



General Assembly

February Session, 2006

**Raised Bill No. 5371**

LCO No. 1661

\*01661\_\_\_\_\_INS\*

Referred to Committee on Insurance and Real Estate

Introduced by:  
(INS)

**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:

1 Section 1. Section 38a-394 of the 2006 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2006*):

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

12 (b) Each professional liability insurance policy issued on a claims-  
13 made basis delivered, issued for delivery or renewed in this state on or  
14 after October 1, [2005] 2006, to a physician or surgeon, hospital,  
15 advanced practice registered nurse or physician assistant shall provide

16 prior acts coverage consistent with any contractually agreed upon  
17 retroactive date and unlimited extended reporting period coverage  
18 without additional charge to the insured if, while the insured is  
19 covered under the policy, (1) the insured dies, becomes permanently  
20 disabled and unable to carry out his or her practice, or retires  
21 permanently from practice, or (2) the insurer discontinues offering  
22 such policy in this state for any reason and the insured [(A) is over the  
23 age of fifty-five, and (B)] has been insured by the insurer for the  
24 [seven] five consecutive years immediately preceding the  
25 discontinuance. Prior acts coverage and unlimited extended reporting  
26 period coverage under this subsection shall be enforceable against an  
27 insurer that discontinues offering such policy in this state for any  
28 reason prior to the insured's death, disability or retirement, provided  
29 the insured is covered under the policy on the date the insurer  
30 discontinues offering the policy. The insurer shall provide such  
31 coverage upon death, disability or retirement in the same manner as if  
32 the insurer continued offering such policy in this state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	38a-394

**Statement of Purpose:**

To provide that prior acts coverage be consistent with any contractually agreed upon retroactive date; to eliminate the requirement that the insured is over the age of fifty-five; and to require that the insured has been insured by the insurer for the five consecutive years immediately preceding the discontinuance, in lieu of seven consecutive years.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*