

HOUSE BILL No. 5911

June 21, 1990, Introduced by Reps. Saunders, Gubow, Bandstra, Fitzgerald, Stupak, Law, Niederstadt, Berman, Scott and Leland and referred to the Committee on Insurance.

A bill to amend sections 2477, 2477a, 2477b, and 2477c of Act No. 218 of the Public Acts of 1956, entitled as amended "The insurance code of 1956," sections 2477 and 2477a as amended and sections 2477b and 2477c as added by Act No. 173 of the Public Acts of 1986, being sections 500.2477, 500.2477a, 500.2477b, and 500.2477c of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2477, 2477a, 2477b, and 2477c of Act
2 No. 218 of the Public Acts of 1956, sections 2477 and 2477a as
3 amended and sections 2477b and 2477c as added by Act No. 173 of
4 the Public Acts of 1986, being sections 500.2477, 500.2477a,
5 500.2477b, and 500.2477c of the Michigan Compiled Laws, are
6 amended to read as follows:

1 Sec. 2477. (1) Every insurer providing professional
2 liability insurance to a person licensed by the Michigan board of
3 medicine, the Michigan board of osteopathic medicine and surgery,
4 the Michigan board of podiatric medicine and surgery, the
5 Michigan board of dentistry, and the hospitals licensed by the
6 state department of public health in this state shall submit the
7 following data at the times prescribed to the state insurance
8 commissioner. All data shall be provided with respect to any
9 complaint filed against such insured in any court, if the com-
10 plaint seeks damages for personal injury claimed to have been
11 caused by the negligence of the insured relating to the insured's
12 professional services, or the performance of professional serv-
13 ices by the insured without consent or informed consent, or a
14 breach of warranty or contract for a medical result relating to
15 the insured's professional services.

16 (2) The following data and information shall be furnished to
17 the commissioner within 30 days of the filing of an answer on
18 behalf of the insured:

19 (a) The name and license number of such insured.

20 (b) The date of the injury.

21 (c) The date of the filing of the complaint.

22 (d) The nature of the complaint.

23 (e) Any other information the commissioner may require.

24 (3) The following data and information shall be furnished
25 DIRECTLY to the commissioner, the appropriate licensing board in
26 the department of licensing and regulation, and, if the insured
27 or person is a hospital, to the state department of public health

1 within 30 days from any judgment, settlement, or other dismissal
2 involving the insured:

3 (a) The date of any judgment, settlement, or other
4 dismissal.

5 (b) The amount of any judgment against the insured.

6 (c) The amount of any settlement paid on behalf of the
7 insured, whether such settlement was negotiated by suit or with-
8 out the filing of a complaint for damages.

9 (d) Of the amounts provided in subdivisions (b) and (c), the
10 amount attributable to economic damages and the amount attribut-
11 able to noneconomic damages.

12 (e) Any other information the commissioner may require.

13 (4) The insurance commissioner, the licensing board, and the
14 department of public health shall retain the information and
15 maintain the files in the form and for a period as he or she
16 shall determine necessary in his or her sole discretion. The
17 commissioner, the licensing board, and the department of public
18 health shall maintain the data and information filed in accord-
19 ance with this section as A MATTER OF PUBLIC RECORD.

20 ~~confidential records and shall not release the data and informa-~~
21 ~~tion except for bona fide research, educational, licensing, actu-~~
22 ~~arial, department of social services subrogation, or legislative~~
23 ~~purposes, however, the name of the insurer shall be omitted. The~~
24 ~~commissioner, the chairperson of the licensing board, and the~~
25 ~~director of public health in his or her sole discretion shall~~
26 ~~determine the validity of any request for the information.~~

1 (5) There shall be no liability on the part of and a cause
2 of action of any nature shall not arise against an insurer
3 reporting hereunder or its agents or employees, or the commis-
4 sioner or his or her representatives, for any action taken by
5 them pursuant to this section.

6 Sec. 2477a. (1) Each insurer providing municipal liability
7 insurance to an insured in this state shall submit the following
8 data to the commissioner at the time prescribed in this section.
9 The data shall be provided with respect to any complaint filed
10 against a municipal liability insured in any court, if the com-
11 plaint seeks damages for personal injury claimed to have been
12 caused by an act or omission of a municipality or an employee of
13 the municipality while engaged in the ordinary course of
14 employment.

