



1899 1900 1910 1920 1930 1940 1950 1960 1970 1980 1990 2000 2011

YESTERDAY, TODAY, ALWAYS

HELPING CUSTOMERS OVERCOME CHANGES
AND CHALLENGES FOR OVER A CENTURY

2011 CUSTOMER NEWS



**MEDICAL
PROTECTIVE**

Strength. Defense. Solutions. Since 1899.

a Berkshire Hathaway Company

TO OUR VALUED MEDICAL PROTECTIVE POLICYHOLDERS & STAKEHOLDERS:

We begin, as always, with a sincere “thank you” for the privilege of protecting your assets and reputations. Healthcare providers have relied on Medical Protective for over 112 years – triple the length of our nearest competitor – and, once again in 2010, more providers continued to trust Medical Protective than any other.

2010 was not an easy year for healthcare providers or their malpractice insurers. Significant changes and challenges – including federal healthcare reform, continued reimbursement pressures, the impact of accelerated practice and hospital consolidation (among others) – combined with high unemployment and a still-struggling economy to make 2010 very difficult.

Despite such change and challenge, we are pleased to report that Medical Protective remained stronger than ever for our healthcare providers, continuing to (i) retain the industry’s highest financial ratings, (ii) deliver the most winning defense, (iii) provide the smartest risk solutions, and (iv) serve the healthcare community coast-to-coast.

TURNING TO 2011 AND BEYOND,

we know there will be more changes and challenges ahead for our industry and the healthcare providers we serve. Some of the questions we posed a year ago, while partially answered, remain “subject to change”...

WE ASKED, “Will state courts begin to overturn medical malpractice tort reforms that have helped to contribute to reduced lawsuits and moderated malpractice premiums in many states?”

THE ANSWER: It remains to be seen. While there were no additional examples of state courts completely overturning tort reforms, there were many examples of lower courts (and legislatures) beginning to pull back on some of the reforms that have worked so well for healthcare providers.

THANK
YOU
FOR THE
PRIVILEGE OF
PROTECTING
YOUR ASSETS
AND REPUTATION.



Timothy J. Kenesey
President and CEO

WE ASKED, “Will national healthcare reform, if passed in whatever form, continue to omit meaningful Federal tort reform (despite evidence that such reforms would likely reduce ‘defensive medicine’ and provide more long-term moderation to malpractice premiums)?”

THE ANSWER: Regrettably, nowhere in the long and detailed bill are there any meaningful tort reform measures. And while we could be wrong, we believe it is unlikely – as the national healthcare reform bill is re-debated and possibly revised – that any such revised bill will include meaningful Federal tort reforms.

WE ASKED, “Will plaintiff attorneys accelerate the frequency and intensity of lawsuits against healthcare providers if they see no additional meaningful tort reforms and/or a continued economic recession where more ‘jackpot juries’ are sought?”

THE ANSWER: While the frequency of lawsuits remains historically low, the intensity (or “severity”) of awards remains high. We believe that this lower (but still-too-high) frequency will remain low in 2011 (that’s the good news!) ... but absent additional and continued tort reforms, the severity of jury awards will continue to increase in the years ahead and tort lawyers will eventually increase the frequency of their attacks (that’s the bad news!).

WE ASKED, “Will healthcare providers continue to be overwhelmed with too much bureaucracy and administrative burdens that take time away from patient interaction and resources away from practices, clinics and hospitals?”

THE ANSWER: You – our loyal policyholders – know the answer to this question better than we do. We can, however, point out that more providers, hospitals and facilities are considering possible consolidation and/or changes to their practices to meet the changing demands of patients and the changing laws and regulations.

... and so, while our healthcare system changes and presents new challenges, Medical Protective is, and will always be, with you to help overcome such changes and challenges.

In fact, “Helping Customers Overcome Changes and Challenges” is the theme of this year’s Customer News. On the pages that follow, you will see a mix of customer testimonials and information demonstrating how Medical Protective has “the most powerful financial strength and resources to support you,” “the most experienced and winning defense to help you win,” and “the smartest solutions to reduce your risk and improve your outcomes.”

