

By: Representatives Stevens, Dedeaux

To: Insurance

HOUSE BILL NO. 1133

1 AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE COMPREHENSIVE
2 RISK POOL FOR MEDICAL MALPRACTICE INSURANCE; TO PROVIDE
3 DEFINITIONS; TO PROVIDE THAT THE COMMISSIONER OF INSURANCE SHALL
4 PROMULGATE RULES AND REGULATIONS TO IMPLEMENT A PLAN OF OPERATION
5 FOR THE POOL; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** The purpose of this act is to provide a market to
8 make necessary medical malpractice insurance available for
9 physicians, registered nurses and all other personnel who are duly
10 licensed to practice in a hospital and hospitals.

11 **SECTION 2.** As used in this act, the following terms shall
12 have the meaning ascribed herein unless the context clearly
13 requires otherwise:

14 (a) "Pool" means the Comprehensive Risk Pool for
15 Medical Malpractice established under Section 3 of this act.

16 (b) "Commissioner" means the Commissioner of Insurance.

17 (c) "Medical malpractice insurance" means insurance
18 coverage against the legal liability of the insured and against
19 loss, damage or expense incident to a claim arising out of the
20 death or injury of any person as the result of negligence or
21 malpractice in rendering professional service by any physician or
22 nurse who is fully licensed, whose license is current and who is
23 not under any restriction by his respective board of licensure.

24 (d) "Physician" means a person who is fully licensed
25 under Section 73-25-1 et seq., whose license is current and who is
26 not under any restriction by the Board of Medical Licensure.



27 (e) "Other personnel" means persons, other than
28 physicians or nurses who are covered by professional medical or
29 hospital liability coverage, or both.

30 **SECTION 3.** (1) The commissioner shall establish the
31 Comprehensive Risk Pool for Medical Malpractice that shall be
32 funded by the participants in the pool.

33 (2) The purpose of the pool is to provide a market for
34 medical malpractice insurance on a self-supporting basis.

35 (3) The commissioner shall promulgate rules and regulations
36 to implement a plan of operation for the pool to ensure that the
37 pool remains actuarially sound.

38 (4) The pool may issue policies of medical malpractice
39 insurance to hospitals, physicians, nurses or other personnel who
40 are duly licensed to practice in a hospital or other health care
41 facility licensed by the State of Mississippi.

42 (5) This act shall not preclude any physician, nurse or
43 other personnel who are duly licensed to practice in a hospital or
44 other health care facility licensed by the State of Mississippi or
45 hospital from procuring medical malpractice insurance from any
46 source other than the association.

47 **SECTION 4.** This act shall take effect and be in force from
48 and after July 1, 2003.

