NOVEMBER 2026

Report of the Florida Birth-Related Neurological Injury Compensation Association to the Governor, Legislature, and Chief Financial Officer



NICA

SUPPORTIVE SERVICES FOR
FAMILIES & PHYSICIANS

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In 1988, in response to steeply increasing medical malpractice insurance premiums, the Florida Legislature created the Florida Birth-Related Neurological Injury Compensation Plan (the Plan) as a no-fault program to cover catastrophic birth-related injuries. The Plan is administered by the Florida Birth-Related Neurological Injury Compensation Association (NICA). The Plan was designed to cover a very narrow range and number of injuries that are significant in terms of cost and system impact as they represent outliers and "uninsurable" injuries.

Awards made through NICA are exclusive. If an injury is covered by NICA, the participant and his/her family are not entitled to compensation through lawsuits. The cost of lifetime care for covered participants is paid by NICA without assessment of fault and with no cap.

Section 766.315 (9), Florida Statutes requires that on or before November 1 of each year, the association shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Financial Officer.

The report must include:

- The number of petitions filed for compensation with the division, the number of claimants awarded compensation, the number of claimants denied compensation, and the reasons for the denial of compensation.
- The number and dollar amount of paid and denied compensation for expenses by category and the reasons for any denied compensation for expenses by category.
- The average turnaround time for paying or denying compensation for expenses.
- Legislative recommendations to improve the program, including to create new benefits or expand current benefits for participants. Recommendations creating new benefits or expanding current benefits must include estimates of the costs to the plan for providing such benefits on an annual basis.
- A summary of any pending or resolved litigation during the year which affects the plan.
- The amount of compensation paid to each association employee, independent contractor, or member of the board of directors.

The number of petitions filed for compensation with the division, the number of claimants awarded compensation, the number of claimants denied compensation, and the reasons for the denial of compensation:

Total number of active NICA participants receiving benefits as of June 30, 2026	265
Number of petitions filed with the Division of Administrative Hearings 7/1/2025-6/30/2026	85

To calculate the number of claimants awarded compensation and the number of claimants denied compensation, claims for which a final order was issued from 7/1/2025-6/30/2026 were reviewed. These claims may have been filed in an earlier year but the final order was issued in the fiscal year ending 6/30/2026. *Denied claims were ruled non-compensable by an Administrative Law Judge.*

Number of claimants awarded compensation	26
Number of claimants denied compensation	64

Reason for Denial of Compensation	TOTAL
Below statutory minimum threshold weight requirement	10
Did not occur during labor, delivery or the immediate post-delivery period	22
Did not suffer a permanent and substantial mental and physical impairment	25
Physician non-participating	1
Prior settlement	1
Not a live birth	2
Withdrawn by Petitioners	2
Filed beyond statute of limitations	1
TOTAL	**64**

The number and dollar amount of paid and denied compensation for expenses by category and the reasons for any denied compensation for expenses by category.

During the fiscal year, NICA reimbursed the Agency for Health Care Administration the cost of fee for service benefits and capitation payments paid by Florida Medicaid for the period 8/31/2021-6/30/2025. The breakdown of that payment totaling $44,580,711.79 is shown in a separate table and is not included in the table below.

Paid Compensation for Expenses (Excluding AHCA Reimbursement)

Category	Number of Individual Payments	$ Amount
Custodial Day Care	54	79,850
Custodial Residential	11	8,330
Death Benefit	16	625,812
Drugs	548	149,982
Equipment	252	379,461
Family Psychotherapeutic Services	318	127,616
Health Insurance Premiums	960	519,743
Hospitalizations	31	34,529
Housing	134	1,571,750
Nursing Care by Other	2,534	4,923,889
Nursing Care by Parent/Family Care	8,016	33,948,749
Other	1,220	213,343
Parental Award	82	7,430,863
Physician Charges	360	93,441
Supplies	3,260	726,490
Therapy	1,887	1,060,123
Transportation & Travel	1,314	528,178
Transportation-Insurance	532	537,440
Transportation-Maintenance	541	366,700

Transportation-Mileage	2,490	234,532
Transportation-Purchase	64	3,751,633
TOTAL	**24,624**	**57,312,454**