As we begin our 112th consecutive year in service to healthcare providers, on behalf of the entire Medical Protective Team, we thank you once again for the privilege of protecting your reputation and assets, and we pledge to continue to earn your trust throughout 2011 and always.

Respectfully,

Timothy J. Kenesey
President and CEO

P.S. As in years past, we thank those of you who were kind enough to refer colleagues to Medical Protective. Once again, thousands of new healthcare providers joined Medical Protective and received, as you have, the peace of mind that comes from being with the nation’s best malpractice insurer... we’d like again to thank you for referrals with a cup of good coffee, so see page 15 for details.

A few quick HIGHLIGHTS FROM 2010

- We again retained the healthcare liability industry’s highest ratings, recognized as “A++” by A.M. Best and “AA+” by Standard & Poor’s rating agencies.
- We proactively managed over 12,900 claims against healthcare providers (with about 3,400 new claims opened in 2010 and about 3,600 closed).
- We closed over 80% of our claims without any payment, and – of those that went to trial – we secured a winning verdict for our healthcare providers close to 90% of the time.
- We received a 99% customer satisfaction rating for our handling of healthcare providers’ claims and a 98% rating for our risk management services and solutions.
- We helped our customers overcome changes and challenges by continuing to offer what no competitor in our industry can match in terms of the most expansive and flexible products solutions, including (A) both claims made and occurrence coverage, (B) deductible and other risk sharing alternatives, (C) “coast-to-coast” and “across-state-lines” coverage, (D) policies with “never-a-settlement-without-customer-consent” protections, and (E) customized professional liability coverage for nearly all healthcare providers, hospitals and facilities.
- We continued to enjoy the benefits of being part of Warren Buffett’s Berkshire Hathaway group of companies, named **Fortune Magazine’s “World’s Most Admired P&C Insurer”** and third **“World’s Most Admired Company.”**

MEDICAL PROTECTIVE PROVIDES THE HIGHEST LEVEL OF DEFENSE POSSIBLE.

In healthcare malpractice, generally speaking, cases are not brought forward until about two years after the events in question have taken place. Add another three to five years for cases to reach a courtroom, even longer in some states, and then add time for potential appeals, etc. Adding these years together, from the start time of care in question to the final resolution, it could average five to seven years for a case to conclude. Recognizing this reality, it is easy to understand why healthcare providers need a carrier that has stability and will be there well into the future. No carrier has been successfully protecting its insureds as long as Medical Protective.

OUR DEFENSE PHILOSOPHY

is aggressive, time-tested and tailored around the specific needs of your case. It includes a world-class team of the best trial attorneys and expert witnesses proactively managed by Medical Protective personnel — the most experienced advocates in the industry.



While many other insurers may choose to settle claims with little merit, we're one of the few insurers to commit, in writing, to never settle claims without our customer's consent.* When liability is clear and our insured requests we resolve the case, then we pay. When we go to trial, our experienced claim professionals work in conjunction with the nation's best panel of defense attorneys and thousands of experts to mount a defense that wins – that's why our insureds prevail nearly 90% of the time.

It is through **MedPro's experience that we have gained the ability to recognize not just how to fight, but how to win.** That separates us from all other carriers. We are built to win.

Medical Protective's undeterred, relentless protection of an insured's reputation...

Case Study: In 2003, a Medical Protective insured anesthesiologist was sued for allegedly failing to properly intubate a patient, position the patient properly and support the shoulders during a planned laparoscopic appendectomy.

