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SENATE BILL NO. 536

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee

on March 14, 2026)

(Patron Prior to Substitute—Senator Obenshain)

A *BILL* to amend the Code of Virginia by adding a section numbered 8.01-581.15:1, relating to medical malpractice information disclosures; report.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-581.15:1 as follows:

§ 8.01-581.15:1. Medical malpractice information disclosures.

A. Every insurer issuing medical malpractice liability insurance policies covering health care providers in the Commonwealth shall disclose, for the preceding calendar year, information regarding (i) premiums, including total premiums written in the Commonwealth, the number of insured providers, the average and median premium per insured provider, investment or interest income attributable to such line of coverage, if maintained separately in the ordinary course of business, and any dividends, premium refunds, premium credits, surplus distributions, or other return of premiums paid or credited to policyholders or members, including the average amount of such payments per insured provider, and such premium information shall be categorized by medical specialty and type of insured entity, including independent physician practices, hospital-employed physicians, academic medical centers, and such other categories as reasonably reflect underwriting classifications used by insurers; (ii) claims activity, specifically the number of claims reported, lawsuits filed, claims settled, claims dismissed, claims tried to verdict, defense verdicts returned, and the average plaintiff verdict amount; (iii) claim payments and litigation costs, specifically the total indemnity paid, total defense and litigation expenses incurred, the average defense cost per closed claim, and the medical malpractice loss ratio, defined for the purposes of this section as the ratio of total indemnity payments and defense and litigation payments, reserves, and actuarially determined but not reported claims to earned premium for such coverage; and (iv) insurer financial condition, including the total surplus held by insurers writing medical malpractice liability insurance in the Commonwealth.

B. Every hospital or health system licensed in the Commonwealth pursuant to § 32.1-123 that maintains self-insurance, captive insurance, risk retention arrangements, or other retained financial risk for medical malpractice liability shall disclose information regarding (i) the number of physicians and health care providers covered under the malpractice liability program; (ii) claims activity, including claims made, lawsuits filed, claims settled, claims tried to verdict, defense verdicts returned, and the average plaintiff verdict amount; (iii) malpractice expenditures, including total indemnity paid, total defense and litigation expenses, administrative costs of the malpractice liability program, reserves for pending claims, and premiums paid for excess insurance or reinsurance coverage; and (iv) the total malpractice liability expenditures for the reporting year expressed as a percentage of the hospital's total patient service revenue.

C. Each entity required to disclose information pursuant to subsections A and B shall provide a list of verdicts during the reporting year in medical malpractice actions in the Commonwealth in which the jury verdict exceeded the limitation on recovery established pursuant to § 8.01-581.15. Such list shall include (i) the verdict amount, (ii) the amount recoverable after the application of the limitation on recovery established pursuant to § 8.01-581.15, and (iii) the year in which the cause of action began to accrue. No personally identifiable information of any individual involved in such an action shall be disclosed in such a list.

D. The disclosures and information required to be provided pursuant to the provisions of this section shall be submitted to the Chairs of the House and Senate Committees for Courts of Justice and to the ranking Delegate and Senator of the minority party serving on such Committees and shall be made available to the public by the Clerks of the House of Delegates and the Senate on the General Assembly's website in a uniform format prescribed by such Clerks after consultation with the Chairs of the House and Senate Committees for Courts of Justice. The initial disclosure and information required to be provided pursuant to the provisions of this section shall be submitted on or before September 1, 2026, for the 2025 calendar year, and subsequent disclosures and information shall be submitted on or before March 31 of each year thereafter for the preceding calendar year.

E. The disclosures and information required to be provided pursuant to this section shall be provided in aggregate form that does not allow identification of any individual physician, hospital, insurer, patient, or specific claim and shall be reported in the form maintained in the ordinary course of business by such entity and certified as accurate and complete by an officer of the reporting entity.

F. The disclosures and information submitted to the Chairs of the House and Senate Committees for Courts of Justice and to the ranking Delegate and Senator of the minority party serving on such Committees pursuant to this section shall be confidential and shall be exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 *et seq.*) except in aggregate form and shall not identify any individual

60 *physician, hospital, insurer, patient, or specific claim.*

61 *G. The provisions of this section shall expire upon the effective date of any act of the General Assembly*

62 *establishing a new limitation on recovery for medical malpractice actions pursuant to § 8.01-581.15.*