

Proforma For Medico-legal Assistance (Revised April 2013)

THROUGH AMC

Date:

To,
Sr. Divisional / Regional Manager,
The Oriental Insurance Co. Ltd.
Mumbai.

Dear Sir,

I am a member of group indemnity policy /Errors & omission policy of Association Of Medical Consultants, requesting for claim number & medico legal assistance.
Relevant details are as under.

1. Name: _____ Address:- _____

a) Tel. No. _____

b) E-mail ID. _____

2. Life Membership Number _____ Speciality:- _____

3. a) Indemnity Policy Cert. No. _____

b) Errors & Omission Policy Cert. No. _____

4. Retroactive date _____

5. Amount Insured

a) Indemnity Policy Rs. _____/-

b) Errors & Omission Policy Rs. _____/-

6. Nature of Problem: (TICK WHAT IS APPLICABLE)

a) There has been some occurrence/event which in my opinion may in future lead to medico legal problem.

a) I have received a letter of allegations from the patients/relatives/advocates.

c) I have received a notice from District/State/National Consumer Forum.

b) I have received a notice from MMC.

c) I have received a notice/ summons from magistrate court/ police station.

d) Any Other : _____

7. I have received above mentioned letter/ notice/ summons on _____ (Date)

8. My agent is _____

I undertake responsibility of informing the Medico – Legal cell on quarterly basis about the status of the case. I also undertake to abide by the terms & conditions of the group professional Indemnity policy / Medical Establishment Policy issued to AMC. I enclose the following:-

1. Copy of insurance certificate for year of incidence, all the years after that & current year insurance certificate.
2. Copy of legal notice received from District/State/national consumer Forum, MMC, National Human Rights Commission or any other authority.
3. Summary of case.
4. Copy of your reply/Advocate reply.
5. Copy of advocate bill if any. Please note advocate bill will be paid first by doctor as per schedule. He will be reimbursed by Insurance Company through AMC on receipt of copy of claim petition, reply of advocate or written statement & original bill, payment receipt and NEFT particulars. Advocate schedule is enclosed.

Signature of doctor

In case of any query please contact Mr. R.C. SURI (9833415877 / 9869176239)
OR AMC OFFICE Tel No. 26836019. Dr. Ajit Desai. 9820024367.

SCHEDULE OF LEGAL FEES FOR ADVOCATES FOR AMC CASES

a TYPE OF WORK	DISTT. CONSUMER COURT	STATE COMMISSION & MAHARASHTRA MEDICAL COUNCIL	NATIONAL COMMISSION (NEW DELHI)
	RS	RS	Rs
1 st Stage of study of the case papers, taking instructions from the doctor, filing vakalatnama drafting and filing reply and affidavit. Stage of drafting and filing rejoinder to a say of the complaint including affidavit in lieu of evidence.	50%	50%	50%
2 nd stage including cross examination, written arguments and obtaining final order.	50%	50%	50%
TOTAL	30000	40000	50000

N.B.:

- 1 For out of court settlement prior to filing of the case in any court, where advocate's assistance is sought for preparation of MOU and other documentation, lump sum payment of Rs. 10,000/- will be made. Advocates will take payment from doctor as per above schedule and give their bill, reply/written statement and payment receipt to doctor. The Doctor will then send the bill as per above schedule, payment receipt copy of reply given to patient, court or patient's advocate to AMC for reimbursement along with Doctors NEFT particulars
- 2 The expenses in preparation of voluminous documents, cost of expert evidence etc. as agreed in the MOU, will be paid on the basis of actual supported by vouchers. If the same Advocate is defending more than one doctor, 50% fees will be payable for 2nd case or subsequent cases.
- 3 In case of compromise cases, fee payable will be as per stage of case subject to minimum of 50% and maximum of 75% depending upon stage.
- 4 Monitoring Committee may relax the above limit in relevant cases.
- 5 Fees for :
 - 6 Criminal cases }
} **will be decided on case to case basis.**
 - 7 Human Rights Commission etc. cases. }
- 8 Reply to notice received regarding negligence – Rs.5000/- (if later on this results into a court case, this amount will be adjusted out of total fee). This will be paid by the doctor and reply given along with bill and payment receipt, along with NEFT particular to AMC for reimbursement.
- 9 **Senior Advocates with 20 years of experience as well as existing Advocates handling AMC cases in the past will be paid at the rate of State Commission schedule even if deputed for District Court / Consumer Court.**
- 10 The cost of consulting senior advocates, medico-legal experts, forensic experts or any other experts whose inputs are required for defending the claim is payable additionally.
- 11 In case the insured and his/her advocate shall need to travel to a location outside Mumbai, the travel expenses for the same shall be paid for. The reimbursement shall be based on 2nd class AC Railway fare for cases where the distance is less than 500 kms. Policyholders shall be entitled to reimbursement for Economy class airfare if they need to travel to court proceedings to cities beyond 500 kms. The insured and his advocate shall also be provided reasonable lodging expenses, if incurred.