

By Mr. Mariano of Quincy, petition of Ronald Mariano for legislation to provide for indexed judgment interest rates for certain medical malpractice actions. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR AN INDEXED JUDGMENT INTEREST RATE FOR MEDICAL MALPRACTICE ACTIONS.

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

1 Chapter 231 of the General Laws, as appearing in the 1994  
2 Official Edition, is hereby amended by inserting after section  
3 sixty I the following new section:—

4 Section 60 II. In any action for malpractice, negligence, error,  
5 omission, mistake or unauthorized rendering of professional serv-  
6 ices, other than actions brought under section two of chapter two  
7 hundred twenty-nine, against a provider of health care, in which a  
8 verdict is rendered or a finding made or an order for judgment  
9 made for pecuniary damages for personal injuries to the plaintiff  
10 or for consequential damages, there shall be added by the clerk of  
11 court to the amount of damages interest thereon, at a rate to be  
12 determined as set forth below rather than the rate specified in  
13 section 6B of chapter two hundred thirty-one, from the date of  
14 commencement of the action even though such interest brings the  
15 amount of the verdict or finding beyond the maximum liability  
16 imposed by law. The rate of interest to be applied by the clerk  
17 shall be at a rate equal to the coupon issue yield equivalent, as  
18 determined by the secretary of the treasury, of the average  
19 accepted auction price for the last auction of fifty-two week  
20 United States treasury bills settled immediately prior to the date  
21 on which the verdict is rendered or finding made or order made.

