

SECOND REGULAR SESSION

HOUSE BILL NO. 1204

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KUESSNER (Sponsor), HODGES, MEADOWS, ATKINS,
LAMPE, AULL, HARRIS AND WALTON GRAY (Co-sponsors).

3382L.01I

D. ADAM CRUMBLISS, Chief Clerk

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 383.510, to read as follows:

383.510. 1. Notwithstanding any other provision of law to the contrary, beginning January 1, 2012, every insurer providing medical malpractice insurance in this state shall establish a premium rate for insurance purchased by health care providers based on the following in the order listed:

(1) The average of all judgments awarded in medical malpractice cases during the immediately preceding calendar year in the county in which the provider practices;

(2) If there were fewer than four medical malpractice cases under subdivision (1) of this subsection, the average of all judgments awarded in medical malpractice cases during the immediately preceding five-year period in the county in which the provider practices; or

(3) If there were fewer than four medical malpractice cases under subdivision (2) of this subsection, the average of all judgments awarded in medical malpractice cases during the immediately preceding calendar year in a county of similar population, diversity of practice, and size and type of practice of the provider.

For providers who practice in more than one county of this state, such premium rate shall be adjusted based on the percentage of the provider's practice conducted in each county.

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.

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

18 **(1) "Health care provider" includes physicians, dentists, clinical psychologists,**
19 **pharmacists, optometrists, podiatrists, registered nurses, physicians' assistants,**
20 **chiropractors, physical therapists, nurse anesthetists, anesthetists, emergency medical**
21 **technicians, hospitals, nursing homes and extended care facilities; but shall not include any**
22 **nursing service or nursing facility conducted by and for those who rely upon treatment by**
23 **spiritual means alone in accordance with the creed or tenets of any well-recognized church**
24 **or religious denomination;**

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

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