



## HEALTHCARE

At CNA, we take a collaborative approach to claim handling — working with our insureds to achieve the best possible outcome. For our insureds, this facilitates informed decision-making, fewer surprises and an overall smoother claim process.

While no two Healthcare claims are alike, and results can certainly vary, the following examples illustrate the claim handling excellence that CNA strives to deliver every day.

### Going online delivers unexpected results

A woman, who was part of a mass tort action, alleged that she was permanently disabled due to a defective artificial hip manufactured by our insured. The plaintiff asserted that this defect caused pain, prevented her from participating in typical activities and damaged her marital relationship. She also claimed she might need future surgery and a new hip implant. Her husband made similar claims about the damage to the nature of their relationship. The plaintiff and her husband demanded a six-figure settlement.

A member of the claim team performed an Internet search of the plaintiff and found a YouTube video of the woman participating in a karate world championship, *after* she brought her claim about the defective hip. When the plaintiff's attorney was confronted with the video and other similar evidence of the exaggerated damages being sought, the claim was resolved for an amount reflecting future litigation costs, a fraction of the value of similar claims with more credible damages.

### National trial counsel

A man became a near paraplegic after undergoing spinal steroid injections at an ambulatory treatment center. Internal emails and operating committee notes suggested that the physician used the "wrong" steroid — a particulate steroid — during the procedure causing the injury. The problematic internal documents, in conjunction with the plaintiff's experts and damage models, including an extensive life care plan, led to the plaintiff's multi-million dollar demand.

When the internal documents surfaced, CNA retained one of our national trial counsel associated with our Catastrophic Damage Claims Center of Excellence to serve as co-counsel. Using authoritative literature, national trial counsel presented our witnesses with medical literature that served as a solid basis for retracting their previous statements against the use of the particulate steroid. As a result, the defense was able to present a unified front, with witnesses supporting the view that the standard of care at the time allowed for the use of the particulate steroid. The jury returned a unanimous verdict in favor of the defendants.



### Early mediation leads to a favorable outcome

During endoscopic sinus surgery, a CNA-insured physician unintentionally perforated the skull and inadvertently removed brain tissue and lacerated a cerebral artery of a 64-year-old man. The physician wasn't aware of the perforation until after the patient developed a severe post-operative bleed, requiring intubation and use of a ventilator for 10 days. After a year of extensive rehabilitation and therapy, the patient made a good recovery and returned to work full time, but at a reduced capacity in his career as an electrical engineer.

A proactive early investigation resulted in a consensus that the claim couldn't be defended successfully. CNA proposed an early mediation. This allowed the mediator to persuade the plaintiff attorney to reduce his fee given the minimal time and resources that the attorney had been required to expend, which led to a settlement. This approach brought closure to an anxious insured prior to a suit being filed, provided the plaintiff with access to settlement funds much earlier in the claim process and resulted in a settlement below our initial claim valuation.

### Determining future care needs

Our experience and knowledge in working with catastrophic healthcare claims allowed us to target the most critical issues surrounding the future care of a child who suffered a brain injury during premature birth. Our claim strategy involved identification of damage defenses and future care experts as well as creating a needs-based, comprehensive financial plan.

During mediation, we focused the negotiations on the elements of a lifetime care plan for the child and the services that would need to be provided. We introduced the concept, unfamiliar to the plaintiffs, that federal laws ensured that the child would receive many of those goods and services at no cost to either his family or the defendant.

Because of this approach, the case settled for an amount slightly less than the limit of the insured's self-insured retention (SIR). This was well received by the insured as it had anticipated having to pay its full SIR in addition to needing a contribution from CNA, in order to resolve the case.

CNA's Healthcare claim team is comprised of professionals averaging more than 20 years of claim experience with more than a decade of that dedicated specifically to the healthcare industry. Their experience and specialization provides them with a better understanding of the risks presented in each type of claim and allows them to determine the best strategies and resources to resolve the claim. In the most challenging situations, additional resources, such as a Strategic Claim Unit and Centers of Excellence teams, may be incorporated into the resolution process.

**To learn more about the difference that CNA could make when you have a claim, please visit [www.cna.com/claim](http://www.cna.com/claim).**

