If you would like more information or would like to receive a copy of Section 766.301-766.316, Florida Statutes, which detail the provisions of the NICA Plan, please call or write:

Florida Birth-Related Neurological Injury Compensation Association
Post Office Box 14567
Tallahassee, Florida 32317-4567
Telephone: (850) 488-8191
Toll Free: 1-800-398-2129
www.nica.com

Section 766.301-766.316, Florida Statutes, ("NICA law") provides rights and remedies for certain birth-related neurological injuries and is an exclusive remedy. This brochure is prepared in accordance with the mandate of Section 766.316, Florida Statutes. A copy of the complete statute is available free of charge to completely inform patients of their rights and limitations under the application provisions of Florida law. Since 1989, numerous court cases have interpreted the NICA law, clarifying legislative intent.
The birth of a baby is an exciting and happy time.
You have every reason to expect that the birth will be
normal and that both mother and child will go home
healthy and happy.

Unfortunately, despite the skill and dedication of doctors
and hospitals, complications during birth sometimes
occur. Perhaps the worst complication is one which
results in damage to the newborn's nervous system –
called a “neurological injury”. Such an injury may be
catastrophic, physically, financially and emotionally.

In an effort to deal with this serious problem, the Florida
Legislature, in 1988, passed a law which created a Plan
that offers an alternative to lengthy malpractice litigation
processes brought about when a child suffers a qualifying
neurological injury at birth. The law created the
Florida Birth-Related Neurological Injury Compensation
Association (NICA).

Exclusive Remedy
The law provides that awards under the Plan are exclusive.
This means that if an injury is covered by the Plan, the
child and its family are not entitled to compensation
through malpractice lawsuits.

Criteria and Coverage
Birth-related neurological injuries have been defined as
an injury to the spinal cord or brain of a live-born infant
weighing at least 2500 grams at birth. In the case of
multiple gestation, the live birth weight is 2000 grams for
each infant. The injury must have been caused by oxygen
deprivation or mechanical injury, which occurred in the
course of labor, delivery or resuscitation in the immediate
post delivery period in a hospital. Only hospital births
are covered.

The injury must have rendered the infant permanently
and substantially mentally and physically impaired. The
legislation does not apply to genetic or congenital abnor-
malities. Only injuries to infants delivered by parti-
icipating physicians, as defined in s. 766.302(7),
Florida Statutes, are covered by the Plan.

Compensation
Compensation may be provided for the following:

• Actual expenses for necessary and reasonable care,
services, drugs, equipment, facilities and travel,
excluding expenses that can be compensated by state
or federal government or by private insurers.
• In addition, an award, not to exceed $100,000 to the
infant's parents or guardians.
• Death benefit in the amount of $10,000.
• Reasonable expenses for filing the claim, including
attorney's fees.

NICA is one of only two (2) such programs in the nation,
and is devoted to managing a fund that provides comp-
ensation to parents whose child may suffer a qualifying
birth-related neurological injury. The Plan takes the “No-
Fault” approach for all parties involved. This means that
no costly litigation is required and the parents of a child
qualifying under the law who file a claim with the
Division of Administrative Hearings may have all actual
expenses for medical and hospital care paid by the Plan.

You are eligible for this protection if your doctor is a
participating physician in the NICA Plan. If your doctor is
a participating physician, that means that your doctor has
purchased this benefit for you in the event that your child
should suffer a birth-related neurological injury, which
qualifies under the law. If your health care provider has
provided you with a copy of this informational form, your
health care provider is placing you on notice that one or
more physician(s) at your health care provider participates
in the NICA Plan.