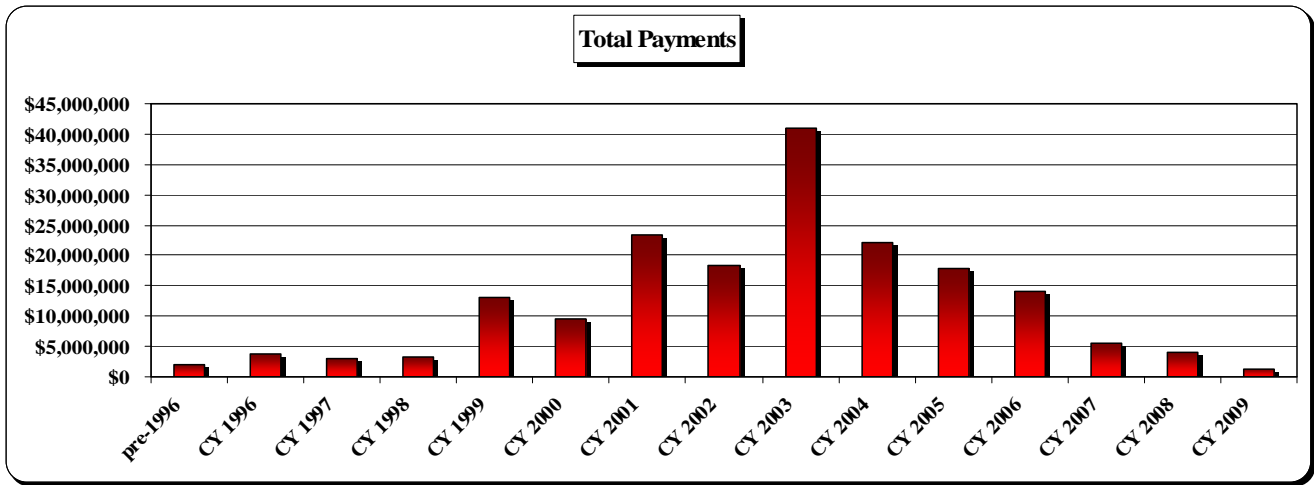
**Total Non-LAE Payments**



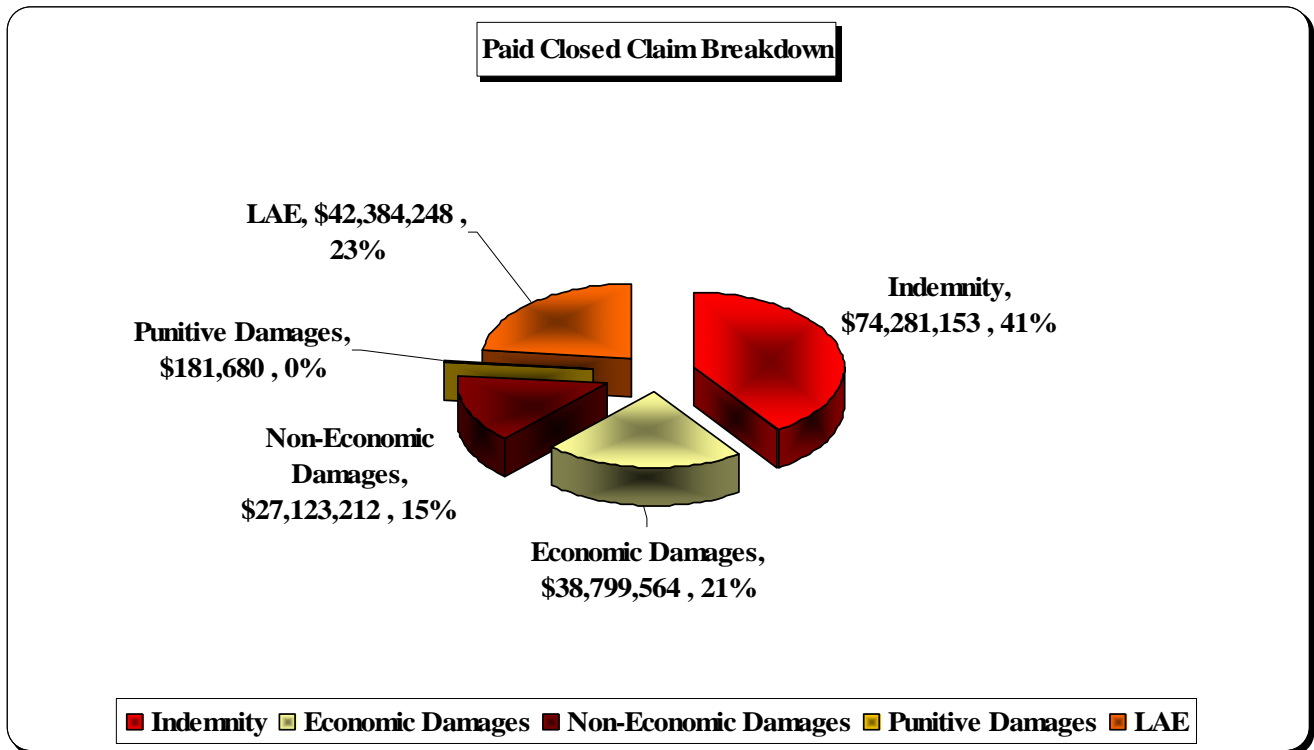
**LAE Payments**





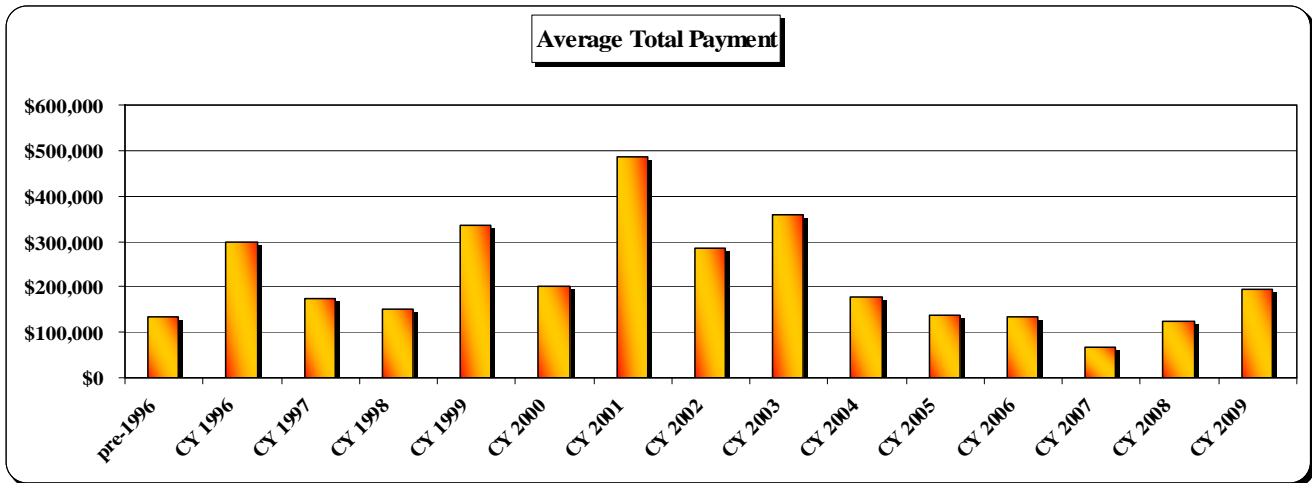
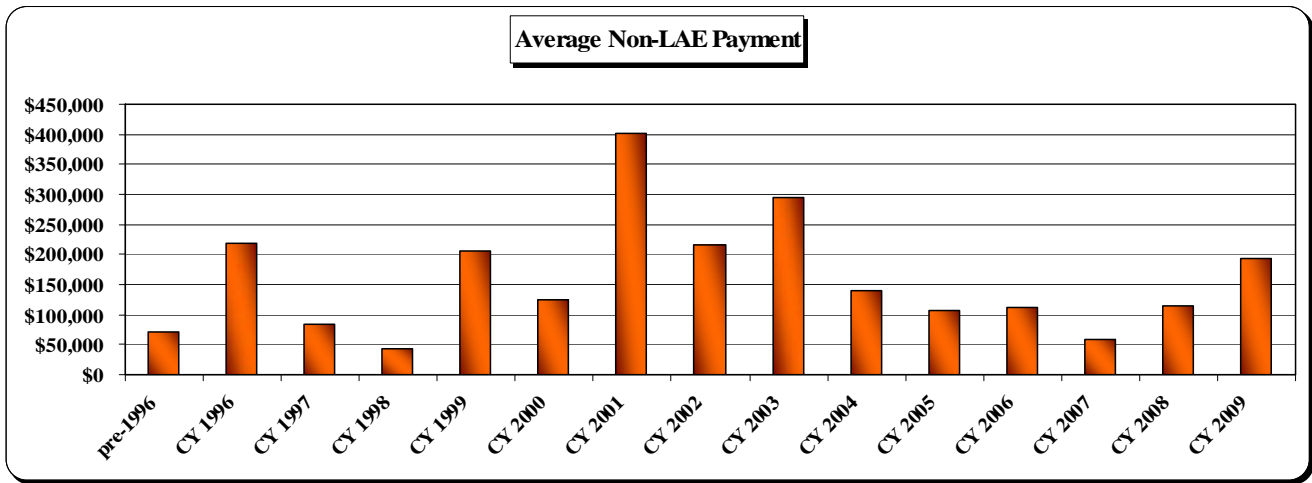


Then from the entire dataset, you can determine how each of the damage types and loss adjustment expenses are related.



As you may determine, actual punitive damages are shown to constitute a very small portion of total damages, but non-economic damages are shown to be somewhat substantial.

Now we will look at the averages.



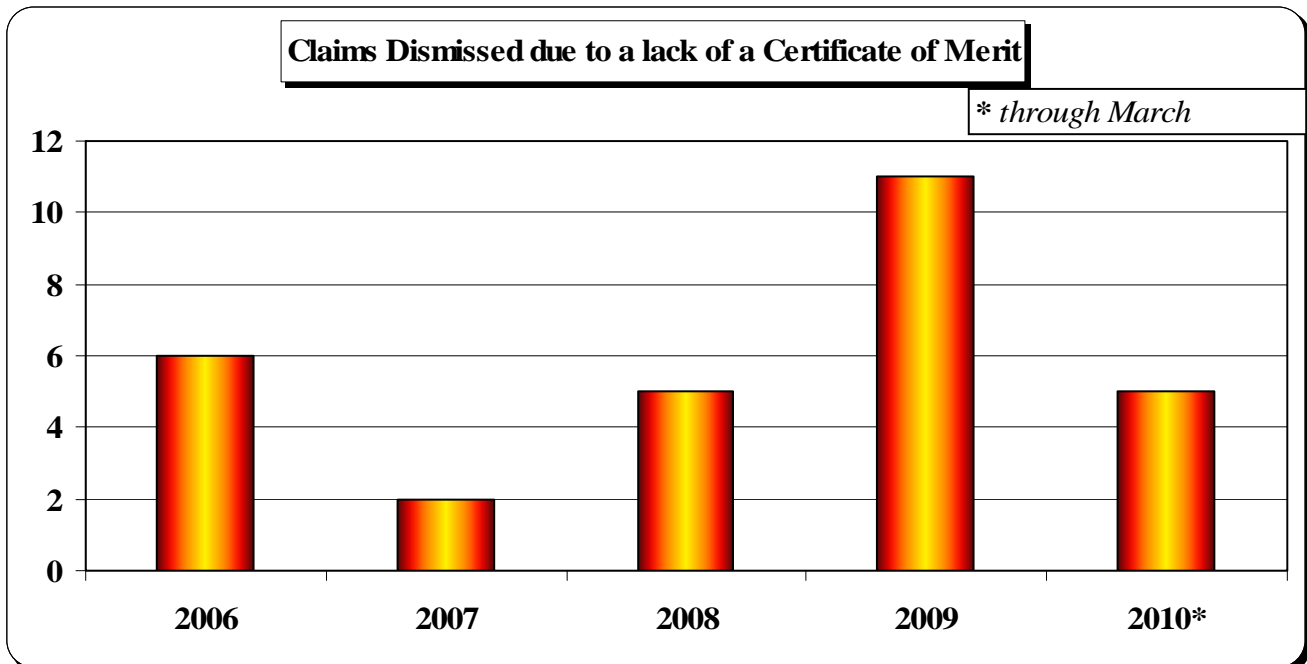
The 1996-2002 average Non-LAE payment is about \$185K, and the 2003-2009 average Non-LAE payment is about \$145K. Similarly, the 1996-2002 average total payment is about \$276K and the 2003-2009 average total payment is about \$170K. Being that these data are on a accident year basis, and that medical malpractice is a relatively long tail line of insurance, it may be likely that the experience of later years will be subject to further adverse development. However, both of these measures indicate a general improvement in the line over time in West Virginia.

Similar to the Board of Medicine (BOM) data, we can also consider claim outcomes for those claims for which an outcome was listed.

Closed yr	Judgment	Settlement	Dismissal
2000	1	0	0
2001	0	1	0
2002	0	4	0
2003	2	1	2
2004	1	3	2
2005	1	5	2
2006	9	61	53
2007	18	82	54
2008	11	95	75
2009	8	70	69
2010*	1	10	3
	<b>52</b> 8%	<b>332</b> 52%	<b>260</b> 40%

*\*Through March*

Again we find that most claims are settled (52% vs. BOM 60% since 1993), dismissals constitute 40% (vs. BOM 32% since 1993) and that very few claims receive a judgment 8% (vs. BOM 9% since 1993.) These findings appear to be fairly consistent. It is also interesting to note that since the Certificate of Merit began being required in accordance with §55-7B-6, a total of 29 claims have been dismissed due to a lack of Certificate of Merit.



Being that the specialty class code of the physician or surgeon was included in the claims database, we can also test the long standing rating assumption that physician rates should be lower than surgeon rates solely due to risk. As per the demonstrated differences in rates from rating examples of **Exhibit VII**, we can segregate physician class claims from surgeon class claims to in order to provide a general litmus test as to whether or not, on average, physicians represent a lesser exposure than do surgeons.

Accordingly for physician classes and similar:

Claims	Class Code	Class	Total Claim Payments
1	80254	Allergy-Immunology	\$0
1	80938	Physiotherapists	\$49,086
2	80116	Physicians or Surgeons Assistants	\$137,796
1	80234	Pharmacology-Clinical	\$10,371
1	80236	Public Health	\$0
2	80262	Nuclear Medicine	\$50,762
2	80233	Occupational Medicine	\$65,937
6	80266	Pathology	\$876,666
1	80960	Certified Registered Nurse Anesthetist	\$175,000
6	80238	Endocrinology-No Surgery	\$1,584,487
9	80249	Psychiatry	\$2,808,648
2	80235	Physical Medicine & Rehabilitation	\$18,002
4	80245	Hematology-No Surgery	\$174,879
2	80252	Rheumatology-No Surgery	\$343,249
1	80264	Otology-No Surgery	\$0
1	80289	Ophthalmology-Minor Surgery	\$2,288
3	80420	General Practicioners-No Surgery	\$108,997
7	80241	Gastroenterology/No Surgery	\$844,433
71	80257	Internal Medicine/No Surgery	\$7,009,662
2	80256	Dermatology-No Surgery	\$145,500
17	80268	Physician (NOC)-No Surgery	\$2,124,430
11	80255	Cardiovascular Dis/No Surg	\$1,056,932
32	80253	Radiology-Diagnostic-No Surgery	\$4,464,829
5	80231	General Preventative Medicine	\$820,198
46	80265	Otorhinolaryngology/No Surgery	\$8,529,190
18	80267	Pediatrics-No Surgery	\$6,107,882
3	80246	Infectious Diseases-No Surgery	\$2,514
1	80259	Neoplastic Diseases-No Surgery	\$0
1	80114	Ophthalmology/Major Surgery	\$143,032
12	80269	Pulmonary Diseases-No Surgery	\$2,726,137
<b>271</b>			<b>\$40,380,905</b>
		Claims per class code	<b>9.03</b>
		Average cost per claim	<b>\$149,007.03</b>

Secondly, for surgeon classes and surgery operations:

Claims	Class Code	Class	Total Claim Payments
1	80287	Nephrology-Minor Surgery	\$0
8	80294	Physician (NOC)-Minor Surgery	\$489,102
15	80274	Gastroenterology/Minor Surgery	\$1,219,307
2	80425	Radiology/incl Radiation Therapy	\$94,835
6	80291	Otorhinolaryngology/Minor Surgery	\$571,354
14	80280	Radiology-Diagnostic-Minor Surgery	\$2,060,328
4	80282	Dermatology-Minor Surgery	\$570,563
5	80284	Internal Medicine/Minor Surgery	\$1,104,940
6	80277	Gynecology/Minor Surgery	\$1,205,975
19	80281	Cardiovascular Disease-Minor Surgery	\$7,523,757
2	80293	Pediatrics-Minor Surgery	\$1,673,477
45	80421	General Practicioners/Minor Surg	\$8,710,026
34	80145	Urological -Surgery	\$7,177,301
17	80151	Anesthesiology	\$6,001,149
3	80276	Geriatrics-Minor Surgery	\$179,059
41	80102	Emergency Medicine-No Surgery	\$8,032,872
5	80159	Otorhinolaryngology-Major Surgery	\$2,776,213
7	80167	Gynecology/Major Surgery	\$574,086
1	80443	Physician/No Major Surgery/Incl Colon	\$0
3	80157	Emergency Med/Incl Surgery	\$113,204
8	80115	Colon & Rectal Surgery	\$1,683,940
15	80156	Plastic Surgery	\$1,235,696
67	80143	General Surgery	\$16,487,006
14	80117	General Practice-Major Surgery	\$6,660,894
4	80166	Abdominal Surgery	\$1,854,698
4	80146	Vascular Surgery	\$171,115
65	80154	Orthopedic Surgery/Incl Spine	\$14,579,825
6	80144	Thoracic Surgery	\$347,096
4	80150	Cardiovascular Surgery	\$202,956
1	80171	Traumatic Surgery	\$46,205
2	80108	Nephrology/Major Surgery	\$129,330
11	80141	Cardiac Surgery	\$1,374,678
6	80104	Gastroenterology-Major Surgery	\$1,708,672
5	80168	Obstetrics-Major Surgery	\$2,066,565
53	80153	OBGYN-Major Surgery	\$23,628,398
22	80152	Neurology/incl Child-Major Surgery	\$6,413,527
<b>525</b>			<b>\$128,668,146</b>

Claims per class code

**14.58**

Average cost per claim

**\$245,082.18**

Accordingly, it can be shown that the rating differences between physician class exposures and surgeon class exposures is meritorious.

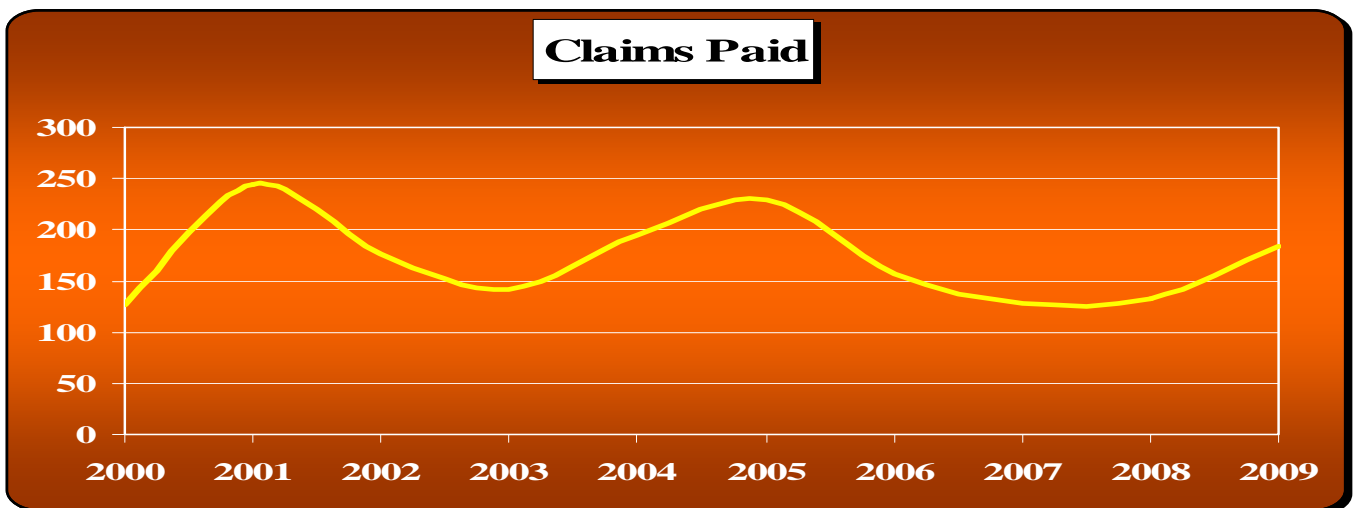
## II-E Paid Data Collection

As a further source of information, examining financial statement information provided by insurance companies provides some insight as to the total number of active paid and reserved claims by year. However, these counts do not tie the claims which are either paid or reserved in the reporting year to the year in which the claim initially occurred. For example, a claim payment by an insurer during 2006 may have been for a claim that was filed during 2006 or it may have just as easily been for a claim that was filed in any year prior to 2006.

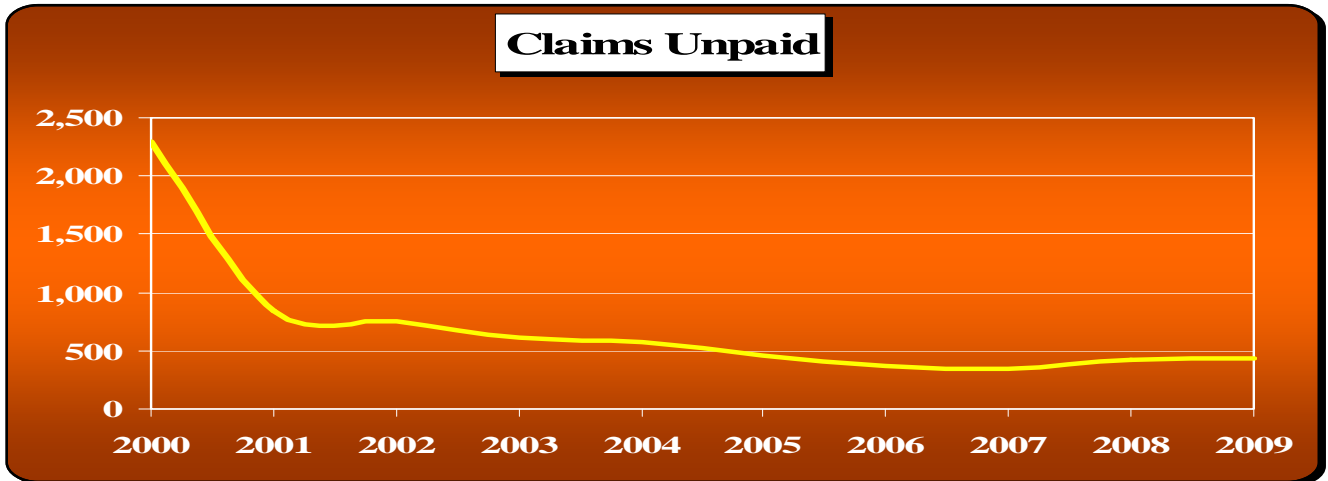
In looking at the paid and open claim information provided by insurers since 2000 who write Malpractice insurance in West Virginia for Physicians and Surgeons, the following aggregated data is found.

	# of Paid Claims	# of Unpaid Claims	Total Claims
2000	127	2,297	2,424
2001	244	848	1,092
2002	177	758	935
2003	142	611	753
2004	194	578	772
2005	229	455	684
2006	157	375	532
2007	128	350	478
2008	133	416	549
2009	184	434	618

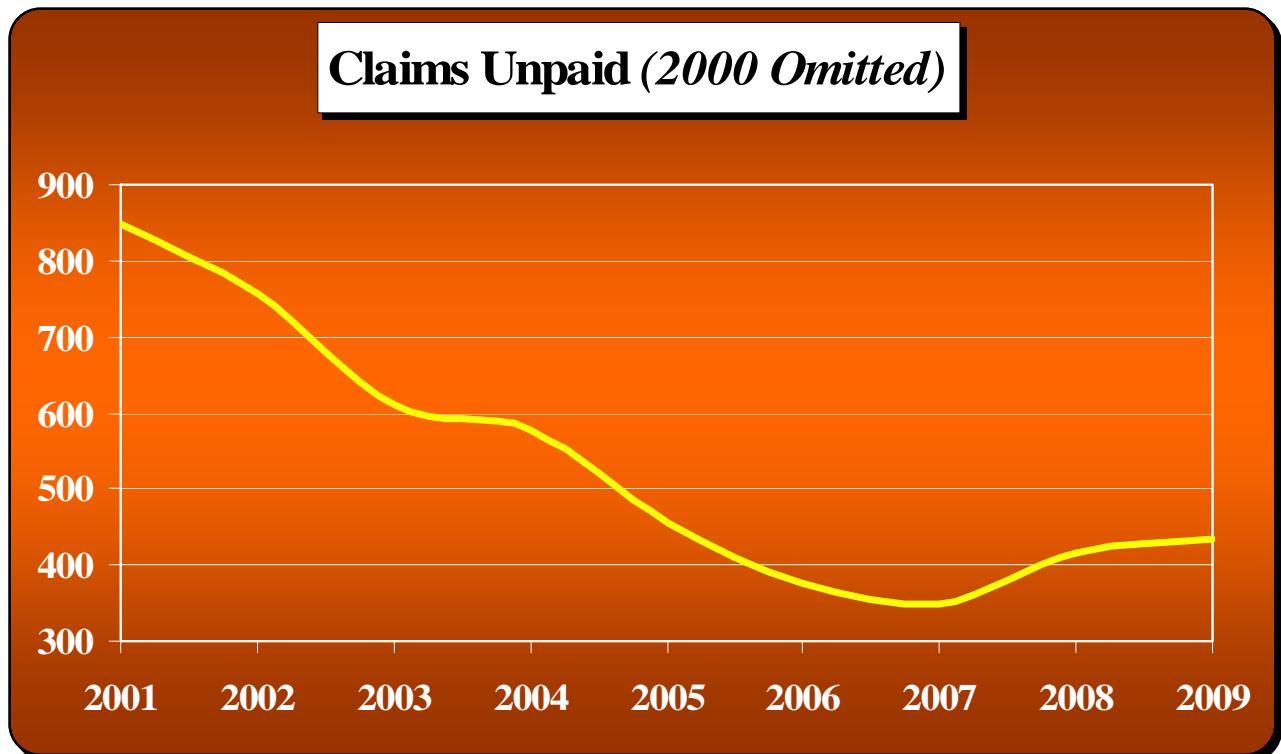
Again, graphical linear representations make the data a little easier to interpret:



The claims paid data shows little in the way of any historical pattern.



