

054162228

HOUSE BILL NO. 1903

Offered January 12, 2005

Prefiled January 7, 2005

A *BILL to amend the Code of Virginia by adding a section numbered 38.2-2228.2, relating to reporting medical malpractice liability insurance claims and related information.*

Patron—Baskerville

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 38.2-2228.2 as follows:***§ 38.2-2228.2. Certain medical malpractice claims to be reported to the Commission.*

All medical malpractice claims opened, settled or adjudicated to final judgment against a person, corporation, firm, or entity providing health care and any such claim closed without payment during each calendar year shall be reported annually to the Commission by the insurer of the health care provider or, if there is no insurer, by the health care provider, by July 1 of the year following the applicable calendar year. The reports shall not identify the parties. The report shall state the following data, to the extent applicable, in a format prescribed by the Commission:

*1. Nature of the claim and damages asserted;**2. Principal medical and legal issues;**3. Attorneys' fees and expenses paid in connection with the claim or defense to the extent these amounts are known;**4. Attorneys' fees and expenses reserved in connection with the claim or defense;**5. The amount of the settlement or judgment awarded to the claimant to the extent this amount is known;**6. The specialty of each health care provider;**7. The date the claim was reported to the company;**8. The date the loss occurred;**9. The date the claim was closed;**10. The date and amount of the initial reserve;**11. The reserve valued at the end of the current calendar year;**12. The amount of loss paid by the insurer if different from the amount of settlement or judgment awarded to the claimant; and**13. Any other pertinent information the Commission may require as is consistent with the provisions of this section.*

The report shall include a statistical summary of the information collected in addition to an individual report on each claim. The report may be submitted in an electronic format. Statistical summaries and individual closed claim reports shall be a matter of public record, except that data reported under items 10 and 11 shall, at the request of the reporting insurer, not be disclosed in the public record.

2. That the report required by the provisions of § 38.2-2228.3 of the Code of Virginia with the information for calendar year 2004 shall be filed on or before October 1, 2005.

INTRODUCED

HB1903