

FOR IMMEDIATE RELEASE:
April 8, 2021

NICA Responds to Miami Herald series

The Florida Birth-Related Neurological Injury Compensation Association (NICA) issues the following statement in response to articles published by the Miami Herald on April 8, 2021:

The Florida Legislature created NICA to provide catastrophically birth-injured infants with the medical care they need without subjecting their families to a protracted legal battle. We take this critical mission very seriously, recognizing the physical, emotional, and financial toll it takes on families to care for a highly disabled infant, child, or adult.

We are committed to working with state leaders and our families on appropriate ways to maintain the program's strong commitment to its mission and long-term sustainability, including:

- Working with CFO Patronis to improve our processes to better meet the children's needs, including adding a parent representative to the NICA Board.
- Cooperating with CFO Patronis and Commissioner Altmaier by fully opening our records to their thorough review and audit.
- Advocating in favor of legislation to increase the initial payment to families from \$100,000 to \$250,000, and to increase the death benefit from \$10,000 to \$50,000.
- Seeking to continue breaking down barriers to awareness and access for our families, including making improvements to our Benefits Handbook and by launching a redesigned website.

We are required to meet the needs of families, subject to the laws and rules that govern the program, and to balance that with our responsibility to be good fiscal stewards, managing the NICA Fund to meet the lifelong needs of children currently in the program and those still to enter.

Currently, NICA pays for a lifetime of expenses that average \$4.9 million per child (not adjusted for inflation). This varies greatly based on each child's degree of injuries and medical needs. NICA aims to treat every family in the program fairly and individually, providing the benefits they are entitled to based on their specific needs.

While the Herald presents a moving and emotional story of several families in the program, it is important to recognize that it fails to provide a completely accurate portrayal on several counts.

First, most of the anecdotes and issues reported in the series stem from court records of cases that occurred more than 15 years ago, in many instances prior to the current NICA leadership. We have worked tirelessly to address issues that have arisen over the years, including making processes more responsive to families' needs, while fulfilling our obligation as fiscal stewards.

While the Herald stories suggest that Florida did not experience a medical malpractice insurance crisis in the 1980s, that is simply and verifiably untrue. Medical malpractice insurance premiums for Florida OB/GYNs rose 395% from 1980 to 1986, leading many physicians to stop providing obstetric care in Florida, though they may have continued to specialize in gynecology.

NICA was born from the Florida Legislature's effort to ensure that expectant parents had access to obstetric care, with input from a panel of academic experts. The NICA program has followed through on its legislative intent, with a strong commitment to providing lifetime support and care to NICA families.

Although some trial lawyers who profit from medical liability cases fervently want to eliminate NICA, that would benefit them and not the families that NICA serves.

Numerous government analyses and academic studies have found that the NICA Plan is a successful and effective model for protecting and supporting eligible families while addressing Florida's unique needs. Families who participate in NICA generally report higher satisfaction rates for the care they receive than those who were eligible for NICA but instead chose to go to court.

Still, our commitment is to continually improve what we do and how we do it. We look forward to continuing to serve all our families over the years ahead, and will work earnestly to meet and exceed their needs.

###