



STATE OF CONNECTICUT
INSURANCE DEPARTMENT

961

Testimony of Thomas R. Sullivan
Commissioner of the Connecticut Insurance Department

Before the
Insurance and Real Estate Committee

February 24th, 2009

Raised Bill 961—An Act Concerning Medical Malpractice Data Reporting

Raised Bill 961—An Act Concerning Medical Malpractice Data Reporting has been introduced at the request of the Connecticut Insurance Department. The Department would like to thank the Co-Chairman of the Insurance and Real Estate Committee for raising this bill on our behalf.

In 2005, the Connecticut General Assembly passed Public Act 05-275, An Act Concerning Medical Malpractice. This law required the Connecticut Insurance Department to capture data on medical malpractice claims and issue annual reports to the General Assembly, among other provisions. The Department has been implementing the law since that time and has asked that Raised Bill 961 be introduced to provide additional authority to the Department and to include elements of the National Association of Insurance Commissioners (NAIC) Medical Malpractice Model Act.

Specifically, Raised Bill 961 gives the Insurance Department the authority to seek data on closed medical malpractice claims from captive insurers, risk retention groups and surplus lines insurers. In the event such entities claim preemption from the reporting requirements and decline to provide the data, the bill gives the Department the authority to seek closed claim data directly from medical providers and hospitals. Additional provisions of the bill include granting the Department authority to impose a late filing fee; adding a definition of non-economic damages; and, adding a provision to ensure certain data elements remain confidential.

Medical malpractice rates and availability have been an ongoing issue in Connecticut but the Insurance Department has been somewhat hampered in getting comprehensive data on the entire Connecticut marketplace because a portion of the marketplace insures with entities that have claims of federal preemption. This proposed bill clarifies the commissioner's authority to obtain full and accurate data on the entire marketplace so that the Legislature can receive full statistical data and make fully informed decisions related to regulating medical malpractice insurance.

The Department thanks the Committee for raising this bill on our behalf and we urge the Committee's support. We are happy to answer any questions you may have.