

By Ms. Melconian, a petition (accompanied by bill, Senate, No. 665) of Linda J. Melconian for legislation relative to professional liability insurance for health care providers. Insurance.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT RELATIVE TO PROFESSIONAL LIABILITY INSURANCE FOR HEALTH CARE PROVIDERS.

1     *Whereas*, The deferred operation of this act would tend to  
2 defeat its purpose, which is to enhance the fair, efficient and cost-  
3 effective provision of professional liability insurance to health care  
4 providers and also, thereby, to improve the access of patients to  
5 the delivery of quality health care services in the commonwealth,  
6 therefore it is hereby declared to be an emergency law, necessary  
7 for the immediate preservation of the public health safety and  
8 convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1     SECTION 1. Section 6 of chapter 362 of the acts of 1975 is  
2 hereby amended by striking out the tenth paragraph, inserted by  
3 section 33 of chapter 351 of the acts of 1986, and inserting in place  
4 thereof the following paragraph: —

5     The association shall be governed by a board of eleven directors,  
6 three of whom shall be elected annually, each to a term of one  
7 year, by cumulative voting by the members of the association,  
8 whose votes in such election shall be weighted in accordance with  
9 each member's net direct premiums written during the preceding  
10 calendar year. Vacancies occurring other than by expiration of  
11 a term among the directors so elected shall be filled for the  
12 unexpired portion of such term in the same manner as the original  
13 election. Six directors shall be appointed by the commissioner as  
14 representatives of the health care profession, four of whom shall

15 be physicians registered pursuant to General Laws chapter 112,  
16 section 2 and appointed, on a basis which reflects geographical  
17 balance, from a list of nominees provided by the Massachusetts  
18 Medical Society, one of whom shall be a representative of dentists  
19 appointed from a list of nominees provided by the Massachusetts  
20 Dental Society, and one of whom shall be a representative of  
21 licensed hospitals appointed from a list of nominees provided by  
22 the Massachusetts Hospital Association; such lists of nominees  
23 shall in each instance be comprised of the names of three persons  
24 for each director to be appointed. One director shall be appointed  
25 by the commissioner as a representative of insurance producers  
26 and one director shall be appointed by the commissioner as a  
27 representative of the public. Directors appointed by the  
28 commissioner shall each be appointed to a term of three years,  
29 and vacancies occurring other than by expiration of a term among  
30 the directors so appointed shall be filled for the unexpired portion  
31 of such term in the same manner as the original appointment.

1 SECTION 2. The seventeenth paragraph of said section 6 of  
2 said chapter 362 is hereby amended by inserting after the word  
3 "its" the following words: — directors, officers,.

1 SECTION 3. Section 13 of said chapter 362, inserted by sec-  
2 tion 37 of chapter 351 of the acts of 1986, is hereby amended by  
3 striking out in the second sentence the word "ninety-two" and  
4 inserting in place thereof the word: — ninety-five.

1 SECTION 4. The provisions of this act are severable, and if  
2 any part of this act shall be adjudged unconstitutional or otherwise  
3 invalid by any court of competent jurisdiction, the validity of the  
4 remaining parts shall not be affected thereby.

1 SECTION 5. This act shall take effect upon its passage. The  
2 first three directors to be elected pursuant to the tenth paragraph  
3 of section 6 of chapter 362 of the acts of 1975, as amended herein,  
4 shall be elected within forty-five days of the effective date of this  
5 act at a meeting of the members of the association established by  
6 section 6 of chapter 362 of the acts of 1975, or their authorized

7 representatives, which shall be held at a time and place designated  
8 by the commissioner of insurance. The first eight directors to be  
9 appointed pursuant to said tenth paragraph of said section 6, as  
10 so amended, shall be appointed on or before the date of such  
11 meeting, and the terms of all those persons serving on the board  
12 of directors of said association upon the effective date of this act  
13 shall expire upon the appointment of such first eight directors.

The first section of the constitution states that the legislative power shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. The second section states that the House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors in that State.

The third section states that the Senate shall be composed of two Senators from each State, chosen by the Electors in each State. The fourth section states that the Electors in each State shall have the Qualifications requisite for Electors in that State. The fifth section states that the House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors in that State.

SECTION 1. The legislative Power shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors in that State.

SECTION 3. The Senate shall be composed of two Senators from each State, chosen by the Electors in each State.

SECTION 4. The Electors in each State shall have the Qualifications requisite for Electors in that State.