Medical Protective and our insured doctor discussed the risks and benefits involved with going to trial. After the decision to go to trial was made, **the doctor, the claim manager and the defense attorney worked in concert to develop the strongest, most comprehensive defense strategy. In this case, this teamwork and perseverance led to the discovery that the plaintiff was faking his injuries.**

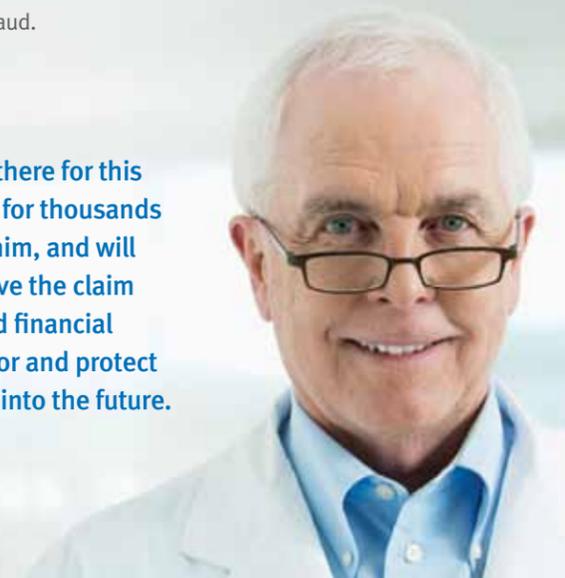
The team considered the following facts: There were no apparent complications during the surgery, yet the patient complained of left arm pain, numbness and weakness the day after surgery. The insured proactively followed up with other caregivers.

As the case developed: The plaintiff alleged he sustained a new cervical spine injury and claimed he lost his ability to live independently, earn a living or engage in normal activities. He testified he could not bathe without assistance and was only able to drive short distances. He also alleged he was in constant pain from spasms and needed a specially designed wheelchair. In essence, he said he was totally disabled.

The result: After following what seemed to be some inconsistent symptoms being alleged, Medical Protective hired a private investigator and surveillance was undertaken.

The patient was *caught on film driving, lifting, walking...* essentially performing many of the tasks he testified at two separate depositions he could not perform. Immediately upon disclosure of the surveillance tapes to the plaintiff's attorney, the case was dropped. Medical Protective informed the U.S. Attorney's office, OIG - Health & Human Services of insurance and Medicare fraud.

Medical Protective was there for this anesthesiologist, is there for thousands of other providers like him, and will be there for you. We have the claim management skill and financial wherewithal to be there for and protect our insureds now and well into the future.



THE MOST POWERFUL 2010 DEFENSE

- Claims team members average more than 23 years of claims handling experience
- 99% Customer Satisfaction Rating
- Nearly 90% trial win rate for the last six years
- Close 80% of cases without a loss payment for the last six years
- Hire only the best local attorneys with extensive malpractice experience
- Access to more than 7,500 expert witnesses
- Pure consent to settle provision*
- In 2009, the industry's national average indemnity payment was more than \$314,000.[^] Medical Protective's average payment was only \$258,000.

[^] NPDB 2009 data.

"Thank you to everyone who works on our account. Medical Protective has provided exemplary service in the eight years we've been insured. We tell the providers we contract with that MedPro's coverage and claims handling is the best, and we sincerely believe that!"

—Loyal Insured, Georgia

EMBRACING THE FUTURE WITH THE CLAIMS EXPERTISE AND KNOWLEDGE OF THE PAST.

WHO DO YOU WANT DEFENDING YOU IN YOUR TIME OF NEED?

Even when the standard of care is followed, accidents can happen or outcomes may not be ideal. If a claim is made, a **well-prepared defense team** can make an incredible difference in the outcome of your case. Whether fighting off the plaintiff's counsel, deciphering the theories of liability, providing the nation's best **expert witnesses**, or preparing you to take the stand, Medical Protective provides the highest level of defense possible and knows from our 112-plus years of experience what it takes to **protect your assets and reputation.**

It is the experience of our claims team, **the expertise and experience of our trial lawyers**, and the effectiveness of our experts that produces a trial win rate of near 90% and a 99% customer satisfaction rate for insureds we defend, year after year.

