

FINANCIAL INSTRUMENT, FUNDED IN FULL BY THE DEFENDANT AND EQUAL WHEN PAID TO THE AMOUNT OF THE FUTURE DAMAGES AWARD. THE COURT MAY APPOINT A CONSERVATOR FOR THE CLAIMANT TO RESOLVE FUTURE DISPUTES AS TO EXPENSES CLAIMED.

(c) (1) THE COURT MAY ORDER THAT ALL OR PART OF THE FUTURE DAMAGES PORTION OF THE AWARD BE PAID IN THE FORM OF ANNUITIES OR OTHER APPROPRIATE FINANCIAL INSTRUMENTS, OR THAT IT BE PAID IN PERIODIC OR OTHER PAYMENTS CONSISTENT WITH THE NEEDS OF THE PLAINTIFF, FUNDED IN FULL BY THE DEFENDANT OR ITS INSURER AND EQUAL WHEN PAID TO THE AMOUNT OF THE FUTURE DAMAGES AWARD.

(2) IN THE EVENT THAT THE COURT SHALL ORDER THAT THE AWARD FOR FUTURE DAMAGES BE PAID IN A FORM OTHER THAN A LUMP SUM, THE COURT SHALL ORDER THAT THE DEFENDANT OR ITS INSURER PROVIDE ADEQUATE SECURITY FOR THE PAYMENT OF ALL FUTURE DAMAGES.

(3) THE COURT MAY APPOINT A CONSERVATOR UNDER THIS SUBSECTION FOR THE PLAINTIFF, UPON SUCH TERMS AS THE COURT MAY IMPOSE, WHO SHALL HAVE THE FULL AND FINAL AUTHORITY TO RESOLVE ANY DISPUTE BETWEEN THE PLAINTIFF AND THE DEFENDANT OR ITS INSURER REGARDING THE NEED OR COST OF EXPENSES FOR THE PLAINTIFF'S MEDICAL, SURGICAL, CUSTODIAL OR OTHER CARE OR TREATMENT.

(E) (D) IF A PLAINTIFF UNDER THIS SECTION DIES BEFORE THE FINAL PERIODIC PAYMENT OF AN AWARD IS MADE, THE UNPAID BALANCE OF THE AWARD FOR FUTURE LOSS OF EARNINGS SHALL REVERT TO THE ESTATE OF THE PLAINTIFF AND THE UNPAID BALANCE OF THE AWARD FOR FUTURE MEDICAL EXPENSES AND FUTURE NONECONOMIC LOSSES SHALL REVERT TO THE DEFENDANT OR TO THE DEFENDANT'S INSURER IF THE INSURER PROVIDED THE FUNDS FOR THE FUTURE DAMAGES AWARD.

(A) (1) IN THIS SECTION "ECONOMIC DAMAGES" MEANS LOSS OF EARNINGS AND MEDICAL EXPENSES.

(2) "ECONOMIC DAMAGES" DOES NOT INCLUDE PUNITIVE DAMAGES.

(B) AS PART OF THE VERDICT IN ANY ACTION FOR DAMAGES FOR PERSONAL INJURY IN WHICH THE CAUSE OF ACTION ARISES ON OR AFTER JULY 1, 1986, THE TRIER OF FACT SHALL ITEMIZE THE AWARD TO REFLECT THE MONETARY AMOUNT INTENDED FOR:

- (1) PAST MEDICAL EXPENSES;
- (2) FUTURE MEDICAL EXPENSES;
- (3) PAST LOSS OF EARNINGS;
- (4) FUTURE LOSS OF EARNINGS;
- (5) NONECONOMIC DAMAGES; AND
- (6) OTHER DAMAGES.