



General Assembly

February Session, 2004

Amendment

LCO No. 4125

HB0566904125HR0

Offered by:

REP. WINKLER, 41st Dist.

REP. TRUGLIA, 145th Dist.

To: Subst. House Bill No. 5669

File No. 504

Cal. No. 355

(AS AMENDED)

"AN ACT CONCERNING MEDICAL MALPRACTICE INSURANCE REFORM."

1 Strike subdivision (2) of subsection (b) of section 13 in its entirety
2 and insert the following in lieu thereof:

3 "(2) (A) Each filing as described in subsection (a) of this section for
4 professional liability insurance for physicians and surgeons, hospitals,
5 advanced practice registered nurses or physician assistants shall be
6 subject to prior rate approval in accordance with this section. On and
7 after the effective date of this section, each insurer or rating
8 organization seeking to change its rates for such insurance shall (i) file
9 a request for such change with the Insurance Commissioner, and (ii)
10 send written notice of any request for an increase in rates to insureds
11 who would be subject to the increase. Such request shall be filed and
12 such notice, if applicable, shall be sent at least sixty days prior to the
13 proposed effective date of the change. The notice to insureds of a

14 request for an increase in rates shall indicate that the insured may
15 request a public hearing by submitting a written request to the
16 Insurance Commissioner not later than fifteen days after the date of the
17 notice. Any request for an increase in rates under this subdivision shall
18 be filed after notice is sent to insureds and shall indicate the date such
19 notice was sent.

20 (B) The insurer or rating organization shall demonstrate in the
21 filing, to the satisfaction of the commissioner, that (i) (I) the insurer or
22 rating organization offers a premium reduction or a separate reduced
23 rating classification for insureds who submit proof to the insurer that
24 the insured and its personnel will use an electronic health record
25 system during the premium period to establish and maintain patient
26 records and verify patient treatment, and (II) the premium or rate
27 reduction reflects the reduction in risk related to the use of such
28 system, or (ii) if the insurer or rating organization does not offer such
29 premium or rate reduction, that there is no measurable reduction in
30 risk related to the use of such system.

31 (C) The Insurance Commissioner shall review the filing and, with
32 respect to a request for an increase in rates, shall (i) not approve,
33 modify or deny the request until at least fifteen days after the date of
34 notice as indicated in the filing, and (ii) hold a public hearing, if
35 requested, on such increase prior to approving, modifying or denying
36 the request. The Insurance Commissioner shall approve, modify or
37 deny the filing not later than forty-five days after its receipt. Such
38 finding of the commissioner shall be subject to review as provided in
39 section 38a-19."

40 Strike subdivision (2) of subsection (b) of section 14 in its entirety
41 and insert the following in lieu thereof:

42 "(2) With respect to rates for professional liability insurance for
43 physicians and surgeons, hospitals, advanced practice registered
44 nurses or physician assistants, consideration shall be given in the
45 making and use of such rates to relevant factors that may reduce such

46 rates, including, but not limited to: (A) Amendments to the offer of
47 judgment provisions in section 52-192a, as amended by this act, and
48 section 52-194, as amended by this act, (B) the other provisions of this
49 act, and (C) any reduction in risk from the use of electronic health
50 record systems to establish and maintain patient records and verify
51 patient treatment."