

**HOUSE . . . . . No. 2765**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Peter J. Koutoujian***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relating to the medical professional mutual insurance company.

PETITION OF:

| NAME:                      | DISTRICT/ADDRESS:     | DATE ADDED:      |
|----------------------------|-----------------------|------------------|
| <i>Peter J. Koutoujian</i> | <i>10th Middlesex</i> | <i>1/20/2011</i> |

**HOUSE . . . . . No. 2765**

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By Mr. Koutoujian of Waltham, a petition (accompanied by bill, House, No. 2765) of Peter J. Koutoujian relative to the payment of dividends by the Medical Professional Mutual Insurance Company. Financial Services.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 2385 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act relating to the medical professional mutual insurance company.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1: Section 9 of Chapter 330 of the Statutes of 1994, as amended by Section 3  
2 of Chapter 63 of the Statutes of 1995, is amended by striking out section 6 therein and inserting  
3 in place thereof the following:-

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5           Section 6. Upon the approval of the commissioner, the medical professional mutual  
6 insurance company, may for any purposes, including, but not limited to the fixing of separate  
7 percentages of dividends under section eighty of chapter one hundred and seventy-five, consider  
8 the business of each category of health care provider as a separate line of business; provided,  
9 however, that the doctor of dental science category of insured shall continue to be treated as a  
10 separate line of business by the medical professional mutual insurance company to the extent

11 required by chapter ninety-two of the acts of nineteen hundred and ninety-one, and, as promptly  
12 as possible after the effective date of this act, any excess surplus of the association as determined  
13 by the commissioner attributable to the doctor of dental science category of business as of the  
14 effective date of the conversion shall be paid as a dividend by the mutual company for the  
15 benefit of the association's doctor of dental science policyholders entitled thereto in accordance  
16 with the methodology established and employed by the association for the payment of dividends  
17 to its doctor of dental science policyholders prior to the date of the conversion. Any person in the  
18 doctor of dental science category of insureds who was insured by the association at the time of  
19 the conversion may elect to continue to be insured by the mutual company by specifically  
20 assigning in writing this first dividend to be paid after the effective date of this act back to the  
21 mutual company.

22         Effective January first, two thousand and eleven, all excess surplus as determined by the  
23 commissioner, allocable to doctor of dental science policies issued by the company at any time  
24 on or prior to December thirty-first, two thousand and ten, shall be paid annually, on or about  
25 July first of the following year, as a dividend to those persons, firms and entities entitled thereto,  
26 pursuant to the methodology established and employed by the association for the distribution of  
27 such dividends prior to the conversion. No portion of such excess surplus as determined by the  
28 commissioner shall be used or allocated for any other purpose or purposes and upon the payment  
29 of such dividend, there shall be no excess surplus allocable to those doctor of dental science  
30 policies issued by the company at any time on or prior to December thirty-first, two thousand  
31 and ten. The medical professional mutual insurance company shall annually notify each person,  
32 firm or entity entitled to such dividend of the amount of such dividend to which he is entitled.  
33 For the purposes of this section, "excess surplus" shall mean any surplus allocable to the

- 34 association's doctor of dental science category of insureds beyond an amount determined by the
- 35 commissioner to be reasonably necessary as a margin against adverse development.