

By Mr. Mara of Brockton, petition of Francis G. Mara for legislation to increase physician participation in health care plans in certain insurance laws of the Commonwealth. Insurance.

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**The Commonwealth of Massachusetts**

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

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AN ACT TO INCREASE PHYSICIAN PARTICIPATION IN HEALTH CARE PLANS.

*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. Chapter 111 of the Massachusetts General Laws  
2 as appearing in the 1990 Official Edition is hereby amended by  
3 the addition of the following section: —

4 “Section 51G. No hospital, or other institution, licensed under  
5 section fifty-one shall require as a condition of staff membership  
6 or the granting of clinical privileges that any physician carry  
7 medical malpractice coverage in excess of the amount required  
8 by the Board of Registration in Medicine pursuant to Section 2  
9 of Chapter 112.”

1 SECTION 2. Chapter 176B, Section 7 of the Massachusetts  
2 General Laws as appearing in the 1990 Official Edition is hereby  
3 amended after the word “services,” in line 7 by the insertion of  
4 the following sentence: — “No medical service corporation shall  
5 require as a condition of becoming a participating physician, that  
6 a physician shall carry medical malpractice coverage in excess of  
7 the amount required by the Board of Registration in Medicine  
8 pursuant to Section 2 of Chapter 112.”

1 SECTION 3. Chapter 176G of the Massachusetts General  
2 Laws as appearing in the 1990 Official Edition is hereby amended  
3 by the addition of the following new section: —

4 “Section 18. No Health Maintenance Organization shall  
5 require as a condition of employment in any capacity,  
6 qualification as a participating physician, or qualification as a

7 consulting physician, that a physician carry medical malpractice  
8 coverage in excess of the amount required by the Board of  
9 Registration in Medicine pursuant to Section 2 of Chapter 112.”

1 SECTION 4. Chapter 176I, Section 2 of the Massachusetts  
2 General Laws as appearing in the 1990 Official Edition is hereby  
3 amended after the words “arrangements.” in line 9 by the addition  
4 of the following sentence: — “An organization shall not require  
5 as a condition of allowing any physician to participate in a  
6 preferred provider arrangement that any such physician carry  
7 medical malpractice insurance coverage in excess of the dollar  
8 amount required by the Board of Registration in Medicine  
9 pursuant to Section 2 of Chapter 112.”

1 SECTION 5. Chapter 175, Section 108 of the Massachusetts  
2 General Laws as appearing in the 1990 Official Edition is hereby  
3 amended at the end thereof by the addition of the following  
4 section: —

5 “Section 10. No insurer authorized to issue policies of accident  
6 and sickness insurance in the Commonwealth shall require as a  
7 condition of becoming a participating physician, or of being  
8 compensated for services to its insured, that a physician shall carry  
9 medical malpractice coverage in excess of the amount required  
10 by the Board of Registration in Medicine pursuant to Section 2  
11 of Chapter 112.”

1 SECTION 6. Chapter 175, Section 110 of the Massachusetts  
2 General Laws as appearing in the 1990 Official Edition is hereby  
3 amended by the addition of the following section: —

4 “M. No insurer authorized to issue or deliver within the  
5 Commonwealth any general or blanket policy of insurance under  
6 the provisions of this section shall require as a condition of  
7 allowing any physician to become a participating physician in any  
8 plan outlined by the policy, or to provide services for reimburse-  
9 ment to its insureds, that any such physician carry medical  
10 malpractice coverage in excess of the dollar amount required by  
11 the Board of Registration in Medicine pursuant to Section 2 of  
12 Chapter 112.”