

1 AN ACT relating to medical negligence claims reporting.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS 304.40-250 TO 304.40-320 IS
4 CREATED TO READ AS FOLLOWS:

5 *(1) As used in this section, "malpractice insurer":*

6 *(a) Means any entity that insures a health facility, as defined in KRS 216B.015,*
7 *or health care provider against liability for medical negligence; and*

8 *(b) Shall include:*

9 *1. Self-insureds; and*

10 *2. Risk retention groups.*

11 *(2) By July 1 of each year, the commissioner shall submit a written report to the*
12 *General Assembly containing statistical data regarding the claims experience of*
13 *all malpractice insurers doing business in Kentucky, which shall include:*

14 *(a) The total number of claims for which malpractice insurers were placed on*
15 *notice by a health care provider that the claim has been, will be, or could be,*
16 *made;*

17 *(b) With respect to the claims identified under paragraph (a) of this subsection:*

18 *1. The total dollar amount of all reserves allocated in response to the*
19 *claims reported;*

20 *2. The total number of claims that resulted in an indemnity payment;*

21 *3. An estimated statewide expense-to-indemnity ratio for the claims;*

22 *4. The total number of health care providers, categorized by provider*
23 *type, both professionals and facilities, implicated in the claims;*

24 *5. The total number of claims that resulted in litigation;*

25 *6. The general geographic region in which the claims were made, which*
26 *shall be categorized as northern, eastern, southern, and western as*
27 *reasonably defined by the commissioner; and*

- 1 7. The total number of claims that the malpractice insurer determined
2 were without merit; and
- 3 (c) The total estimated allocated loss adjustment expenses for the claims
4 identified under paragraph (b)2. of this subsection.
- 5 (3) The report required under subsection (2) of this section shall:
- 6 (a) Consist of aggregated data from the prior calendar year; and
7 (b) Be de-identified as to the malpractice insurers and health care providers
8 from whom the data was gathered.
- 9 (4) The commissioner may promulgate an administrative regulation in accordance
10 with KRS Chapter 13A to require malpractice insurers to report any information
11 that the commissioner deems necessary to comply with this section.