

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [S 536]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 8.01-581.15:1 as follows:**8 **§ 8.01-581.15:1. Medical malpractice information disclosures.**

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

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

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

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

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

54 *F. The disclosures and information submitted to the Chairs of the House and Senate Committees for*
 55 *Courts of Justice and to the ranking Delegate and Senator of the minority party serving on such Committees*
 56 *pursuant to this section shall be confidential and shall be exempt from disclosure under the Virginia Freedom*

57 *of Information Act (§ 2.2-3700 et seq.) except in aggregate form and shall not identify any individual*
58 *physician, hospital, insurer, patient, or specific claim.*

59 *G. The provisions of this section shall expire upon the effective date of any act of the General Assembly*
60 *establishing a new limitation on recovery for medical malpractice actions pursuant to § 8.01-581.15.*