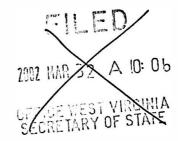
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OFFICE WEST VIRGINIA SECRETARY OF STATE



WEST VIRGINIA LEGISLATURE

Regular Session, 2000

ENROLLED

Committee Substitute for SENATE BILL NO. _____ 5110

(By Senators Minard and Vessler)

PASSED March 8, 2002

In Effect winety days Crom Passage

OFFICE WEST VIRGINIA



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 516

(SENATORS MINARD AND KESSLER, original sponsors)

[Passed March 8, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact sections one and three, article twenty-d, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to tail insurance and malpractice insurance generally; extending scope of article to include hospital coverage; and requiring malpractice insurers to submit plan for determination of partial limits in event of default on amortized payment.

Be it enacted by the Legislature of West Virginia:

That sections one and three, article twenty-d, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 20D. TAIL INSURANCE.

§33-20D-1. Scope of article.

1 This article applies to malpractice insurance as defined

1 - ...

- 2 in subdivision (9), subsection (e), section ten, article one of
- 3 this chapter insuring a medical physician, osteopathic
- 4 physician, podiatric physician, chiropractic physician,
- 5 dentist, midwife, nurse practitioner or hospital which has
- 6 been in effect for at least sixty days.

§33-20D-3. Tail insurance to be offered upon cancellation; availability of amortization; minimum premium rates; penalties for noncompliance.

- 1 (a) Upon cancellation, nonrenewal or termination of any
- $2\quad \hbox{claims\,made\,professional\,malpractice\,insurance\,policy,\,the}\\$
- 3 insurer shall offer to the insured tail insurance coverage.
- 4 (b) Upon cancellation, nonrenewal or termination of any
- 5 claims made professional malpractice insurance policy, the
- 6 insurer shall offer to any professional licensed and practic-
- 7 ing in the state of West Virginia, or who, upon retirement,
- 8 last practiced in the state of West Virginia, the opportunity
- 9 to amortize the payment of premiums for tail insurance
- 10 over a period of not more than thirty-six months, in
- 11 quarterly payments, at a rate to be established by the
- 12 insurance commissioner: *Provided*, That quarterly premi-
- 13 ums paid pursuant to this subsection shall not be less than
- 14 seven hundred fifty dollars.
- 15 (c) The first quarterly payment shall be payable contem-
- 16 poraneous with the issuance of the tail coverage policy.
- 17 Subsequent payments shall be due and payable quarterly
- 18 thereafter. Each licensed malpractice insurer shall submit
- 19 for approval, by the commissioner, a plan for determina-
- 20 tion of partial limits in the event of default on amortized
- 21 payment.
- 22 (d) Any insurer who fails to offer tail insurance or in any
- 23 other way violates the provisions of this article shall be

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- 24 assessed a penalty equal to the amount of the premium 25 due.
- (e) The offer of tail insurance coverage required by thissection shall expire forty-five days after the cancellation,
- 28 termination or other expiration of the claims made
- 29 professional malpractice insurance policy, unless sooner
- 30 accepted, in writing, by the insured.

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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled. Chairman Senate Committee	rh_
Chairman House Committee Originated in the Senate	
In effect ninety days from passage. Clerk of the Senate	
Clerk of the House of Delegates Clerk of the House of Delegates President of the Senate	
Speaker House of Delegates	
The within W. Oppnoud this the 29 44. Day of Morch 2002.	
Governor 226c	

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