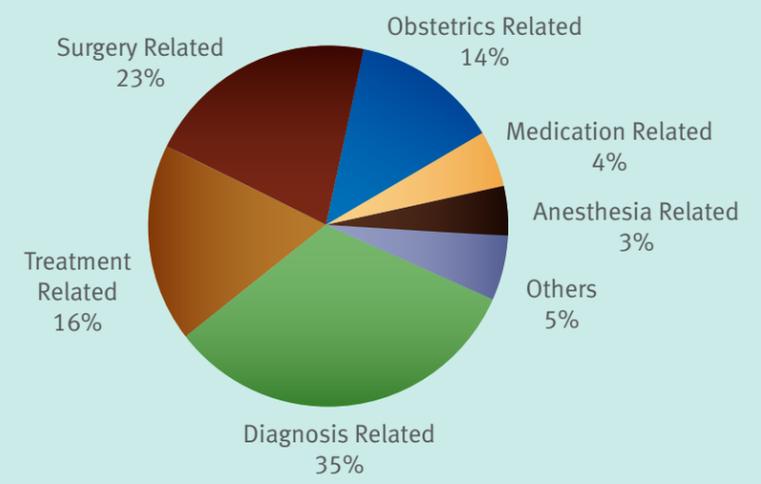
Many carriers hire lawyers who focus on settlement and, in so doing, avoid the risk and uncertainty presented by a trial involving complex healthcare professional liability issues to be decided by a lay jury. **At Medical Protective, we hire only seasoned trial lawyers who have a proven track record of success in the courtroom.** This is why we can afford to allow, where the state law allows, unconditional consent to our insureds – as no case is settled without the insured's consent.* Without the best and brightest trial lawyers, such a commitment would not be possible. To properly defend a healthcare malpractice lawsuit, you must have courtroom tested trial lawyers, and not just "litigators."

When attorney Mike Lyon, from Cincinnati, Ohio, started working with Medical Protective and our experienced defense team in 1987, he didn't realize the impact he was going to have on Medical Protective insureds. Over the past 24 years, Mike has **successfully** tried to defense verdict in excess of 60 malpractice cases for Medical Protective policyholders. This is an extraordinary accomplishment. There are few trial lawyers who can match his extensive experience of defending healthcare providers of all specialties.



"We couldn't be more grateful for the dedicated efforts and accomplishments Mike has bestowed on Medical Protective insureds over the years. Mike goes above and beyond standard duties and becomes an ally to the insured he is defending. A policyholder could not be in better hands than Mike's – particularly if the case is headed for the courtroom. Attorney Lyon is as good as they come," reflected Robert Ignasiak, SVP Claims, Medical Protective.

TOP ALLEGATION CATEGORIES:



Source: National Practitioner Data Bank Public Use File, December 2009

In addition to his significant successes in the courtroom, Mike also represents doctors in board actions, counsels doctors on risk management concerns and is an accomplished CME presenter.

"I feel very fulfilled to have been able to work with Medical Protective's professional claim team over the past twenty-plus years. This team is sophisticated, intelligent, savvy and tough. They know their medicine, they know how healthcare providers think and they understand lawyers and the law," stated Mr. Lyon.

Medical Protective would like to extend an enormous THANK YOU TO MIKE LYON AND OUR TEAM OF DEFENSE EXPERTS. WE ARE PROUD TO HAVE THEM ON OUR TEAM FOR YOU!

Most healthcare providers don't realize the HIGH RISK OF BEING SUED FOR MALPRACTICE:

- One in eight doctors is sued each year
- A recent AMA study shows that 61% of doctors have been sued by age 55**

** American Medical News, August, 2010

Over the course of your career, the odds that you could face a lawsuit jeopardizing your reputation, your practice and your livelihood only increase.

"Medical Protective's attorneys are unlike any I had ever seen before. They had me so prepped that I actually felt sorry for the other side's attorneys. When we buy insurance, we hope that we never have to use it, but when the time comes, it's reassuring that Medical Protective is vastly prepared to step in and handle the case in such a powerful and professional manner. I will never leave MedPro because I saw firsthand how effective they are."

—Anesthesiologist, Colorado

More from WARREN E. BUFFETT
CHAIRMAN OF THE BOARD
BERKSHIRE HATHAWAY, INC.

