

SENATE No. 630

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

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 relative to medical malpractice insurance.

PETITION OF:

NAME:

Michael J. Rodrigues

DISTRICT/ADDRESS:

First Bristol and Plymouth

SENATE No. 630

By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 630) of Michael J. Rodrigues for legislation relative to medical malpractice insurance. Health Care Financing.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to medical malpractice insurance.

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 5C of chapter 112 of the General Laws, as appearing in the 2012
2 Official Edition, is amended by adding the following two paragraphs:

3 The board shall annually issue a report on professional liability claims, settlements, and
4 judgments against hospitals and physicians by medical specialty and by hospital service line.

5 The data used to generate the annual report shall be made available to the public on the board’s
6 web site through reports that may be downloaded for analysis and review. Hospital service lines
7 shall be determined by the board in consultation with the commissioner of public health. The
8 report and shall include, data on the frequency of claims alleging errors in emergency department
9 services, nursing services, slips and falls, so-called, and alleged misdiagnoses. Claims,
10 settlements, and judgments shall be classified by type of health care facility involved, including
11 teaching hospital, community hospital, ambulatory facility, and medical office. The report shall
12 also include the average and median time period that cases are pending from the time of filing to
13 the time of settlement or judgment, and the total cost incurred or paid for each claim, including

14 the cost of settlements, judgments, and defense. The annual report shall include malpractice
15 claims against all physicians and hospitals in the commonwealth, respectively, but shall not
16 identify individual physicians, patients or claimants.

17 Each medical malpractice insurer and risk management organization that insures or
18 provides risk management services to physicians or hospitals in the commonwealth shall file
19 such information as the board may require by regulation in connection with such annual report.

20 SECTION 2. The board of registration in medicine shall promulgate regulations
21 requiring the collection of such information no later than 45 days after the effective date of this
22 act.