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**HOUSE BILL NO. 1953**

Offered January 12, 2005

Prefiled January 10, 2005

A *BILL to amend the Code of Virginia by adding in Chapter 22 of Title 38.2 a section numbered 38.2-2235, relating to medical malpractice claims.*

Patron—Kilgore

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 in Chapter 22 of Title 38.2 a section numbered 38.2-2235 as follows:**

§ 38.2-2235. *Certain medical malpractice claims to be reported to Commissioner; duty of Commissioner; annual report; statistical summary.*

A. *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 Commissioner by the insurer of the health care provider or, if there is no insurer, by the health care provider. The reports shall not identify the parties.*

B. *The report to the Commissioner shall state the following data, to the extent applicable, in a format prescribed by him:*

1. *Nature of the claim and damages asserted;*
2. *Principal medical and legal issues;*
3. *Attorney's fees and expenses paid in connection with the claim or defense to the extent these amounts are known;*
4. *Attorney's 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 the 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 and relevant information which the Commissioner may require as is consistent with the provisions of this section.*

C. *The report shall include a statistical summary of the information collected in addition to an individual report on each claim. Statistical summaries and individual closed-claim reports shall be a matter of public record, except that data reported under subdivisions B 10 and B 11 shall, at the option and request of the reporting insurer, not be disclosed in the public record. Individual open-claim reports shall not be a matter of public record.*

INTRODUCED

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