Looking at only the reserved (unpaid) claims by year since 2000 does appear to show a general decline with the year 2000 appearing to be somewhat of an anomaly. Eliminating that outlier and rescaling does demonstrate a favorable trend in the number of open claims by year for the Physicians and Surgeons line in West Virginia.



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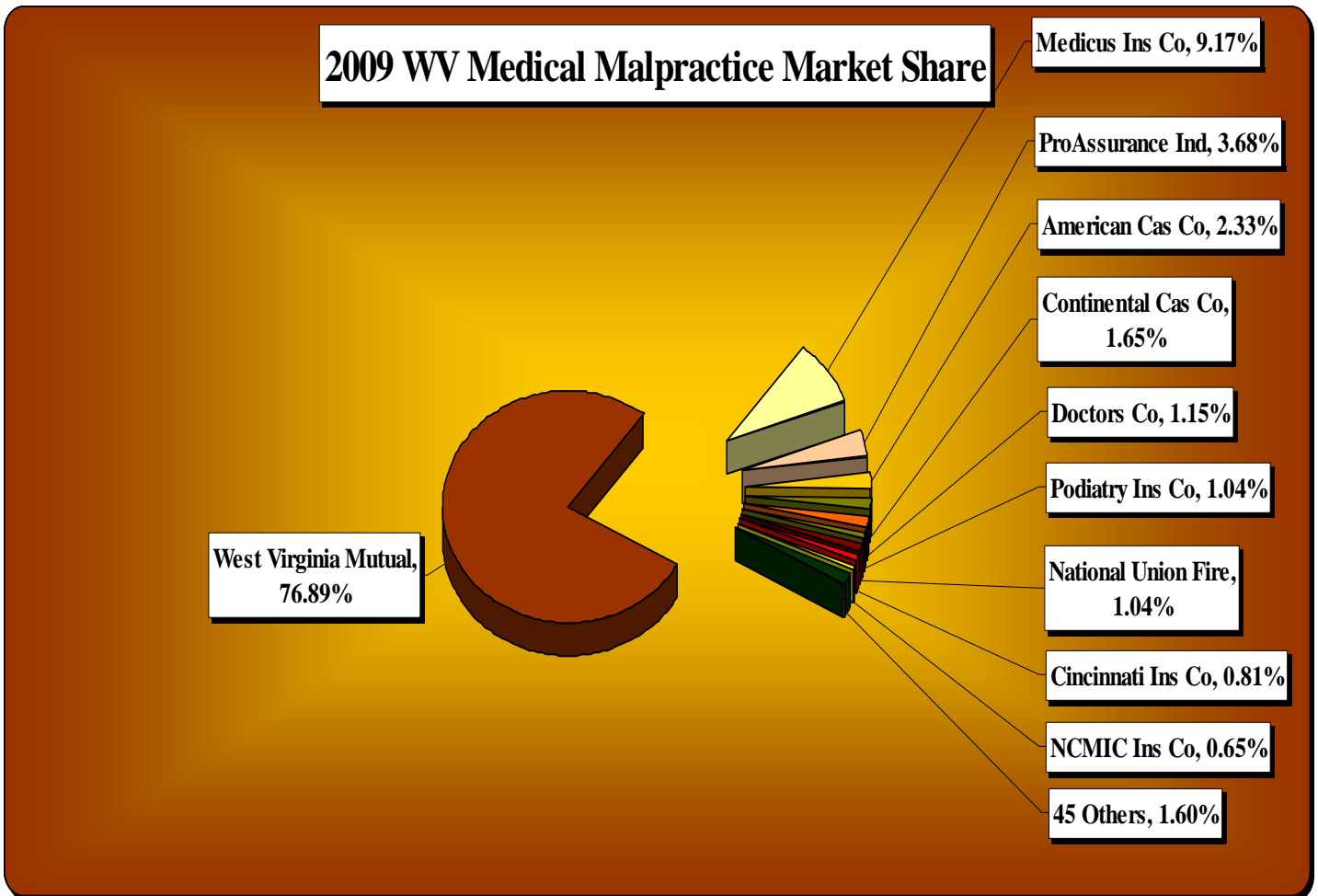
## **Section III**

# **Review of 5% Market Share Companies**



### Section III. Review of major West Virginia Medical Malpractice Writers

This section of the report reviews the medical malpractice rates and rules of those insurers with 5% or greater market share. Based on admitted Company written premiums for 2009, the West Virginia medical malpractice market currently looks like this:



In the table below, only 2 insurers are shown to have met the statutory 5% reporting requirement threshold for 2009; *West Virginia Mutual Insurance Company* and *Medicus Insurance Company*.

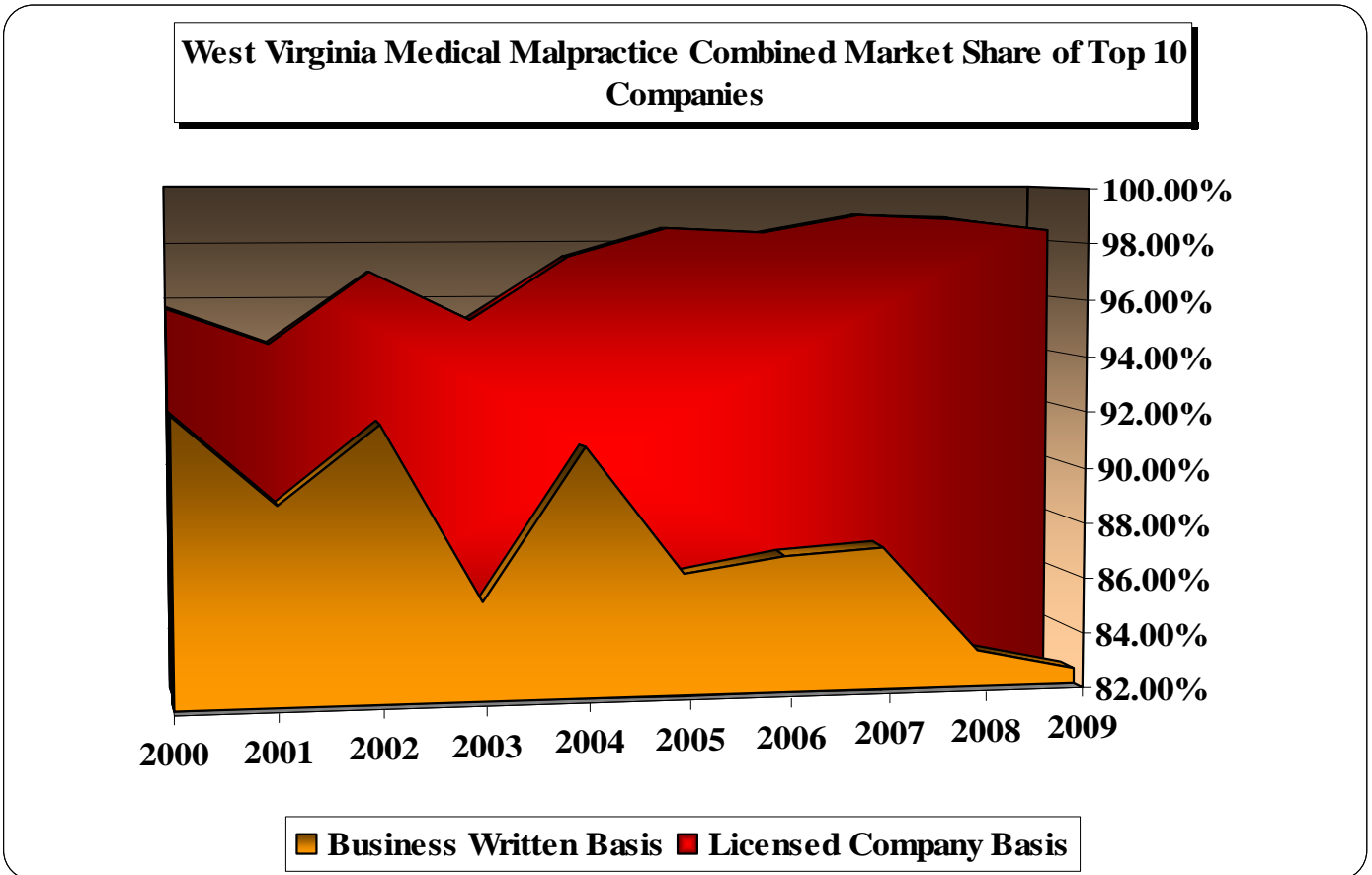
<b>Total Medical Malpractice</b>	<b>2009 West Virginia Licensed Companies</b>				
<i>(NAIC Database)</i> <b>Company</b>	<b>Direct Premiums Written</b>	<b>Market Share</b>	<b>Direct Premiums Earned</b>	<b>Direct Loss Incurred</b>	<b>Pure Direct Loss Ratio*</b>
<i>West Virginia Mutual Ins Co</i>	39,770,212	76.89%	41,127,067	14,418,460	35.06%
<i>Medicus Ins Co</i>	4,742,689	9.17%	3,706,372	1,288,281	34.76%
<i>ProAssurance Ind Co Inc</i>	\$1,900,722	3.68%	\$2,115,389	(\$1,781,595)	-84.22%
<i>American Cas Co Of Reading PA</i>	\$1,203,605	2.33%	\$1,206,984	\$360,015	29.83%
<i>Continental Cas Co</i>	\$855,063	1.65%	\$872,964	\$1,724,493	197.54%
<i>Doctors Co An Interins Exch</i>	\$593,773	1.15%	\$647,838	\$348,517	53.80%
<i>Podiatry Ins Co Of Amer</i>	\$537,187	1.04%	\$507,561	\$765,540	150.83%
<i>All Other (48) Companies</i>	\$2,117,390	4.09%	\$2,014,817	\$1,952,912	96.93%
<b>Total</b>	<b>\$51,720,641</b>	<b>100.00%</b>	<b>\$52,198,992</b>	<b>\$19,076,623</b>	<b>36.55%</b>

However, by looking at the entire market, which includes the Excess & Surplus writers (*i.e. non-admitted insurers including Risk Retention Groups [RRG's]*), the following information is found:

<b>Total Medical Malpractice</b>	<b>2009 West Virginia Business Written</b>				
<i>(NAIC Database)</i> <b>Company</b>	<b>Direct Premiums Written</b>	<b>Market Share</b>	<b>Direct Premiums Earned</b>	<b>Direct Loss Incurred</b>	<b>Pure Direct Loss Ratio*</b>
<i>West Virginia Mutual Ins Co</i>	39,770,212	51.87%	41,127,067	14,418,460	35.06%
<i>Medicus Ins Co</i>	4,742,689	6.19%	3,706,372	1,288,281	34.76%
<i>Mountaineer Freedom RRG Inc</i>	4,027,574	5.25%	4,132,666	1,540,142	37.27%
<i>Community Hospital RRG</i>	3,458,115	4.51%	3,458,115	-75,533	-2.18%
<i>Lexington Ins Co</i>	3,377,970	4.41%	5,010,364	-1,929,330	-38.51%
<i>Darwin Select Ins Co</i>	2,629,239	3.43%	2,344,653	604,361	25.78%
<i>ProAssurance Ind Co Inc</i>	1,900,722	2.48%	2,115,389	-1,781,595	-84.22%
<i>American Cas Co Of Reading PA</i>	1,203,605	1.57%	1,206,984	360,015	29.83%
<i>Health Care Industry Liab Recip Ins</i>	1,175,396	1.53%	1,367,194	692,989	50.69%
<i>Nautilus Ins Co</i>	1,058,670	1.38%	865,404	390,324	45.10%
<i>Ophthalmic Mut Ins Co RRG</i>	965,126	1.26%	997,084	-510,971	-51.25%
<i>Evanston Ins Co</i>	948,694	1.24%	1,241,672	848,254	68.32%
<i>Continental Cas Co</i>	\$855,063	1.12%	\$872,964	\$1,724,493	197.54%
<i>American Excess Ins Exch RRG</i>	792,200	1.03%	760,904	475,960	62.55%
<i>All Other (97) Companies</i>	\$9,769,044	12.74%	\$9,924,153	\$5,013,684	50.52%
<b>Totals</b>	<b>\$76,674,319</b>	<b>100.00%</b>	<b>\$79,130,985</b>	<b>\$23,059,534</b>	<b>29.14%</b>

\*Direct Loss Ratio does not include LAE or other expenses

As you can determine, the Excess & Surplus lines writers (highlighted light orange) have a significant amount of penetration into our Malpractice market. However, considering historical premium volumes it can be found that this penetration has actually generally declined over recent years:



On a business written basis (which includes E&S Companies and RRG's), the 10 -year average market share for the top 10 writers (by premium volume) captures about 88% of the entire market. Taking this same metric for the most recent three years only captures just 84% of the entire market.

Below is a breakdown, by sub-line, for some of the key Malpractice writers in West Virginia including those writing on an Excess and Surplus basis:

<b>Company</b>	<b>Subline</b>	<b>2009 Written Premium</b>
<b><i>West Virginia Mutual Ins. Co.</i></b>	Physicians & Surgeons	\$39,770,212
	Hospitals	\$0
	Other	\$0
	<b>Total</b>	<b>\$39,770,212</b>
<b><i>Medicus Ins. Co.</i></b>	Physicians & Surgeons	\$4,742,689
	Hospitals	\$0
	Other	\$0
	<b>Total</b>	<b>\$4,742,689</b>
<b><i>Mountaineer Freedom, RRG</i></b>	Physicians & Surgeons	\$372,271
	Hospitals	\$3,655,303
	Other	\$0
	<b>Total</b>	<b>\$4,027,574</b>
<b><i>Community Hospital RRG</i></b>	Physicians & Surgeons	\$65,900
	Hospitals	\$3,392,215
	Other	\$7,876
	<b>Total</b>	<b>\$3,465,991</b>
<b><i>Lexington Ins. Co.</i></b>	Physicians & Surgeons	\$295,377
	Hospitals	\$2,708,325
	Other	\$374,268
	<b>Total</b>	<b>\$3,377,970</b>

### **III-A. Enabling Legislation**

The reporting of experience for insurance carriers with 5% or more of the West Virginia Medical Malpractice direct written premium is *required* by:

**West Virginia Regulation §114CSR22**

**West Virginia Regulation §114CSR23**

**West Virginia Code §33-20B-6**

*The regulations and referenced statutes set forth the form in which certain information needs to be reported to the Commissioner. This section of the report is provided to assist the Commissioner in fulfilling obligations under the above regulations and code section and enhance our knowledgebase.*

Pursuant to West Virginia Regulation §114CSR23-6, the Commissioner is required to “...*evaluate the information reported pursuant to Section 5 of the rule in order to determine whether the filing insurers have fairly and accurately determined the loss experience and loss expense data in the filing.*”

Per West Virginia Code §33-20B-6(a), the Commissioner is required to “...*review annually the rules, rates and rating plans filed and in effect for each insurer providing five percent or more of the malpractice insurance coverage in this state in the proceeding calendar year to determine whether such filings continue to meet the requirements of this article and whether such filings are unfair or inappropriate given the loss experience in this state in the preceding year.*”

In 1986, the legislature passed §33-20B-7 which required a study of the feasibility and desirability of creating a joint underwriting association or alternative pooling agreement to facilitate the issuance and underwriting of malpractice policies in West Virginia. As nothing in Chapter 33 (Insurance) of the Code of West Virginia would expressly prohibit the forming of any such JUA, it can only be assumed that desirability for the same has historically been absent and remains so to this day as no JUA has ever been formed in West Virginia for the purposes of issuing or underwriting policies of medical malpractice insurance.

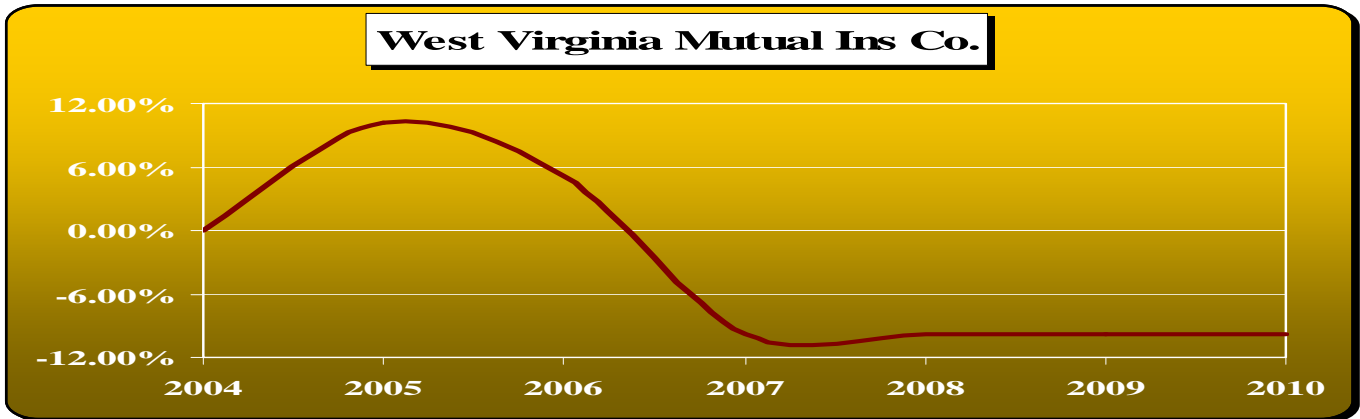
### III-B. Discussion of Market Positions

#### *West Virginia Mutual Insurance Company (WVMIC)*

Since its inception in July 1, 2004, **WVMIC** has dominated the Physicians & Surgeons market in West Virginia. During the height of the most recent Medical Malpractice “hard market” in West Virginia, a very large number of West Virginia Physicians and Surgeons that were unable to procure coverage via the **admitted market** were ultimately insured by the State of West Virginia itself utilizing our Board of Risk and Insurance Management (**BRIM**—generally the insurer of State owned property and liability exposures).

As a long term solution to the availability of coverage for Physicians and Surgeons in West Virginia, §33-20F established **WVMIC** and all policies previously insured in the **BRIM II** program novated to the new Company upon inception. **WVMIC** has since added new business and has worked with the Offices of the West Virginia Insurance Commissioner to accommodate difficult situations while maintaining underwriting standards. The rate history of **WVMIC** since inception follows:

2009 Market Share	Company	Effective date	%Requested	% Granted	WV #:
76.89%	<i>West Virginia Mutual Ins Co</i>	1/1/2010	0%	0%	90918009
	<i>*fka W.V. Physicians Mutual Ins. Co.</i>	1/1/2009	0%	0%	80903007
		3/1/2008	-0.01%	-0.01%	80129001
		1/1/2008	0%	0%	70918006
		1/1/2007	-15.00%	-15.00%	60915016
		1/1/2006	-5.00%	-5.00%	50826007
		1/1/2005	10.20%	10.20%	41006013
		7/1/2004	initial filing	initial filing	40331017

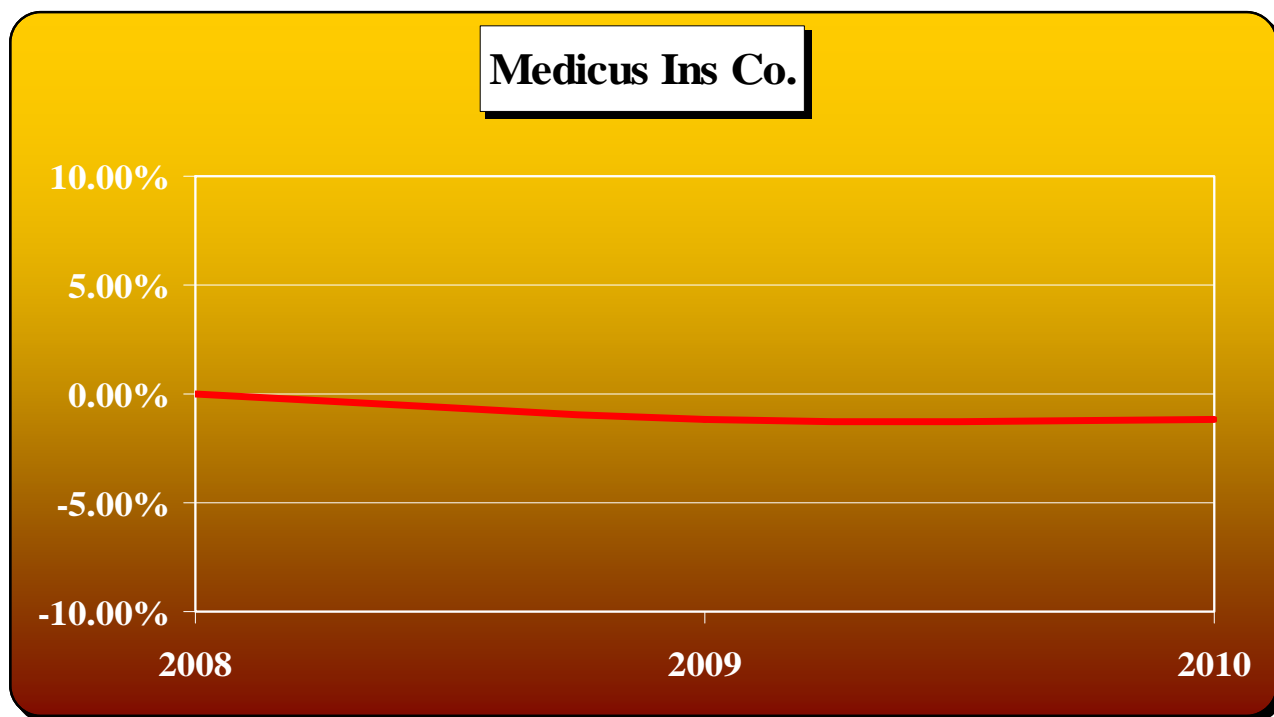


The company’s results continue to be favorable and subsequent changes made to their rating plan establish their current rates below those that were utilized upon inception, as per the graph above. **WVMIC** writes only Physicians and Surgeons coverage and only in West Virginia. However, having fully repaid their original surplus note (\$26.1M start-up loan) back to the State of West Virginia before the end of 2008, they have begun to explore opportunities for expansion into neighboring states.

## ***Medicus Insurance Company***

Domiciled in Texas and initially incorporated in 2006, **Medicus** provides medical malpractice insurance to physicians, surgeons and related medical service providers. They received their initial Certificate of Authority to write casualty insurance in West Virginia in December 2007 and had gained approval of their first Physicians and Surgeons rate, rule and form filing here by March 2008. They are currently licensed and admitted in 20 states including West Virginia, and have recently received their Certificate of Authority in 6 others. Notably, they became 2<sup>nd</sup> in overall admitted West Virginia market share by the end of 2009 with 9.17% of the market. The rate history of **Medicus** follows, and likewise includes a graph of their current rates relative to inception:

2009 Market Share	Company	Effective date	%Requested	% Granted	WV #:
9.17%	<i>Medicus Insurance Company</i>	09/24/2010	0%	0%	100004152
		10/1/2009	-1.20%	-1.20%	90630015
		3/20/2008	initial filing	initial filing	80212014



### ***Mountaineer Freedom RRG, Inc.***

***Mountaineer Freedom*** is a West Virginia domiciled risk retention group which was newly incorporated during 2006. This RRG was formed in order to provide professional and general liability coverage to Wheeling Hospital and its affiliated staff (*which was previously self-insured.*) As ***Mountaineer Freedom*** is not an admitted insurer, they did not provide information for this report.

### ***Community Hospital RRG***

***Community Hospital RRG***, also known as ***CHART***, is a Vermont domiciled insurer newly formed in 2002. As a reciprocal risk retention group, it is owned by its member insurers which include 8 hospitals in West Virginia. It also operates in Pennsylvania and New York. As a surplus lines insurer ***CHART*** did not provide 5% market share information and no rate history information is available for this company.

### ***Lexington Insurance Company***

***Lexington*** is a **surplus lines** writer (an ***AIG*** subsidiary) writing coverage primarily for hospitals and other healthcare facilities. They wrote just \$3,377,970 in West Virginia in the Medical Malpractice line during 2009, representing just over 4% market share in the total market (combined admitted and non-admitted.) This again represents a further decrease in written premium in West Virginia for ***Lexington*** over the past five years (\$13,378,898, \$10,819,121, \$9,422,341, \$7,951,210 & \$6,354,708 respectively.) In the year 2000, ***Lexington*** entered the West Virginia market on a surplus lines basis and reported \$58,000 in written premium for the year. This increased to over \$7M by the 2002-2003 time period reaching the high levels noted above. As a surplus lines writer ***Lexington*** did not provide 5% market share information for this report and no rate history information is available for this company.



***ProAssurance Indemnity Co., Inc.***

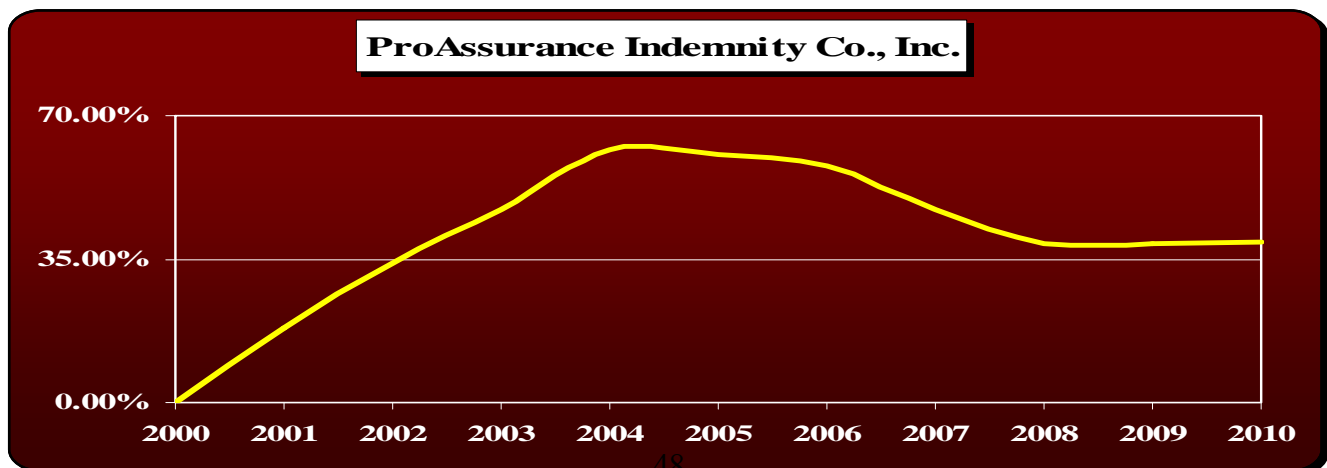
***ProAssurance Indemnity Co., Inc.*** (formerly ***Medical Assurance of West Virginia*** until 2005, and becoming ***Woodbrook Casualty Insurance Company*** until 2008) was the leading commercial writer of malpractice insurance for Physicians and Surgeons in West Virginia in the years 2000 and 2003, and was 2<sup>nd</sup> in West Virginia admitted market share from 2001-2002 and from 2004 to 2008.

