

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE DRH50105-LT-19A (2/11)

Short Title: Medical Malpractice Insurance Coverage. (Public)

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Sponsors: Representative Faison.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A COMPREHENSIVE CLASSIFICATION RATING  
PLAN FOR PROFESSIONAL LIABILITY INSURANCE FOR PHYSICIANS.

The General Assembly of North Carolina enacts:

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

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

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

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

(c) As used in this section, the term "physician" means an individual licensed to practice medicine, surgery, or any of the branches thereof, as set forth in G.S. 90-9.

(d) This section does not apply to:

(1) Physicians assistants.

(2) Nurse practitioners.

(3) Individuals who, pursuant to the provisions of Chapter 90 of the General Statutes, are licensed, who are otherwise registered or certified to engage in the practice of, or who otherwise perform duties associated with, any of the following: dentistry, pharmacy, optometry,

1                    midwifery, chiropractic, nursing, physiotherapy, pathology, laboratory  
2                    analysis, dental hygiene, or psychology."

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

5                    **SECTION 3.** This act becomes effective October 1, 2005, and applies to  
6 policies issued or renewed on or after that date.