

Hello, Chair Houghton,

Thank you for the opportunity to provide some brief comments to S.37 on behalf of the American Property Casualty Insurance Association (APCIA). APCIA is the preeminent national trade association of property and casualty insurers with more than 1,000 members, and counts among its members several of whom write medical malpractice insurance in Vermont.

APCIA understands the intent of Section 2 amending Section 4728 of Title 8 to prevent a medical malpractice insurer to arbitrarily adjust risk classification and premium charged to health care providers because they happen to perform legally protected health care activities in Vermont. APCIA has seen other physician “shield” type laws surface in other states.

The bill as introduced in the Senate, however, called into question the ability of a medical malpractice insurer from adjusting premium for reasons typically involved in underwriting, such as consideration of claims loss experience, or instances where the applicable professional standards of care may not be met. This was not the intent of the bill sponsor.

I worked on behalf of APCIA with the Senate Health & Welfare Committee and stakeholders to develop and support language to the bill that makes it clear these other underwriting factors are not impacted. This was adopted and is now part of S.37 as passed the Senate. Specifically, it can be found on Page 5, Line 16 of Senate-passed S.37 as follows:

(ii) For purposes of this subdivision (F), it shall not be unfairly discriminatory nor an arbitrary underwriting action against a health care provider if the risk classifications, premium charges, or other underwriting considerations are based on factors other than those listed in subdivision (i) of this subdivision (F).

If you or members of the Committee have any questions related to this provision, just let me know. In addition, if there are suggestions to further amend it, I appreciate the opportunity to provide additional comment.

Thank you again for this opportunity to comment, and for your consideration.

Sincerely,

Jamie Feehan