

WELCOME TO NICA

*Guidelines For
Participating Physicians*

Florida Birth-Related Neurological Injury Compensation Association



NICA

SUPPORTIVE SERVICES FOR FAMILIES AND PHYSICIANS

THE FREEDOM TO FOCUS ON PATIENT CARE

*T*hank you for participating in the NICA Plan. We hope you never need the services to which you are entitled, but if you do, we can help resolve catastrophic claims for birth-related injuries without lengthy and costly malpractice litigation.

Awards made through the NICA Plan are exclusive. If an injury is covered by NICA, the child and his/her family are not entitled to compensation through lawsuits. The cost of lifetime care for birth-injured children is paid by NICA without assessment of fault.

By providing an alternative to malpractice lawsuits, NICA participation offers the freedom to focus on patient care.



NICA Plan Coverage

Florida's innovative alternative to malpractice litigation offers unique protection from lengthy, costly lawsuits. To help NICA work for you and your practice, you must follow a few basic steps:

1. Pay the annual NICA participation fee.
2. Inform your patients of your participation in the NICA Plan by using the brochure provided by NICA, entitled "Peace of Mind" – and obtain their signed acknowledgment of this notice.
3. In the event a patient should decline to sign an acknowledgment form, you or your office administrative staff should document the time, date, and the person who gave the brochure provided by NICA to the patient.
4. Maintain files documenting the fact that you have given every patient timely notice of your participation in the NICA Plan.

There are other ways to maximize the protection offered to you by NICA, and other valuable services we can provide. Please contact us or visit our website to learn more about the NICA Plan.

Make The Most Of Your NICA Participation

Paying the annual NICA participation fee is the first step in obtaining NICA coverage. But it's not the only requirement. Florida courts have ruled that physicians must give timely notice of their participation in the NICA Plan to their patients. This notice must be documented in your files.

Sample acknowledgment forms are available from NICA for your use in complying with these requirements. These forms may be ordered from NICA or downloaded from the NICA website, www.nica.com

Acknowledgment forms should be signed by both the patient and the participating physician, or a member of the physician's staff. Copies of all signed forms should be kept on file in the physician's office to document that notice of NICA participation has been provided.

With the exception of certain emergencies, notice of NICA participation must be "timely." While Florida Statutes provide no specific definition of this requirement, NICA recommends that notice be given as soon as reasonably possible.

In order to help physicians provide notice of NICA participation to patients whose native language is not English, NICA can provide brochures and acknowledgment forms in Spanish, Haitian, and other languages. These are also available on request from NICA, or they may be downloaded from www.nica.com.

Office Procedures Schedule

Including NICA notice and documentation procedures in your office's standard practices and procedures is as important as paying the annual NICA participation fee. As an additional service to participating physicians, NICA has compiled a "Schedule of Prenatal Care" which includes the NICA notice in checklist format. This simple, one-page document is included in this packet and is also available from NICA and our website. More detailed office procedures, developed by the American College of Obstetrics and Gynecology, are available via a link in the OB/GYN section of www.nica.com.

Contact NICA For Relief From Lawsuits

If you or someone in your practice believes there may be a birth injury or you are threatened with a lawsuit resulting from a NICA-covered injury, it is extremely important that you, your risk manager, or attorney contact NICA immediately. NICA coverage for catastrophic claims is exclusive, which means that, if you are sued, your participation in NICA should result in abatement and termination of that lawsuit.

However, NICA cannot provide help with litigation unless you contact us. Unfortunately, in the confusion that can result from threatening calls and letters from plaintiffs and their lawyers, some participating physicians turn to their own attorneys first, and try to settle claims without using the coverage available to them through NICA.

Don't let this happen to your practice. NICA has an excellent record of providing lifelong care for children and their families, and it can also significantly reduce the time and expense involved in settling malpractice claims in court. If suit is filed, NICA will assist your attorneys and insurance carriers by providing a package containing the information and procedures necessary to have that lawsuit abated or dismissed. Contact NICA at once if you believe you may need the coverage to which you are entitled.



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Supportive Services for Families and Physicians



**Florida Birth-Related Neurological Injury
Compensation Association**

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