

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 863

S.P. 308

In Senate, March 12, 2015

### **An Act To Update Professional Liability Insurance Reporting to the Bureau of Insurance**

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Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator WHITTEMORE of Somerset.  
Cosponsored by Representative FARRIN of Norridgewock and  
Senators: BURNS of Washington, CUSHING of Penobscot, KATZ of Kennebec, LANGLEY  
of Hancock, ROSEN of Hancock, WOODSOME of York, Representatives: DUNPHY of  
Embden, PICCHIOTTI of Fairfield.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24 MRSA §2601, first ¶**, as amended by PL 1997, c. 126, §1, is further  
3 amended to read:

4 Every insurer providing professional liability insurance in this State to a person  
5 licensed by the Board of Licensure in Medicine or the Board of Osteopathic Licensure ~~or~~  
6 ~~to any health care provider~~ shall make a periodic report of claims made under the  
7 insurance to the department or board that regulates the insured. For purposes of this  
8 section, a claim is made whenever the insurer receives information from an insured, a  
9 patient of an insured or an attorney that an insured's liability for malpractice is asserted.  
10 The report must include:

11 **Sec. 2. 24 MRSA §2602, sub-§1**, as amended by PL 1997, c. 126, §2, is further  
12 amended to read:

13 **1. Report; finality of judgment or award.** The insurer shall make a report of  
14 disposition to the board or department that regulates the insured as provided in subsection  
15 2 if any claim subject to section 2601 or any claim made against a health care provider  
16 results in:

- 17 A. A final judgment or award to the claimant in any amount;
- 18 B. A settlement involving payment in any amount of money or services; or
- 19 C. A final disposition not involving any payment of money or services.

20 For purposes of this subsection, a judgment or award is final when it can not be appealed,  
21 ~~and~~ a disposition is final when it results from judgment, dismissal, withdrawal or  
22 abandonment and a claim is made whenever the insurer receives information from an  
23 insured, a patient of an insured or an attorney that an insured's liability for malpractice is  
24 asserted.

25 **SUMMARY**

26 This bill makes the following changes to the laws governing liability claims reports  
27 under the Maine Health Security Act:

28 1. It amends the law to provide that reports of claims against a health care provider  
29 need not be forwarded to the department or board that regulates the health care provider;  
30 and

31 2. It amends the law to provide that reports of disposition of claims against a health  
32 care provider must be forwarded to the department or board that regulates the health care  
33 provider.