15 (2) The following data and information shall be furnished to
16 the commissioner pursuant to subsection (1) within 30 days after
17 the filing of an answer on behalf of the insured:

18 (a) The name of the insured.

19 (b) The date of the injury.

20 (c) The date of the filing of the complaint.

21 (d) The type of activity or failure to act involved, the
22 official job title designation of the employee involved, and a
23 description of his or her employment duties.

24 (e) Other information as the commissioner requires.

25 (3) The following data and information shall be furnished to
26 the commissioner within 30 days after any judgment, settlement,
27 or other dismissal involving the insured:

1 (a) The date of the judgment, settlement, or other
2 dismissal.

3 (b) The amount of judgment against the insured.

4 (c) The amount of any settlement paid on behalf of the
5 insured, whether the settlement was negotiated by suit or without
6 the filing of a complaint for damages.

7 (d) Of the amounts provided in subdivisions (b) and (c), the
8 amount attributable to economic damages and the amount attributed
9 to noneconomic damages.

10 (e) Other information as the commissioner requires.

11 (4) The commissioner shall retain the information and main-
12 tain files containing information required to be furnished under
13 this section in the form and for a period which the commissioner
14 considers necessary. The commissioner shall maintain the data
15 and information filed in accordance with this section as A MATTER
16 OF PUBLIC RECORD. ~~confidential records and shall not release the~~
17 ~~data and information filed in accordance with this section except~~
18 ~~for bona fide research, educational, licensing, actuarial,~~
19 ~~department of social services subrogation, or legislative~~
20 ~~purposes. However, the commissioner shall not release the name~~
21 ~~of any person that is part of the data and information filed in~~
22 ~~accordance with this section.~~

23 (5) There shall not be liability on the part of — and a
24 cause of action of any nature shall not arise against — an
25 insurer preparing a statement or report under this section, the
26 insurer's agents or employees, the commissioner, or employees of
27 the commissioner, for any action taken by the insurer, the

1 insurer's agents or employees, the commissioner, and employees of
2 the commissioner pursuant to this section.

3 Sec. 2477b. (1) Every person, other than an insurer, who
4 pays or who has assumed liability to pay a municipal liability
5 claim arising in this state or a professional liability claim
6 against a health care provider licensed by the Michigan board of
7 medicine, the Michigan board of osteopathic medicine and surgery,
8 the Michigan board of podiatric medicine and surgery, or the
9 Michigan board of dentistry, shall submit the data prescribed in
10 this section at the times prescribed in this section.

11 (2) The following data shall be furnished DIRECTLY to the
12 commissioner, AND, FOR A PROFESSIONAL LIABILITY CLAIM, TO THE
13 APPROPRIATE LICENSING BOARD IN THE DEPARTMENT OF LICENSING AND
14 REGULATION, pursuant to subsection (1) within 30 days after an
15 answer is filed on behalf of a defendant:

16 (a) The name of the person against whom the claim was made
17 and the person's professional license number, if any.

18 (b) The date of the injury.

19 (c) The date of the filing of the complaint.

20 (d) The nature of the complaint.

21 (e) Any other information the commissioner may require.

22 (3) The following data shall be furnished DIRECTLY to the
23 commissioner, AND, FOR A PROFESSIONAL LIABILITY CLAIM, TO THE
24 APPROPRIATE LICENSING BOARD IN THE DEPARTMENT OF LICENSING AND
25 REGULATION, within 30 days after any judgment, settlement, or
26 dismissal of a claim described in subsection (1):

1 (a) The name of the person against whom the claim was made,
2 and the person's professional license number, if any.

3 (b) The name of the person who paid the claim, if different
4 from subdivision (a).

5 (c) The date of the injury.

6 (d) The date of the filing of the complaint, if any.

7 (e) The nature of the complaint.

8 (f) The amount of any judgment.

9 (g) The amount of any settlement, whether negotiated pursu-
10 ant to an action or without the filing of a complaint for
11 damages.

12 (h) Of the amounts provided in subdivisions (f) and (g), the
13 amount attributable to economic damages and noneconomic damages.

