

304.40-310 Settled or adjudicated claims -- Report -- Approval of commissioner.

- (1) All malpractice claims settled or adjudicated to final judgment against a health care provider shall be reported to the commissioner of insurance by the malpractice insurer of the health care provider or the health care provider if self-insured, within sixty (60) days following final settlement or disposition of the claim. The report to the commissioner shall recite the following:
 - (a) Name and address of health care provider involved;
 - (b) Name and address of claimant;
 - (c) Nature of the claim;
 - (d) Damages asserted and alleged injury; and
 - (e) The amount of any settlement or judgment.
- (2) The commissioner of insurance shall forward the name of every health care provider against whom a settlement is made or judgment is rendered to the appropriate licensure board or regulatory agency for review of the fitness of the health care provider to practice his or her profession.
- (3)
 - (a) At any time before a jury is empanelled or before a trial is commenced by a court without a jury, no settlement or other compromise of any claim for malpractice shall be effective between a claimant and the fund unless the proposed settlement or other compromise shall have been approved by the commissioner.
 - (b) The commissioner shall prescribe by rule the procedure for submission of settlements or other compromises involving the fund.
 - (c) If the commissioner shall disapprove a proposed settlement or other compromise involving the fund, the claimant may thereafter pursue his or her interests in a court of appropriate jurisdiction and the action of the commissioner shall not be admissible upon any trial of the action.
 - (d) Notwithstanding the provisions of KRS 413.140, when an offer to compromise or settle has been filed with the commissioner the statute of limitations made and provided for the commencement of an action for malpractice shall not bar any such action until ninety (90) days after notice to the parties of the commissioner's disapproval of any proposed settlement or other compromise.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1547, effective July 15, 2010. --
Created 1976 Ky. Acts ch. 163, sec. 7, effective July 1, 1976.