***ProAssurance***'s in-force policy exposure in West Virginia has generally declined since its peak which occurred in 1998. Beginning with a high of 856, it had dropped to 417 by 2001, 133 by 2004, and stood at only 54 in 2009. The rate history of ***ProAssurance*** since the year 2000 follows:

2009 Market Share	Company	Eff date	% Req'd	% Granted	WV #:
3.68%	<b><i>ProAssurance Indemnity Co., Inc.</i></b>	2/23/2010	0.4%	0.4%	100000816 (S)
	*fka <b><i>Woodbrook Casualty Ins, Inc</i></b>	12/15/2008	0%	0%	81106028(S)
	*fka <b><i>Medical Assur. of WV</i></b>	11/1/2008	-8.30%	-8.30%	80827030 (S)
		11/1/2007	-10.70%	-10.70%	70810017 (S)
		10/20/2006	-2.80%	-2.80%	60711005
		10/20/2005	-1.10%	-1.10%	50718024
		10/20/2004	18.50%	14.50%	40721020
		10/3/2003	17.30%	13.00%	30623002
		7/1/2002	23.00%	16.00%	161405
		9/14/2001	30.00%	18.00%	155255
		8/1/2000	35.00%	35.00%	50507

Improved experience has resulted in overall rate level decreases for ***ProAssurance*** generally since 2004. The net effect of the rate decrease filings roughly offset their two most recent rate level increase filings which became effective in 2003 and 2004, and resulting in their current pricing being roughly equivalent to the 2002-2003 levels. Notably, the declining policy count in combination with the declining rate level has caused ***ProAssurance*** to fall below the statutory participation level of 5% or more of the market share in accordance §33-20B-6, and accordingly ***ProAssurance*** did not participate in this year's report.

A year 2000 baseline representation of their current rate level follows:



### **III-C. Rating Plans and Rating Rules**

#### **Physicians and Surgeons**

Coverage is provided by each of the insurers on a claims-made (or less frequently, occurrence) basis. The coverage provided by all plans is relatively standard. Differences may occur in:

- Number of classes
- Assignment of specialties to class
- Definition of specialties
- Class relativities
- Maturity and tail factors
- Discounts offered

None of these differences produce an unfair advantage or inappropriate rating plan. Physicians and Surgeons rating plans are consistent with other industry plans and are reasonable.

#### **Hospitals**

Each insurer provides coverage on a claims-made (or less frequently, occurrence) basis. Variations in the rating plans may occur in the:

- Exposure base
- Experience rating plan
- Schedule rating plan
- Surcharge programs
- Deductible credits
- Increased limits factors

Flexibility in pricing through the use of guide (a) rating (aka 'refer to company') allows underwriters the ability to customize the price and coverage to the risk. Such a feature is common when rating large, unique risks such as hospitals.

**III-D. Reconciliation of Filed Information to Rate Filing Information  
As Required by West Virginia Code §33-20B-3**

**1. Reconcile the most recent filed information to the experience reported in the rate filings.**

**Exhibit I-Sheet 1a through 1c** provides the premium and loss for each carrier.

(Exhibits begin on page 71.)

- ✓ *WVMIC* figures (*Sheets 1a through 1c*) are noted to have undergone further development as the experience of the legacy program which they had inherited (*BRIM II*) becomes better known. This development appears to have been favorable to *WVMIC* and generally does not provide concerns.
  
- ✓ *Medicus* figures (*Sheets 1a through 1c*) while favorable, are still rather immature and due to the long tail nature of this line of business are anticipated to undergo further development. Notably, due to the small volume of business written at this time, these figures could easily become subject to volatility.

**2. Reconcile the experience in the filed information to the most recent experience reported in the company's financial statements.**

- ✓ **Exhibit VI** provides the comparison of Annual Statement information with the filed 5% Report information for each company. The results are demonstrated to wholly reconcile.

3. **Compare the assumptions underlying the filed information to the most recent rate filing assumptions or other information.**

- ✓ **Exhibits II-V** provide the key assumptions underlying the most recent rate filings to the filed 5% Report information, prior rate filings and abstracts, Annual Statement data, and other source documents. A notable increase in underwriting expense provisions are observed for **WVMIC** since inception in 2004, and due to the variable nature of the fixed expense loading procedure the filed information and the most recent rate filing do not match precisely. Further it is noted that the specific methodology by which **WVMIC** accounts for investment income offset within its rate filings is unclear.

4. **Is the filed information filled out correctly and accurately?**

- ✓ It is clear that each company has attempted to provide accurate information in response to the 5% Report data call.

5. **Does the filed information support our conclusion on the rates as of 12/31/04?**

- ✓ **Exhibit VII** provides rate comparisons for a number of specialties utilizing the filed rates of several companies writing physicians and surgeons coverage in West Virginia as well as those filed by a Rating Organization. Note that in review of the by-company rate histories as provided in Section III-B above, that by premium volume **rates have generally remained stable in West Virginia after having generally declined during the most recent prior years.**

### **III-E: Analysis of Rate Filings**

#### **West Virginia Mutual Insurance Company**

The company most recently filed for and received approval of a 0.0% change to their base rates to become effective on January 1, 2010. Similar “no change” filings were approved for January 1, 2009 and January 1 2008. *WVMIC* has also added a renewal discount to their rating manual. In January of 2007, the company filed for and received approval of an overall rate level decrease of -15%; this followed a similar overall decrease of -5% in 2006. As indicated in Section **III-B**, the Company’s current rates are about -10% below that of their initial rate filing which became effective on July 1, 2004.

#### **Medicus Insurance Company**

The company most recently filed for and received approval of a 0.0% change to their base rates to become effective September 24, 2010. Prior to this filing a -1.2% overall filing became effective for *Medicus* in West Virginia on October 1, 2009. That filing was subsequent to their initial rate filing in the state which became effective on March 20, 2008. As also indicated in Section **III-B**, the Company’s current rates are about -1.2% below that of their initial rate filing.

### **III-F: Investment Portfolio**

**Exhibit III** presents a comparison of net investment gains and investment income provisions from rate filings. In earlier years, investment gains had generally declined but are now showing upward movement. It is again noted that *WVMIC* needs to clearly and specifically account for an investment income offset it its rate filings.

### III-G: Overall Medical Malpractice Market (Annual Statement Line of Business 11)

Although sub-lines of medical malpractice (e.g. physicians, hospitals, etc) are considered individually in the Appendix of this report, a detailed view of the entire medical malpractice line of business on an admitted company basis for 2009 provides the following: (Companies under \$100.00 omitted)

Company Name	Premiums Written	Market Share	Premiums Earned	Loss Incurred	Loss Ratio
West Virginia Mut Ins Co	\$39,770,212	76.89%	\$41,127,067	\$14,418,460	35.06%
Medicus Ins Co	\$4,742,689	9.17%	\$3,706,372	\$1,288,281	34.76%
ProAssurance Ind Co Inc	\$1,900,722	3.68%	\$2,115,389	-\$1,781,595	-84.22%
American Cas Co Of Reading PA	\$1,203,605	2.33%	\$1,206,984	\$360,015	29.83%
Continental Cas Co	\$855,063	1.65%	\$872,964	\$1,724,493	197.54%
Doctors Co An Interins Exch	\$593,773	1.15%	\$647,838	\$348,517	53.80%
Podiatry Ins Co Of Amer	\$537,187	1.04%	\$507,561	\$765,540	150.83%
National Union Fire Ins Co Of Pitts	\$535,647	1.04%	\$557,273	\$2,618,321	469.85%
Cincinnati Ins Co	\$416,391	0.81%	\$403,683	\$236,851	58.67%
NCMIC Ins Co	\$335,537	0.65%	\$333,362	-\$57,704	-17.31%
Chicago Ins Co	\$247,699	0.48%	\$242,194	\$59,261	24.47%
Ace Amer Ins Co	\$117,239	0.23%	\$115,067	\$19,668	17.09%
Empire Fire & Marine Ins Co	\$104,928	0.20%	\$23,222	\$4,039	17.39%
American Alt Ins Corp	\$94,785	0.18%	\$91,524	\$5,805	6.34%
Medical Protective Co	\$66,455	0.13%	\$41,728	\$60,000	143.79%
Darwin Natl Assur Co	\$64,831	0.13%	\$68,176	-\$214	-0.31%
Church Mut Ins Co	\$48,514	0.09%	\$48,104	\$17,474	36.33%
Campmed Cas & Ind Co Inc MD	\$37,599	0.07%	\$39,001	\$27,008	69%
State Farm Fire & Cas Co	\$21,062	0.04%	\$20,555	\$0	0.00%
Pharmacists Mut Ins Co	\$14,001	0.03%	\$13,842	\$610	4.41%
Fortress Ins Co	\$7,263	0.01%	\$7,169	\$881	12.29%
PACO Assur Co Inc	\$6,620	0.01%	\$2,285	\$2,755	120.57%
Granite State Ins Co	\$6,587	0.01%	\$6,402	-\$16,402	-256.20%
Nationwide Mut Ins Co	\$2,750	0.01%	\$2,840	-\$621	-21.87%
American Home Assur Co	\$2,313	0.00%	\$1,691	-\$901	-53.28%
Nationwide Mut Fire Ins Co	\$222	0.00%	\$305	-\$166	-54.43%
American Hlthcare Ind Co	\$0	0.00%	\$0	-\$95,848	0.00%
Ohic Ins Co	\$0	0%	\$0	\$356,755	0%
National Surety Corp	\$0	0%	\$0	-\$145	0%
Firemans Fund Ins Co	\$0	0%	\$0	\$99,555	0%
American Ins Co	\$0	0%	\$2,489	-\$7,731	-311%
Pacific Employers Ins Co	\$0	0%	\$0	-\$16,934	0%
Century Ind Co	\$0	0%	\$0	\$2,555	0%
Ace Fire Underwriters Ins Co	\$0	0%	\$0	-\$348,874	0%
Arrowood Ind Co	\$0	0%	\$0	-\$1,195	0%
Professionals Advocate Ins Co	\$0	0%	\$0	-\$313,220	0%
Westport Ins Corp	\$0	0%	\$0	-\$9,277	0%
TIG Ins Co	\$0	0%	\$0	-\$509,297	0%
United States Fire Ins Co	\$0	0%	\$0	-\$174	0%
Executive Risk Ind Inc	\$0	0%	\$6,348	\$95,767	1509%
Travelers Prop Cas Co Of Amer	\$0	0%	\$0	-\$1,515	0%
ProAssurance Natl Capital Ins Co	\$0	0%	\$0	-\$1,000,000	0%
Travelers Cas & Surety Co	\$0	0%	\$0	\$9,594	0%
Standard Fire Ins Co	\$0	0%	\$0	\$101,337	0%
St Paul Fire & Marine Ins Co	\$0	0%	\$0	\$1,202,118	0%
St Paul Mercury Ins Co	\$0	0%	\$0	-\$87,234	0%
Travelers Ind Co	\$0	0%	\$0	-\$71,764	0.00%
National Cas Co	-\$70	0%	\$540	\$89	16%
National Fire Ins Co Of Hartford	-\$12,983	0%	-\$12,983	-\$428,291	3299%
<b>55 Companies in Report</b>	<b>\$51,720,641</b>	<b>100%</b>	<b>\$52,198,992</b>	<b>\$19,076,623</b>	<b>36.55%</b>

Note that only a very small number of companies (55) are reporting any activity in West Virginia for 2009, and further that our domiciled mutual company (West Virginia Mutual) appears to have a material and significant concentration of the total market share. Looking back on these considerations historically, on an admitted basis as well as on a business written basis (*which includes the excess and surplus writers*), the following summary information can be found.

***Licensed Company Basis***

	<b>Active Co's</b>	<b>Loss Ratio</b>	<b>HHI</b>
1997	59	90.69%	3,142
1998	58	79.77%	3,038
1999	60	93.82%	2,829
2000	61	76.51%	2,672
2001	61	89.68%	2,850
2002	60	97.76%	2,773
2003	58	70.17%	1,913
2004	65	38.23%	4,911
2005	59	26.54%	4,547
2006	56	15.78%	5,575
2007	52	59.39%	6,819
2008	57	-8.35%	7,039
2009	55	36.55%	6,023

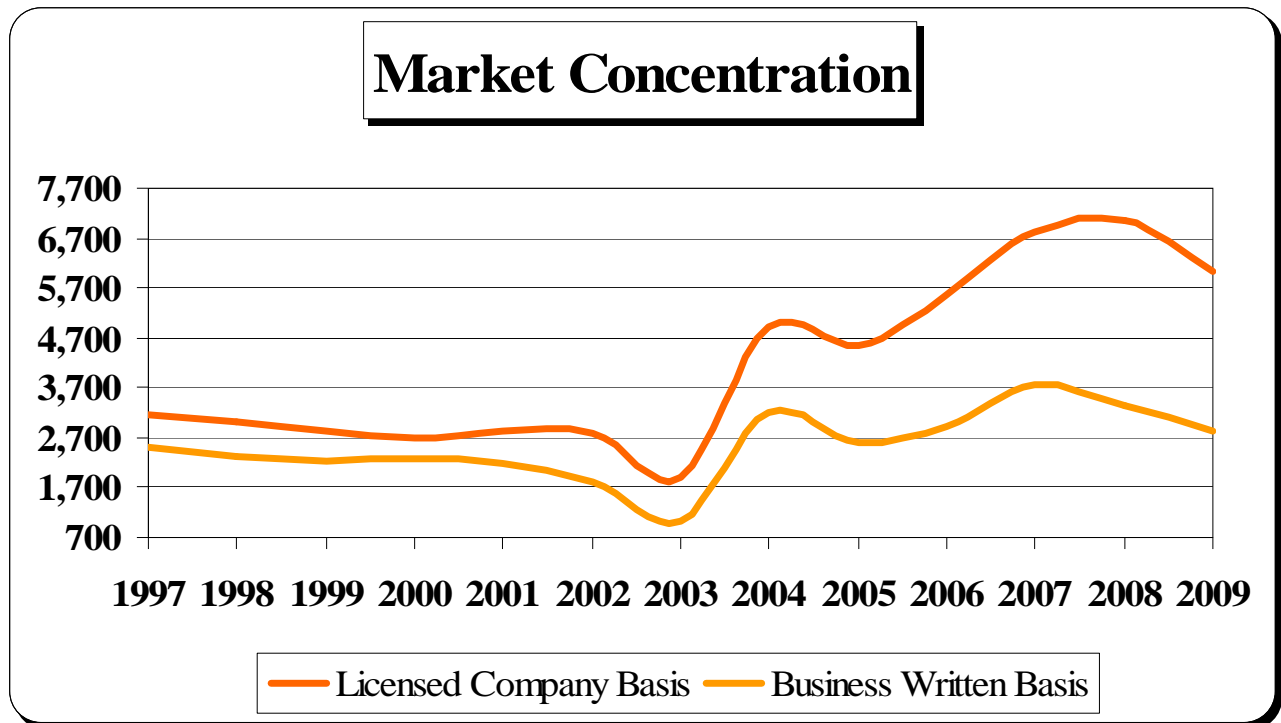
***Business Written Basis***

	<b>Active Co's</b>	<b>Loss Ratio</b>	<b>HHI</b>
1997	79	92.81%	2,512
1998	87	76.04%	2,335
1999	91	93.69%	2,252
2000	93	85.64%	2,295
2001	93	91.36%	2,163
2002	94	93.27%	1,834
2003	94	67.19%	1,047
2004	100	36.84%	3,185
2005	104	25.85%	2,595
2006	104	17.44%	2,909
2007	102	51.90%	3,746
2008	107	3.73%	3,335
2009	111	29.14%	2,832

Note that "**HHI**" represents the *Herfindahl-Hirschman Index*, a metric named for its originators. This is a commonly accepted measure of marketplace concentration. It is calculated by squaring the market share of each firm competing in a market and then summing the resulting numbers for all firms. For example, in a market consisting of only four firms with market shares of 30%, 30%, 20% and 20%, the **HHI** would be found to be 2,600 or  $(30^2 + 30^2 + 20^2 + 20^2)$ . A market having only a single firm with a market share of 100% would be found to be 10,000 or  $(100^2)$  in what is otherwise known as a monopoly.

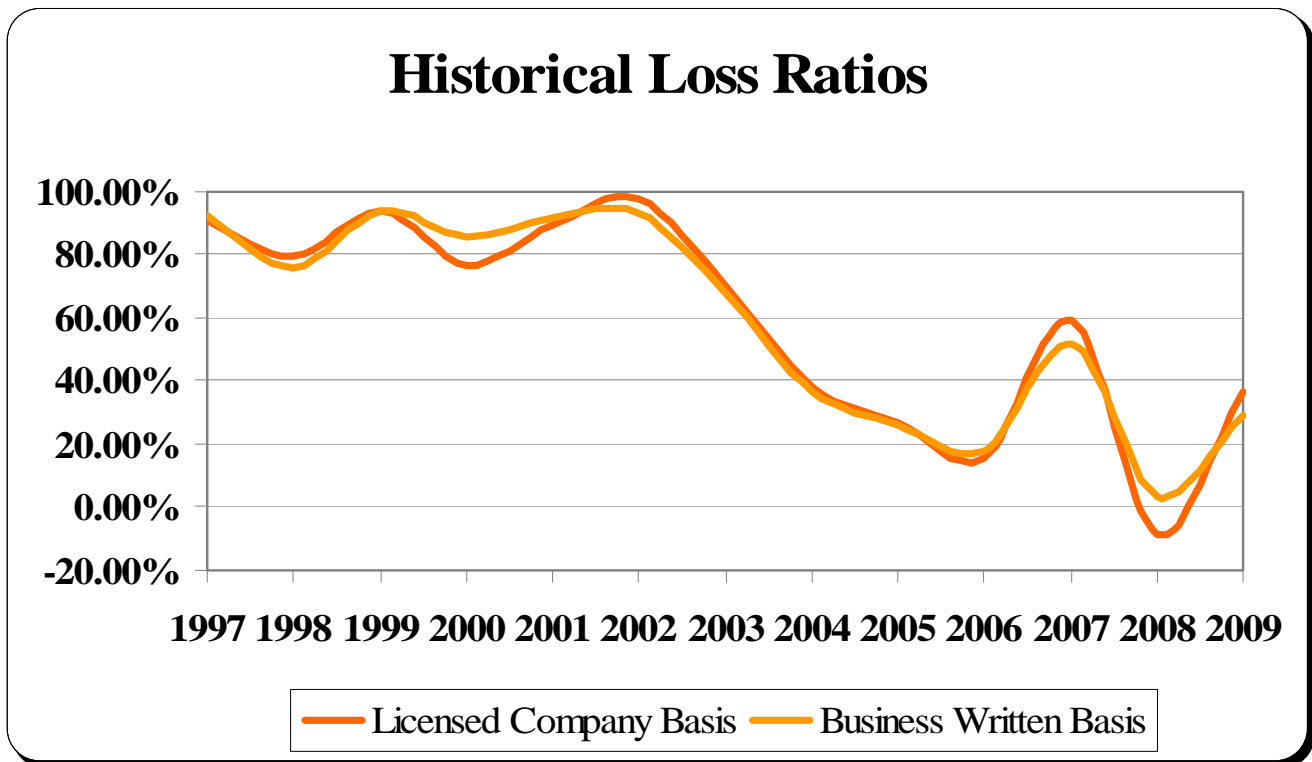
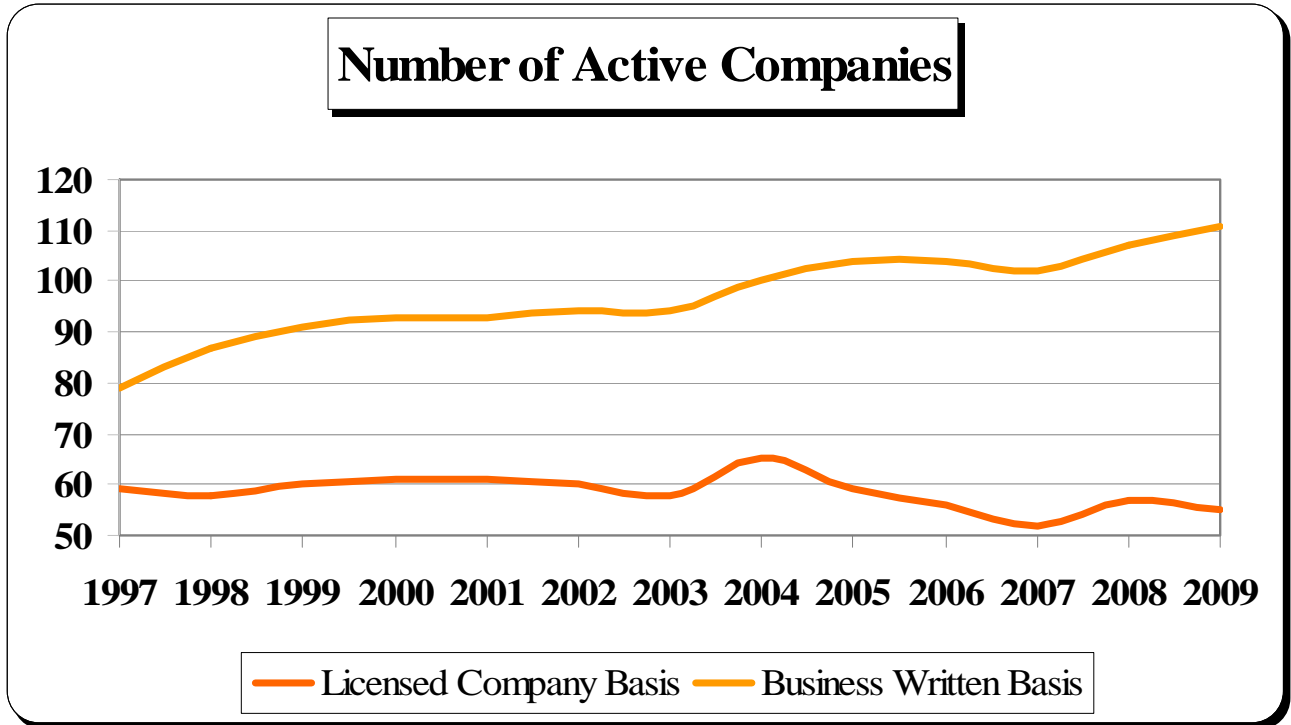
The **HHI** takes into account the relative size and distribution of the firms in a market and approaches zero when a market consists of a large number of firms of relatively equal size. The **HHI** increases both as the number of firms in the market decreases and as the disparity in size between those firms increases. Markets in which the **HHI** is between 1,000 and 1,800 points are considered to be moderately concentrated and those in which the **HHI** is in excess of 1,800 points are considered to be concentrated.

While the general medical malpractice market is demonstrated to be in somewhat more of a healthy state simply due to the presence of the excess and surplus markets, both markets (admitted and non-admitted) have been becoming more concentrated since 2003, and only once (2003 Business Written basis) in the past 11 years would have been defined as having been only moderately concentrated.





Other graphical representations of the historical market data:



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## **Section IV**

# **Other Sources of Data**

## Section IV: Other Sources of Data

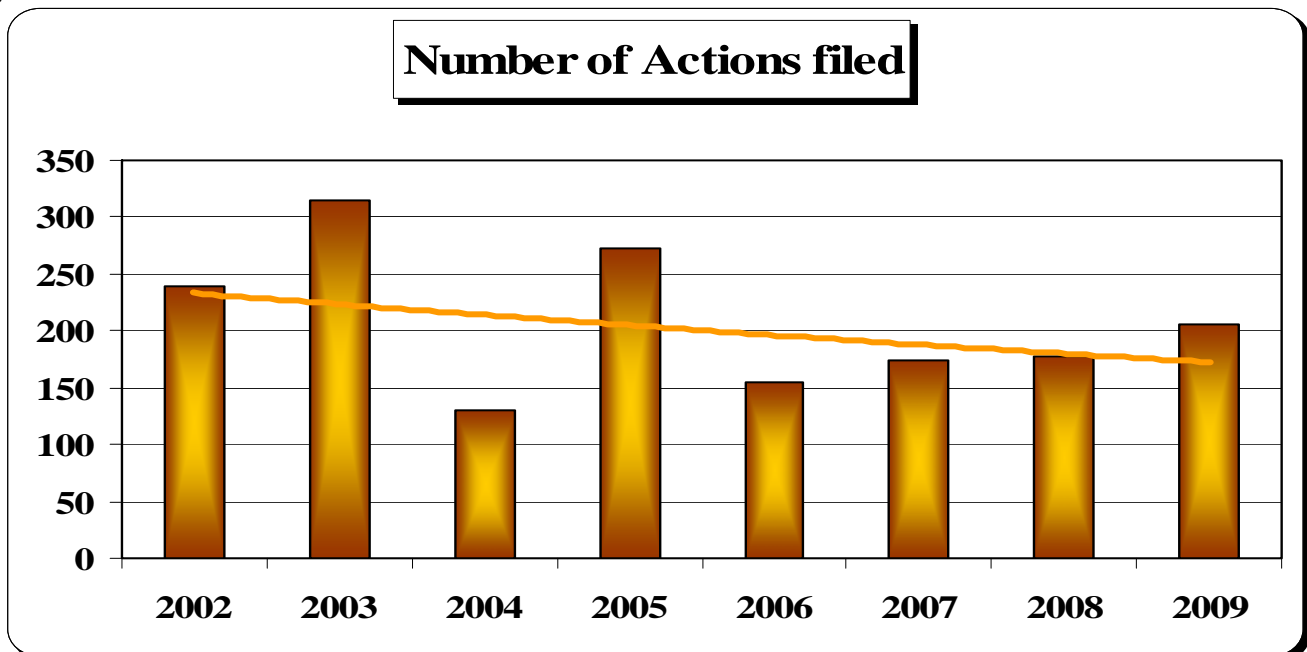
### A: Medical Liability Fund Data

Becoming effective on January 1, 2002, *HB 601* increased the fee associated with filing a medical professional liability action in part to support the Medical Liability Fund created pursuant to §29-12B-1 et seq. As part of this change, a portion of the moneys received for each such action filed are received by the State Treasurers Office. It is noted that due to the particular timing involved in posting these transactions the data appears to lag by a period of approximately one month from the actual date that the action in consideration was actually filed in a court of law. The data associated with these transactions can be examined to roughly establish the total number of actions involving Medical Professional Liability filed in West Virginia per year and as well the total number filed by county of venue.

