

SECOND REGULAR SESSION

HOUSE BILL NO. 1046

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KUESSNER (Sponsor), LeVOTA, HENKE,
HARRIS (110) AND WHORTON (Co-sponsors).

Pre-filed December 1, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3480L.011

AN ACT

To amend chapter 383, RSMo, by adding thereto one new section relating to medical malpractice insurance.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 383, RSMo, is amended by adding thereto one new section, to be
2 known as section 383.510, to read as follows:

383.510. 1. Notwithstanding any other provision of law to the contrary, beginning
2 January 1, 2009, every insurer providing medical malpractice insurance in this state shall
3 establish a premium rate for insurance purchased by health care providers based on the
4 average of all judgments awarded in medical malpractice cases during the immediately
5 preceding calendar year in the county in which the provider practices. For providers who
6 practice in more than one county of this state, such premium rate shall be adjusted based
7 on the percentage of the provider's practice conducted in each county.

8 2. For purposes of this section, the following terms mean:

9 (1) "Health care provider" includes physicians, dentists, clinical psychologists,
10 pharmacists, optometrists, podiatrists, registered nurses, physicians' assistants,
11 chiropractors, physical therapists, nurse anesthetists, anesthetists, emergency medical
12 technicians, hospitals, nursing homes and extended care facilities; but shall not include any
13 nursing service or nursing facility conducted by and for those who rely upon treatment by

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 **spiritual means alone in accordance with the creed or tenets of any well-recognized church**
15 **or religious denomination;**

16 **(2) "Medical malpractice insurance", insurance coverage against the legal liability**
17 **of the insured and against loss, damage, or expense incident to a claim arising out of the**
18 **death or injury of any person as a result of the negligence or malpractice in rendering**
19 **professional service by any health care provider.**

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