

Bulletin 129

**PATIENT'S COMPENSATION FUND
FILING AND PROCESSING FEES**

March 3, 2005

This Bulletin is directed to all persons that file a Proposed Complaint for Damages under Indiana's Medical Malpractice Act, IC 34-18. IC 34-18-8-2 requires that each Proposed Complaint for Damages be accompanied by a filing fee in the amount of five dollars (\$5) and a processing fee in the amount of two dollars (\$2) for each defendant after the first named defendant. IC 34-18-9-1 requires the Commissioner to forward a copy of the Complaint by registered or certified mail to each health care provider named as a defendant. The filing and processing fees are intended to cover the Department's cost in accomplishing these tasks. While the statute does not specifically require the Department to serve all Amended Proposed Complaints on all health care providers, the Department has determined that it is appropriate to do so and has historically processed all Amended Proposed Complaints the same as the initial filing. The Department receives a significant number of Amended Proposed Complaints. In addition, there is often more than one defendant required to be served. In order to support the cost of serving these Amended Proposed Complaints the Department has determined that the filing and processing fees should be collected at the time of filing any amendment to a Proposed Complaint.

Therefore, effective May 1, 2005, all persons filing an amendment to a Proposed Complaint for Damages shall submit a filing fee in the amount of five dollars (\$5) and a processing fee in the amount of two dollars (\$2) for each defendant after the first named defendant. An Amended Proposed Complaint, as with the initial Proposed Complaint, shall not be considered filed with the Department until the filing and processing fees are received by the Department.

INDIANA DEPARTMENT OF INSURANCE
James Atterholt, Commissioner