

FIRST REGULAR SESSION

# HOUSE BILL NO. 622

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES KUESSNER (Sponsor), HARRIS (110), HENKE, WAGNER,  
ROBINSON, BRINGER, SHOEMYER, WITTE, AULL, BARNITZ AND SWINGER (Co-sponsors).

Read 1<sup>st</sup> time February 23, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1756L.011

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### AN ACT

To amend chapter 383, RSMo, by adding thereto one new section relating to premium rates for medical malpractice insurance.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 383, RSMo, is amended by adding thereto one new section, to be  
2 known as section 383.510, to read as follows:

**383.510. 1. Notwithstanding any other provision of law to the contrary, every  
2 insurer providing medical malpractice insurance in this state shall establish a premium  
3 rate for insurance purchased by health care providers who provide services in counties of  
4 the third and fourth classification based on the claims or claims history in such counties.  
5 Such premium rates may be adjusted for health care providers who do not provide services  
6 exclusively in counties of the third and fourth classification based on the percentage of  
7 services provided outside such counties.**

8 **2. For purposes of this section, the following terms mean:**

9 **(1) "Health care provider" includes physicians, dentists, clinical psychologists,  
10 pharmacists, optometrists, podiatrists, registered nurses, physicians' assistants,  
11 chiropractors, physical therapists, nurse anesthetists, anesthetists, emergency medical  
12 technicians, hospitals, nursing homes and extended care facilities; but shall not include any  
13 nursing service or nursing facility conducted by and for those who rely upon treatment by  
14 spiritual means alone in accordance with the creed or tenets of any well-recognized church  
15 or religious denomination;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           (2) **"Medical malpractice insurance" means insurance coverage against the legal**  
17 **liability of the insured and against loss, damage, or expense incident to a claim arising out**  
18 **of the death or injury of any person as a result of the negligence or malpractice in**  
19 **rendering professional service by any health care provider.**