"When a healthcare provider puts their reputation in some insurer's hands, they should think *'nothing but A++.'* **And MedPro is the only one... the best.**"



HELPING YOU
MEET YOUR
RISK
MANAGEMENT
CHALLENGES.

TARGETED SERVICES FOR SPECIFIC CONCERNS

At Medical Protective, we bring a wealth of clinical risk management experience to the table, including a team of seasoned professionals averaging over 25 years in the industry. Every day these professionals are available to help you proactively meet your risk management challenges. Our insureds stay with us because they recognize that we're committed not just to defending them in court, but keeping them from ever seeing the inside of a courtroom.

As the pioneers in clinical risk management, we are proud of our industry-leading risk management expertise. We continue to be at the forefront of risk management, quality and performance improvement, and patient safety because protecting our healthcare providers has been the foundation of our business since 1899.

2010 HIGHLIGHTS

- Achieved a 98% customer satisfaction rating related to risk educational programming
- Provided over 5,000 risk management educational courses to healthcare providers
- Offered webinars for medical, dental, hospital and facility insureds in over 39 states
- Increased risk education speaking engagements for national/regional/state conferences 17% countrywide

"I want you to know that you have created a great working relationship with practice managers. We face so many changes today, and it is always so good to know that there is a place where we can get honest and real answers to our bag of questions! Thank you."

—Neurosurgical Group, New Jersey



MEDICAL PROTECTIVE AWARDED ACCME ACCREDITATION

"The Medical Protective Company has been surveyed by the Accreditation Council for Continuing Medical Education (ACCME) and awarded provisional accreditation for 2 years as a provider of continuing medical education for physicians.

"ACCME accreditation seeks to assure both physicians and the public that continuing medical education activities provided by The Medical Protective Company meet the high standards of the Essential Areas, Elements and Policies for Accreditation as specified by the ACCME. The ACCME rigorously evaluates the overall continuing medical education programs of institutions according to standards adopted by all seven sponsoring organizations of the ACCME. These are: the American Board of Medical Specialties; the American Hospital Association; the American Medical Association; the Association for Hospital Medical Education; the Association of American Medical Colleges; the Council of Medical Specialty Societies; and the Federation of State Medical Boards of the U.S., Inc."

According to Theresa Essick, Vice President of Clinical Risk Management, **"ACCME accreditation is one of the many examples of our commitment to developing and providing high-quality CME offerings to our insureds."**

Accreditation assures that professionally stringent continuing medical education standards are met. The accreditation process requires extensive documentation and comprehensive systems to support CME programs.

"Our experience shows that by participating in comprehensive, targeted risk education, our insureds are able to decrease their overall healthcare liability through the implementation of risk reduction strategies. Accreditation enhances our contribution to overall improvement in provider competence, performance, and patient outcomes related to clinical risk management and patient safety.

"Medical Protective's already-leading offerings have been further enhanced to include customized CME programs with quickly adjusted content according to changing trends in clinical risk and claims data. We are committed to obtaining regular feedback from our insureds regarding their educational needs and offering learning formats that are effective and desirable."

PROVIDING COVERAGE across the healthcare spectrum

As traditional healthcare is evolving, we are committed to helping our customers overcome the changes and challenges they face. We've expanded many of our offerings as physicians and dentists have expanded their capabilities. Did you know we can provide healthcare professional liability for:

- Ambulatory surgi-centers
- Cancer treatment centers
- Community-based acute care hospitals
 - Critical access
 - General acute care
 - Specialty – orthopedic, children's cardiac, behavioral health, etc.
- Dialysis centers
- Healthcare professionals
- Imaging centers
- Laboratories
- Rehabilitation facilities
- Urgent care centers

Please don't hesitate to contact your Medical Protective representative at 800-4MedPro or one of our trusted agents for more information about our expanded coverage solutions.

In recent years, the words “**patient safety**” and “**improving outcomes**” have risen to the forefront of many discussions on healthcare delivery.

