

FIRST REGULAR SESSION

# HOUSE BILL NO. 222

## 94TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES SCHAAF (Sponsor) AND DENISON (Co-sponsor).

Pre-filed January 2, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1086L.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 known as section 383.220, to read as follows:

**383.220. 1. The department of insurance, financial institutions, and professional registration shall promulgate rules defining the following terms:**

**(1) "Claim" as it applies to claims made for medical malpractice; and**

**(2) "Consent to settle". Such definition shall be subject to the following:**

**(a) All physicians shall be offered consent to settle without participation in binding arbitration. For purposes of this paragraph, discounts provided to physicians in exchange for forfeiting the right to consent to settle shall be permissible; and**

**(b) In any medical malpractice insurance policy provided by an employer to an employee physician shall contain a provision that allows for consent to settle without the participation in binding arbitration.**

**2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**

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.

16 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
17 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
18 adopted after August 28, 2007, shall be invalid and void.

✓