

## LEGISLATIVE BILL 152

Approved by the Governor May 16, 2007

Introduced by Pankonin, 2

FOR AN ACT relating to licenses; to amend section 71-1,200, Reissue Revised Statutes of Nebraska; to change provisions relating to reports by insurers; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-1,200, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,200 Any insurer shall report to the department, on a form and in the manner specified by the department by rule and regulation, any facts known to the insurer, including, but not limited to, the identity of the practitioner and patient, when the insurer:

(1) Has reasonable grounds to believe that a practitioner has committed a violation of the regulatory provisions governing the profession of such practitioner;

(2) Has made payment due to an adverse judgment, settlement, or award resulting from a professional liability claim against the insurer, a health care facility or health care service as defined in the Health Care Facility Licensure Act, or a practitioner, including settlements made prior to suit in which the patient releases any professional liability claim against the insurer, health care facility or health care service, or practitioner, arising out of the acts or omissions of the practitioner;

(3) Takes an adverse action affecting the coverage provided by the insurer to a practitioner due to alleged incompetence, negligence, unethical or unprofessional conduct, or physical, mental, or chemical impairment. For purposes of this section, adverse action shall not include raising a practitioner's rates for professional liability coverage unless it is based upon grounds that would be reportable and no prior report has been made to the department; or

(4) Has been requested by the department to provide information.

The report shall be made within thirty days after the date of the action, event, or request. Nothing in this section or section 71-1,199 shall be construed to require an insurer to report based on information gained due to the filing by a practitioner or on behalf of a practitioner of a claim for payment under his or her health insurance policy.

Sec. 2. Original section 71-1,200, Reissue Revised Statutes of Nebraska, is repealed.