

2010 -- S 2458

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS – MEDICAL MALPRACTICE

Introduced By: Senator Leo R. Blais

Date Introduced: February 11, 2010

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 5-37 of the General Laws entitled "Board of Medical Licensure and
2 Discipline" is hereby amended by adding thereto the following section:

3 **5-37-33. Medical malpractice reporting to general assembly.** – (a) The administrator
4 of the Rhode Island board of medical licensure and discipline shall, on or before October 1, 2010
5 and on or before February 1 of each following year shall submit a malpractice loss report to the
6 general assembly. Copies of this report shall be distributed to the governor, the director of health,
7 the speaker of the house of representatives, the president of the senate, the house majority and
8 minority leaders, the senate majority and minority leaders, all members of the house committee
9 on health, education and welfare, and all members of the senate committee on health and human
10 services.

11 (b) Each report required by this section shall contain:

12 (1) A comparative analysis of professional liability insurance rates during the previous
13 twelve (12) month period, including a breakdown of average cost for each policy for specialties
14 practiced by medical doctors and osteopathic physicians, such as, but not limited to, internal
15 medicine, pediatric surgery, oncology and orthopedics.

16 (2) A comparative analysis of professional liability insurance rates during the previous
17 twelve (12) month period, including a breakdown of average cost for each policy for fields which
18 do not require a physician's license, such as, but not limited to, podiatry, chiropractic, dentistry,
19 and pharmacology.

1 (3) A comparative analysis of professional liability insurance rates during the previous
2 twelve (12) month period, including a breakdown of average cost for each policy for specialties
3 practiced by medical doctors and osteopathic physicians, such as, but not limited to, internal
4 medicine, pediatric surgery, oncology and orthopedics.

5 (4) A listing of the number of professional liability insurance policies issued in the state
6 by the insurer including the median limit of coverage (single incident and aggregate), the total of
7 all aggregate coverage issued by the insurer, and the gross premiums charged per insurer.

8 (5) A listing of the number of professional liability insurance policies issued in the state
9 by the top five (5) issuing agents insurer including the median limit of coverage (single incident
10 and aggregate), the total of all aggregate coverage issued by the insurer, and the gross premiums
11 charged through the agent.

12 (6) An itemization of the number of claims paid during the past twelve (12) months, the
13 amount of claims made and the claims paid.

14 (7) An analysis of which medical specialties cause or are responsible for claims paid, by
15 dollar amount, number of claims and specialty.

16 (8) An analysis of which claims paid are the result of litigation and, to the extent possible,
17 an analysis of whether the litigation results in depositions, settlement pre-trial, settlement during
18 or after trial, or verdict.

19 (9) A summary of the administrative expenses paid by each of the top ten (10) insurers
20 including the amount of legal defense costs incurred.

21 (10) An analysis of the factors that most significantly effect rates on such insurance.

22 (11) Recommendations on how to reduce professional liability insurance rates.

23 (12) Any other items that the administrator believes would be helpful or informative.

24 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO BUSINESSES AND PROFESSIONS – MEDICAL MALPRACTICE

1 This act would require the department of health to provide an analysis of medical
2 malpractice insurance rates and to recommend improvements to the legislature.

3 This act would take effect upon passage.

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