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Amendment to SB250

**Proposed by Scott M. Craigie
Nevada State Medical Association
April 16, 2003**

Currently please find, at the bottom of page one of your Senate Commerce and Labor Work Session Information packet dated Friday, April 11, 2003, (copy attached) the following item:

"Amendment to require all reports of the Board investigations after a judgment or settlement of a malpractice claim, and peer review actions in hospital settings, to be public." (emphasis added)

The underlined section is the result of a comment made in testimony by Dr. Don Havins during the first hearing on SB389. He generally described broadening the list of reportable events, and did mention, as an example, that certain peer review findings may be considered as reportable events to the BME for potential review / investigation.

We have discussed this issue and worked to find the appropriate language to describe what best describes the events should be so reported, and would now propose to replace the phrase underlined above from last week's work session with the following, "sanctions reportable to the National Practitioner Data Bank." Dr. Havins and Larry Matheis have agreed this is the preferred language. Thank you.

Major Components of Proposed S.B. 250 Medical Malpractice Amendment

Prepared by Research Division April 4, 2003

- Amend file and use provisions to remove title insurance and individual health insurance [section 1, subsection 5].
- Amend section 9 addressing claims-made policies and extended reporting endorsement.
- Delete section 11, the benefit penalty against an insurer that fails to settle within policy limits.
- Delete sections 16-20 and 22 because these are judiciary issues and are addressed in Senate Bill 97.
- Amend sections 12, 31 and 43 to change reporting dates for insurers to 45 days.
- Remove or amend the attorney discipline provisions in Section 13.
- Amend section 27 specifying that the time for a physician's duty to report a claim or action against the physician begins to run from the time of *service* rather than when the claim or action is filed.
- Amend section 28 regarding imposition of *one or more* forms of discipline by the Medical Board if a physician is found to have committed malpractice rather than imposing the entire list of penalties.
- Amendment requiring an outside audit of the Medical Board [taken from section 35 of Senate Bill 389].
- Amend sections 35 and 36 regarding information about past claims a physician must submit to the Board for licensure.
- Amend section 38 regarding time to report to the Board a claim served on a physician [30 days instead of 10] and making a fine *not to exceed* \$5,000 discretionary if physician fails to report in a timely fashion instead of a mandatory \$5,000 fine.
- Amend section 40 requiring Board to *investigate* [instead of hold a hearing] a physician if there has been a judgment of malpractice *or a settlement*.
- Amendment to require all reports of the Board investigations after a judgment or settlement of a malpractice claim, and peer review actions in hospital settings, to be public.

X