AHCA Reimbursement 8/31/2021-6/30/2025

Category	Number of Individual Payments	$ Amount
Custodial Day Care	N/A	2,041,581
Custodial Residential	N/A	1,449,868
Drugs	N/A	362,875
Equipment	N/A	268,259
Health Insurance Premiums (Capitation Payments)	N/A	34,436,560
Hospitalizations	N/A	2,040,250
Housing	N/A	8,914
Nursing Care by Other	N/A	1,153,476
Other	N/A	1,318,794
Physician Charges	N/A	222,367
Supplies	N/A	344,824
Therapy	N/A	915,207
Transportation & Travel	N/A	17,737
TOTAL		**44,580,712**

Denied Compensation for Expenses

Category	Reason for Denial	Number	$ Amount
Drugs	Partial denial-exceeded authorized amount (1)	2	8,945
Equipment	Did not meet requirements for reimbursement	2	470
Equipment	Not a covered benefit	4	8,622
Equipment	Partial denial-exceeded authorized amount	1	597
Equipment	Partial denial-did not meet requirements for reimbursement-replacement item purchased	1	3,406
Family Psychotherapeutic Services	Did not meet requirements for reimbursement	2	1,191
Family Psychotherapeutic Services	Not a covered benefit	3	257
Housing	Did not meet requirements for reimbursement	1	5,600
Housing	Exceeded authorized amount	1	1,995
Other	Exceeded authorized amount	1	719
Physician Charges	Not a covered benefit	1	72
Physician Charges	Partial denial-exceeded authorized amount (1)	1	114
Supplies	Did not meet requirements for reimbursement	2	1,016
Supplies	Exceeded authorized amount	1	46
Supplies	Not a covered benefit	14	688
Supplies	Partial denial-exceeded authorized amount	1	610
Therapy	Exceeded authorized amount	1	14,000
Therapy	Partial denial-exceeded authorized amount	1	1,650

Transportation & Travel	Did not meet requirements for reimbursement	1	2,351
Transportation & Travel	Exceeded authorized amount	1	484
Transportation & Travel	Not a covered benefit	1	129
Transportation & Travel	Partial denial-exceeded authorized amount	1	5,186
Transportation-Maintenance	Exceeded authorized amount	1	5,400
Transportation-Maintenance	Not a covered benefit	1	115
Transportation-Mileage	Did not meet requirements for reimbursement	1	*
Transportation-Mileage	Not a covered benefit	3	9
Transportation-Purchase	Did not meet requirements for reimbursement	1	1,434
Total			**65,106**

(1) Initially denied but will be reimbursed pursuant to 766.31(1)(c)2, Florida Statutes.
**No specific amount requested*

The average turnaround time for paying or denying compensation for expenses = 3.44 DAYS (2)

(2) For ease of calculation, weekend days have been included. Actual business days would be less.

Legislative recommendations to improve the program, including to create new benefits or expand current benefits for participants. Recommendations creating new benefits or expanding current benefits must include estimates of the costs to the plan for providing such benefits on an annual basis.

NICA suggests a revision in the priority order of the increased assessments that are triggered if NICA becomes actuarially unsound.

Currently, statute specifies the following order for assessment increases:

1st: certain casualty insurers, then

2nd: hospitals, non-participating providers, and participating providers

This order means that, if OIR determined assessments were necessary, casualty insurers would be first entities assessed. If revenues from casualty insurer assessments satisfied the statutory requirements for actuarial soundness, OIR would not levy assessments on hospitals, non-participating providers, or participating providers.

However, this current statutory order does not correlate to the level of benefit that these entities receive from NICA. Due to their providing obstetrical services, hospitals and participating providers receive a greater benefit compared to non-participating providers and casualty insurers. If the order for assessment increases were changed to correlate with the benefits received from NICA, that order would be:

1st: hospitals and participating providers

2nd: non-participating providers

3rd: certain casualty insurers

Thus NICA recommends revising statute to reflect this order of assessments.

