

**HB 1933-S2 - DIGEST**

(DIGEST OF PROPOSED 2ND SUBSTITUTE)

Provides that, for claims closed on or after January 1, 2008: (1) Every insuring entity or self-insurer that provides medical malpractice insurance to any facility or provider in Washington state must report each medical malpractice closed claim to the commissioner.

(2) If a claim is not covered by an insuring entity or self-insurer, the facility or provider named in the claim must report it to the commissioner after a final claim disposition has occurred due to a court proceeding or a settlement by the parties. Instances in which a claim may not be covered by an insuring entity or self-insurer include, but are not limited to, situations in which the: (a) Facility or provider did not buy insurance or maintained a self-insured retention that was larger than the final judgment or settlement; (b) claim was denied by an insuring entity or self-insurer because it did not fall within the scope of the insurance coverage agreement; or (c) annual aggregate coverage limits had been exhausted by other claim payments.

Provides that, beginning in 2009, reports required under this act must be filed by March 1st, and include data for all claims closed in the preceding calendar year and any adjustments to data reported in prior years. The commissioner may adopt rules that require insuring entities, self-insurers, facilities, or providers to file closed claim data electronically.

Authorizes the commissioner to impose a fine of up to two hundred fifty dollars per day against any insuring entity that violates the requirements of this act.

Authorizes the department of health to impose a fine of up to two hundred fifty dollars per day against any facility or provider that violates the requirements of this act. The total fine may not exceed ten thousand dollars.

Provides that, beginning in 2010, the commissioner must prepare an annual report that summarizes and analyzes the closed claim reports for medical malpractice filed under this act and the annual financial reports filed by authorized insurers writing medical malpractice insurance in this state.