MEDICAL PROTECTIVE HAS RESPONDED TO CLINICAL RISK ISSUES IN THE HEADLINES WITH A VARIETY OF PRODUCTS AND SERVICES FOR INSUREDS:

“PATIENT SUES ALLEGING PHYSICIAN FAILS TO INFORM OF RISK”

“Lapses in Infection Control at Surgery Centers Lead to Expanded Federal Oversight”

INFORMATION/EDUCATION

- Publications
- Online Tools
- Self-Study Programs
- Reference Resources
- Seminars
- Online Courses

CONSULTATION

- Phone consultations for urgent questions/concerns
- On-site risk assessments for insureds
- Review of policies, procedures and forms
- Develop, enhance and support implementation of insured’s risk management program

ELECTRONIC HEALTH RECORD

MedPro insureds may receive 2.5% premium credit when they are compliant with specific criteria which include but are not limited to:

- Use of an ONC-certified product for more than 12 months
- Greater than 90% of providers utilize the system
- Have an effective audit program in place which uses data collection to drive behavior change

CLIENT-SPECIFIC RISK REDUCTION SOLUTION

Continental Anesthesia, a group of over 70 anesthesiologists and CRNAs, provides a variety of anesthesia services throughout the Chicago area. Vested in quality, Continental recently teamed up with Medical Protective’s Clinical Risk Management staff to proactively implement risk reduction strategies that will have a positive influence on the safe delivery of patient care. Utilizing an analysis of Medical Protective’s national data, patterns and trends in anesthesia care were pinpointed. Based on this information, Continental implemented a systematic approach to screening and management of patients either diagnosed with obstructive sleep apnea (OSA) or who were clinically screened as having a potential for OSA. Additionally, formulation of risk reduction strategies for management of higher clinical risk obese patients is in the pipeline.

DISCOUNTED PRODUCTS

Dialog Medical iMedConsent™

- Medical Protective insureds receive a 30% discount on the iMedConsent™ PE application.
- iMedConsent is the leading informed consent and patient education application that is used in more than 15,000 physician offices and in 195 hospitals nationwide. The software application produces all of the procedure-specific consent forms required by a given specialty. This solution helps practices to better manage risk, standardize communication, comply with regulatory requirements, lower costs and document informed consent encounters.
- To learn more about this application, please call 800-482-7963 or visit www.dialogmedical.com/medpro.htm.

DT Interpreting Services

- This service is available to Medical Protective insureds at a special discounted price.
- DT Interpreting Services is a leader in on-demand translation for medical and dental offices and clinics. They offer a network of experienced interpreters available 24/7 in over 150 languages, within seconds, by dialing DT Interpreting’s toll free number. They can provide video interpreting on demand, over-the-phone language interpreting and document translations.
- More information is available at www.interlanguagephone.com.

SecuReach Systems

- Provider/Patient Communication System. This service comes at a 10% discount to MedPro insureds.
- SecuReach Systems tracks lab tests from the time they are ordered by a practitioner until the patient receives the result. The system automatically notifies the patient when their test result is available and the patient “dials in” using their private log-in.
- The application increases patient safety and decreases malpractice risk while reducing office operating costs to the clinician.
- To see how the system works or just to find out more, call 800-760-9585.

“HC Reform... #1 Challenge for Facilities & Doctors”



“23.6M Verdict in OB Medical Malpractice Lawsuit in Shelby County, Tennessee”

“ER VISITS INCREASE AT TWICE THE RATE OF U.S. POPULATION”

“Patient Awarded \$400K When Clinic Fails to Provide Translator”

“DEATH DUE TO FAILED MAMMOGRAM FOLLOW-UP”

HERE FOR HEALTHCARE PROVIDERS FOR OVER 112 YEARS.

THROUGH THE GOOD TIMES AND THE BAD, MEDICAL PROTECTIVE HAS BEEN HERE FOR HEALTHCARE PROVIDERS...

Medical Protective has been meeting our commitments since 1899, and we have all of the means necessary to continue meeting our commitments in the century ahead.

