



# House of Representatives

**File No. 467**

General Assembly

February Session, 2002

**(Reprint of File No. 235)**

Substitute House Bill No. 5647  
As Amended by House Amendment  
Schedules "A" and "B"

Approved by the Legislative Commissioner  
April 12, 2002

**AN ACT CONCERNING NOTICE OF MEDICAL MALPRACTICE  
INSURANCE FILINGS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-676 of the general statutes, as amended by  
2 section 14 of public act 01-174, is repealed and the following is  
3 substituted in lieu thereof (*Effective October 1, 2002*):

4 (a) (1) With respect to rates pertaining to commercial risk insurance,  
5 and subject to the provisions of subsection (b) of this section with  
6 respect to workers' compensation and employers' liability insurance,  
7 on or before the effective date [thereof, every] of such insurance, each  
8 admitted insurer shall submit to the Insurance Commissioner for the  
9 commissioner's information, except as to inland marine risks which by  
10 general custom of the business are not written according to manual  
11 rates or rating plans, [every] each manual of classifications, rules and  
12 rates, and [every] each minimum, class rate, rating plan, rating  
13 schedule and rating system and any modification of the foregoing  
14 which it uses. Such submission by a licensed rating organization of  
15 which an insurer is a member or subscriber shall be sufficient

16 compliance with this section for any insurer maintaining membership  
17 or subscribership in such organization, to the extent that the insurer  
18 uses the manuals, minimums, class rates, rating plans, rating  
19 schedules, rating systems, policy or bond forms of such organization.  
20 The information shall be open to public inspection after its submission.

21 (2) With respect to any filing described in subsection (a) of this  
22 section for professional liability insurance, as defined in subdivision  
23 (1), (2), (4), (6), (7), (8) or (9) of subsection (b) of section 38a-393, if a  
24 person requests in writing that the commissioner send the person  
25 written notice of any such filing, the commissioner shall provide notice  
26 each time such filing is made. Such written request shall be valid for a  
27 period of one year and may be renewed by the person in such manner  
28 as the commissioner prescribes. Any individual may submit written  
29 comments to the commissioner on such filing and the commissioner  
30 shall consider such comments.

31 (b) Each filing as described in subsection (a) of this section for  
32 workers' compensation or employers' liability insurance shall be on file  
33 with the Insurance Commissioner for a waiting period of thirty days  
34 before it becomes effective, which period may be extended by the  
35 commissioner for an additional period not to exceed thirty days if the  
36 commissioner gives written notice within such waiting period to the  
37 insurer or rating organization which made the filing that the  
38 commissioner needs such additional time for the consideration of such  
39 filing. Upon written application by such insurer or rating organization,  
40 the commissioner may authorize a filing which the commissioner has  
41 reviewed to become effective before the expiration of the waiting  
42 period or any extension thereof. A filing shall be deemed to meet the  
43 requirements of sections 38a-663 to 38a-696, inclusive, as amended,  
44 unless disapproved by the commissioner within the waiting period or  
45 any extension thereof. If, within the waiting period or any extension  
46 thereof, the commissioner finds that a filing does not meet the  
47 requirements of said sections, the commissioner shall send to the  
48 insurer or rating organization which made such filing written notice of  
49 disapproval of such filing, specifying therein in what respects the

50 commissioner finds such filing fails to meet the requirements of said  
 51 sections and stating that such filing shall not become effective. Such  
 52 finding of the commissioner shall be subject to review as provided in  
 53 section 38a-19.

54 (c) The form of any insurance policy or contract the rates for which  
 55 are subject to the provisions of sections 38a-663 to 38a-696, inclusive, as  
 56 amended, other than fidelity, surety or guaranty bonds, and the form  
 57 of any endorsement modifying such insurance policy or contract, shall  
 58 be filed with the Insurance Commissioner prior to its issuance. The  
 59 commissioner shall adopt regulations, in accordance with the  
 60 provisions of chapter 54, establishing a procedure for review of such  
 61 policy or contract. If at any time the commissioner finds that any such  
 62 policy, contract or endorsement is not in accordance with such  
 63 provisions or any other provision of law, the commissioner shall issue  
 64 an order disapproving the issuance of such form and stating the  
 65 reasons for disapproval. The provisions of section 38a-19 shall apply to  
 66 any such order issued by the commissioner.

This act shall take effect as follows:	
Section 1	October 1, 2002

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
IF - Cost	Insurance Dept.	-	Minimal	Minimal

Note: IF=Insurance Fund

**Municipal Impact:** None

**Explanation**

The bill allows individuals to comment upon professional liability filings and have access to commercial rate filings under the Freedom of Information Act. The Department of Insurance can review these comments and accommodate access to commercial rate filings without incurring a fiscal impact. The department will incur a minimal cost associated with postage and mailing when notices must be sent out for notification of professional liability insurance filings. This minimal cost can be handled within the agency’s budgetary resources.

House “A” is technical in nature and has no fiscal impact.

House “B” is technical in nature and has no fiscal impact.

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**OLR Amended Bill Analysis**

sHB 5647 (as Amended by House "A" and "B")\*

**AN ACT CONCERNING NOTICE OF MEDICAL MALPRACTICE INSURANCE FILINGS****SUMMARY:**

This bill requires the insurance commissioner to notify any person who requests notification about any professional liability insurance rates filed with the Insurance Department. The filing must pertain to professional liability insurance covering physicians and surgeons, hospitals, dentists, chiropractors, licensed natureopaths, podiatrists, advanced practice registered nurses, and other professions the insurance commissioner designates by regulation. Requests must be in writing and sent to the commissioner. They are valid for one year and renewable in a manner the commissioner prescribes.

The bill allows members of the public to submit to the commissioner written comments about each professional rate filing and requires the commissioner to consider such comments.

\*House Amendment "A" keeps a provision, which the original bill would have eliminated, that says rate-filing information is open to the public after it is submitted. It also eliminates a provision in the original bill allowing members of the public to inspect and receive copies of the information in accordance with the Freedom of Information Act.

\*House Amendment "B" substitutes the term "professional liability" for "medical malpractice" to describe the rate filing subject to the bill's requirements and identifies the professions covered by the bill by referring to CGS § 38a-393. It also removes a 30-calendar-day time limit for the public to submit written comments.

EFFECTIVE DATE: October 1, 2002

**COMMITTEE ACTION**

Insurance and Real Estate Committee

Joint Favorable Substitute

Yea 18      Nay 0