

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas P. Kennedy

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act requiring insurers to report malpractice claims or actions for optometrists.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT requiring insurers to report malpractice claims or actions for optometrists.

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 112 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended
2 by inserting the following new section:

3
4 **“Section 72B. Reports by insurers of malpractice claims or actions; liability**

5 “Every insurer or risk management organization which provides professional liability insurance to a registered
6 optometrists shall report to the board any claim or action for damages for personal injuries alleged to have been
7 caused by error, omission, or negligence in the performance of such optometrist’s services where such claim has
8 resulted in:

- 9 (a) a final judgment in any amount,
10 (b) a settlement in any amount, or
11 (c) a final disposition not resulting in payment of behalf of the insured.

12
13 Reports shall be filed with the board no later than thirty days following the occurrence of any event listed in
14 paragraph (a), (b) or (c).

15
16 Such reports shall be in writing on a form prescribed by the board and shall contain the following information:

- 17
18 (a) the name, address and policy number of the optometrist against whom the claim is made; and
19 (b) name, address and aged of the claimant or plaintiff; and
20 (c) nature and substance of the claim; and
21 (d) date when and place at which the claim arose; and
22 (e) the amounts paid, if any, and the date and manner of disposition, judgment, settlement, or otherwise;
23 and
24 (f) the date and reason for final disposition, if no judgment or settlement; and
25 (g) such additional information as the board shall require.

26
27 No insurer or its agent or employees shall be liable in any cause of action arising from reporting to the board as
28 required in this section.”

29
30 SECTION 2. Within 90 days after the effective date of this act, the board of registration in optometry shall
31 promulgate the rules and regulations as required by section 1.