Examining this data in aggregate, the following information is noted:

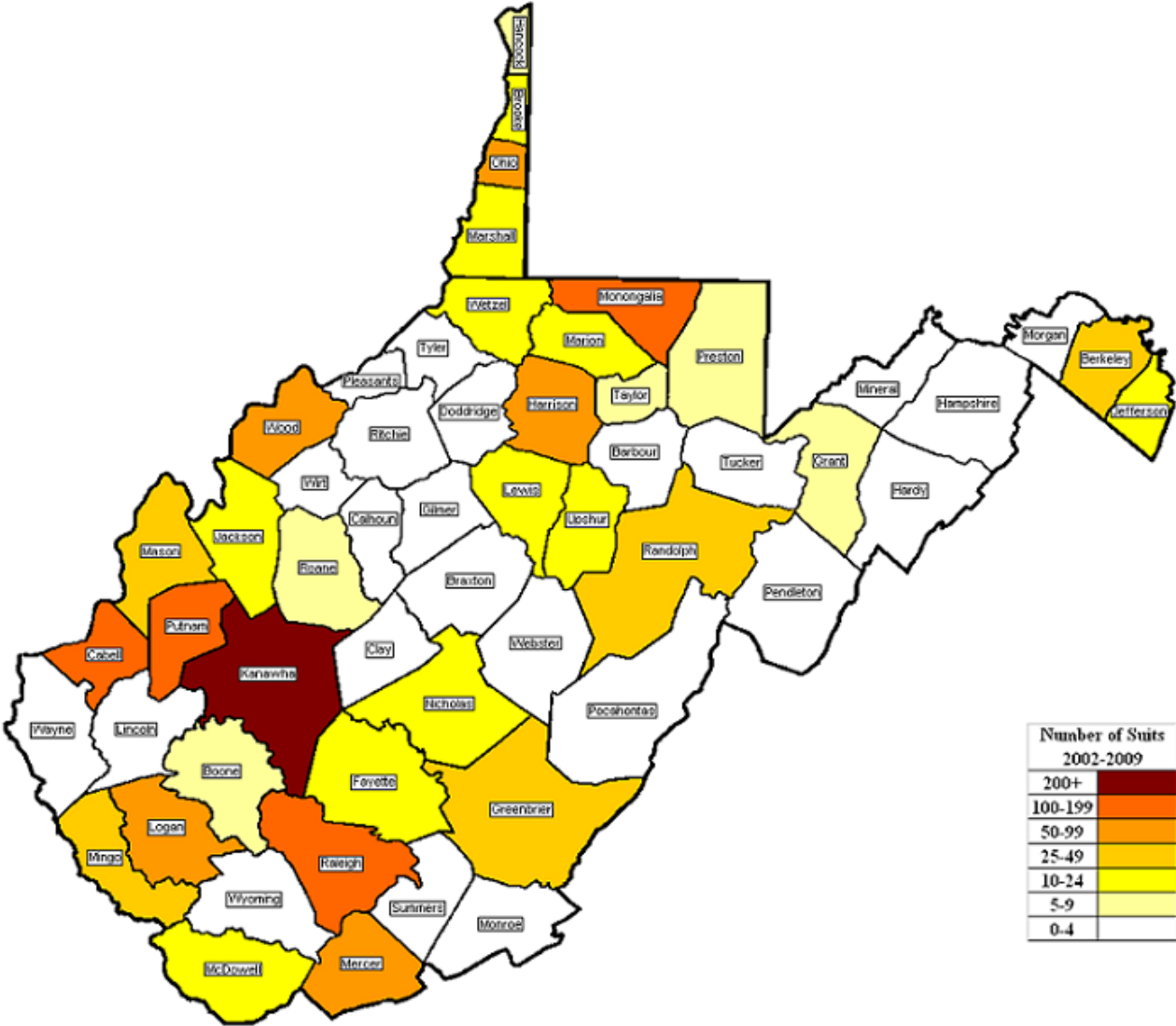
Year	# of Filed Actions
2002	239
2003	315
2004	130
2005	273
2006	154
2007	174
2008	178
2009	205

Although 2004 is clearly a low point, and the 2009 figure is below the eight year average of 208.5, not a great deal of information can be gleaned from these figures apart from what appears to be a general decline (indicated by the polynomial trend line in the graph below) in the number of actions filed by year.



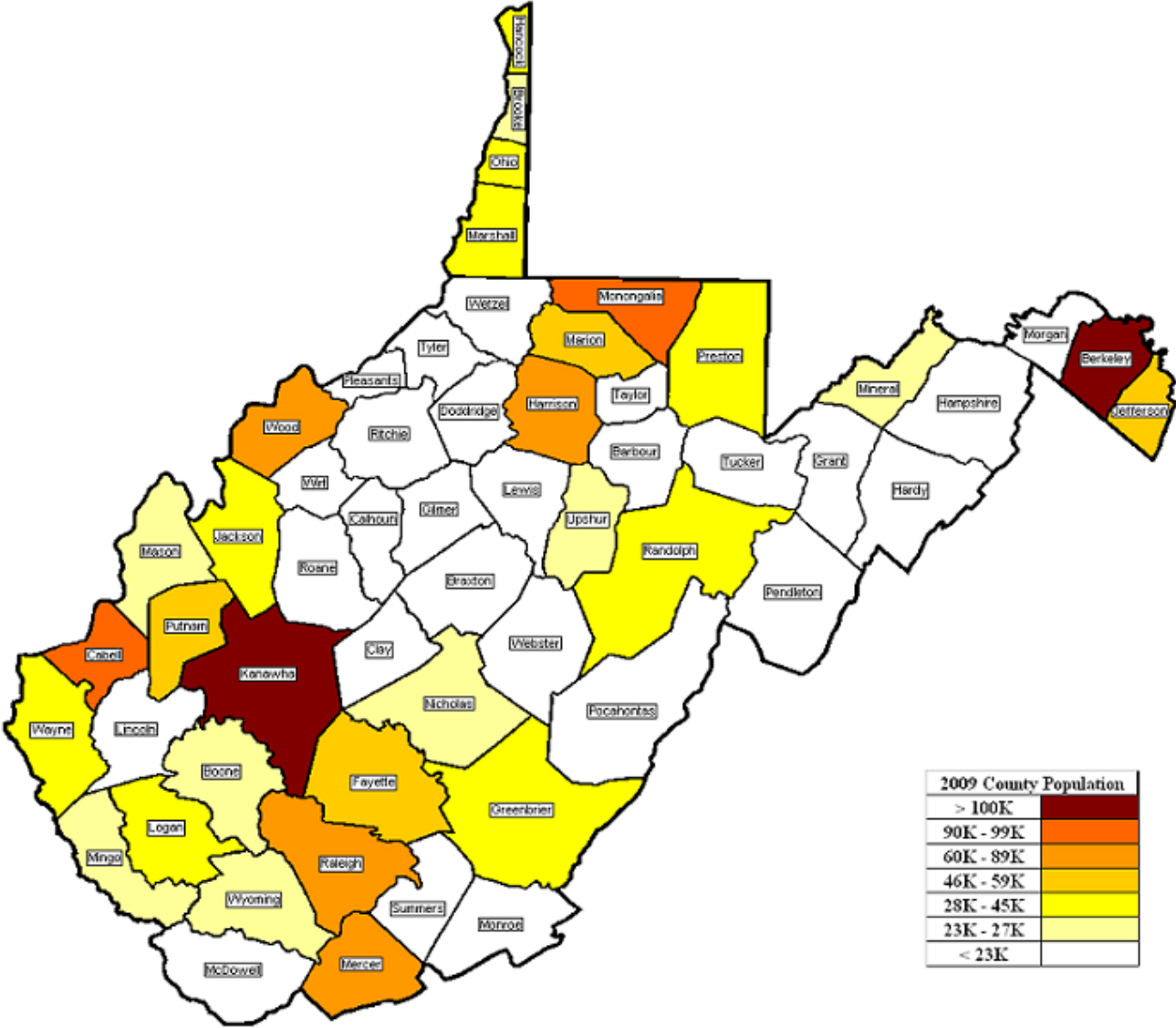
Perhaps of more interest than the annual counts above, the Medical Liability Fund data also provides the county of venue where the action was filed. Compiling this data from 2002-2009 provides the following: (See also Appendix page 87.)

**Number of Actions Filed by County of Venue 2002-2009**



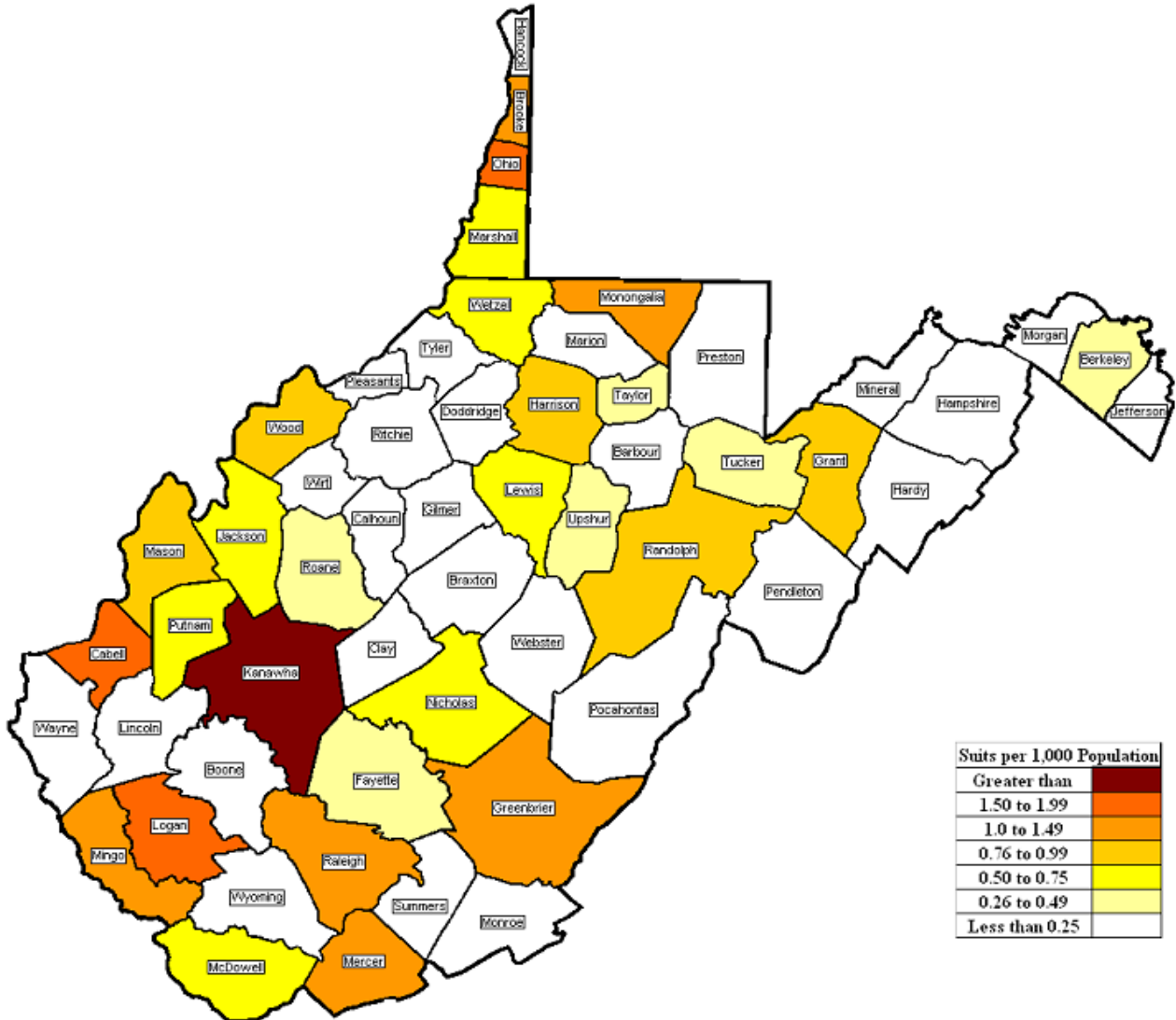
The data on suits by county above appears to be roughly equivalent to population levels by county:  
 (See also Appendix page 105.)

*West Virginia County Population (U.S. Census 2009 Estimate)*



By making the suits by county data relative to the number of residents per county, we can determine which counties have the highest suit ratios per 1,000 of population.

**Total (2002-09) Suits filed per 1,000 Population (U.S. Census Projection)**



*It is noted that approximately 146 cases were filed against a single Doctor in Putnam County over the time period being reviewed above. Adjusting the county level data to account for that single outlier would result in a Putnam County ratio of 0.64, and a State-wide average ratio of 0.92.*

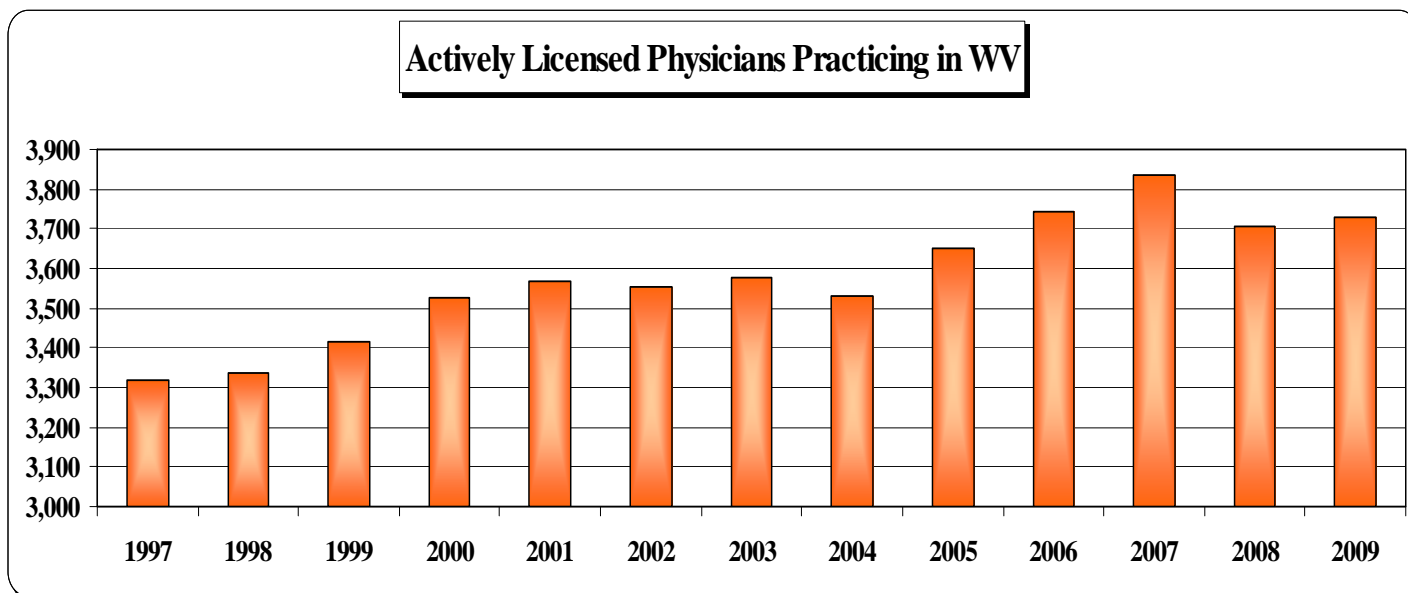
## B: Board of Medicine Data

Obtaining data from the West Virginia Board of Medicine regarding physician licensure in West Virginia, the following history can be observed.

West Virginia Board of Medicine Licensure Data	1997	1998	1999	2000	2001	2002
Actively Licensed Physicians (M.D.)	5,026	5,107	5,251	5,212	5,246	5,199
Inactively Licensed Physicians	937	896	869	920	947	901
Actively Licensed Podiatrists (D.P.M.)	102	115	104	110	104	114
Inactively Licensed Podiatrists	13	13	22	24	22	22
Actively Licensed Physicians Practicing in WV	3,317	3,339	3,415	3,525	3,570	3,552
Actively Licensed Podiatrists Practicing in WV	58	59	65	67	68	71
Physician Assistants (P.A.)	289	333	335	371	378	405
Medical Corporations	585	595	590	603	611	568
Professional Limited Liability Companies	11	26	34	42	41	45
Special Volunteer Medical Licenses	----	----	----	4	9	13
Medical School Faculty Limited Licenses	----	----	----	----	----	----

West Virginia Board of Medicine Licensure Data	2003	2004	2005	2006	2007	2008	2009
Actively Licensed Physicians (M.D.)	5,182	4,873	5,058	5,187	5,379	5,594	5,776
Inactively Licensed Physicians	631	853	757	734	692	650	627
Actively Licensed Podiatrists (D.P.M.)	110	105	99	105	103	104	101
Inactively Licensed Podiatrists	17	22	20	20	16	16	15
Actively Licensed Physicians Practicing in WV	3,575	3,532	3,650	3,743	3,837	3,708	3,730
Actively Licensed Podiatrists Practicing in WV	73	72	68	66	75	73	64
Physician Assistants (P.A.)	421	467	480	540	542	580	604
Medical Corporations	565	557	540	521	513	502	500
Professional Limited Liability Companies	55	57	54	51	47	50	50
Special Volunteer Medical Licenses	21	20	16	15	13	16	15
Medical School Faculty Limited Licenses	2	4	4	4	4	2	3

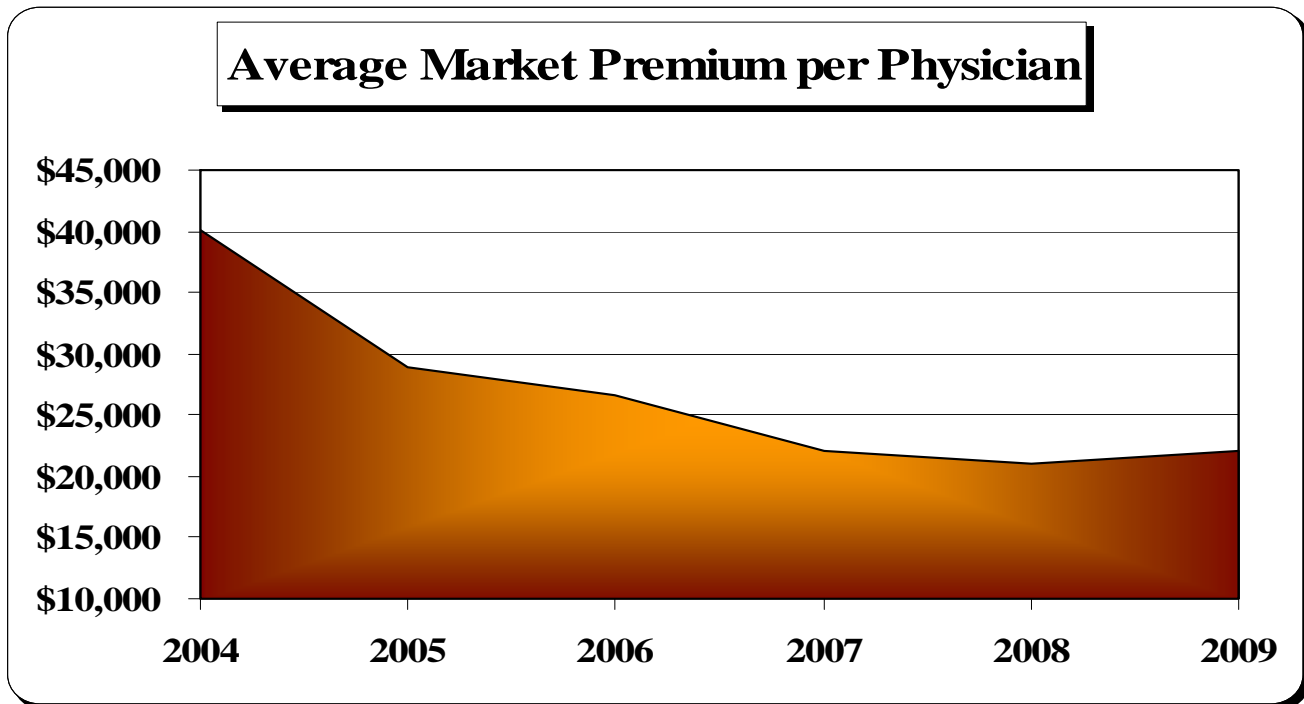
Looking at only actively licensed physicians that are reported to actually practice in West Virginia, an overall favorable increase can be observed for the State.



Tying the physician licensure data to historical premium data for the physician sub-line of medical malpractice, we can estimate how the cost of malpractice premiums might be spread on average throughout the physician population.

<b>Business Written Basis</b>				
	<b>P &amp;S Written Premiums</b>	<b>Physicians practicing in WV</b>	<b>Board of Risk insured Physicians</b>	<b>Averaged Premium per Physician</b>
<b>2004</b>	<b>\$104,451,130</b>	<b>3,532</b>	<b>923</b>	<b>\$40,034.93</b>
<b>2005</b>	<b>\$77,791,000</b>	<b>3,650</b>	<b>955</b>	<b>\$28,864.94</b>
<b>2006</b>	<b>\$76,117,773</b>	<b>3,743</b>	<b>881</b>	<b>\$26,596.01</b>
<b>2007</b>	<b>\$63,070,586</b>	<b>3,837</b>	<b>988</b>	<b>\$22,137.80</b>
<b>2008</b>	<b>\$55,572,225</b>	<b>3,708</b>	<b>1,065</b>	<b>\$21,026.19</b>
<b>2009</b>	<b>\$53,932,735</b>	<b>3,730</b>	<b>1,291</b>	<b>\$22,112.64</b>

Note the significant decrease in average premium occurring from 2004 to present.



Note also that the “averaged” premiums above are not necessarily representative of the premium that a given physician doing business in West Virginia may actually be paying, as that premium would be influenced by the physicians specialty (e.g. physician classes versus surgeon classes), the maturity of their claims-made policy, the limits of insurance afforded, presence of rating credits and debits, etc. However it is clear from the representative information above that, on average, malpractice rates in West Virginia are continuing to decline. This is also directly observable via the rate filing history appearing on page 104.



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## **Section V**

# **Summary Observations**

## Section V. Summary Observations

- In 2009, medical malpractice insurance in **West Virginia** continued to demonstrate highly favorable results, culminating in a very favorable loss ratio of **36.55%**. Total premium volume for 2009 declined slightly from 2008 to a level comparable to that last experienced here during 2003. With yet a subsequent decline in premium volume, a significant concern remains the possibility of future adverse volatility occurring within our marketplace due to its inherently small (and still declining) size.
- **Countrywide** net operating results for all lines of business in 2009 remained at a favorable (94.8%), but **overall medical malpractice results remain stable** (71.3% for 2009, 70.1% in 2008, 67.6% in 2007 and 72.3% in 2006.)
- The key volume writer in the state, *West Virginia Mutual Insurance Company* which holds 76.9% of the admitted market and 51.9% of the entire West Virginia market, again **experienced a favorable year in 2009**, posting a pure direct loss ratio of just 35.06%. Encouragingly, there were 2 companies who met the 5% or more market share threshold for inclusion in the 2009 report, whereas only *WVMIC* met that threshold for 2008. Notably, there were 2 companies which met that criterion in 2007, and 3 in 2006.
- During 2009 medical malpractice **rates in West Virginia remained stable.** *WVMIC* held a substantial majority of the market share and proposed no change in rate, and while other top writers did lower rates this only impacted the entire market by less than 1% (-0.18%).
- As noted in previous reports, one of the key elements underlying the historical adverse results for West Virginia had been a very **high level of defense costs**. Loss adjustment expenses in West Virginia had fallen from a high of 69.5% in 1999 to be more in line with (or better) than the industry countrywide ratios by 2002. However, this favorable change did not continue in 2007 as Loss Adjustment Expense grew to 50.8% of premium (up from only 11.8% in 2006), and only improved slightly over that level for 2008 with 39.42%. While in 2009, Loss Adjustment Expense returned to a very favorable 16.7%. Although currently favorable, this volatility remains an item of concern for the future.

- In the admitted market, the top five malpractice writers in West Virginia by premium written accounted for 93.7% of the entire admitted market (previously 94.1). In the whole market (admitted and non-admitted), the top five writers account for 72.2% of the market (previously 73.9%). The key Excess & Surplus writer became *Mountaineer Freedom, RRG* (a West Virginia domiciled Risk Retention Group for Wheeling hospital). In 2009, our **medical malpractice market remained at about the same level of concentration**, and still indicates an overall absence of competition.
- The **small size** of our medical malpractice marketplace in West Virginia, with only 3,730 active physicians practicing in our State, inherently **lends itself toward volatility**, as can be demonstrated by simply considering the 2006 through 2009 results (with Direct Loss Ratios of 15.7%, 59.4%, -8.4%, and 36.6% respectively).
- An analysis of West Virginia Board of Medicine data revealed the following:
  - The number of **paid claims** continues to generally **decline** in West Virginia.
  - Roughly **32% of claims** filed are still being **dismissed**.
  - The total number of **claims in 2009** (174) is about **half** of that experienced in 2001 (375 or 46%).

This appears to suggest that the “*certificate of merit*”, required by H. B. 601, continues to have a diminishing impact on medical malpractice claims.

- Approximately **9% of claims** filed actually **go to court**.
  - **60% of Malpractice claims are settled** outside of court.
  - There still does not appear to be any clear and credible pattern of escalating jury awards, although the small number of awards yields little in the way of credible data upon which to draw conclusions.
- A review of Medical Liability fund data indicates that **the number of filed actions** in West Virginia **remain below that of earlier years** overall, although notably increasing slightly just over the past 4 years.
  - Examination of the **5% market share companies data** as required by §114CSR22, §114CSR23, and §33-20B-6 **found no areas of material concern**.

## **Glossary of Terms**

**Accident Year Experience:** Measures premiums and losses relating to accidents which occurred during a 12-month period.

**Admitted Market:** Comprised of only Insurance Companies that are specifically authorized and licensed to write business in a given state. Contrast this with the market as a whole which would also include non admitted insurers who write in a given state on an Excess and Surplus lines basis. (i.e. Business Written Basis.)

**BRIM:** *West Virginia Board of Risk and Insurance Management*

**BRIM I:** Term to identify the medical malpractice program for teaching schools and their physicians. This program is administered by *National Union Fire of Pittsburgh* (an *AIG* subsidiary) under a fronting arrangement. *AIG* assumes no real risk under this arrangement; they simply issue the policies on *AIG* paper and are fully reimbursed by **BRIM** for loss and other expenses. They receive a percentage of premium for providing this service. **BRIM I** policies are written on an occurrence basis.

**BRIM II:** Term to identify the medical malpractice program for private physicians and hospitals. This program was administered by *Marsh*. **BRIM II** was written on a claims-made basis. All **BRIM II** business novated to the *West Virginia Mutual Insurance Company (WVMIC)* on July 1, 2004.

**Claims-made Coverage:** A policy which provides coverage only when a claim is made during its active policy period or any automatic or purchased supplemental extended reporting period. For example, generally a claim that is made in the current year will be charged against the current policy even if the injury or loss giving rise to the claim had occurred many years in the past. However, a claims-made policy will also have a set specific retroactive date, prior to which any occurrence giving rise to a claim will not be covered. From a pricing perspective, claims-made coverage is much more straightforward since it strictly limits the insurers' exposure only to unknown future liabilities (called "incurred but not reported" claims). Contrast this coverage with "***Occurrence Coverage***". Claims-made coverage became a more accepted approach towards writing long-tailed exposure lines like medical malpractice and products liability during the mid-'80's after its introduction by the *Insurance Services Organization (ISO)*.

**Combined Ratio:** Percentage of each premium dollar a property/casualty insurer spends on claims and expenses. A decrease in the combined ratio means financial results are improving; an increase means that they are deteriorating. When the ratio is over 100%, the insurer has an *underwriting* loss.

