

SENATE BILL NO. 316

INTRODUCED BY LIND, GRIMES, WHEAT

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING EACH MEDICAL MALPRACTICE INSURER TO INCLUDE CERTAIN INFORMATION, BASED UPON THE INSURER'S EXPERIENCE IN THIS STATE, IN ITS ANNUAL STATEMENT TO THE COMMISSIONER OF INSURANCE; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Medical malpractice insurance report by insurer.** (1) Each insurer

engaged in issuing medical malpractice professional liability insurance in this state shall include the following, by profession and based upon the insurer's experience in this state, in its annual statement to the commissioner of insurance:

- (a) the number of medical malpractice insureds as of December 31 of the preceding calendar year;
- (b) the amount of direct premiums written and direct premiums paid for medical malpractice insurance during the preceding calendar year;
- (c) the number of medical malpractice claims made against its insureds during the preceding calendar year;
- (d) the number of medical malpractice claims that were closed and that had a direct loss paid during the preceding calendar year, together with the total amount of direct losses paid for all closed claims for that year;
- (e) the number of medical malpractice claims that were still open and had no direct losses paid as of December 31 of the preceding calendar year;
- (f) the number of claims filed against its insureds in state and federal courts during the preceding calendar year, including the number of claims that were closed:
 - (i) without settlement during the preceding calendar year;
 - (ii) with a settlement during the preceding calendar year and the total amount paid for those claims;
 - (iii) during the preceding calendar year and that went to trial and the number that resulted in a judgment or verdict for the plaintiff, the number that resulted in a judgment or verdict for the insured, and the number that resulted in some other judgment or verdict;
- (g) the total direct losses paid for claims against its medical malpractice insureds that went to trial and

1 were closed during the preceding year; and

2 (h) other information and statistics that the commissioner of insurance requires.

3 (2) For purposes of this section:

4 (a) "insurer" has the meaning provided in 33-1-201; and

5 (b) "profession" includes the categories of physician, osteopath, podiatrist, dentist, optometrist,
6 registered nurse, licensed practical nurse, or health care facility as defined in 50-5-101.

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8 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
9 integral part of Title 33, chapter 23, part 3, and the provisions of Title 33, chapter 23, part 3, apply to [section 1].

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11 **NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JULY 1, 2005.**

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