14 (i) Any other information the commissioner may require.

15 (4) The insurance commissioner AND THE LICENSING BOARD shall
16 retain the information and maintain the files in the form and for
17 a period as he or she shall determine necessary in his or her
18 sole discretion. The commissioner AND THE LICENSING BOARD shall
19 maintain the data and information filed in accordance with this
20 section as A MATTER OF PUBLIC RECORD. ~~confidential records. The~~
21 ~~commissioner shall not release the data and information filed in~~
22 ~~accordance with this section except for bona fide research, edu-~~
23 ~~cational, licensing, actuarial, department of social services~~
24 ~~subrogation, or legislative purposes. However, the commissioner~~
25 ~~shall not release the name of any person that is part of the data~~
26 ~~and information filed in accordance with this section. The~~

~~1 commissioner in his or her sole discretion shall determine the~~
~~2 validity of any request for the information.~~

3 (5) There shall be no liability on the part of ~~—~~ and a
4 cause of action of any nature shall not arise against ~~—~~ a
5 person reporting hereunder or its agents or employees, or the
6 commissioner or his or her representatives, for any action taken
7 by them pursuant to this section.

8 Sec. 2477c. (1) Every attorney licensed to practice law in
9 this state who represents a plaintiff or defendant in regard to a
10 municipal liability claim arising in this state or a professional
11 liability claim against a health care provider licensed by the
12 Michigan board of medicine, the Michigan board of osteopathic
13 medicine and surgery, the Michigan board of podiatric medicine
14 and surgery, or the Michigan board of dentistry, shall submit the
15 data prescribed in this section at the times prescribed in this
16 section.

17 (2) The following data shall be furnished DIRECTLY to the
18 commissioner, AND, FOR A PROFESSIONAL LIABILITY CLAIM, TO THE
19 APPROPRIATE LICENSING BOARD IN THE DEPARTMENT OF LICENSING AND
20 REGULATION, pursuant to subsection (1) within 30 days after an
21 answer is filed on behalf of a plaintiff or defendant:

22 (a) The name of the plaintiff or defendant.

23 (b) The name of the attorney.

24 (c) The date of the injury.

25 (d) The date of the filing of the complaint, if any.

26 (e) The nature of the complaint.

1 (f) Any other information the commissioner may require.

2 (3) The following data shall be furnished DIRECTLY to the
3 commissioner, AND, FOR A PROFESSIONAL LIABILITY CLAIM, TO THE
4 APPROPRIATE LICENSING BOARD IN THE DEPARTMENT OF LICENSING AND
5 REGULATION, within 30 days after any judgment, settlement, or
6 dismissal of a claim described in subsection (1):

7 (a) The name of the plaintiff or defendant.

8 (b) The name of the attorney.

9 (c) The date of the injury.

10 (d) The date of the filing of the complaint, if any.

11 (e) The nature of the complaint.

12 (f) The amount of any judgment.

13 (g) The amount of any settlement, whether negotiated pursu-
14 ant to an action or without the filing of a complaint for
15 damages.

16 (h) Of the amounts provided in subdivisions (f) and (g), the
17 amount attributable to economic damages and noneconomic damages.

18 (i) Any other information the commissioner may require.

19 (4) The insurance commissioner AND THE LICENSING BOARD shall
20 retain the information and maintain the files in the form and for
21 a period as he or she shall determine necessary in his or her
22 sole discretion. The commissioner AND THE LICENSING BOARD shall
23 maintain the data and information filed in accordance with this
24 section as A MATTER OF PUBLIC RECORD. ~~confidential records and~~
25 ~~shall not release the data and information except for bona fide~~
26 ~~research, educational, licensing, actuarial, department of social~~
27 ~~services subrogation, or legislative purposes. However, the~~

~~1 commissioner shall not release the name of any person that is
2 part of the data and information filed in accordance with this
3 section. The commissioner in his or her sole discretion shall
4 determine the validity of any request for the information.~~

5 (5) There shall be no liability on the part of ~~—~~ and a
6 cause of action of any nature shall not arise against ~~—~~ an
7 attorney reporting hereunder or the attorney's agents or employ-
8 ees, or the commissioner or his or her representatives, for any
9 action taken by them pursuant to this section.