

MedChi

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TO: The Honorable Joan Carter Conway, Chairman
Members, Senate Education, Health & Environmental Affairs Committee
The Honorable Katherine Klausmeier

FROM: Joseph A. Schwartz, III
Pamela Metz Kasemeyer
J. Steven Wise

DATE: February 18, 2010

RE: **SUPPORT WITH AMENDMENT** – Senate Bill 402 – *Physicians – Professional Liability Insurance Coverage – Notification and Posting Requirements*

The Maryland State Medical Society (MedChi), which represents over 7,300 Maryland physicians and their patients, supports Senate Bill 402 with two amendments.

Senate Bill 402 requires physicians in Maryland to notify patients in writing if they do not carry medical malpractice insurance. MedChi believes that patients should be informed of whether or not their health care provider carries insurance. Senate Bill 402 provides a reasonable means for conveying this important information, both by a general notice in the physician's office and by specific notice to the patient upon each visit.

However, MedChi would suggest that two amendments be made. First, the bill requires the physician to provide notice if coverage has lapsed (See p. 2, lines 1-3), but MedChi believes that the physician must have been *notified by the carrier* of such a lapse for notice to be required. Accordingly, MedChi would ask that on Page 2, lines 1-3 be stricken and the following be substituted: "THE LICENSEE HAS BEEN NOTIFIED BY THE LICENSEE'S LIABILITY INSURANCE CARRIER THAT COVERAGE HAS

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LAPSED FOR ANY PERIOD OF TIME AND THAT THE LICENSEE'S COVERAGE HAS NOT BEEN RENEWED.”

Second, the requirement that an uninsured physician notify a patient “on each visit” seems cumbersome, particularly given that a notice must be posted conspicuously in the office. Some form of individual patient notice is proper, but perhaps annually or semi-annually is a more manageable frequency.

With these amendments, MedChi supports Senate Bill 402.

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