Additional recommendations for creating or expanding benefits, along with their associated impact on NICA's reserves include:

1. Considering the inclusion of cost-of-living adjustments to the housing benefit similar to the 3% COLA for the parental award. Assuming a 7/1/2027 start date for the benefit, the estimated impact to reserves as of 6/30/2026: $300,000

2. Considering the expansion of benefits to address the needs of aging parent caretakers, many of whom have not been in the workforce for dozens of years. This includes consideration of a transition benefit for parents upon the death of a participant or when a parent is no longer able to care for the participant. Assuming a 7/1/2027 start date for the benefit, the estimated impact to reserves as of 6/30/2026: $18,000,000

A summary of any pending or resolved litigation during the year which affects the plan:

Since NICA issued its November 2025 report, the Third District Court of Appeal entered its opinion in *Mount Sinai Medical Center of Florida, Inc. v. Esposito*, 436 So.3d 1201 (Fla. 3d DCA 2026). This case involved a civil complaint filed by the child's parents against Mount Sinai Medical Center of Florida, Inc., d/b/a Mount Sinai Medical Center (the "Hospital") and several of its Executives, including the chief executive officer, vice president of risk management and performance improvement, and vice president of patient safety, alleging that the executives failed to implement systems and processes to guard against the delay that occurred, which failures directly and proximately caused their infant's injury. The parents also filed a medical malpractice circuit court action against the Hospital and physicians for the alleged injury to the child. In both cases, the defendants filed motions to abate the civil action pending a determination by an administrative law judge ("ALJ") at the Division of Administrative Hearings whether the child's injury qualified for compensation under the NICA Plan.

The circuit court granted the abatement of the case against the hospital and physicians but denied the requested abatement in the case pending against the Hospital and the Executives. The Hospital and Executives asserted that the allegations in the Complaint cannot be separated from the civil action against the hospital and the physicians because they all involve the same injury and the Executives would be covered under the broad immunity provisions set forth in section 766.303, Florida Statutes, assuming the claim is compensable and proper NICA Notice was provided.

After the Motion to Abate was denied, the Hospital and Executives filed a Petition for Certiorari with the Third District asserting that the trial court violated the essential requirements of law in denying the Motion pending a determination of the compensability of the injury under the NICA Plan. NICA filed an Amicus Brief in the appeal in support of the Hospital and Executives position. The Court granted the Petition, in part, stating:

> Here, respondents alleged their infant suffered a neurological birth-related injury. The Hospital and Executives invoked NICA immunity. These factors, coupled with the abatement in the companion case and the delivery by participating obstetricians, support the conclusion that a compensability determination by the ALJ is a precondition to maintaining suit. We therefore quash the order under review to the extent it bears on the threshold compensability issue.

The Court did not grant that part of the Petition regarding the scope of the administrative law judge's authority. The Court declined to grant that part of the Petition, noting, in part, that "[w]e find the limitations on the power of the administrative state urged by now-Justice Tanenbaum in his concurrence in *Shands Jacksonville Med. Ctr. Inc. v. Chavez*, 416 So. 3d 1226 (Fla. 1st DCA 2025) persuasive. We therefore only quash the order to the extent it bears on the threshold compensability issue." At this point, there is no pending appeal raising this issue and, as such, any potential future impact on the NICA Plan regarding this issue cannot be ascertained.

While the opinion is helpful as the Court acknowledges that a determination of compensability by the ALJ is a prerequisite to any civil action, the Court's failure to address the scope of the administrative law judge's authority and reference to the limitations on the power of the administrative state are concerning.

The amount of compensation paid to each association employee, independent contractor, or member of the board of directors [7]

Employee	Total Salary (3)	
Deputy Director	147,517	
Claims Manager	86,241	
Lead Case Manager	75,903	
Lead Case Manager	70,680	
Policy and Training Manager	72,447	
Case Manager	76,188	
Case Manager	65,763	
Case Manager	62,998	
Case Manager	68,550	
Case Manager	60,677	
Case Manager	55,315	
Case Manager	38,293	
Case Manager	52,275	
Case Manager	34,356	
Case Manager	25,200	
Case Manager	15,750	
Case Manager	10,992	
Case Manager	40,592	(5)
Case Manager	36,225	(5)
Case Manager	36,710	(5)
Director of Administration	77,162	
Director of Financial Operations and Systems	77,162	
Regulatory Analyst	28,181	(5)
Insurance Administrator	64,113	
Transportation Coordinator	61,379	
Administrative Assistant	49,306	
Office Support	30,841	
Office Support	36,369	
Office Support	1,080	
Nurse Recruiter	4,400	(5)

(3) Fiscal year ending 6/30/2026

(4) The executive director is an independent contractor who received $305,040 in compensation for the fiscal year ending 6/30/2026. Current monthly contracted amount for the Executive Director excludes all employment taxes and benefits and is comparable to an annual salary of approximately $201,155.

(5) Part-time employee.

