

SENATE No. 435

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas P. Kennedy

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 requiring insurers to report malpractice claims or actions for optometrists.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Thomas P. Kennedy

SENATE No. 435

By Mr. Kennedy, a petition (accompanied by bill, Senate, No. 435) of Thomas P. Kennedy for legislation to require insurers to report malpractice claims or actions for optometrists. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 483 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act requiring insurers to report malpractice claims or actions for optometrists.

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. Chapter 112 of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by inserting the following new section: “Section 72B. Reports by
3 insurers of malpractice claims or actions; liability “Every insurer or risk management
4 organization which provides professional liability insurance to a registered optometrists shall
5 report to the board any claim or action for damages for personal injuries alleged to have been
6 caused by error, omission, or negligence in the performance of such optometrist’s services where
7 such claim has resulted in:

8 (a) a final judgment in any amount,

9 (b) a settlement in any amount, or

10 (c) a final disposition not resulting in payment of behalf of the insured.

11 Reports shall be filed with the board no later than thirty days following the occurrence of
12 any event listed in paragraph (a), (b) or (c).

13 Such reports shall be in writing on a form prescribed by the board and shall contain the
14 following information:

15 (a) the name, address and policy number of the optometrist against whom the claim is
16 made; and

17 (b) name, address and aged of the claimant or plaintiff; and

18 (c) nature and substance of the claim; and

19 (d) date when and place at which the claim arose; and

20 (e) the amounts paid, if any, and the date and manner of disposition, judgment,
21 settlement, or otherwise; and

22 (f) the date and reason for final disposition, if no judgment or settlement; and

23 (g) such additional information as the board shall require.

24 No insurer or its agent or employees shall be liable in any cause of action arising from
25 reporting to the board as required in this section.”

26 SECTION 2. Within 90 days after the effective date of this act, the board of
27 registration in optometry shall promulgate the rules and regulations as required by section 1.