**Direct Combined Ratio:** The sum of expenses and incurred losses combined versus earned premiums. On a direct basis, this ratio does not take into account any adjustments for reinsurance recoveries or payments for reinsurance coverage.

**Direct Loss Ratio:** The ratio of incurred losses to earned premium. The direct loss ratio is in contrast to a 'net loss ratio' which compares losses after reinsurance recoveries to earned premiums after paying for reinsurance.

**Earned Premium:** The pro rata portion of written premium which represents the expired portion of the insurance contract. For example, an annual policy of \$100 written on July 1, 2001, assuming a calendar year accounting period, will be shown on the company's books as being partially earned in 2001 and 2002, i.e. fifty dollars earned in 2001 and fifty dollars in 2002.

**Guide (a) rating (also known as 'refer to company' and 'judgment rating'):** (a)-rating is typically used for large and/or unique commercial risks. It is generally provided for in the rules section of a company's underwriting manual. When a risk, such as a hospital, qualifies for (a)-rating, the actual price for the risk will be determined by an experienced underwriter. In this situation, actual filed rates are superseded by the underwriter's judgment.

**"HHI":** The *Herfindahl-Hirschman Index*. A commonly accepted measure of marketplace concentration, calculated by squaring the market share of each firm competing in a market and then summing the resulting numbers for all firms. The measurement accounts for the relative size and distribution of firms within a market. It approaches 0 when a market consists of a large number of firms of relatively equal size, and 10,000 when a monopoly is measured.

**Incurred Loss:** A monetary payment and/or reserve on the part of the insurance company to cover claims of the insureds which are payable by the terms of the insurance contract.

**Investment Gain/(Loss):** The investment gain relates a company's total *return on all invested funds* (premiums, reserves, and equity) to the calendar year earned premium. Thus this figure will usually be quite substantial for a long-tailed line like medical malpractice which requires considerable funds to be held in reserves and surplus.

**Loss Adjustment Expense (LAE):** Costs on the part of an insurance company to cover expenses incurred in settling their claims. This expense can be divided into two types: Allocated Loss Adjustment Expenses (ALAE aka Direct Cost Containment Expense [DCCE]) which are those expenses such as outside attorney and necessary court fees which can be directly tied to a specific claim, and Unallocated Loss Adjustment Expenses (ULAE aka Adjusting and Other [AO]) which are insurance company general claim department expenses, etc. and are not directly allocated to a particular claim.

**Loss Development Factors:** Designed to account for the subsequent development of losses or those that are late in being reported in order to attempt to reasonably estimate ultimate settlement amounts. Loss development factors are frequently utilized in those lines of insurance where claims develop slowly or are commonly reported later than the year in which the original premiums were earned. Prospective loss development factors are based upon changes in the relationships of historical claim data at specific and set periods during their subsequent development, such as after 12, 24, and 36 months, etc.

**Occurrence Coverage:** A policy that pays claims arising out of incidents that occur during the policy term, even if the claims are filed many years later.

**Operating Profit/(Loss):** Bottom-line profit or loss of an insurance company. Calculated by adding investment income to underwriting profit/(loss).

**Premium-to-Surplus Ratio:** The ratio of written premium to surplus. This ratio is commonly used in the property/casualty insurance industry as a measure of financial strength or to indicate the degree to which a company is leveraged. In Medical Malpractice insurance, this ratio is often less than one-to-one.

**Punitive Damages:** Damages awarded over and above compensatory (economic) damages to punish a negligent party because of wanton, reckless, or malicious acts or omissions.

**Pure Premium:** The portion of the total premium only needed to pay expected losses. The pure premium does not take into account the portion of premium necessary for company expenses (e.g., commissions, taxes, etc.)

**Risk Retention Group:** Liability Insurance Companies which are owned by their policyholders. Membership is limited to people in the same business or activity which exposes them to similar risks. The purpose is to assume and spread liability exposure to group members and to provide an alternative risk financing mechanism for liability. (See also the federal Liability Risk Retention Act of 1986.)

**Severity:** Average loss per claim.

**Surplus Line:** (aka **Excess Line**) A risk or part of a risk for which there is no market available through the original broker or agent in its jurisdiction. Therefore, it is placed with non-admitted insurers on an unregulated basis, in accordance with the surplus or excess lines provisions of the state law.

**Underwriting Expense:** The expenses which are realized by an insurance company in acquiring, selecting, and servicing policies. Underwriting expense includes agents' commissions, general administration expenses, inspection & bureau expenses, and taxes, licenses and fees. It does not include any loss adjustment expenses.

**Underwriting Profit/(Loss):** The remainder when loss, loss adjustment expense and underwriting expense are subtracted from earned premium income.

**Written Premium:** The total premium from all policies with effective dates within a given time period.

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# Exhibits



**West Virginia Offices of the Insurance Commissioner**  
**5% Market Share Report**  
**Loss and Premium Information/Reconciliation**

**Exhibit I--Sheet 1a**

**West Virginia Mutual Ins Co**

	<u>Physicians &amp; Surgeons</u>								
	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>2010 Rate Filing</b>									
Adjusted On-Level Earned Premium	---	---	---	---	\$43,726,967	\$42,058,272	\$44,141,025	\$42,314,798	\$19,048,681
Trended, Developed Ultimate Loss & ALAE	---	---	---	---	\$13,315,023	\$11,422,667	\$22,179,936	\$33,915,921	10,819,226
Loss & ALAE Ratio	---	---	---	---	30.5%	27.2%	50.2%	80.2%	56.8%
<b>2009 Rate Filing</b>									
Adjusted On-Level Earned Premium	---	---	---	\$34,273,000	\$43,727,000	\$42,058,000	\$44,141,000	\$42,315,000	---
Trended, Developed Ultimate Loss & ALAE	---	---	---	\$5,692,000	\$13,494,000	\$11,891,000	\$24,407,000	\$34,101,000	---
Loss & ALAE Ratio	---	---	---	16.6%	30.9%	28.3%	55.3%	80.6%	---
<b>2008 Rate Filing</b>									
Adjusted On-Level Earned Premium	---	---	\$18,332,000	\$34,424,000	\$44,832,000	\$42,951,000	\$44,979,000	---	---
Trended, Developed Ultimate Loss & ALAE	---	---	\$15,599,000	\$5,567,000	\$15,340,000	\$14,595,000	\$33,415,000	---	---
Loss & ALAE Ratio	---	---	85.1%	16.2%	34.2%	34.0%	74.3%	---	---
<b>2007 Rate Filing</b>							*half year		
Adjusted On-Level Earned Premium	\$104,072	\$7,341,768	\$24,848,844	\$45,745,391	\$39,504,147	\$43,510,815	\$21,755,014	---	---
Trended, Developed Ultimate Loss & ALAE	\$435,307	\$1,074,647	\$13,215,724	\$5,171,540	\$18,815,166	\$16,550,040	\$13,081,000	---	---
Loss & ALAE Ratio	418.3%	14.6%	53.2%	11.3%	47.6%	38.0%	60.1%	---	---
<b>2006 Rate Filing</b>						*half year			
Adjusted On-Level Earned Premium	\$104,072	\$7,341,768	\$24,848,844	\$43,605,369	\$51,300,290	\$26,274,295	---	---	---
Trended, Developed Ultimate Loss & ALAE	\$424,135	\$998,079	\$14,669,012	\$11,063,944	\$28,416,681	\$16,601,162	---	---	---
Loss & ALAE Ratio	407.5%	13.6%	59.0%	25.4%	55.4%	63.2%	---	---	---
<b>2005 Rate Filing</b>									
Adjusted On-Level Earned Premium	\$109,340	\$7,713,356	\$26,106,517	\$44,434,475	\$23,102,934	---	---	---	---
Trended, Developed Ultimate Loss & ALAE	\$596,784	\$3,020,844	\$17,615,263	\$23,339,607	\$16,236,906	---	---	---	---
Loss & ALAE Ratio	545.8%	39.2%	67.5%	52.5%	70.3%	---	---	---	---

**Medicus Insurance Company**

	<u>Physicians &amp; Surgeons</u>								
	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>2010 Rate Filing</b>									
Adjusted On-Level Earned Premium	---	---	---	---	---	---	---	\$541,789	3,706,372
Trended, Developed Ultimate Loss & ALAE	---	---	---	---	---	---	---	\$218,000	1,123,000
Loss & ALAE Ratio	---	---	---	---	---	---	---	40.2%	30.3%
<b>2009 Rate Filing</b>									
Adjusted On-Level Earned Premium	---	---	---	---	---	---	---	\$535,288	---
Trended, Developed Ultimate Loss & ALAE	---	---	---	---	---	---	---	\$69,832	---
Loss & ALAE Ratio	---	---	---	---	---	---	---	13.0%	---

West Virginia Offices of the Insurance Commissioner  
5% Market Share Report  
Loss and Premium Information/Reconciliation

Exhibit I--Sheet 1b

**West Virginia Mutual Ins Co**

<u>Physicians &amp; Surgeons</u>									
<b>2010 Filed Information</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Earned Premium	---	---	---	\$52,850,000	\$40,429,000	\$44,959,000	\$44,390,000	\$40,022,000	\$36,800,000
Incurred Losses	---	---	---	\$45,549,000	\$16,203,000	\$1,837,000	\$28,544,000	\$20,816,000	\$22,760,000
Loss Ratio	---	---	---	86.2%	40.1%	4.1%	64.3%	52.0%	61.8%
<b>2009 Filed Information</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Earned Premium	---	---	---	\$52,850,000	\$40,429,000	\$44,959,000	\$44,390,000	\$40,022,000	---
Incurred Losses	---	---	---	\$45,549,000	\$16,203,000	\$1,837,000	\$28,544,000	\$20,816,000	---
Loss Ratio	---	---	---	86.2%	40.1%	4.1%	64.3%	52.0%	---
<b>2008 Filed Information</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Earned Premium	---	---	---	\$52,850,000	\$40,429,000	\$44,959,000	\$44,390,000	---	---
Incurred Losses	---	---	---	\$45,549,000	\$16,203,000	\$1,837,000	\$28,544,000	---	---
Loss Ratio	---	---	---	86.2%	40.1%	4.1%	64.3%	---	---
<b>2007 Filed Information</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Earned Premium	---	---	---	\$52,850,000	\$40,429,000	\$44,959,000	---	---	---
Incurred Losses	---	---	---	\$45,549,000	\$16,203,000	\$1,837,000	---	---	---
Loss Ratio	---	---	---	86.2%	40.1%	4.1%	---	---	---
<b>2006 Filed Information</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Earned Premium	---	---	---	\$57,965,000	\$51,303,000	---	---	---	---
Incurred Losses	---	---	---	\$32,051,000	\$15,521,000	---	---	---	---
Loss Ratio	---	---	---	55.3%	30.3%	---	---	---	---
<b>2005 Filed Information</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Earned Premium	---	---	---	---	---	---	---	---	---
Incurred Losses	---	---	---	---	---	---	---	---	---
Loss Ratio	---	---	---	---	---	---	---	---	---

**Medicus Insurance Company**

<u>Physicians &amp; Surgeons</u>									
<b>2010 Filed Information</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Earned Premium	---	---	---	---	---	---	---	\$541,789	\$3,706,372
Incurred Losses	---	---	---	---	---	---	---	\$69,832	\$1,990,249
Loss Ratio	---	---	---	---	---	---	---	12.9%	53.7%

5% Market Share Report

West Virginia Offices of the Insurance Commissioner  
Loss and Premium Information/Reconciliation

Exhibit I--Sheet 1c

West Virginia Mutual Ins Co

	<u>Physicians &amp; Surgeons</u>								
	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>2010 Filed Information</b>									
Current Level Earned Premium	---	---	---	\$34,273,000	\$43,727,000	\$42,058,000	\$44,141,000	42,315,000	---
Trended, Developed Incurred Loss & ALAE	---	---	---	\$5,692,000	\$13,494,000	\$11,891,000	\$24,407,000	34,101,000	---
Loss & ALAE Ratio	---	---	---	16.6%	30.9%	28.3%	55.3%	80.6%	---
<b>2009 Filed Information</b>									
Current Level Earned Premium	---	---	\$18,332,000	\$34,424,000	\$44,832,000	\$42,951,000	\$44,979,000	---	---
Trended, Developed Incurred Loss & ALAE	---	---	\$15,599,000	\$5,567,000	\$15,340,000	\$14,595,000	\$33,415,000	---	---
Loss & ALAE Ratio	---	---	85.1%	16.2%	34.2%	34.0%	74.3%	---	---
<b>2008 Filed Information</b>									
Current Level Earned Premium	---	\$7,342,000	\$24,849,000	\$45,745,000	\$39,504,000	\$45,511,000	---	---	---
Trended, Developed Incurred Loss & ALAE	---	\$1,244,000	\$13,860,000	\$5,362,000	\$18,541,000	\$16,205,000	---	---	---
Loss & ALAE Ratio	---	16.9%	55.8%	11.7%	46.9%	35.6%	---	---	---
<b>2007 Filed Information</b>									
Current Level Earned Premium	\$104,072	\$7,341,768	\$24,848,844	\$43,605,369	\$51,300,290	\$44,959,028	---	---	---
Trended, Developed Incurred Loss & ALAE	\$490,362	\$1,312,395	\$15,847,538	\$12,026,064	\$29,260,900	\$21,595,000	---	---	---
Loss & ALAE Ratio	471.2%	17.9%	63.8%	27.6%	57.0%	48.0%	---	---	---
<b>2006 Filed Information</b>									
Current Level Earned Premium	---	---	---	---	\$71,232,000	---	---	---	---
Trended, Developed Incurred Loss & ALAE	---	---	---	---	\$51,017,000	---	---	---	---
Loss & ALAE Ratio	---	---	---	---	71.6%	---	---	---	---
<b>2005 Filed Information</b>									
Current Level Earned Premium	---	---	---	---	---	---	---	---	---
Trended, Developed Incurred Loss & ALAE	---	---	---	---	---	---	---	---	---
Loss & ALAE Ratio	---	---	---	---	---	---	---	---	---

Medicus Insurance Company

	<u>Physicians &amp; Surgeons</u>								
	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>2010 Filed Information</b>									
Earned Premium	---	---	---	---	---	---	---	\$535,288	\$3,706,372
Incurred Losses	---	---	---	---	---	---	---	\$71,578	\$1,288,280
Loss Ratio	---	---	---	---	---	---	---	13.4%	34.8%

**West Virginia Offices of the Insurance Commissioner**  
**5% Market Share Report**  
**Comparison of Budgeted Expenses**

**Exhibit II**

**West Virginia Mutual Ins Co**

Physicians & Surgeons

Filing Number	§114CSR22	90918009	80903007	70918006	60915016	50826007	41006013	40331017
Effective Date	n/a	1/1/2010	1/1/2009	1/1/2008	1/1/2007	1/1/2006	1/1/2005	7/1/2004

**Variable Expense**

Commission & Brokerage	6.00%	n/a	n/a	n/a	n/a	n/a	n/a	n/a
General & Other Acquisition	21.50%	6.00%	6.00%	7.50%	7.50%	13.20%	13.20%	13.30%
Taxes, Licenses, & Fees	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
Other	3.80%	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Profit & Contingency	6.10%	6.10%	6.10%	6.10%	6.10%	6.10%	6.10%	4.30%
<b>Total Variable Expense</b>	<b>42.40%</b>	<b>17.10%</b>	<b>17.10%</b>	<b>18.60%</b>	<b>18.60%</b>	<b>24.30%</b>	<b>24.30%</b>	<b>22.60%</b>

**Fixed Expense**

Fixed Expense (Per Policy)	n/a	\$4,977	\$4,481	\$4,289	\$3,840	\$1,304	\$1,254	\$469
Base Rate (Mature Class 3)	n/a	\$20,528	\$20,528	\$20,389	\$23,612	\$24,856	\$24,856	\$22,558
Fixed Expense loading	<b>n/a</b>	<b>24.24%</b>	<b>21.83%</b>	<b>21.04%</b>	<b>16.26%</b>	<b>5.25%</b>	<b>5.05%</b>	<b>2.08%</b>

**Total Expense (Loading %)**                      **42.40%**        **41.34%**        **38.93%**        **39.64%**        **34.86%**        **29.55%**        **29.35%**        **24.68%**

**Medicus Insurance Company**

Physicians & Surgeons

Filing Number	§114CSR22	100004152	90630015
Effective Date	n/a	09/24/10	10/1/2009

**Variable Expense**

Commission & Brokerage	9.00%	8.00%	9.00%
General & Other Acquisition	12.00%	10.00%	12.00%
Taxes, Licenses, & Fees	5.00%	5.00%	5.00%
Other	0.00%	0.00%	0.00%
Profit & Contingency	0.00%	1.50%	0.00%
<b>Total Variable Expense</b>	<b>26.00%</b>	<b>24.50%</b>	<b>26.00%</b>

**Fixed Expense**

Fixed Expense (Per Policy)	n/a	n/a	n/a
Base Rate (Mature Class 3)	n/a	n/a	n/a
Fixed Expense loading	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>

**Total Expense (Loading %)**                      **26.00%**        **24.50%**        **26.00%**

**West Virginia Offices of the Insurance Commissioner  
5% Market Share Report**

**Comparison of Investment Income Provisions      Exhibit III**

Calendar Year	Net Investment Gain
<b>West Virginia Mutual Insurance Company</b>	
2004	0.5%
2005	2.9%
2006	3.6%
2007	10.8%
2008	12.1%
2009	13.1%

Rate of Return Underlying	2005 Filing:	3.50%
	2006 Filing:	N/A
	2007 Filing:	N/A
	2008 Filing:	N/A
	2009 Filing	N/A
	2010 Filing	N/A

Calendar Year	Net Investment Gain
<b>Medicus Insurance Company</b>	
2008	1.1%
2009	7.3%

Rate of Return Underlying	2008 Filing:	N/A
	2009 Filing	5%
	2010 Filing	5%

**West Virginia Offices of the Insurance Commissioner  
5% Market Share Report**

**Comparison of Pure Premium Trends**

**Exhibit IV**

	<b>Rate Filings</b>						<b>5% Report</b>
	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<u>Physicians &amp; Surgeons Program</u>
<b>West Virginia Mutual Ins Co</b>	4.00%	3.00%	3.00%	3.00%	3.00%	3.00%	-3.00%

	<b>Rate Filings</b>			<b>5% Report</b>
	<b>2008</b>	<b>2009</b>	<b>2010</b>	<u>Physicians &amp; Surgeons Program</u>
<b>Medicus Insurance Company</b>	0.00%	0.00%	0.00%	0.00%

**Comparison of Incurred Loss Development Factors    Exhibit V**

Physicians & Surgeons

<b>West Virginia Mutual Insurance Company</b>	
<u>Maturity (mos)</u>	<b>Incurred LDFs</b>
12-ultimate	1.682
24-ultimate	1.116
36-ultimate	0.989
48-ultimate	0.961
60-ultimate	0.963
72-ultimate	0.962
84-ultimate	0.972
96-ultimate	0.986
108-ultimate	0.996
120-ultimate	0.998

<b>Medicus Insurance Company</b>	
<u>Maturity (mos)</u>	<b>Incurred LDFs</b>
12-ultimate	1.411
24-ultimate	1.112
36-ultimate	1.071
48-ultimate	1.046
60-ultimate	n/a
72-ultimate	n/a
84-ultimate	n/a
96-ultimate	n/a
108-ultimate	n/a
120-ultimate	n/a

**West Virginia Offices of the Insurance Commissioner  
5% Market Share Report**

**Premium Reconciliation**

**Exhibit VI**

<b>Company</b>	<b>Schedule T-Written Premium</b>		<b>Filing Forms</b>
<i>West Virginia Mutual Ins Co</i>	\$39,770,212		\$39,770,212
All Other	\$0		\$0
<b>Total</b>	\$39,770,212		\$39,770,212

<i>Medicus Ins Co</i>	\$4,742,689		\$4,742,689
All Other	\$0		\$0
<b>Total</b>	\$4,742,689		\$4,742,689

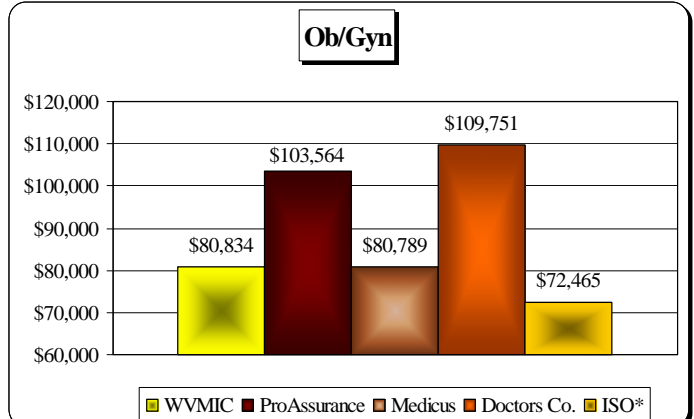
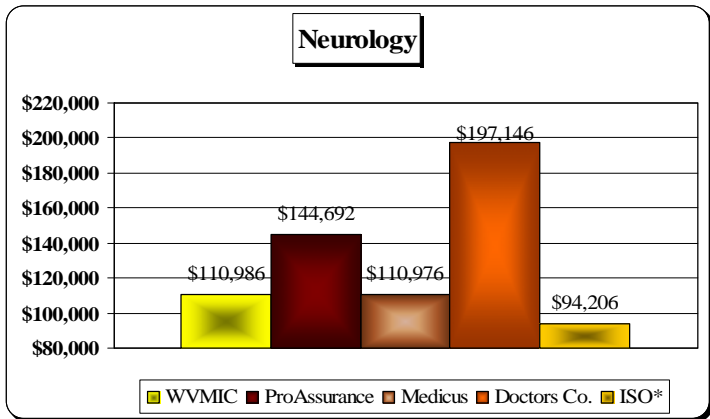
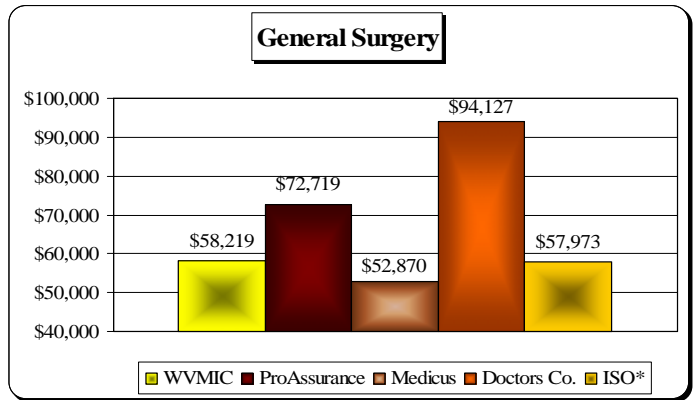
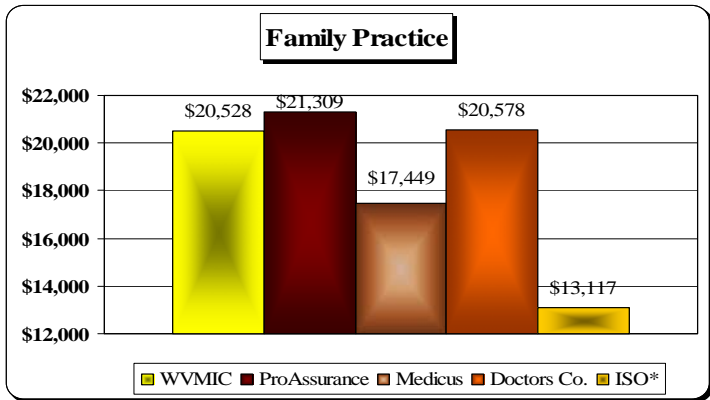
**West Virginia Offices of the Insurance Commissioner  
5% Market Share Report  
Sample Comparison of Physicians & Surgeons Rates**

**Exhibit VII**

**Claims Made Policies -- Mature Rate -- \$1M/\$3M Limits**

Class Code	Description	Eff. Date=>	WVMIC	ProAssurance	Medicus	Doctors Co.	ISO*
			1/1/2010	2/23/2010	9/24/2010	9/1/2010	9/1/2010
80254	Allergy		\$12,989	\$11,027	\$12,214	\$9,153	\$7,872
80151	Anesthesiology - Major Surgery		\$32,589	\$26,450	\$25,476	\$33,789	\$36,233
80150	Cardiovascular Disease - Major Surgery		\$73,295	\$93,282	\$65,957	\$38,108	\$65,219
80282	Dermatology - Minor Surgery		\$28,066	\$31,591	\$17,449	\$18,959	\$13,509
80102 (C)	Emergency Medicine - Minor Surgery		\$35,604	\$41,873	\$30,012	\$53,351	\$32,789
80420	Family Practitioner - No Surgery		\$20,528	\$21,309	\$17,449	\$20,578	\$13,117
80117 (A)	General Practitioner - Major Surgery		\$43,142	\$52,155	\$44,146	\$94,127	\$43,479
80143	General Surgery		\$58,219	\$72,719	\$52,870	\$94,127	\$57,973
80244	Gynecology - No Surgery		\$20,528	\$21,309	\$17,449	\$53,351	\$9,838
80284	Internal Medicine - Minor Surgery		\$28,066	\$31,591	\$23,207	\$25,405	\$19,674
80152	Neurology- Major Surgery		\$110,986	\$144,692	\$110,976	\$197,146	\$94,206
80153	Obstetrics/Gynecology		\$80,834	\$103,564	\$80,789	\$109,751	\$72,465
80286	Oncology - Minor Surgery		\$28,066	\$31,591	\$17,449	\$21,595	\$23,638
80114	Ophthalmology - Major Surgery		\$24,297	\$26,450	\$20,066	\$23,754	\$21,738
80154 (B)	Orthopedics - Incl Spinal Surgery		\$73,295	\$93,282	\$71,890	\$77,487	\$65,219
80155	Otorhinolaryngology-Incl Plastic Surgery		\$50,680	\$62,437	\$44,146	\$56,146	\$50,725
80266	Pathology		\$16,759	\$21,309	\$14,382	\$23,373	\$10,131
80267	Pediatrics - No Surgery		\$20,528	\$21,309	\$17,449	\$25,405	\$13,117
80145 (C)	Urology - Major Surgery		\$32,589	\$31,591	\$27,744	\$39,887	\$36,233

*These rates are a starting point for rating a physician. Rates may be further adjusted by other rating plans.  
\*ISO only files loss costs and increased limit factors. Affiliated Insurers may use ISO as a basis for their rates.  
An underwriting expense load of 25% was used to convert ISO loss costs to rates.*





