



Senate

General Assembly

File No. 246

January Session, 2005

Senate Bill No. 1299

Senate, April 11, 2005

The Committee on Insurance and Real Estate reported through SEN. CRISCO of the 17th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING THE EXTENSION OF MEDICAL
MALPRACTICE INSURANCE COVERAGE UPON RETIREMENT.***

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

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 Section 38a-394 of the general statutes is repealed and the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

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

11 (b) Each professional liability insurance policy issued to a physician
12 or surgeon, hospital, advanced practice registered nurse or physician

13 assistant in this state that contains a contractual right to prior acts
14 coverage upon an individual's retirement, with or without the
15 payment of premium, shall be enforceable against an insurer that
16 discontinues offering such policy in this state prior to the individual's
17 retirement, provided the policy is in force on the date the insurer
18 discontinues offering the policy. The insurer shall provide such
19 coverage upon retirement in the same manner as if the insurer
20 continued offering such policy in this state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	38a-394

INS *Joint Favorable*

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: None

Municipal Impact: None

Explanation

The bill makes various changes to laws involving medical malpractice insurance policies. The bill has no fiscal impact.

OLR Bill Analysis

SB 1299

AN ACT CONCERNING THE EXTENSION OF MEDICAL MALPRACTICE INSURANCE COVERAGE UPON RETIREMENT**SUMMARY:**

This bill requires insurers that stop offering medical malpractice insurance policies in Connecticut to honor policy provisions that require the insurer to cover alleged acts of medical malpractice that occurred before the insured retired.

The requirement applies only to medical malpractice policies that were (1) issued to physicians, surgeons, hospitals, advanced practice registered nurses, or physician assistants and (2) in force when the insurer stopped offering medical malpractice insurance policies.

The bill requires the insurer to provide the coverage in the same manner as if it were still offering medical malpractice policies in Connecticut.

EFFECTIVE DATE: October 1, 2005

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable Report

Yea 16 Nay 0