

ASSEMBLY, No. 2729

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

SYNOPSIS

Prohibits insurers from raising medical malpractice liability insurance premiums under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning medical malpractice liability insurance and
2 amending P.L.2004, c.17.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. Section 17 of P.L.2004, c.17 (C.17:30D-22) is amended to
8 read as follows:

9 17. Notwithstanding any other law or regulation to the contrary,
10 an insurer authorized to transact medical malpractice liability
11 insurance in this State shall not increase the premium of any
12 medical malpractice liability insurance policy based on a claim of
13 medical negligence or malpractice against the insured **【if the**
14 **insured is dismissed from an action alleging medical malpractice**
15 **within 180 days of the filing of the last responsive pleading】** unless
16 the claim results in a medical malpractice claim settlement,
17 judgment, or arbitration award against the insured. For the
18 purposes of this section, “claim” means any demand received by an
19 insured seeking damages that results from a medical incident, or an
20 insured’s notice to the insurer of a specific professional services act
21 or omission that the insured reasonably believes may result in a
22 demand for damages.

23 (cf: P.L.2004, c.17, s.17)

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25 2. This act shall take effect immediately.

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STATEMENT

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30 This bill provides that an insurer shall not increase the premium
31 of any medical malpractice liability insurance policy based on a
32 claim of medical negligence or malpractice against an insured
33 unless the claim, as defined in the bill, results in a medical
34 malpractice claim settlement, judgment, or arbitration award against
35 the insured.

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.