



Senate Bill No. 1299

Public Act No. 05-103

**AN ACT CONCERNING EXTENDED REPORTING PERIOD
COVERAGE UNDER MEDICAL MALPRACTICE INSURANCE
POLICIES.**

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

Section 1. Section 38a-394 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) Every Each professional liability insurance policy issued on a claims-made basis delivered, issued for delivery or renewed in this state on or after October 1, 1978 shall contain (1) a provision for the purchase of prior acts coverage, and (2) a contractual right of the insured to purchase at any time during the policy period and not later than thirty days after termination of such policy period equivalent coverage for all claims occurring during an insured policy period regardless of when made.

(b) Each professional liability insurance policy issued on a claims-made basis delivered, issued for delivery or renewed in this state on or after October 1, 2005, to a physician or surgeon, hospital, advanced practice registered nurse or physician assistant shall provide prior acts coverage and unlimited extended reporting period coverage without additional charge to the insured if, while the insured is covered under

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the policy, (1) the insured dies, becomes permanently disabled and unable to carry out his or her practice, or retires permanently from practice, or (2) the insurer discontinues offering such policy in this state for any reason and the insured (A) is over the age of fifty-five, and (B) has been insured by the insurer for the seven consecutive years immediately preceding the discontinuance. Prior acts coverage and unlimited extended reporting period coverage under this subsection shall be enforceable against an insurer that discontinues offering such policy in this state for any reason prior to the insured's death, disability or retirement, provided the insured is covered under the policy on the date the insurer discontinues offering the policy. The insurer shall provide such coverage upon death, disability or retirement in the same manner as if the insurer continued offering such policy in this state.

Approved June 7, 2005