

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE DRH80042-MH-28 (02/17)

Short Title: Medical Malpractice Insurance Coverage.

(Public)

Sponsors: Representative Faison.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH A COMPREHENSIVE CLASSIFICATION RATING PLAN FOR  
3 PROFESSIONAL LIABILITY INSURANCE FOR PHYSICIANS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 40 of Chapter 58 of the General Statutes is amended by  
6 adding a new section to read:

7 "**§ 58-40-26. Rates for professional liability insurance for physicians.**

8 (a) Notwithstanding any law to the contrary, the Commissioner of Insurance shall  
9 establish and implement a comprehensive classification rating plan for professional liability  
10 insurance for physicians in this State. No such classification plan shall base any standard or  
11 rating plan for professional liability insurance for physicians, in whole or in part, directly or  
12 indirectly, on the specialty or type of medicine that is practiced by the physicians. With regard  
13 to establishing rates, the risk pool for professional liability insurance for physicians shall be  
14 based on the pool of all physicians licensed and practicing medicine in this State.

15 (b) No insurer shall base any standard or rating plan for professional liability insurance  
16 for physicians, in whole or in part, directly or indirectly, on the specialty or type of medicine  
17 that is practiced by the physicians.

18 (c) As used in this section, the term "physician" means an individual licensed to  
19 practice medicine, surgery, or any of the branches thereof, as set forth in G.S. 90-9.1.

20 (d) This section does not apply to any of the following:

21 (1) Physicians assistants.

22 (2) Nurse practitioners.

23 (3) Individuals who, pursuant to the provisions of Chapter 90 of the General  
24 Statutes, are licensed, who are otherwise registered or certified to engage in  
25 the practice of, or who otherwise perform duties associated with any of the  
26 following: dentistry, pharmacy, optometry, midwifery, chiropractic, nursing,  
27 physiotherapy and massage therapy, pathology, polysomnography,  
28 respiratory care, laboratory analysis, dental hygiene, or psychology."

29 **SECTION 2.** The Commissioner of Insurance shall amend or adopt rules to  
30 implement this act.

31 **SECTION 3.** This act becomes effective October 1, 2011, and applies to policies  
32 issued or renewed on or after that date.