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# Appendix

<b>Physicians</b>		<b>2009 West Virginia Business Written</b>			
<i>(NAIC Database)</i> <b>COMPANY</b>	<b>Direct Premium Written</b>	<b>Physicians Market Share</b>	<b>Direct Premium Earned</b>	<b>Direct Loss Incurred</b>	<b>Pure Direct Loss Ratio</b>
<b>West Virginia Mut Ins Co</b>	<b>\$39,770,212.00</b>	<b>73.74%</b>	<b>\$41,127,067.00</b>	<b>\$14,418,460.00</b>	<b>35.06%</b>
<b>Medicus Ins Co</b>	<b>\$4,742,689.00</b>	<b>8.79%</b>	<b>\$3,706,372.00</b>	<b>\$1,288,281.00</b>	<b>34.76%</b>
<b>ProAssurance Ind Co Inc</b>	<b>\$1,890,982.00</b>	<b>3.51%</b>	<b>\$2,104,361.00</b>	<b>(\$1,660,960.00)</b>	<b>-78.93%</b>
Ophthalmic Mut Ins Co RRG	\$965,126.00	1.79%	\$997,084.00	(\$510,971.00)	-51.25%
Physicians Specialty Ltd RRG	\$623,292.00	1.16%	\$623,292.00	\$172,577.00	27.69%
Applied Medico Legal Solutions RRG	\$619,744.00	1.15%	\$417,503.00	\$169,097.00	40.50%
<b>Doctors Co An Interins Exch</b>	<b>\$559,318.00</b>	<b>1.04%</b>	<b>\$629,409.00</b>	<b>\$348,517.00</b>	<b>55.37%</b>
Oceanus Ins Co A RRG	\$436,806.00	0.81%	\$433,379.00	\$1,078,266.00	248.80%
<i>Darwin Select Ins Co</i>	<i>\$417,994.00</i>	<i>0.78%</i>	<i>\$351,496.00</i>	<i>\$312,659.00</i>	<i>88.95%</i>
<b>National Union Fire Ins Co Of Pitts</b>	<b>\$397,759.00</b>	<b>0.74%</b>	<b>\$422,447.00</b>	<b>\$111,441.00</b>	<b>26.38%</b>
<i>Evanston Ins Co</i>	<i>\$377,771.00</i>	<i>0.70%</i>	<i>\$838,581.00</i>	<i>\$1,101,304.00</i>	<i>131.33%</i>
Mountaineer Freedom RRG Inc	\$372,271.00	0.69%	\$372,271.00	\$434,528.00	116.72%
National Guardian RRG Inc	\$347,847.00	0.64%	\$347,847.00	\$477,954.00	137.40%
<i>Lexington Ins Co</i>	<i>\$295,377.00</i>	<i>0.55%</i>	<i>\$307,210.00</i>	<i>\$63,542.00</i>	<i>20.68%</i>
Preferred Physicians Medical RRG	\$292,202.00	0.54%	\$292,376.00	(\$174,223.00)	-59.59%
<i>Columbia Cas Co</i>	<i>\$264,234.00</i>	<i>0.49%</i>	<i>\$354,349.00</i>	<i>\$3,438.00</i>	<i>0.97%</i>
Oms Natl Ins Co Rrg	\$263,506.00	0.49%	\$237,898.00	\$33,966.00	14.28%
<i>Admiral Ins Co</i>	<i>\$232,324.00</i>	<i>0.43%</i>	<i>\$212,150.00</i>	<i>\$948,651.00</i>	<i>447.16%</i>
<i>National Fire &amp; Marine Ins Co</i>	<i>\$210,654.00</i>	<i>0.39%</i>	<i>\$132,990.00</i>	<i>\$29,540.00</i>	<i>22.21%</i>
<i>Catlin Specialty Ins Co</i>	<i>\$192,133.00</i>	<i>0.36%</i>	<i>\$95,905.00</i>	<i>\$14,052.00</i>	<i>14.65%</i>
Care RRG Inc	\$155,419.00	0.29%	\$211,336.00	\$65,101.00	30.80%
Novus Ins Co RRG	\$114,828.00	0.21%	\$120,193.00	\$21,969.00	18.28%
<i>General Star Ind Co</i>	<i>\$77,998.00</i>	<i>0.14%</i>	<i>\$123,153.00</i>	<i>(\$42,000.00)</i>	<i>-34.10%</i>
Community Hospital RRG	\$65,900.00	0.12%	\$65,900.00	\$0.00	0.00%
Green Hills Ins Co RRG	\$65,796.00	0.12%	\$79,780.00	\$62,497.00	78.34%
<b>Darwin Natl Assur Co</b>	<b>\$64,831.00</b>	<b>0.12%</b>	<b>\$68,176.00</b>	<b>(\$214.00)</b>	<b>-0.31%</b>
<i>Essex Ins Co</i>	<i>\$44,111.00</i>	<i>0.08%</i>	<i>\$40,765.00</i>	<i>\$10,490.00</i>	<i>25.73%</i>
National Medical Professional RRG In	\$29,506.00	0.05%	\$9,725.00	\$6,187.00	63.62%
<i>Homeland Ins Co of NY</i>	<i>\$22,517.00</i>	<i>0.04%</i>	<i>\$23,760.00</i>	<i>\$10,721.00</i>	<i>45.12%</i>
<i>Professional Underwriters Liab Ins C</i>	<i>\$15,727.00</i>	<i>0.03%</i>	<i>\$9,991.00</i>	<i>\$0.00</i>	<i>0.00%</i>
<b>American Cas Co Of Reading PA</b>	<b>\$15,141.00</b>	<b>0.03%</b>	<b>\$9,315.00</b>	<b>\$15,800.00</b>	<b>169.62%</b>
Southwest Physicians RRG Inc	\$820.00	0.00%	\$820.00	\$0.00	0.00%
<i>Capitol Specialty Ins Corp</i>	<i>\$0.00</i>	<i>0.00%</i>	<i>\$0.00</i>	<i>(\$76,757.00)</i>	<i>-----</i>
<b>Standard Fire Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>\$66,882.00</b>	<b>-----</b>
<i>Scottsdale Ins Co</i>	<i>\$0.00</i>	<i>0.00%</i>	<i>\$0.00</i>	<i>\$6,615.00</i>	<i>-----</i>
<b>Continental Cas Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>\$846,495.00</b>	<b>-----</b>
<b>ProAssurance Natl Capital Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>(\$1,000,000.00)</b>	<b>-----</b>
<i>Steadfast Ins Co</i>	<i>\$0.00</i>	<i>0.00%</i>	<i>\$23,805.00</i>	<i>\$4,036.00</i>	<i>16.95%</i>
<b>Pacific Employers Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>(\$15,842.00)</b>	<b>-----</b>
<i>Interstate Fire &amp; Cas Co</i>	<i>\$0.00</i>	<i>0.00%</i>	<i>\$0.00</i>	<i>\$212.00</i>	<i>-----</i>
<b>Professionals Advocate Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>(\$313,220.00)</b>	<b>-----</b>
<b>United States Fire Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>(\$32.00)</b>	<b>-----</b>
<b>American Hlthcare Ind Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>(\$95,848.00)</b>	<b>-----</b>
<b>Ohic Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>\$356,755.00</b>	<b>-----</b>
<i>Everest Ind Ins Co</i>	<i>\$0.00</i>	<i>0.00%</i>	<i>\$0.00</i>	<i>(\$33,134.00)</i>	<i>-----</i>
<b>St Paul Fire &amp; Marine Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>\$970,082.00</b>	<b>-----</b>
<i>APSpecialty Ins Corp</i>	<i>\$0.00</i>	<i>0.00%</i>	<i>\$0.00</i>	<i>(\$25,000.00)</i>	<i>-----</i>
<i>Century Ind Co</i>	<i>\$0.00</i>	<i>0.00%</i>	<i>\$0.00</i>	<i>\$2,555.00</i>	<i>-----</i>
<b>Medical Protective Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$51.00</b>	<b>\$56,000.00</b>	<b>109803.92%</b>
<b>National Fire Ins Co Of Hartford</b>	<b>(\$12,983.00)</b>	<b>-0.02%</b>	<b>(\$12,983.00)</b>	<b>\$674,772.00</b>	<b>-5197.35%</b>
<b>TOTALS</b>	<b>\$53,932,735.00</b>	<b>100.00%</b>	<b>\$54,778,791.00</b>	<b>\$20,234,613.00</b>	<b>36.94%</b>
<b>Licensed Companies (24)</b>	<b>\$47,428,832.00</b>	<b>87.94%</b>	<b>\$48,055,232.00</b>	<b>\$16,066,798.00</b>	<b>33.43%</b>
<i>Surplus Line Co's (19)</i>	<i>\$2,150,840.00</i>	<i>3.99%</i>	<i>\$2,514,155.00</i>	<i>\$2,330,867.00</i>	<i>92.71%</i>
<b>Risk Retention Groups (14)</b>	<b>\$4,353,063.00</b>	<b>8.07%</b>	<b>\$4,209,404.00</b>	<b>\$1,836,948.00</b>	<b>43.64%</b>

<b>Hospitals</b>		<b>2009 West Virginia Business Written</b>			
<i>(NAIC Database)</i> <b>COMPANY</b>	<b>Direct Premium Written</b>	<b>Hospitals Market Share</b>	<b>Direct Premium Earned</b>	<b>Direct Loss Incurred</b>	<b>Pure Direct Loss Ratio</b>
Mountaineer Freedom RRG Inc	\$3,655,303.00	25.75%	\$3,644,185.00	\$2,040,351.00	55.99%
Community Hospital RRG	\$3,392,215.00	23.90%	\$3,392,215.00	(\$75,533.00)	-2.23%
Lexington Ins Co	\$2,708,325.00	19.08%	\$4,205,522.00	(\$2,310,316.00)	-54.94%
Darwin Select Ins Co	\$2,005,818.00	14.13%	\$1,805,251.00	\$293,279.00	16.25%
Nautilus Ins Co	\$1,057,827.00	7.45%	\$864,562.00	\$390,110.00	45.12%
American Excess Ins Exch RRG	\$792,200.00	5.58%	\$760,904.00	\$475,960.00	62.55%
Arch Speciaity Ins Co	\$300,000.00	2.11%	\$300,000.00	(\$301,262.00)	-100.42%
<b>Empire Fire &amp; Marine Ins Co</b>	<b>\$104,928.00</b>	<b>0.74%</b>	<b>\$23,222.00</b>	<b>\$4,039.00</b>	<b>17.39%</b>
Interstate Fire & Cas Co	\$84,218.00	0.59%	\$68,475.00	\$17,520.00	25.59%
ProAssurance Specialty Ins Co	\$83,584.00	0.59%	\$83,584.00	\$34,604.00	41.40%
Columbia Cas Co	\$8,951.00	0.06%	\$4,512.00	(\$2,276.00)	-50.44%
Executive Risk Speciality Ins Co	\$0.00	0.00%	\$0.00	(\$15,220.00)	-----
First Specialty Ins Corp	\$0.00	0.00%	\$0.00	(\$265,710.00)	-----
<b>Executive Risk Ind Inc</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>\$63,206.00</b>	<b>-----</b>
Premier Ins Exch RRG	\$0.00	0.00%	\$0.00	(\$15,031.00)	-----
Everest Ind Ins Co	\$0.00	0.00%	\$0.00	(\$1,136,632.00)	-----
Homeland Ins Co of NY	\$0.00	0.00%	\$379,250.00	\$154,379.00	40.71%
<b>Ace Amer Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>\$4,206.00</b>	<b>-----</b>
<b>Pacific Employers Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>(\$13.00)</b>	<b>-----</b>
<b>TIG Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>(\$14.00)</b>	<b>-----</b>
Illinois Union Ins Co	\$0.00	0.00%	\$0.00	\$28,696.00	-----
Steadfast Ins Co	\$0.00	0.00%	(\$1.00)	(\$6,580.00)	658000.00%
Capitol Specialty Ins Corp	\$0.00	0.00%	\$0.00	(\$846,685.00)	-----
Admiral Ins Co	\$0.00	0.00%	\$0.00	(\$140,235.00)	-----
<b>ProAssurance Ind Co Inc</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>(\$125,348.00)</b>	<b>-----</b>
<b>Bankers Standard Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>(\$2.00)</b>	<b>-----</b>
<b>Ace Fire Underwriters Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>(\$7.00)</b>	<b>-----</b>
<b>United States Fire Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>(\$132.00)</b>	<b>-----</b>
<b>North River Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>(\$23.00)</b>	<b>-----</b>
<b>St Paul Fire &amp; Marine Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>\$204,280.00</b>	<b>-----</b>
<b>Standard Fire Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>\$18,352.00</b>	<b>-----</b>
<b>Travelers Cas &amp; Surety Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>\$9,024.00</b>	<b>-----</b>
<b>St Paul Mercury Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>(\$90,196.00)</b>	<b>-----</b>
<b>TOTALS</b>	<b>\$14,193,369.00</b>	<b>100.00%</b>	<b>\$15,531,681.00</b>	<b>(\$1,593,209.00)</b>	<b>-10.26%</b>
<b>Licensed Companies (14)</b>	<b>\$104,928.00</b>	<b>0.74%</b>	<b>\$23,222.00</b>	<b>\$87,372.00</b>	<b>376.25%</b>
<i>Surplus Line Co's (15)</i>	\$6,248,723.00	44.03%	\$7,711,155.00	-\$4,106,328.00	-53.25%
<b>Risk Retention Groups (4)</b>	<b>\$7,839,718.00</b>	<b>55.24%</b>	<b>\$7,797,304.00</b>	<b>\$2,425,747.00</b>	<b>31.11%</b>

Other Health Care Facilities	2009 West Virginia Business Written				
(NAIC Database) COMPANY	Direct Premium Written	Other Facilities Market Share	Direct Premium Earned	Direct Loss Incurred	Pure Direct Loss Ratio
Guardian RRG Inc	\$365,631.00	20.13%	\$0.00	\$141,710.00	-----
Evanston Ins Co	\$355,349.00	19.56%	\$215,436.00	\$144,994.00	67.30%
Homeland Ins Co of NY	\$284,989.00	15.69%	\$459,445.00	\$132,361.00	28.81%
Darwin Select Ins Co	\$205,427.00	11.31%	\$187,906.00	(\$1,578.00)	-0.84%
Lexington Ins Co	\$131,584.00	7.24%	\$177,739.00	\$319,218.00	179.60%
<b>American Alt Ins Corp</b>	<b>\$94,785.00</b>	<b>5.22%</b>	<b>\$91,524.00</b>	<b>\$5,805.00</b>	<b>6.34%</b>
General Star Ind Co	\$90,720.00	4.99%	\$94,985.00	\$28,000.00	29.48%
Arch Specialty Ins Co	\$90,471.00	4.98%	\$106,316.00	\$1,179,135.00	1109.09%
<b>Cincinnati Ins Co</b>	<b>\$83,414.00</b>	<b>4.59%</b>	<b>\$84,607.00</b>	<b>(\$42,618.00)</b>	<b>-50.37%</b>
<b>Church Mut Ins Co</b>	<b>\$46,446.00</b>	<b>2.56%</b>	<b>\$45,993.00</b>	<b>\$17,737.00</b>	<b>38.56%</b>
ProAssurance Specialty Ins Co	\$41,898.00	2.31%	\$33,515.00	\$13,875.00	41.40%
Catlin Specialty Ins Co	\$12,500.00	0.69%	\$12,463.00	\$0.00	0.00%
Chartis Specialty Ins Co	\$11,690.00	0.64%	\$24,620.00	\$12,418.00	50.44%
<b>National Union Fire Ins Co Of Pitts</b>	<b>\$919.00</b>	<b>0.05%</b>	<b>\$914.00</b>	<b>\$2,466,392.00</b>	<b>269845.95%</b>
Nautilus Ins Co	\$842.00	0.05%	\$842.00	\$215.00	25.53%
Steadfast Ins Co	\$100.00	0.01%	\$2,054.00	(\$2,505.00)	-121.96%
<b>Executive Risk Ind Inc</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$6,347.00</b>	<b>\$32,561.00</b>	<b>513.01%</b>
Arrowood Surplus Lines Ins Co	\$0.00	0.00%	\$0.00	(\$17.00)	-----
Essex Ins Co	\$0.00	0.00%	\$0.00	(\$734.00)	-----
Executive Risk Speciality Ins Co	\$0.00	0.00%	\$0.00	(\$10,576.00)	-----
<b>Westchester Fire Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>\$1.00</b>	<b>-----</b>
Western World Ins Co	\$0.00	0.00%	\$523.00	(\$49,994.00)	-9559.08%
Capitol Specialty Ins Corp	\$0.00	0.00%	\$0.00	(\$2,069.00)	-----
<b>TIG Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>(\$284.00)</b>	<b>-----</b>
Interstate Fire & Cas Co	\$0.00	0.00%	\$0.00	(\$175.00)	-----
Everest Ind Ins Co	\$0.00	0.00%	\$0.00	(\$21,665.00)	-----
<b>St Paul Fire &amp; Marine Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>\$16,271.00</b>	<b>-----</b>
<b>United States Fire Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>(\$1.00)</b>	<b>-----</b>
<b>Travelers Prop Cas Co Of Amer</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>(\$835.00)</b>	<b>-----</b>
<b>Standard Fire Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>\$142.00</b>	<b>-----</b>
<b>St Paul Mercury Ins Co</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$0.00</b>	<b>\$2,936.00</b>	<b>-----</b>
Landmark Ins Co	\$0.00	0.00%	\$674.00	\$30,665.00	4549.70%
Landmark Amer Ins Co	\$0.00	0.00%	\$0.00	(\$15.00)	-----
National Fire & Marine Ins Co	\$0.00	0.00%	\$0.00	(\$130.00)	-----
<b>TOTALS</b>	<b>\$1,816,765.00</b>	<b>100.00%</b>	<b>\$1,545,903.00</b>	<b>\$4,411,240.00</b>	<b>285.35%</b>
<b>Licensed Companies (12)</b>	\$225,564.00	12.42%	\$229,385.00	\$2,498,107.00	1089.05%
Surplus Line Co's (21)	\$1,225,570.00	67.46%	\$1,316,518.00	\$1,771,423.00	134.55%
Risk Retention Groups (1)	\$365,631.00	20.13%	\$0.00	\$141,710.00	-----

Other Health Care Professionals	2009 West Virginia Business Written				
(NAIC Database) COMPANY	Direct Premium Written	Other Prof'ls Market Share	Direct Premium Earned	Direct Loss Incurred	Pure Direct Loss Ratio
American Cas Co Of Reading PA	\$1,188,464.00	21.99%	\$1,197,670.00	\$344,216.00	28.74%
Continental Cas Co	\$855,063.00	15.82%	\$872,964.00	\$877,998.00	100.58%
Podiatry Ins Co Of Amer	\$537,187.00	9.94%	\$507,561.00	\$765,540.00	150.83%
NCMIC Ins Co	\$335,537.00	6.21%	\$333,362.00	(\$57,704.00)	-17.31%
Cincinnati Ins Co	\$324,275.00	6.00%	\$311,561.00	\$279,469.00	89.70%
Landmark Amer Ins Co	\$315,047.00	5.83%	\$284,112.00	\$28,172.00	9.92%
Chicago Ins Co	\$247,699.00	4.58%	\$242,194.00	\$59,261.00	24.47%
Lexington Ins Co	\$242,684.00	4.49%	\$319,893.00	(\$1,774.00)	-0.55%
Admiral Ins Co	\$218,844.00	4.05%	\$236,947.00	\$64,618.00	27.27%
Evanston Ins Co	\$215,574.00	3.99%	\$187,652.00	\$792,445.00	422.29%
Western World Ins Co	\$201,902.00	3.74%	\$190,582.00	\$68,827.00	36.11%
National Union Fire Ins Co Of Pitts	\$136,970.00	2.53%	\$133,913.00	\$40,489.00	30.24%
Ace Amer Ins Co	\$117,239.00	2.17%	\$115,067.00	\$15,462.00	13.44%
Columbia Cas Co	\$87,207.00	1.61%	\$120,841.00	\$113,339.00	93.79%
Liberty Surplus Ins Corp	\$86,364.00	1.60%	\$86,364.00	\$41,211.00	47.72%
Medical Protective Co	\$66,455.00	1.23%	\$41,677.00	\$4,000.00	9.60%
Campmed Cas & Ind Co Inc MD	\$37,599.00	0.70%	\$39,001.00	\$16,045.00	41.14%
Doctors Co An Interins Exch	\$34,455.00	0.64%	\$18,429.00	\$0.00	0.00%
ProAssurance Specialty Ins Co	\$26,600.00	0.49%	\$24,205.00	\$8,521.00	35.20%
State Farm Fire & Cas Co	\$21,062.00	0.39%	\$20,555.00	\$0.00	0.00%
Interstate Fire & Cas Co	\$20,523.00	0.38%	\$26,193.00	\$1,870.00	7.14%
Pharmacists Mut Ins Co	\$14,001.00	0.26%	\$13,842.00	\$610.00	4.41%
Professional Underwriters Liab Ins C	\$12,911.00	0.24%	\$12,832.00	\$0.00	0.00%
Allied Professionals Ins Co RRG	\$9,858.00	0.18%	\$9,419.00	\$151.00	1.60%
American Assoc Of Othodontists RRG	\$9,803.00	0.18%	\$8,839.00	\$18,677.00	211.30%
ProAssurance Ind Co Inc	\$9,740.00	0.18%	\$11,027.00	\$4,713.00	42.74%
Fortress Ins Co	\$7,263.00	0.13%	\$7,169.00	\$881.00	12.29%
PACO Assur Co Inc	\$6,620.00	0.12%	\$2,285.00	\$2,755.00	120.57%
Granite State Ins Co	\$6,587.00	0.12%	\$6,402.00	(\$16,402.00)	-256.20%
Illinois Union Ins Co	\$2,814.00	0.05%	\$2,814.00	\$1,486.00	52.81%
Nationwide Mut Ins Co	\$2,750.00	0.05%	\$2,840.00	(\$621.00)	-21.87%
American Home Assur Co	\$2,313.00	0.04%	\$1,691.00	(\$901.00)	-53.28%
Church Mut Ins Co	\$2,068.00	0.04%	\$2,111.00	(\$262.00)	-12.41%
Nationwide Mut Fire Ins Co	\$222.00	0.00%	\$305.00	(\$166.00)	-54.43%
Firemans Fund Ins Co	\$0.00	0.00%	\$0.00	\$99,555.00	-----
TIG Ins Co	\$0.00	0.00%	\$0.00	(\$508,999.00)	-----
Pacific Employers Ins Co	\$0.00	0.00%	\$0.00	(\$1,080.00)	-----
National Fire Ins Co Of Hartford	\$0.00	0.00%	\$0.00	(\$1,103,063.00)	-----
National Surety Corp	\$0.00	0.00%	\$0.00	(\$145.00)	-----
American Automobile Ins Co	\$0.00	0.00%	\$0.00	(\$4.00)	-----
American Ins Co	\$0.00	0.00%	\$2,489.00	(\$7,731.00)	-310.61%
Essex Ins Co	\$0.00	0.00%	\$0.00	(\$856.00)	-----
Clarendon Amer Ins Co	\$0.00	0.00%	\$0.00	\$5,823.00	-----
Ace Fire Underwriters Ins Co	\$0.00	0.00%	\$0.00	(\$348,867.00)	-----
Travelers Ind Co	\$0.00	0.00%	\$0.00	(\$71,764.00)	-----
Arrowood Ind Co	\$0.00	0.00%	\$0.00	(\$1,195.00)	-----
Westport Ins Corp	\$0.00	0.00%	\$0.00	(\$9,277.00)	-----
United States Fire Ins Co	\$0.00	0.00%	\$0.00	(\$9.00)	-----
St Paul Fire & Marine Ins Co	\$0.00	0.00%	\$0.00	\$11,485.00	-----
St Paul Mercury Ins Co	\$0.00	0.00%	\$0.00	\$13.00	-----
Gulf Underwriters Ins Co	\$0.00	0.00%	\$0.00	(\$5,204.00)	-----
General Ins Co Of Amer	\$0.00	0.00%	\$0.00	(\$2.00)	-----
North River Ins Co	\$0.00	0.00%	\$0.00	(\$1.00)	-----
<b>TOTALS</b>	<b>\$5,403,700.00</b>	<b>100.00%</b>	<b>\$5,394,808.00</b>	<b>\$1,531,605.00</b>	<b>28.39%</b>
Licensed Companies (37)	\$3,953,569.00	73.16%	\$3,884,115.00	\$394,299.00	10.15%
Surplus Line Co's (14)	\$1,430,470.00	26.47%	\$1,492,435.00	\$1,118,478.00	74.94%
Risk Retention Groups (2)	\$19,661.00	0.36%	\$18,258.00	\$18,828.00	103.12%

