

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS15083-LD-40A* (02/19)

Short Title: Medical Malpractice Settlement Reports.

(Public)

Sponsors: Senator Queen.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE REPORTING OF DETAILS OF SETTLEMENTS OF
3 MEDICAL MALPRACTICE CLAIMS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 1B of Chapter 90 is amended by adding the following new
6 section to read:

7 "**§ 90-21.19. Settlements in medical malpractice actions; reporting.**

8 (a) In any medical malpractice action in which the parties agree to settle the claim, in
9 reporting the claim under G.S. 58-2-170, the insurer shall identify the amount of the settlement
10 attributable to economic damages and provide documentation to substantiate that amount.

11 (b) In any medical malpractice action in which the parties agree to settle the claim, the
12 attorney for the plaintiff shall report the settlement to the Department of Insurance. The report
13 shall include a certification and documentation of the amount of the settlement proceeds
14 received in reimbursement of any costs incurred in prosecution of the case, including separate
15 amounts expended for expert witnesses, exhibits, travel, all other categories of expenses which
16 the attorney charges to the plaintiff, and the amount of the settlement attributable to attorneys'
17 fees.

18 (c) For purposes of this section, a medical malpractice action is settled if at any time
19 after the claim is made and before, during, or after trial, the parties mutually agree to end the
20 litigation in exchange for monetary payment.

21 (d) As used in this section, the following terms mean:

22 (1) Economic damages. – Damages to compensate for present and future
23 medical costs, hospital costs, custodial care, rehabilitation costs, lost
24 earnings, loss of bodily function, and any other pecuniary damages.

25 (2) Insurer. – Every insurer, self-insurer, and risk retention group, as those terms
26 are defined in Chapter 58 of the General Statutes, that provides professional
27 malpractice insurance to health care providers in this State."

28 SECTION 2. This act becomes effective October 1, 2009, and applies to
29 settlements of medical malpractice actions entered into on or after that date.