- **We make commitments to our healthcare providers** not only for the policy period, but also to be there to handle those long-to-settle claims that can last for years ... our commitments endure for generations.
- **We also make commitments to our agents, our outside attorneys and our regulators** to be responsible and trusted corporate partners ... our commitments endure for generations.
- **And finally, we make commitments to our employees** (where the best and brightest can build successful and rewarding careers serving healthcare providers) **and to our communities** (who are recipients of Medical Protective volunteers' time and donations) ... our commitments endure for generations.

...AND WILL CONTINUE TO HELP THEM OVERCOME CHANGES AND CHALLENGES LONG INTO THE FUTURE.

"I want to take a moment and thank you for all the work you have done to resolve the claim against me. You have followed this case very carefully from the beginning to the end. I strongly believe that your expertise and knowledge made the outcome successful. You had the right ideas that made it come together at the end of the day. Again, thank you."

—Dentist, Kansas



MEDICAL PROTECTIVE STANDS STRONG. SINCE 1899

1899

MedPro predecessor, Physicians' Guarantee Company, is founded by Dr. Buchman to provide legal defense coverage to healthcare providers



1920

MedPro becomes the largest insurer of healthcare providers in 17 states

1940

MedPro defends 50,000+ claims and covers physicians and dentists during their WWII military service

1930

MedPro introduces the industry's first broad coverage policies, shaping the defense for healthcare practitioners



1950

MedPro begins insuring residents and interns during their training

As one of the leading medmal companies in the nation, MedPro expands coverage and limits

1960

1980

MedPro is one of the few carriers to survive the industry's first and second healthcare malpractice crises



1980 - 2000

MedPro expands coverage to protect small and community-based hospitals; GE purchases MedPro in 1998 and expands coverage nationwide



Despite the global recession, MedPro remains financially stable and maintains the highest financial strength ratings in the industry from S&P and A.M. Best

2002

MedPro adds policyholders as carriers exit the market during the third crisis

2005

MedPro joins Warren Buffett's Berkshire Hathaway



As always, we **THANK YOU** FOR YOUR CONTINUED LOYALTY AND BUSINESS.

Please let us or your trusted agents know if we can be of any assistance.

If you have a colleague who is in need of the same peace of mind you enjoy with your Medical Protective healthcare malpractice insurance, please take a moment to pass along their information in the form below and we'll thank you with a \$5 Starbucks gift card.



Fax this form to 866-417-5068 or email info to customerservice@medpro.com.

Your Name

Address (where to mail gift card)

Colleague's Name

Specialty

State Phone

Email



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YOUR MEDICAL PROTECTIVE 2011 CUSTOMER NEWS

VISIT US AT WWW.MEDPRO.COM OR CALL 800-4MEDPRO

Medical Protective extends a sincere thank-you to all of our contributing policyholders. To protect the anonymity of our policyholders who generously shared their personal experiences, we have generalized specific case details, and photos are not representative of their likeness. *Product availability based upon business and regulatory approval and may not be applicable to other coverages or endorsements attached to a healthcare malpractice insurance policy. All products are underwritten by either The Medical Protective Company® or National Fire and Marine Insurance Company,® members of the Berkshire Hathaway group of businesses. ©2011 The Medical Protective Company. ®All Rights Reserved.

IF THERE IS ONE THING TO LEARN
FROM THE RECENT FINANCIAL TURMOIL,
**KNOWING WHO TO
TRUST IS PARAMOUNT.**

Medical Protective, a proud member of Warren Buffett's Berkshire Hathaway, has always believed that to provide our healthcare providers the best defense in the nation, our financial stability needs to be rock solid, stronger than any other company.

STABILITY EVEN IN THE WORST OF TIMES.

Medical Protective is the only healthcare professional liability insurance company to protect its healthcare providers through all the business and economic cycles of the last 112 years, including the tough economic times of the Great Depression. We are also proud to have provided unmatched defense and stability during all the medmal crises.

**TRUST STABILITY.
TRUST MEDICAL PROTECTIVE.**

