

**FINAL BILL REPORT**

**ESSB 5778**

**C 112 L 93**

**SYNOPSIS AS ENACTED**

**Brief Description:** Creating a joint underwriting association for midwives.

**SPONSORS:** Senate Committee on Labor & Commerce (originally sponsored by Senators Prentice, Hargrove, Jesernig, Prince, Wojahn, Haugen, Franklin, Spanel, Fraser, Barr, Amondson, McAuliffe, Moore, Moyer, Hochstatter and Pelz)

**SENATE COMMITTEE ON LABOR & COMMERCE**

**HOUSE COMMITTEE ON FINANCIAL INSTITUTIONS & INSURANCE**

**BACKGROUND:**

A joint underwriting association is a program designed to make insurance available for those unable to obtain insurance from normal markets.

An association is typically designed so that a lead insurer issues, administers, and handles claims arising under the policy. At the end of a certain accounting period, all members of the association share the losses from policies written through the association.

Concerns have been raised about the availability of medical malpractice insurance coverage for certified nurse midwives and licensed midwives in this state who practice outside of a hospital setting.

**SUMMARY:**

All insurers authorized to write medical malpractice and general casualty insurance policies in this state are required to become members of the nonprofit joint underwriting association to provide medical malpractice insurance for certified nurse midwives, licensed midwives or licensed birth centers.

The association must offer a policy with liability limits of \$1 million per individual and \$3 million per occurrence. Coverage may not exclude midwives engaged in home birth or birth center deliveries.

The Insurance Commissioner may select an insurer to administer the plan.

A risk management program for those insured through the association is established. This program must, at a minimum,

include: investigation and analysis of adverse or untoward outcomes; development of measures to control injuries; a reporting system for incidents that occur; investigation and analysis of patient complaints; education of association members to improve quality of care.

The Insurance Commissioner must file a report to the Legislature by December 1, 1996 regarding the operations of the association.

**VOTES ON FINAL PASSAGE:**

Senate	47	0
House	77	21

**EFFECTIVE:** July 25, 1993