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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

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A N A C T

RELATING TO HEALTH AND SAFETY - DEPARTMENT OF HEALTH

Introduced By: Senators Ottiano, Bates, Shibley, E O'Neill, and Lynch

Date Introduced: February 16, 2011

Referred To: Senate Government Oversight

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 23-1 of the General Laws entitled "Department of Health" is
2 hereby amended by adding thereto the following section:

3 **23-1-54. Medical liability reporting.** – (a) Every insurer or other entity that provides
4 liability coverage to licensed healthcare professionals or licensed healthcare facilities shall file an
5 annual report with the department of health as to any claim, settlement, judgment or arbitration
6 award of a claim or action for damages for death or personal injury caused by such healthcare
7 professionals' or healthcare facilities' negligence, error, omission in practice or rendering of
8 unauthorized professional services. The report for each year shall be filed by March 1, of the
9 following year.

10 (b) The annual report required by subsection (a) above shall be in writing and shall
11 contain the following information:

12 (1) The number of healthcare professionals and healthcare facilities receiving liability
13 coverage;

14 (2) The total number of claims made to the liability coverage provider during the year,
15 including the year in which the incidents giving rise to the claims occurred and the total number
16 of claims outstanding at the end of the year;

17 (3) The total amount paid by the liability coverage provider for claims, settlements,
18 judgments or arbitration awards; and

19 (4) The length of time from the date of the claim until payment by the liability coverage

1 provider.

2 (c) The department of health shall compile all information received under section 23-1-54
3 into a single annual report which shall be provided to the public upon request. Any information
4 identifying the parties to any claim, settlement, judgment or arbitration shall be excluded from
5 such report. The report for each year shall be available from the department of health by June 1,
6 of the following year.

7 (d) As used in this section:

8 (1) "Healthcare professional" shall mean a physician licensed under section 537, a
9 podiatrist licensed under section 5-29, a dentist or dental hygienist licensed under section 5-31-1,
10 a physician assistant licensed under section 5-54, or a nurse licensed under section 5-34.

11 (2) "Healthcare facility" shall have the same meaning as in subdivision 23-17-2(6).

12 SECTION 2. Section 42-14-2.1 of the General Laws in Chapter 42-14 entitled
13 "Department of Business Regulation" is hereby repealed.

14 ~~**42-14-2.1. Reporting by certain insurers -- Settlements.** -- (a) Every insurer providing~~
15 ~~professional liability insurance to licensed physicians, dentists, or dental hygienists shall send a~~
16 ~~complete report to the board of medical licensure and discipline established pursuant to chapter~~
17 ~~37 of title 5, or the board of examiners in dentistry established pursuant to chapter 31.1 of title 5~~
18 ~~and the department of business regulation as to any claim, notice, settlement, judgment, or~~
19 ~~arbitration award of a claim or action for damages for death or personal injury caused by such~~
20 ~~person's negligence, error, or omission in practice or his or her rendering of unauthorized~~
21 ~~professional services. The report shall be sent within thirty (30) days after service of such~~
22 ~~arbitration award on the parties or notice of the claim, settlement, judgment, or arbitration award.~~

23 ~~-(b) Notwithstanding any other provision of law, an insurer shall have the contractual~~
24 ~~right to settle any claim up to the limits of the policy without the insured's consent, unless the~~
25 ~~policy by its express terms prohibits the insurer from settling any claim without the consent of the~~
26 ~~insured.~~

27 ~~-(c) All insurers doing business in the state of Rhode Island in liability insurance for~~
28 ~~health care professionals, dentists, or dental hygienists shall file an annual report with the~~
29 ~~commissioner of insurance. This report must be filed for each year by March 1 of the next year.~~
30 ~~The information required for each year shall include, for each rating class:~~

31 ~~-(1) The number of insured;~~

32 ~~-(2) The total premiums paid;~~

33 ~~-(3) The total number of claims made, the years in which the incidents giving rise to the~~
34 ~~claims occurred, and the total number of those claims outstanding at the end of the year;~~

1 ~~-(4) The total amount of claims paid, the years in which the incidents giving rise to the~~
2 ~~claims occurred, and the amount of the costs which can be identified with these claims for~~
3 ~~investigation, processing, and defense of these claims; and~~

4 ~~-(5) The number of lawsuits filed.~~

5 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY - DEPARTMENT OF HEALTH

1 This act would require all entities that provide professional liability insurance to
2 healthcare professionals and healthcare facilities to report all claims, settlements, judgments and
3 arbitration awards to the department of health.

4 This act would take effect upon passage.

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