Independent Contractors (6)	Amount	
Accounting/Auditing	93,860	
Attorney-NICA	62,225	
Attorney-NICA	226,490	
Attorney-NICA	40,000	
Attorney-NICA	97,785	
Attorney-NICA	157,379	
Attorney-NICA	4,120	
Attorney-NICA	4,948	
Case Manager/Quality Review	65,213	
Contracted Advisor	205,500	
Contracted Advisor	58,125	
Contracted Advisor	48,780	
Contracted Advisor	48,000	
Contracted Advisor	78,813	
Contracted Advisor	32,400	
Contracted Advisor	2,200	
Contracted Advisor	47,743	
Contracted Advisor	19,590	
Contracted Advisor	13,530	
Contracted Advisor	600	
Equipment Rental	870	
Guardianship Attorney	1,006	
Guardianship Attorney	7,050	
Guardianship Attorney	1,728	
Housing	18,600	
Housing	31,122	
Housing	3,570	
Housing	10,614	
Housing	9,997	

Medical Advisor	34,038	
Medical Care Provider	3,550	
Medical Care Provider	3,639	
Medical Care Provider	2,202	
Medical Care Provider	1,500	
Medical Care Provider	4,500	
Medical Care Provider	11,347	
Medical Care Provider	49,344	
Medical Care Provider	3,840	
Medical Care Provider	3,250	
Medical Care Provider	930	
Medical Care Provider	1,080	
Medical Care Provider	2,104	
Medical Care Provider	3,515	
Medical Care Provider	1,044	
Medical Care Provider	1,000	
Medical Care Provider	1,148	
Medical Care Provider	756	
Office Lease	260,950	
Participant Caregiver	611,562	
Participant Caregiver	53,889	
Participant Caregiver	80,677	
Participant Caregiver	14,094	
Participant Caregiver	1,076	
Participant Caregiver	762	
Participant Caregiver	65,786	
Participant Caregiver	775	
Participant Caregiver	31,886	
Participant Caregiver	31,360	
Participant Caregiver	33,068	
Participant Caregiver	21,234	
Participant Caregiver	74,254	
Participant Caregiver	15,044	
Participant Caregiver	57,156	
Participant Caregiver	33,221	
Participant Caregiver	19,923	
Participant Caregiver	38,837	
Participant Caregiver	83,930	

Participant Caregiver	326,766	
Participant Caregiver	66,383	
Participant Caregiver	47,720	
Participant Caregiver	76,034	
Participant Caregiver	4,502	
Participant Caregiver	12,436	
Participant Caregiver	7,864	
Participant Caregiver	844	
Participant Caregiver	844	
Participant Caregiver	8,708	
Participant Caregiver	6,607	
Participant Caregiver	1,481	
Participant Caregiver	3,658	
Participant Caregiver	36,095	
Participant Caregiver	21,702	
Participant Caregiver	2,307	
Participant Caregiver	35,419	
Participant Caregiver	5,109	
Participant Caregiver	266,091	
Participant Caregiver	16,564	
Participant Caregiver	1,108	
Participant Caregiver	4,330	
Participant Caregiver	6,055	
Participant Caregiver	49,963	
Participant Caregiver	162,947	
Participant Caregiver	73,348	
Participant Caregiver	96,663	
Participant Caregiver	39,057	
Participant Caregiver	36,666	
Participant Caregiver	29,425	
Participant Caregiver	20,230	
Participant Caregiver	16,944	
Participant Caregiver	138,629	
Participant Caregiver	89,530	
Participant Caregiver	75,156	
Participant Caregiver	13,700	
Participant Caregiver	14,697	
Participant Caregiver	293,346	

Participant Caregiver	40,529	
Participant Caregiver	33,180	
Participant Caregiver	7,127	
Participant Caregiver	26,339	
Participant Caregiver	29,897	
Participant Caregiver	6,114	
Participant Caregiver	14,982	
Participant Caregiver	202,632	
Participant Caregiver	144,540	
Participant Caregiver	180,180	
Participant Caregiver	14,575	
Participant Caregiver	88,263	
Participant Caregiver	18,463	
Participant Caregiver	1,241	
Participant Caregiver	409,139	
Participant Caregiver	28,560	
Participant Caregiver	6,798	
Participant Caregiver	650	
Participant Caregiver	2,764	
Participant Caregiver	1,593	
Participant Caregiver	2,156	
Participant Caregiver	1,286	
Participant Caregiver	18,619	
Participant Caregiver	632	
Participant Caregiver	8,314	
Participant Caregiver	27,011	
Participant Caregiver	7,350	
Participant Caregiver	3,713	
Participant Caregiver	3,135	
Participant Caregiver	3,416	
Participant Caregiver	2,804	
Participant Caregiver	905	
Participant Caregiver	1,732	
Participant Caregiver	1,546	
Participant Caregiver	1,719	
Participant Caregiver	1,013	
Petitioner Attorney	179,117	
Petitioner Attorney	14,050	