Total Medical Malpractice		2009 West Virginia Business Written			
(NAIC Database) COMPANY	Direct Premium Written	Total Med Mal Market Share	Direct Premium Earned	Direct Loss Incurred	Pure Direct Loss Ratio
West Virginia Mut Ins Co	\$39,770,212.00	51.87%	\$41,127,067.00	\$14,418,460.00	35.06%
Medicus Ins Co	\$4,742,689.00	6.19%	\$3,706,372.00	\$1,288,281.00	34.76%
Mountaineer Freedom RRG Inc	\$4,027,574.00	5.25%	\$4,132,666.00	\$1,540,142.00	37.27%
Community Hospital RRG	\$3,458,115.00	4.51%	\$3,458,115.00	(\$75,533.00)	-2.18%
Lexington Ins Co	\$3,377,970.00	4.41%	\$5,010,364.00	(\$1,929,330.00)	-38.51%
Darwin Select Ins Co	\$2,629,239.00	3.43%	\$2,344,653.00	\$604,361.00	25.78%
ProAssurance Ind Co Inc	\$1,900,722.00	2.48%	\$2,115,389.00	(\$1,781,595.00)	-84.22%
American Cas Co Of Reading PA	\$1,203,605.00	1.57%	\$1,206,984.00	\$360,015.00	29.83%
Health Care Industry Liab Recip Ins	\$1,175,396.00	1.53%	\$1,367,194.00	\$692,989.00	50.69%
Nautilus Ins Co	\$1,058,670.00	1.38%	\$865,404.00	\$390,324.00	45.10%
Ophthalmic Mut Ins Co RRG	\$965,126.00	1.26%	\$997,084.00	(\$510,971.00)	-51.25%
Evanston Ins Co	\$948,694.00	1.24%	\$1,241,672.00	\$848,254.00	68.32%
Continental Cas Co	\$855,063.00	1.12%	\$872,964.00	\$1,724,493.00	197.54%
American Excess Ins Exch RRG	\$792,200.00	1.03%	\$760,904.00	\$475,960.00	62.55%
Physicians Specialty Ltd RRG	\$623,292.00	0.81%	\$623,292.00	\$172,577.00	27.69%
Applied Medico Legal Solutions RRG	\$619,744.00	0.81%	\$417,503.00	\$169,097.00	40.50%
Doctors Co An Interins Exch	\$593,773.00	0.77%	\$647,838.00	\$348,517.00	53.80%
Podiatry Ins Co Of Amer	\$537,187.00	0.70%	\$507,561.00	\$765,540.00	150.83%
National Union Fire Ins Co Of Pitts	\$535,647.00	0.70%	\$557,273.00	\$2,618,321.00	469.85%
Admiral Ins Co	\$451,168.00	0.59%	\$449,097.00	\$873,035.00	194.40%
Oceanus Ins Co A RRG	\$436,806.00	0.57%	\$433,379.00	\$1,078,266.00	248.80%
Cincinnati Ins Co	\$416,391.00	0.54%	\$403,683.00	\$236,851.00	58.67%
Arch Specialty Ins Co	\$390,471.00	0.51%	\$406,316.00	\$877,873.00	216.06%
Guardian RRG Inc	\$365,631.00	0.48%	\$365,631.00	\$100,117.00	27.38%
Columbia Cas Co	\$360,392.00	0.47%	\$479,702.00	\$114,500.00	23.87%
National Guardian RRG Inc	\$347,847.00	0.45%	\$347,847.00	\$477,954.00	137.40%
NCMIC Ins Co	\$335,537.00	0.44%	\$333,362.00	(\$57,704.00)	-17.31%
Landmark Amer Ins Co	\$315,047.00	0.41%	\$284,112.00	\$28,157.00	9.91%
Homeland Ins Co of NY	\$307,506.00	0.40%	\$862,455.00	\$297,460.00	34.49%
Preferred Physicians Medical RRG	\$292,202.00	0.38%	\$292,376.00	(\$174,233.00)	-59.59%
Oms Natl Ins Co Rrg	\$263,506.00	0.34%	\$237,898.00	\$33,966.00	14.28%
Chicago Ins Co	\$247,699.00	0.32%	\$242,194.00	\$59,261.00	24.47%
National Fire & Marine Ins Co	\$210,654.00	0.27%	\$132,990.00	\$29,410.00	22.11%
Catlin Specialty Ins Co	\$204,633.00	0.27%	\$108,367.00	\$14,052.00	12.97%
Western World Ins Co	\$201,902.00	0.26%	\$191,105.00	\$18,832.00	9.85%
General Star Ind Co	\$168,718.00	0.22%	\$218,138.00	(\$14,000.00)	-6.42%
Care RRG Inc	\$155,419.00	0.20%	\$211,336.00	\$65,101.00	30.80%
ProAssurance Specialty Ins Co	\$152,082.00	0.20%	\$141,304.00	\$57,000.00	40.34%
Ironshore Specialty Ins Co	\$137,105.00	0.18%	\$16,324.00	(\$4,749.00)	-29.09%
Ace Amer Ins Co	\$117,239.00	0.15%	\$115,067.00	\$19,668.00	17.09%
Novus Ins Co RRG	\$114,828.00	0.15%	\$120,193.00	\$21,969.00	18.28%
Empire Fire & Marine Ins Co	\$104,928.00	0.14%	\$23,222.00	\$4,039.00	17.39%
Interstate Fire & Cas Co	\$104,741.00	0.14%	\$94,668.00	\$19,427.00	20.52%
American Alt Ins Corp	\$94,785.00	0.12%	\$91,524.00	\$5,805.00	6.34%
Liberty Surplus Ins Corp	\$86,364.00	0.11%	\$86,364.00	\$41,211.00	47.72%
Medical Protective Co	\$66,455.00	0.09%	\$41,728.00	\$60,000.00	143.79%
Green Hills Ins Co RRG	\$65,796.00	0.09%	\$79,780.00	(\$8,320.00)	-10.43%
Darwin Natl Assur Co	\$64,831.00	0.08%	\$68,176.00	(\$214.00)	-0.31%
Church Mut Ins Co	\$48,514.00	0.06%	\$48,104.00	\$17,474.00	36.33%
Essex Ins Co	\$44,111.00	0.06%	\$40,765.00	\$8,899.00	21.83%
Campmed Cas & Ind Co Inc MD	\$37,599.00	0.05%	\$39,001.00	\$27,008.00	69.25%
National Medical Professional RRG In	\$29,506.00	0.04%	\$9,725.00	\$6,187.00	63.62%
Professional Underwriters Liab Ins C	\$28,638.00	0.04%	\$22,823.00	\$0.00	0%
State Farm Fire & Cas Co	\$21,062.00	0.03%	\$20,555.00	\$0.00	0%
Pharmacists Mut Ins Co	\$14,001.00	0.02%	\$13,842.00	\$610.00	4.41%
Chartis Specialty Ins Co	\$11,690.00	0.02%	\$24,620.00	\$12,418.00	50.44%
Allied Professionals Ins Co RRG	\$9,858.00	0.01%	\$9,419.00	\$151.00	1.60%
American Assoc Of Othodontists RRG	\$9,803.00	0.01%	\$8,839.00	\$18,677.00	211.30%
Houston Cas Co	\$7,500.00	0.01%	\$6,616.00	\$5,817.00	87.92%
Fortress Ins Co	\$7,263.00	0.01%	\$7,169.00	\$881.00	12.29%
PACO Assur Co Inc	\$6,620.00	0.01%	\$2,285.00	\$2,755.00	120.57%
Granite State Ins Co	\$6,587.00	0.01%	\$6,402.00	(\$16,402.00)	-256.20%

Illinois Union Ins Co	\$2,814.00	0.00%	\$2,814.00	\$30,182.00	1072.57%
Nationwide Mut Ins Co	\$2,750.00	0.00%	\$2,840.00	(\$621.00)	-21.87%
American Home Assur Co	\$2,313.00	0.00%	\$1,691.00	(\$901.00)	-53.28%
Southwest Physicians RRG Inc	\$820.00	0.00%	\$820.00	\$201.00	24.51%
Nationwide Mut Fire Ins Co	\$222.00	0.00%	\$305.00	(\$166.00)	-54.43%
Steadfast Ins Co	\$100.00	0.00%	\$25,857.00	(\$5,049.00)	-19.53%
Premier Ins Exch RRG	\$0.00	0%	\$0.00	(\$15,031.00)	0%
Gulf Underwriters Ins Co	\$0.00	0%	\$0.00	(\$5,204.00)	0%
Landmark Ins Co	\$0.00	0%	\$674.00	\$30,665.00	4549.70%
Executive Risk Ind Inc	\$0.00	0%	\$6,348.00	\$95,767.00	1508.62%
Executive Risk Speciality Ins Co	\$0.00	0%	\$0.00	(\$25,796.00)	0%
Safeco Surplus Lines Ins Co	\$0.00	0%	\$0.00	(\$57.00)	0%
General Ins Co Of Amer	\$0.00	0%	\$0.00	(\$2.00)	0%
Scottsdale Ins Co	\$0.00	0%	\$0.00	\$6,615.00	0%
North River Ins Co	\$0.00	0%	\$0.00	(\$39.00)	0%
United States Fire Ins Co	\$0.00	0%	\$0.00	(\$174.00)	0%
TIG Ins Co	\$0.00	0%	\$0.00	(\$509,297.00)	0%
First Specialty Ins Corp	\$0.00	0%	\$0.00	(\$265,710.00)	0%
Westport Ins Corp	\$0.00	0%	\$0.00	(\$9,277.00)	0%
Professionals Advocate Ins Co	\$0.00	0%	\$0.00	(\$313,220.00)	0%
Capitol Specialty Ins Corp	\$0.00	0%	\$0.00	(\$925,510.00)	0%
Clarendon Amer Ins Co	\$0.00	0%	\$0.00	\$5,823.00	0%
Arrowood Ind Co	\$0.00	0%	\$0.00	(\$1,195.00)	0%
Arrowood Surplus Lines Ins Co	\$0.00	0%	\$0.00	(\$17.00)	0%
Bankers Standard Ins Co	\$0.00	0%	\$0.00	(\$2.00)	0%
Ace Fire Underwriters Ins Co	\$0.00	0%	\$0.00	(\$348,874.00)	0%
Century Ind Co	\$0.00	0%	\$0.00	\$2,555.00	0%
Westchester Fire Ins Co	\$0.00	0%	\$0.00	\$1.00	0%
Pacific Employers Ins Co	\$0.00	0%	\$0.00	(\$16,934.00)	0%
American Automobile Ins Co	\$0.00	0%	\$0.00	(\$4.00)	0%
American Ins Co	\$0.00	0%	\$2,489.00	(\$7,731.00)	-310.61%
Firemans Fund Ins Co	\$0.00	0%	\$0.00	\$99,555.00	0%
National Surety Corp	\$0.00	0%	\$0.00	(\$145.00)	0%
Ohic Ins Co	\$0.00	0%	\$0.00	\$356,755.00	0%
American Hlthcare Ind Co	\$0.00	0%	\$0.00	(\$95,848.00)	0%
APSpeciality Ins Corp	\$0.00	0%	\$0.00	(\$25,000.00)	0%
Everest Ind Ins Co	\$0.00	0%	\$0.00	(\$1,186,788.00)	0%
American Safety Ind Co	\$0.00	0%	\$788.00	\$213.00	27.03%
ProAssurance Natl Capital Ins Co	\$0.00	0%	\$0.00	(\$1,000,000.00)	0%
Travelers Cas & Surety Co	\$0.00	0%	\$0.00	\$9,594.00	0%
Standard Fire Ins Co	\$0.00	0%	\$0.00	\$101,337.00	0%
St Paul Fire & Marine Ins Co	\$0.00	0%	\$0.00	\$1,202,118.00	0%
St Paul Mercury Ins Co	\$0.00	0%	\$0.00	(\$87,234.00)	0%
Travelers Ind Co	\$0.00	0%	\$0.00	(\$71,764.00)	0%
Travelers Prop Cas Co Of Amer	\$0.00	0%	\$0.00	(\$1,515.00)	0%
Athena Assur Co	\$0.00	0%	\$0.00	\$22.00	0%
Reciprocal of Amer	\$0.00	0%	\$0.00	(\$13,673.00)	0%
National Cas Co	(\$70.00)	0.00%	\$540.00	\$89.00	16.48%
National Fire Ins Co Of Hartford	(\$12,983.00)	-0.02%	(\$12,983.00)	(\$428,291.00)	3298.86%
<b>TOTALS</b>	<b>\$76,674,319.00</b>	<b>100%</b>	<b>\$79,130,985.00</b>	<b>\$23,059,534.00</b>	<b>29.14%</b>
Licensed Companies (55)	\$51,720,641.00	67.45%	\$52,198,992.00	\$19,076,623.00	36.55%
Surplus Line Co's (37)	\$12,375,605.00	16.14%	\$14,425,186.00	\$606,634.00	4.21%
Risk Retention Groups (19)	\$12,578,073.00	16.40%	\$12,506,807.00	\$3,376,277.00	27.00%

**Medical Liability Fund suits filed by year and County**

<b>County</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>Total</b>
Barbour	0	1	0	1	0	0	1	0	3
Berkeley	6	9	2	4	3	3	2	2	31
Boone	0	1	1	0	1	1	0	1	5
Braxton	0	0	1	1	1	0	0	0	3
Brooke	5	7	1	4	0	2	3	2	24
Cabell	29	28	15	7	14	14	13	27	147
Calhoun	0	0	0	0	0	0	0	0	0
Clay	1	0	0	0	0	0	0	0	1
Doddridge	0	0	0	0	0	1	0	0	1
Fayette	1	5	0	1	5	3	2	5	22
Gilmer	1	0	0	0	0	0	0	0	1
Grant	4	2	0	0	1	1	1	0	9
Greenbrier	5	7	3	4	3	5	5	6	38
Hampshire	0	1	1	1	0	1	0	0	4
Hancock	0	1	2	0	1	0	1	0	5
Hardy	0	1	1	0	0	0	0	0	2
Harrison	2	14	6	8	5	9	6	5	55
Jackson	1	1	1	1	3	4	1	4	16
Jefferson	1	2	1	1	0	2	3	2	12
Kanawha	70	66	20	37	47	46	49	53	388
Lewis	2	2	4	1	1	1	0	0	11
Lincoln	0	0	0	0	1	0	0	0	1
Logan	15	10	4	9	2	4	6	7	57
Marion	0	2	0	2	1	0	4	4	13
Marshall	4	6	2	2	2	2	0	0	18
Mason	8	2	1	3	1	2	5	3	25
McDowell	3	3	1	0	1	1	3	4	16
Mercer	8	17	9	4	8	9	8	15	78
Mineral	0	0	0	3	0	0	0	1	4
Mingo	4	4	2	5	3	3	2	4	27
Monongalia	17	31	7	10	15	15	14	17	126
Monroe	0	0	0	1	0	1	0	0	2
Morgan	0	1	1	0	0	0	0	1	3
Nicholas	0	4	1	2	1	2	1	5	16
Ohio	15	20	7	10	5	6	5	4	72
Pendleton	0	0	0	0	0	0	0	0	0
Pleasants	0	0	0	0	0	0	0	0	0
Pocahontas	0	0	0	1	0	0	0	0	1
Preston	2	1	0	0	2	0	0	0	5
Putnam	4	20	10	126	4	5	7	6	182
Raleigh	13	21	6	10	7	14	18	11	100
Randolph	2	3	3	4	2	5	3	4	26
Ritchie	0	0	0	0	0	1	0	0	1
Roane	2	0	0	1	0	1	1	0	5
Summers	0	0	1	0	0	1	0	1	3
Taylor	0	1	3	0	2	0	1	0	7
Tucker	0	1	0	0	0	1	0	0	2
Tyler	1	1	0	0	0	0	0	0	2
Upshur	1	2	1	1	3	1	1	0	10
Wayne	0	1	0	0	0	0	0	0	1
Webster	0	0	0	0	0	0	0	1	1
Wetzel	3	2	1	2	1	0	1	1	11
Wirt	0	0	0	0	1	0	0	0	1
Wood	9	14	11	6	5	6	11	8	70
Wyoming	0	0	0	0	2	1	0	1	4
<b>Total</b>	<b>239</b>	<b>315</b>	<b>130</b>	<b>273</b>	<b>154</b>	<b>174</b>	<b>178</b>	<b>205</b>	<b>1,668</b>



<b>2009 PHYSICIANS</b>			
<b>COMPANY</b>	<b># of Claims Direct Loss Paid</b>	<b># of Claims Direct Loss UnPaid</b>	<b>Total # of Direct Claims</b>
West Virginia Mut Ins Co	46	221	267
Continental Cas Co	55	69	124
National Fire Ins Co Of Hartford	0	42	42
Ohic Ins Co	37	1	38
ProAssurance Ind Co Inc	10	21	31
Doctors Co An Interins Exch	2	14	16
Medicus Ins Co	1	15	16
National Union Fire Ins Co Of Pitts	6	7	13
St Paul Fire & Marine Ins Co	8	3	11
<i>Evanston Ins Co</i>	3	7	10
Ophthalmic Mut Ins Co RRG	4	3	7
ProAssurance Natl Capital Ins Co	2	4	6
American Cas Co Of Reading PA	0	6	6
<i>Everest Ind Ins Co</i>	0	5	5
<i>Lexington Ins Co</i>	4	0	4
Oceanus Ins Co A RRG	1	2	3
National Guardian RRG Inc	1	2	3
Physicians Specialty Ltd RRG	0	3	3
Oms Natl Ins Co RRG	2	0	2
Applied Medico Legal Solutions RRG	1	1	2
Mountaineer Freedom RRG Inc	0	2	2
Preferred Physicians Medical RRG	0	2	2
<i>Admiral Ins Co</i>	1	0	1
Darwin Select Ins Co	0	1	1
Care RRG Inc	0	1	1
Green Hills Ins Co RRG	0	1	1
Medical Protective Co	0	1	1
<b>TOTALS</b>	<b>184</b>	<b>434</b>	<b>618</b>
<b>Licensed Companies (13)</b>	<b>175</b>	<b>417</b>	<b>592</b>
<i>Surplus Line Co's (4)</i>	8	12	20
Risk Retention Groups (10)	9	17	26

<b>2008 PHYSICIANS</b>			
<b>COMPANY</b>	<b># of Claims Direct Loss Paid</b>	<b># of Claims Direct Loss UnPaid</b>	<b>Total # of Direct Claims</b>
West Virginia Mut Ins Co	53	190	243
St Paul Fire & Marine Ins Co	29	7	36
ProAssurance Ind Co Inc	15	44	59
National Union Fire Ins Co Of Pitts	10	5	15
ProAssurance Natl Capital Ins Co	6	11	17
National Fire Ins Co Of Hartford	5	40	45
Physicians Specialty Ltd RRG	3	3	6
Continental Cas Co	2	76	78
Doctors Co An Interins Exch	2	11	13
Oms Natl Ins Co RRG	2	1	3
<i>Evanston Ins Co</i>	1	4	5
National Guardian RRG Inc	1	3	4
<i>Lexington Ins Co</i>	1	2	3
Medical Protective Co	1	1	2
Darwin Natl Assur Co	1	1	2
Standard Fire Ins Co	1	0	1
American Cas Co Of Reading PA	0	6	6
Medicus Ins Co	0	2	2
Oceanus Ins Co A RRG	0	2	2
Care RRG Inc	0	2	2
Preferred Physicians Medical RRG	0	1	1
Applied Medico Legal Solutions RRG	0	1	1
<i>Admiral Ins Co</i>	0	1	1
Green Hills Ins Co RRG	0	1	1
Professionals Advocate Ins Co	0	1	1
<b>TOTALS</b>	<b>133</b>	<b>416</b>	<b>549</b>
<b>Licensed Companies (14)</b>	<b>125</b>	<b>395</b>	<b>520</b>
<i>Surplus Line Co's (3)</i>	2	7	9
<b>Risk Retention Groups (8)</b>	<b>6</b>	<b>14</b>	<b>20</b>

<b>2007 PHYSICIANS</b>			
<b>COMPANY</b>	<b># of Claims Direct Loss Paid</b>	<b># of Claims Direct Loss UnPaid</b>	<b>Total # of Direct Claims</b>
West Virginia Mut Ins Co	41	167	208
St Paul Fire & Marine Ins Co	20	30	50
Woodbrook Cas Ins Inc	19	63	82
National Union Fire Ins Co Of Pitts	19	6	25
National Fire Ins Co Of Hartford	6	22	28
NCRIC Inc	6	17	23
Physicians Specialty Ltd RRG	5	4	9
Continental Cas Co	3	8	11
Standard Fire Ins Co	3	4	7
Medical Protective Co	3	1	4
Ohic Ins Co	2	5	7
Preferred Physicians Medical RRG	1	2	3
Doctors Co An Interins Exch	0	8	8
National Guardian RRG Inc	0	3	3
Oms Natl Ins Co RRG	0	3	3
Green Hills Ins Co RRG	0	1	1
Care RRG Inc	0	1	1
Darwin Natl Assur Co	0	1	1
Lexington Ins Co	0	1	1
Health Care Ind Inc	0	1	1
American Cas Co Of Reading PA	0	1	1
Professionals Advocate Ins Co	0	1	1
<b>TOTALS</b>	<b>128</b>	<b>350</b>	<b>478</b>
<b>Licensed Companies (15)</b>	<b>122</b>	<b>335</b>	<b>457</b>
<i>Surplus Line Co's (1)</i>	<i>0</i>	<i>1</i>	<i>1</i>
<b>Risk Retention Groups (6)</b>	<b>6</b>	<b>14</b>	<b>20</b>

<b>2006 PHYSICIANS</b>			
<b>COMPANY</b>	<b># of Claims Direct Loss Paid</b>	<b># of Claims Direct Loss UnPaid</b>	<b>Total # of Direct Claims</b>
West Virginia Mut Ins Co	24	135	159
Woodbrook Cas Ins Inc	9	95	104
Nationwide Mut Ins Co	78	2	80
Essex Ins Co	13	48	61
National Fire Ins Co Of Hartford	6	31	37
NCRIC Inc	4	26	30
National Union Fire Ins Co Of Pitts	12	3	15
Continental Ins Co	3	7	10
Doctors Co An Interins Exchn	2	5	7
Pacific Employers Ins Co	-1	6	5
National Guardian RRG Inc	1	3	4
Preferred Physicians Medical RRG	0	3	3
American Cas Co Of Reading PA	2	1	3
Evanston Ins Co	1	1	2
Green Hills Ins Co RRG	0	2	2
Oms Natl Ins Co RRG	0	2	2
Standard Fire Ins Co	0	2	2
Health Care Ind Inc	0	1	1
Professionals Advocate Ins Co	0	1	1
Darwin Natl Assur Co	0	1	1
St Paul Mercury Ins Co	1	0	1
Steadfast Ins Co	1	0	1
Scottsdale Ins Co	1	0	1
<b>TOTALS</b>	<b>157</b>	<b>375</b>	<b>532</b>
<b>Licensed Companies (15)</b>	<b>140</b>	<b>316</b>	<b>456</b>
Surplus Line Co's (8)	17	59	76
Risk Retention Groups (4)	1	10	11

<b>2005 PHYSICIANS</b>	<b># of Claims Direct</b>	<b># of Claims Direct</b>	<b>Total # of Direct</b>
<b>COMPANY</b>	<b>Loss Paid</b>	<b>Loss UnPaid</b>	<b>Claims</b>
West Virginia Mut Ins Co	33	125	158
St Paul Fire & Marine Ins Co	74	80	154
Woodbrook Cas Ins Inc	16	129	145
Continental Cas Co	78	4	82
NCRIC Inc	4	71	75
Ohic Ins Co	5	8	13
Doctors Co An Interins Exchn	3	9	12
National Union Fire Ins Co Of Pitts	6	5	11
Standard Fire Ins Co	3	6	9
Podiatry Ins Co Of Amer A Mut Co	1	6	7
Medical Protective Co	1	2	3
<i>Evanston Ins Co</i>	2	1	3
American Cas Co Of Reading PA	2	1	3
<i>Scottsdale Ins Co</i>	0	2	2
<i>APSpeciality Ins Corp</i>	0	1	1
<i>Preferred Physicians Medical RRG</i>	0	1	1
Darwin Natl Assur Co	0	1	1
TIG Ins Co	0	1	1
<i>Steadfast Ins Co</i>	0	1	1
Illinois Natl Ins Co	0	1	1
American Physicians Assur Corp	1	0	1
<b>TOTALS</b>	<b>229</b>	<b>455</b>	<b>684</b>
<b>Licensed Companies (16)</b>	<b>227</b>	<b>449</b>	<b>676</b>
<i>Surplus Line Co's (5)</i>	2	6	8
<i>Risk Retention Groups (1)</i>	0	1	1

<b>2004 PHYSICIANS</b>	<b># of Claims Direct</b>	<b># of Claims Direct</b>	<b>Total # of Direct</b>
<b>COMPANY</b>	<b>Loss Paid</b>	<b>Loss UnPaid</b>	<b>Claims</b>
Woodbrook Cas Ins Inc	34	191	225
St Paul Fire & Marine Ins Co	44	140	184
West Virginia Mut Ins Co	3	123	126
Continental Cas Co	80	5	85
NCRIC Inc	7	64	71
Ohic Ins Co	1	15	16
Standard Fire Ins Co	7	8	15
Doctors Co An Interins Exchn	1	8	9
National Union Fire Ins Co Of Pitts	6	3	9
Podiatry Ins Co Of Amer A Mut Co	0	6	6
<i>Evanston Ins Co</i>	4	1	5
<i>Scottsdale Ins Co</i>	3	2	5
<i>APSpeciality Ins Corp</i>	1	2	3
Medical Protective Co	0	3	3
American Cas Co Of Reading PA	2	1	3
<i>Green Hills Ins Co RRG</i>	0	2	2
American Hlthcare Ind Co	0	1	1
<i>Columbia Cas Co</i>	1	0	1
<i>Steadfast Ins Co</i>	0	1	1
Illinois Natl Ins Co	0	1	1
American Physicians Assur Corp	0	1	1
<b>TOTALS</b>	<b>194</b>	<b>578</b>	<b>772</b>
<b>Licensed Companies (15)</b>	<b>185</b>	<b>570</b>	<b>755</b>
<i>Surplus Line Co's (6)</i>	9	8	17
<b>Risk Retention Groups (1)</b>	0	2	2

<b>2003 PHYSICIANS</b>			
<b>COMPANY</b>	<b># of Claims Direct Loss Paid</b>	<b># of Claims Direct Loss UnPaid</b>	<b>Total # of Direct Claims</b>
Woodbrook Cas Ins Inc	48	244	292
St Paul Fire & Marine Ins Co	53	212	265
NCRIC Inc	2	79	81
National Union Fire Ins Co Of Pitts	10	6	16
Standard Fire Ins Co	1	14	15
Continental Cas Co	1	10	11
Doctors Co An Interins Exchn	2	8	10
Ohic Ins Co	2	8	10
<i>Evanston Ins Co</i>	7	1	8
Podiatry Ins Co Of Amer A Mut Co	2	5	7
Medical Protective Co	1	5	6
<i>Scottsdale Ins Co</i>	0	5	5
<i>APSpeciality Ins Corp</i>	1	2	3
Professionals Advocate Ins Co	2	1	3
Travelers Property Cas Co Of Amer	3	0	3
Illinois Natl Ins Co	2	1	3
<i>Physicians Specialty Ltd RRG</i>	0	2	2
American Hlthcare Ind Co	1	1	2
American Physicians Assur Corp	0	2	2
American Cas Co Of Reading PA	1	1	2
<i>Steadfast Ins Co</i>	0	2	2
<i>Columbia Cas Co</i>	1	0	1
US Fidelity & Guaranty Co	0	1	1
Frontier Ins Co	0	1	1
Medical Assur Co Inc	1	0	1
<i>Safeco Surplus Lines Ins Co</i>	1	0	1
<b>TOTALS</b>	<b>142</b>	<b>611</b>	<b>753</b>
<b>Licensed Companies (19)</b>	<b>132</b>	<b>599</b>	<b>731</b>
<i>Surplus Line Co's (7)</i>	<i>10</i>	<i>10</i>	<i>20</i>
<b>Risk Retention Groups (1)</b>	<b>0</b>	<b>2</b>	<b>2</b>

<b>2002 PHYSICIANS</b>			
<b>COMPANY</b>	<b># of Claims Direct Loss Paid</b>	<b># of Claims Direct Loss UnPaid</b>	<b>Total # of Direct Claims</b>
Woodbrook Cas Ins Inc	79	307	386
St Paul Fire & Marine Ins Co	60	298	358
Commonwealth Medical Liability Ins Co	1	55	56
Ohic Ins Co	5	19	24
National Union Fire Ins Co Of Pitts	9	9	18
Standard Fire Ins Co	1	15	16
Continental Cas Co	1	14	15
<i>Evanston Ins Co</i>	6	4	10
Podiatry Ins Co Of Amer A Mut Co	1	8	9
Illinois Natl Ins Co	6	3	9
Medical Protective Co	0	4	4
<i>Interstate Fire &amp; Cas Co</i>	0	3	3
Travelers Property Cas Co Of Amer	0	3	3
<i>APSpeciality Ins Corp</i>	0	2	2
Professionals Advocate Ins Co	0	2	2
American Hlthcare Ind Co	0	2	2
<i>Columbia Cas Co</i>	1	1	2
American Cas Co Of Reading PA	1	1	2
American Physicians Assur Corp	0	2	2
<i>Western Ind Ins Co</i>	2	0	2
<i>American Equity Ins Co</i>	1	1	2
<i>Scottsdale Ins Co</i>	1	1	2
Medical Assur Co Inc	1	1	2
<i>Preferred Physicians Medical RRG</i>	0	1	1
American Equity Specialty Ins Co	0	1	1
Continental Ins Co	1	0	1
Frontier Ins Co	0	1	1
<b>TOTALS</b>	<b>177</b>	<b>758</b>	<b>935</b>
<b>Licensed Companies (19)</b>	<b>166</b>	<b>745</b>	<b>911</b>
<i>Surplus Line Co's (8)</i>	<i>11</i>	<i>13</i>	<i>24</i>
Risk Retention Groups (1)	0	1	1