Petitioner Attorney	16,944	
Petitioner Attorney	15,097	
Petitioner Attorney	14,632	
Petitioner Attorney	12,727	
Petitioner Attorney	14,709	
Petitioner Attorney	17,266	
Petitioner Attorney	15,834	
Petitioner Attorney	14,349	
Petitioner Attorney	85,006	
Petitioner Attorney	6,250	
Petitioner Attorney	9,302	
Repair service	2,191	
Repair service	1,516	
Repair service	4,734	
Repair service	7,718	
Repair service	1,650	
Repair service	16,427	
Repair service	735	
Temporary Employees	13,820	
Therapy Provider	20,800	
Therapy Provider	1,608	
Therapy Provider	4,236	
Therapy Provider	6,400	
Therapy Provider	16,695	
Therapy Provider	1,860	
Therapy Provider	18,499	
Therapy Provider	1,060	
Therapy Provider	2,375	
Therapy Provider	1,754	
Therapy Provider	1,444	
Therapy Provider	3,810	
Therapy Provider	107,817	
Therapy Provider	70,711	
Therapy Provider	14,337	
Therapy Provider	2,963	
Therapy Provider	24,355	
Therapy Provider	4,586	
Therapy Provider	22,257	

Therapy Provider	3,558	
Therapy Provider	2,030	
Therapy Provider	12,286	
Therapy Provider	18,080	
Therapy Provider	3,910	
Therapy Provider	13,385	
Therapy Provider	7,052	
Therapy Provider	3,812	
Therapy Provider	11,640	
Therapy Provider	8,838	
Therapy Provider	16,450	
Therapy Provider	4,186	
Therapy Provider	6,858	
Therapy Provider	1,799	
Therapy Provider	4,600	
Therapy Provider	2,543	
Therapy Provider	8,500	
Therapy Provider	1,572	
Therapy Provider	10,680	
Therapy Provider	10,200	
Therapy Provider	1,675	
Therapy Provider	27,630	
Therapy Provider	10,200	
Therapy Provider	9,240	
Therapy Provider	2,025	
Therapy Provider	825	
Therapy Provider	3,750	
Therapy Provider	4,410	
Therapy Provider	22,200	
Therapy Provider	5,700	
Therapy Provider	1,200	
Therapy Provider	8,295	
Therapy Provider	10,791	
Therapy Provider	1,020	
Therapy Provider	5,176	
Therapy Provider	5,137	
Therapy Provider	2,440	
Therapy Provider	3,030	

Therapy Provider	9,185	
Therapy Provider	14,213	
Therapy Provider	17,496	
Therapy Provider	6,160	
Therapy Provider	4,867	
Therapy Provider	18,000	
Therapy Provider	3,995	
Therapy Provider	3,270	
Therapy Provider	10,729	
Therapy Provider	8,078	
Therapy Provider	1,750	
Therapy Provider	16,038	
Therapy Provider	9,600	
Therapy Provider	5,250	
Therapy Provider	10,525	
Therapy Provider	1,863	
Therapy Provider	6,511	
Therapy Provider	3,664	
Therapy Provider	5,580	
Therapy Provider	1,350	
Therapy Provider	7,275	
Therapy Provider	10,155	
Therapy Provider	1,950	
Therapy Provider	750	
Therapy Provider	3,000	
Translation Services	4,817	

(6) For purposes of this report, Independent Contractor is defined as any vendor that was issued an IRS Form 1099 by NICA during calendar year 2025. The calendar year is utilized because that is the time period for 1099 issuance and ensures complete reporting. However, NICA's executive director is excluded because that information has historically been reported on a state fiscal year basis so that reporting basis was maintained for consistency (included in note 4 above).

(7) Pursuant to Florida Statutes, members of the NICA Board of Directors serve without salary.

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NICA SUPPORTIVE SERVICES FOR FAMILIES & PHYSICIANS

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