<b>2001 PHYSICIANS</b>			
<b>COMPANY</b>	<b># of Claims Direct Loss Paid</b>	<b># of Claims Direct Loss UnPaid</b>	<b>Total # of Direct Claims</b>
Woodbrook Cas Ins Inc	83	387	470
American Continental Ins Co	48	197	245
St Paul Fire & Marine Ins Co	26	161	187
Standard Fire Ins Co	45	15	60
Ohic Ins Co	2	35	37
National Union Fire Ins Co Of Pitts	13	7	20
<i>Evanston Ins Co</i>	7	7	14
Illinois Natl Ins Co	7	4	11
Professionals Advocate Ins Co	1	7	8
<i>American Equity Ins Co</i>	1	4	5
Podiatry Ins Co Of Amer A Mut Co	2	2	4
Continental Ins Co	0	4	4
Travelers Property Cas Co Of Amer	2	2	4
Medical Protective Co	0	2	2
American Hlthcare Ind Co	0	2	2
<i>Scottsdale Ins Co</i>	1	1	2
MIIX Ins Co	1	1	2
Medical Assur Co Inc	0	2	2
American Cas Co Of Reading PA	1	1	2
Continental Cas Co	1	1	2
<i>Columbia Cas Co</i>	1	1	2
<i>Western Ind Ins Co</i>	0	2	2
<i>Preferred Physicians Medical RRG</i>	0	1	1
Travelers Ind Co Of CT	1	0	1
<i>Maxum Ind Co</i>	0	1	1
<i>American Intl Specialty Lines Ins Co</i>	1	0	1
Frontier Ins Co	0	1	1
<b>TOTALS</b>	<b>244</b>	<b>848</b>	<b>1092</b>
<b>Licensed Companies (19)</b>	<b>233</b>	<b>831</b>	<b>1064</b>
<i>Surplus Line Co's (8)</i>	<i>11</i>	<i>17</i>	<i>28</i>
<b>Risk Retention Groups (1)</b>	<b>0</b>	<b>1</b>	<b>1</b>

<b>2000 PHYSICIANS</b>	<b># of Claims Direct</b>	<b># of Claims Direct</b>	<b>Total # of Direct</b>
<b>COMPANY</b>	<b>Loss Paid</b>	<b>Loss UnPaid</b>	<b>Claims</b>
Woodbrook Cas Ins Inc	55	1776	1831
American Continental Ins Co	13	211	224
St Paul Fire & Marine Ins Co	21	94	115
Standard Fire Ins Co	20	58	78
Professionals Advocate Ins Co	1	45	46
Phico Ins Co	4	28	32
Ohic Ins Co	0	26	26
<i>Evanston Ins Co</i>	9	8	17
Continental Cas Co	2	15	17
Continental Ins Co	0	13	13
<i>American Equity Ins Co</i>	0	5	5
Podiatry Ins Co Of Amer A Mut Co	1	4	5
<i>Preferred Physicians Medical RRG</i>	0	4	4
<i>Scottsdale Ins Co</i>	0	3	3
MIIX Ins Co	0	2	2
American Cas Co Of Reading PA	1	1	2
<i>Independence Ind Ins Co</i>	0	1	1
Travelers Property Cas Co Of Amer	0	1	1
<i>Columbia Cas Co</i>	0	1	1
Travelers Ind Co Of CT	0	1	1
<b>TOTALS</b>	<b>127</b>	<b>2297</b>	<b>2297</b>
<b>Licensed Companies (14)</b>	<b>118</b>	<b>2275</b>	<b>2393</b>
<i>Surplus Line Co's (6)</i>	9	22	31
Risk Retention Groups (1)	0	4	4

<b>Historical top 10 Companies in WV Market Share for the Medical Malpractice line</b>			
	<b>Admitted Company Basis</b>	<b>Market Share</b>	<b>Pure Direct L/R</b>
2009	<b>West Virginia Mut Ins Co</b>	76.89%	35.06%
2009	<b>Medicus Ins Co</b>	9.17%	34.76%
2009	<b>ProAssurance Ind Co Inc</b>	3.68%	-84.22%
2009	<b>American Cas Co Of Reading PA</b>	2.33%	29.83%
2009	<b>Continental Cas Co</b>	1.65%	197.54%
2009	<b>Doctors Co An Interins Exch</b>	1.15%	53.80%
2009	<b>Podiatry Ins Co Of Amer</b>	1.04%	150.83%
2009	<b>National Union Fire Ins Co Of Pitts</b>	1.04%	469.85%
2009	<b>Cincinnati Ins Co</b>	0.81%	58.67%
2009	<b>NCMIC Ins Co</b>	0.65%	-17.31%
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2008	<b>West Virginia Mut Ins Co</b>	83.69%	21.14%
2008	<b>Medical Assur Co Inc</b>	3.93%	-49.44%
2008	<b>Medicus Ins Co</b>	2.61%	12.89%
2008	<b>American Cas Co Of Reading PA</b>	2.26%	-3.91%
2008	<b>Continental Cas Co</b>	1.63%	-581.45%
2008	<b>Doctors Co An Interins Exch</b>	1.24%	97.86%
2008	<b>National Union Fire Ins Co Of Pitts</b>	1.11%	231.61%
2008	<b>Podiatry Ins Co Of Amer A Mut Co</b>	0.95%	46.15%
2008	<b>Cincinnati Ins Co</b>	0.81%	-23.82%
2008	<b>NCMIC Ins Co</b>	0.62%	42.56%
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2007	<b>West Virginia Mut Ins Co</b>	82.15%	40.37%
2007	<b>Woodbrook Cas Ins Inc</b>	7.63%	-12.14%
2007	<b>American Cas Co Of Reading PA</b>	1.94%	45.22%
2007	<b>Doctors Co An Interins Exch</b>	1.39%	-100.45%
2007	<b>Continental Cas Co</b>	1.30%	-186.21%
2007	<b>Podiatry Ins Co Of Amer A Mut Co</b>	1.29%	-3.75%
2007	<b>National Fire Ins Co Of Hartford</b>	1.15%	-102.80%
2007	<b>National Union Fire Ins Co Of Pitts</b>	0.93%	373.53%
2007	<b>Cincinnati Ins Co</b>	0.65%	54.35%
2007	<b>NCMIC Ins Co</b>	0.57%	6.53%
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2006	<b>West Virginia Mut Ins Co</b>	73.13%	-3.61%
2006	<b>Woodbrook Cas Ins Inc</b>	9.77%	-12.62%
2006	<b>Health Care Ind Inc</b>	5.22%	20.52%
2006	<b>National Fire Ins Co Of Hartford</b>	3.23%	35.51%
2006	<b>American Cas Co Of Reading PA</b>	1.41%	34.91%
2006	<b>Doctors Co An Interins Exchn</b>	1.13%	36.61%
2006	<b>Continental Cas Co</b>	1.01%	432.48%
2006	<b>Podiatry Ins Co Of Amer A Mut Co</b>	0.96%	-77.87%
2006	<b>NCRIC Inc</b>	0.96%	-20.75%
2006	<b>National Union Fire Ins Co Of Pitts</b>	0.79%	1277.56%

<b>Historical top 10 Companies in WV Market Share for the Medical Malpractice line</b>			
	<b>Admitted Company Basis</b>	<b>Market Share</b>	<b>Pure Direct L/R</b>
2005	<b>West Virginia Mut Ins Co</b>	65.82%	30.25%
2005	<b>Woodbrook Cas Ins Inc</b>	9.26%	26.65%
2005	<b>Health Care Ind Inc</b>	7.78%	147.73%
2005	<b>National Fire Ins Co Of Hartford</b>	5.20%	35.51%
2005	<b>NCRIC Inc</b>	5.10%	6.95%
2005	<b>Doctors Co An Interins Exchn</b>	1.30%	14.47%
2005	<b>American Cas Co Of Reading PA</b>	1.16%	12.01%
2005	<b>National Union Fire Ins Co Of Pitts</b>	1.03%	-508.11%
2005	<b>Continental Cas Co</b>	0.95%	1007.96%
2005	<b>Podiatry Ins Co Of Amer A Mut Co</b>	0.83%	-111.48%
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2004	<b>West Virginia Physicians Mut Ins Co</b>	68.87%	55.29%
2004	<b>Medical Assur Of WV Inc</b>	8.59%	2.75%
2004	<b>NCRIC Inc</b>	6.34%	49.80%
2004	<b>Health Care Ind Inc</b>	6.23%	44.09%
2004	<b>National Fire Ins Co Of Hartford</b>	3.21%	39.99%
2004	<b>Physicians Specialty Ltd RRG</b>	1.20%	30.44%
2004	<b>Doctors Co An Interins Exchn</b>	1.05%	27.77%
2004	<b>American Cas Co Of Reading PA</b>	0.71%	33.99%
2004	<b>National Union Fire Ins Co Of Pitts</b>	0.66%	212.50%
2004	<b>Continental Cas Co</b>	0.65%	-144.77%
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2003	<b>Medical Assur Of WV Inc</b>	30.59%	43.84%
2003	<b>St Paul Fire &amp; Marine Ins Co</b>	21.04%	99.04%
2003	<b>Health Care Ind Inc</b>	15.97%	77.12%
2003	<b>NCRIC Inc</b>	15.77%	50.55%
2003	<b>National Fire Ins Co Of Hartford</b>	3.34%	104.46%
2003	<b>Doctors Co An Interins Exchn</b>	2.97%	28.34%
2003	<b>Gulf Ins Co</b>	1.59%	214.50%
2003	<b>National Union Fire Ins Co Of Pitts</b>	1.39%	-383.84%
2003	<b>Continental Cas Co</b>	1.36%	-277.27%
2003	<b>American Cas Co Of Reading PA</b>	1.20%	249.04%

**Historical top 10 Companies in WV Market Share for the Medical Malpractice line**

	<b>Admitted Company Basis</b>	<b>Market Share</b>	<b>Pure Direct L/R</b>
2002	<b>St Paul Fire &amp; Marine Ins Co</b>	41.09%	79.75%
2002	<b>Medical Assur Of WV Inc</b>	29.86%	88.83%
2002	<b>Commonwealth Medical Liability Ins C</b>	10.69%	59.25%
2002	<b>Health Care Ind Inc</b>	8.20%	251.96%
2002	<b>Ohic Ins Co</b>	1.85%	462.81%
2002	<b>Doctors Co An Interins Exchn</b>	1.76%	41.99%
2002	<b>Executive Risk Ind Inc</b>	1.05%	77.80%
2002	<b>National Union Fire Ins Co Of Pitts</b>	0.92%	811.81%
2002	<b>Continental Cas Co</b>	0.82%	-1258.16%
2002	<b>American Cas Co Of Reading PA</b>	0.73%	25.51%
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2001	<b>St Paul Fire &amp; Marine Ins Co</b>	40.46%	95.41%
2001	<b>Medical Assur Of WV Inc</b>	33.18%	73.17%
2001	<b>American Continental Ins Co</b>	8.98%	193.74%
2001	<b>Commonwealth Medical Liability Ins C</b>	4.29%	85.76%
2001	<b>Doctors Co An Interins Exchn</b>	1.78%	69.79%
2001	<b>Ohic Ins Co</b>	1.60%	258.05%
2001	<b>Executive Risk Ind Inc</b>	1.52%	-10.99%
2001	<b>National Union Fire Ins Co Of Pitts</b>	0.94%	120.23%
2001	<b>Medical Protective Co</b>	0.85%	45.90%
2001	<b>Gulf Ins Co</b>	0.85%	90.15%
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2000	<b>Medical Assurance Of W Virginia Inc</b>	42.66%	74.60%
2000	<b>American Continental Ins Co</b>	24.75%	94.60%
2000	<b>National Union Fire Ins Co Of Pitts</b>	12.95%	27.72%
2000	<b>St Paul Fire &amp; Marine Ins Co</b>	7.60%	92.84%
2000	<b>Pennsylvania Casualty Co</b>	2.67%	105.03%
2000	<b>Ohic Ins Co</b>	1.45%	-274.22%
2000	<b>Virginia Ins Recip</b>	1.17%	214.48%
2000	<b>St Paul Mercury Ins Co</b>	0.95%	74.44%
2000	<b>Legion Ins Co</b>	0.84%	155.60%
2000	<b>American Cas Co Of Reading Pa</b>	0.67%	40.16%

**Historical top 10 Companies in WV Market Share for the Medical Malpractice line**

	<b>Business Written Basis</b>	<b>Market Share</b>	<b>P Direct L/R</b>
2009	<b>West Virginia Mut Ins Co</b>	51.87%	35.06%
2009	<b>Medicus Ins Co</b>	6.19%	34.76%
2009	<b>Mountaineer Freedom RRG Inc</b>	5.25%	37.27%
2009	<b>Community Hospital RRG</b>	4.51%	-2.18%
2009	<i>Lexington Ins Co</i>	4.41%	-38.51%
2009	<i>Darwin Select Ins Co</i>	3.43%	25.78%
2009	<b>ProAssurance Ind Co Inc</b>	2.48%	-84.22%
2009	<b>American Cas Co Of Reading PA</b>	1.57%	29.83%
2009	<i>Health Care Industry Liab Recip Ins</i>	1.53%	50.69%
2009	<i>Nautilus Ins Co</i>	1.38%	45.10%
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2008	<b>West Virginia Mut Ins Co</b>	56.65%	21.14%
2008	<i>Lexington Ins Co</i>	8.07%	-31.66%
2008	<b>Mountaineer Freedom RRG Inc</b>	4.31%	98.32%
2008	<b>Medical Assur Co Inc</b>	2.66%	-49.44%
2008	<i>Evanston Ins Co</i>	2.25%	27.99%
2008	<b>Community Hospital RRG</b>	2.14%	70.09%
2008	<i>Health Care Industry Liab Recip Ins</i>	1.86%	49.26%
2008	<i>Homeland Ins Co of NY</i>	1.85%	45.93%
2008	<b>Medicus Ins Co</b>	1.77%	12.89%
2008	<i>Darwin Select Ins Co</i>	1.75%	61.78%
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2007	<b>West Virginia Mut Ins Co</b>	59.92%	40.37%
2007	<i>Lexington Ins Co</i>	9.61%	-3.40%
2007	<b>Woodbrook Cas Ins Inc</b>	5.56%	-12.14%
2007	<b>Mountaineer Freedom RRG Inc</b>	2.33%	77.99%
2007	<i>Evanston Ins Co</i>	2.03%	10.07%
2007	<i>Columbia Cas Co</i>	1.79%	91.20%
2007	<i>Health Care Industry Liab Recip Ins</i>	1.68%	63.87%
2007	<i>Darwin Select Ins Co</i>	1.44%	38.39%
2007	<b>American Cas Co Of Reading PA</b>	1.42%	45.22%
2007	<b>Ophthalmic Mut Ins Co RRG</b>	1.39%	90.45%
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2006	<b>West Virginia Mut Ins Co</b>	51.94%	-3.61%
2006	<i>Lexington Ins Co</i>	8.50%	22.23%
2006	<i>Darwin Select Ins Co</i>	7.39%	42.90%
2006	<b>Woodbrook Cas Ins Inc</b>	6.94%	-12.62%
2006	<b>Health Care Ind Inc</b>	3.71%	20.52%
2006	<b>National Fire Ins Co Of Hartford</b>	2.29%	35.51%
2006	<i>Admiral Ins Co</i>	1.97%	57.17%
2006	<i>Everest Ind Ins Co</i>	1.58%	-45.85%
2006	<i>Health Care Industry Liab Recip Ins</i>	1.44%	36.69%
2006	<b>Ophthalmic Mut Ins Co RRG</b>	1.18%	-16.03%

**Historical top 10 Companies in WV Market Share for the Medical Malpractice line**

	<b>Business Written Basis</b>	<b>Market Share</b>	<b>P Direct L/R</b>
2005	<b>West Virginia Mut Ins Co</b>	48.63%	30.25%
2005	<i>Lexington Ins Co</i>	9.55%	11.65%
2005	<b>Woodbrook Cas Ins Inc</b>	6.84%	26.65%
2005	<b>Health Care Ind Inc</b>	5.75%	147.73%
2005	<i>Capitol Specialty Ins Corp</i>	3.89%	28.31%
2005	<b>National Fire Ins Co Of Hartford</b>	3.84%	35.51%
2005	<b>NCRIC Inc</b>	3.77%	6.95%
2005	<i>Everest Ind Ins Co</i>	1.47%	45.87%
2005	<i>Health Care Industry Liab Recip Ins</i>	1.38%	51.80%
2005	<i>Illinois Union Ins Co</i>	1.23%	68.36%
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2004	<b>West Virginia Physicians Mut Ins Co</b>	54.55%	55.29%
2004	<i>Lexington Ins Co</i>	9.36%	68.54%
2004	<b>Medical Assur Of WV Inc</b>	6.80%	2.75%
2004	<b>NCRIC Inc</b>	5.02%	49.80%
2004	<b>Health Care Ind Inc</b>	4.94%	44.09%
2004	<b>National Fire Ins Co Of Hartford</b>	2.54%	39.99%
2004	<i>Capitol Specialty Ins Corp</i>	2.38%	42.82%
2004	<i>First Specialty Ins Corp</i>	2.21%	-82.27%
2004	<i>Everest Ind Ins Co</i>	1.63%	41.56%
2004	<i>APSpeciality Ins Corp</i>	1.48%	-1.45%
<hr/>			
2003	<b>Medical Assur Of WV Inc</b>	20.05%	43.84%
2003	<b>St Paul Fire &amp; Marine Ins Co</b>	13.79%	99.04%
2003	<b>Health Care Ind Inc</b>	10.46%	77.12%
2003	<b>NCRIC Inc</b>	10.34%	50.55%
2003	<i>Lexington Ins Co</i>	10.32%	54.18%
2003	<i>First Specialty Ins Corp</i>	8.42%	105.84%
2003	<i>Everest Ind Ins Co</i>	6.01%	29.34%
2003	<b>National Fire Ins Co Of Hartford</b>	2.19%	104.46%
2003	<i>APSpeciality Ins Corp</i>	1.98%	141.28%
2003	<b>Doctors Co An Interins Exchn</b>	1.95%	28.34%

**Historical top 10 Companies in WV Market Share for the Medical Malpractice line**

	<b>Business Written Basis</b>	<b>Market Share</b>	<b>P Direct L/R</b>
2002	<b>St Paul Fire &amp; Marine Ins Co</b>	32.13%	79.75%
2002	<b>Medical Assur Of WV Inc</b>	23.35%	88.83%
2002	<i>Everest Ind Ins Co</i>	8.75%	55.56%
2002	<b>Commonwealth Medical Liability Ins C</b>	8.36%	59.25%
2002	<i>Lexington Ins Co</i>	7.67%	52.61%
2002	<b>Health Care Ind Inc</b>	6.41%	251.96%
2002	<b>Ohic Ins Co</b>	1.44%	462.81%
2002	<b>Doctors Co An Interins Exchn</b>	1.38%	41.99%
2002	<i>APSpeciality Ins Corp</i>	1.31%	55.91%
2002	<b>Physicians Specialty Ltd RRG</b>	1.04%	57.29%
<hr/>			
2001	<b>St Paul Fire &amp; Marine Ins Co</b>	34.90%	95.41%
2001	<b>Medical Assur Of WV Inc</b>	28.62%	73.17%
2001	<b>American Continental Ins Co</b>	7.75%	193.74%
2001	<b>Health Care Ind Inc</b>	5.61%	133.34%
2001	<b>Commonwealth Medical Liability Ins C</b>	3.70%	85.76%
2001	<i>Clarendon Amer Ins Co</i>	2.41%	72.21%
2001	<i>Lexington Ins Co</i>	1.86%	60.05%
2001	<b>Doctors Co An Interins Exchn</b>	1.54%	69.79%
2001	<b>Ohic Ins Co</b>	1.38%	258.05%
2001	<b>Executive Risk Ind Inc</b>	1.31%	-10.99%
<hr/>			
2000	<b>Medical Assurance Of W Virginia Inc</b>	39.35%	74.60%
2000	<b>American Continental Ins Co</b>	22.83%	94.60%
2000	<b>National Union Fire Ins Co Of Pitts</b>	11.95%	27.72%
2000	<b>St Paul Fire &amp; Marine Ins Co</b>	7.01%	92.84%
2000	<b>Health Care Ind Inc</b>	4.56%	95.52%
2000	<b>Pennsylvania Casualty Co</b>	2.47%	105.03%
2000	<b>Ohic Ins Co</b>	1.34%	-274.22%
2000	<b>Virginia Ins Recip</b>	1.08%	214.48%
2000	<b>St Paul Mercury Ins Co</b>	0.87%	74.44%
2000	<b>Legion Ins Co</b>	0.78%	155.60%



Approved Rate Change History of Admitted Carriers for Medical Malpractice (Physicians & Surgeons unless noted)					
<b>2009 Market Share</b> 76.89%	<b>Company</b> <i>West Virginia Mutual Ins Co</i> <i>*fka W.V. Physicians Mutual</i>	<b>Eff date</b> 1/1/2010 1/1/2009 3/1/2008 1/1/2008 1/1/2007 1/1/2006 1/1/2005 7/1/2004	<b>% Req'd</b> 0% 0% -0.01% 0% -15.00% -5.00% 10.20% initial filing	<b>% Granted</b> 0% 0% -0.01% 0% -15.00% -5.00% 10.20% initial filing	<b>WV #:</b> 90918009 80903007 80129001 70918006 60915016 50826007 41006013 40331017
<b>2009 Market Share</b> 9.17%	<b>Company</b> <i>Medicus Insurance Company</i>	<b>Eff date</b> 9/24/2010 10/1/2009 3/20/2008	<b>% Req'd</b> 0% -1.20% initial filing	<b>% Granted</b> 0% -1.20% initial filing	<b>WV #:</b> 100004152 90630015 80212014
<b>2009 Market Share</b> 3.68%	<b>Company</b> <i>ProAssurance Indemnity Co., Inc.</i> <i>*fka Woodbrook Casualty Ins, Inc</i> <i>*fka Medical Assur. of WV</i>	<b>Eff date</b> 2/23/2010 12/15/2008 11/1/2008 11/1/2007 10/20/2006 10/20/2005 10/20/2004 10/3/2003 7/1/2002 9/14/2001 8/1/2000	<b>% Req'd</b> 0.4% 0% -8.30% -10.70% -2.80% -1.10% 18.50% 17.30% 23.00% 30.00% 35.00%	<b>% Granted</b> 0.4% 0% -8.30% -10.70% -2.80% -1.10% 14.50% 13.00% 16.00% 18.00% 35.00%	<b>WV #:</b> 100000816 (S) 81106028(S) 80827030 (S) 70810017 (S) 60711005 50718024 40721020 30623002 161405 155255 50507
<b>2009 Market Share</b> 2.33%	<b>Company</b> <i>Amer. Casualty Co. of Reading, PA</i> <i>*Nurse Programs</i>	<b>Eff date</b> 7/30/2010 7/17/2009 5/1/2008 8/1/2007 5/1/2006 12/16/2005 8/13/2004 n/a 12/1/2002 6/21/2002	<b>% Req'd</b> 3.90% 3.70% 0.00% 2.87% 3.00% 6.20% 26.80% 83.40% 4.20% 12.50%	<b>% Granted</b> 3.90% 3.70% 0.00% 2.87% 3.00% 6.20% 26.80% 0.00% 4.20% 12.50%	<b>WV #:</b> 100003916(S) 90602012 (S) 80324027 (S) 70425011 (S) 60210003 (S) 50831026 (S) 40525004 30819021 20923013 161467
<b>2009 Market Share</b> 1.65%	<b>Company</b> <i>Continental Casualty Co.</i> <i>*Dentist Programs</i>	<b>Eff date</b> 8/29/2008 8/1/2007 11/1/2005 11/1/2004 10/2/2003 6/12/2002 4/11/2000	<b>% Req'd</b> 0.00% 6.30% 3.90% 10.00% 10.00% 30.00% initial filing	<b>% Granted</b> 0.00% 6.30% 3.90% 10.00% 10.00% 30.00% initial filing	<b>WV #:</b> 80815032 (S) 70529010 (S) 50408008 40402013 (S) 30804003 159431 40147
<b>2009 Market Share</b> 1.15%	<b>Company</b> <i>The Doctors Co., An Interins. Exch.</i>	<b>Eff date</b> 9/1/2010 9/1/2009 10/1/2008 9/1/2007 9/1/2006 10/1/2005 6/1/2004 10/14/2003 4/1/2003 7/1/2002 12/1/2001 12/1/2000	<b>% Req'd</b> 0.00% -5.00% -10.00% -9.70% -10.90% 0.00% 4.90% 3.10% 45.70% 87.30% 7.50% -0.70%	<b>% Granted</b> 0.00% -5.00% -10.00% -9.70% -10.90% 0.00% 4.90% 0.00% 17.00% 26.40% 7.50% -0.70%	<b>WV #:</b> 100004130(S) 90626022 (S) 80714017 (S) 70612012 (S) 60626020 50607000 40218038 30528010 21121000 159937 155338 100510

County	US Census 2009 Est	County	US Census 2009 Est
Barbour	15,758	Mineral	27,204
Berkeley	103,854	Mingo	26,387
Boone	24,709	Monongalia	90,080
Braxton	14,434	Monroe	13,715
Brooke	23,509	Morgan	16,385
Cabell	95,214	Nicholas	26,213
Calhoun	7,118	Ohio	44,015
Clay	10,022	Pendleton	7,390
Doddridge	7,202	Pleasants	7,364
Fayette	46,123	Pocahontas	8,418
Gilmer	6,824	Preston	30,247
Grant	11,833	Putnam	55,673
Greenbrier	34,527	Raleigh	79,187
Hampshire	22,695	Randolph	28,390
Hancock	29,729	Ritchie	10,208
Hardy	13,611	Roane	14,870
Harrison	68,911	Summers	13,081
Jackson	28,067	Taylor	16,328
Jefferson	52,750	Tucker	6,812
Kanawha	191,663	Tyler	8,680
Lewis	17,391	Upshur	23,806
Lincoln	22,147	Wayne	41,119
Logan	35,498	Webster	9,444
Marion	56,706	Wetzel	16,226
Marshall	32,556	Wirt	5,605
Mason	25,568	Wood	86,888
McDowell	22,398	Wyoming	23,304
Mercer	61,921	<b>Total</b>	<b>1,819,777</b>

*Source: 2009 U.S. Census Projection from US Census 2000 data*