

Senator William Stouffer, Chairman  
Senator Victor Callahan  
Steve Reintjes, MD  
John Stanley, MD  
David Carpenter



Representative Robert Schaaf, MD  
Representative Curt Dougherty  
Lancer Gates, DO  
Gloria Solis, RN, MSN, MBA

## Health Care Stabilization Fund Feasibility Board

---

---

Healthcare Stabilization Fund Feasibility Board  
Friday, December 14, 2007

Meeting Minutes

**Call to Order:** The meeting was called to order at approximately 12:30pm.

**Board Members in Attendance:** Senator Victor Callahan (by teleconference for the beginning of the meeting), Representative Curt Dougherty, Representative Dr. Robert Schaaf, Dr. Lancer Gates, Dr. Steven Reintjes, Dr. John Stanley, Gloria Solis, RN,

**Others in Attendance:** Linda Bohrer, Unni Mundaya, Tina Steinman, all from DIFP

**Materials:** Handouts included draft HCSFFB January 2008 report with proposed amendment document, MO physician license application and annual renewal document.

**Approval of Minutes:** A motion was made and seconded to approve the minutes from the September board meeting, with all in favor.

### **Discussion with Ex. Director of the MO Board of Healing Arts (BHA)**

Tina Steinman, the Executive Director of the BHA presented the physician license application and the renewal documents and there was a fairly exhaustive discussion with the HCSFFB board members present about how the annual license renewal document is distributed and when, (in November of each year), what information is required to be provided annually (by January of each year), and how the BHA captures the information. The discussion included what is loaded into a database and what information is converted to PDF documents for electronic storage. If no medical malpractice claims are involved within the last year, the doctor can submit a renewal request electronically to the BHA. If a medical malpractice claims is involved, the physician must submit the license renewal request in paper. There was a discussion about the ability of the BHA to share claim information with the DIFP and other state agencies and also the claim information they load into a data base and what information is available on the written license renewal document. It was determined that the Division of Professional Registration's legal staff had already investigated this question and determined that the BHA could share information with DIFP's insurance divisions as long as the confidentiality of the information was maintained by DIFP's insurance divisions. There was also a discussion of additional costs that might be involved with converting more information into a database.

Attn: Linda Bohrer

301 West High Street, Room 530

Dr. Schaaf said he would be willing to support a budget increase request that might be needed to facilitate enhancements to the medical malpractice data collection and enhancements needed for data to track the practices and movement of Drs. within and leaving the state.

Tina also indicated that changes to the physician license application and renewal documents would need to be approved by the BHA. A formal presentation will need to be made to the BHA by the HCSFFB in order for changes to be considered. It was agreed that the changes to both the license and the renewal document would need to be coordinated and consistent.

DIFP and BHA were asked to work together to identify the changes needed for the physician application and renewal documents, so that the practices and movement of Drs. in MO could be more closely monitored. They were also asked to determine if additional resources would be needed for either division to collect and analyze this data when collected.

#### **Schedule Quarterly Meetings for 2008**

It was decided by the board members present that the meetings for 2008 would be hosted by North Kansas City Hospital. David Carpenter had generously offered at the Sept. meeting that the hospital could continue to be used for the meetings.

The meeting dates were set. They are March 14, 2008, June 13, 2008, Sept. 12, 2008 and December 12, 2008. Lunch will be provided for the board and staff at noon, and the meetings will take place from 12:30-2:30 on each meeting date.

At the March meeting, the board asked for a presentation from the Missouri Medical Malpractice Joint Underwriting Association and a presentation from Bob Hayes, the former executive director of the Kansas Health Care Stabilization Fund. Each subsequent meetings' agenda will be decided at a later date.

#### **Status on HB 1837 Implementation**

Linda Bohrer provided an update on the implementation progress for HB 1837 (2006). Nine rules were promulgated by the DIFP over the last 18 months. All were withdrawn at the request of JCAR. At this time the DIFP does not intend to continue to attempt to draft rules for implementation of the data collection and rate oversight statutes in HB 1837 (2006). There needs to be clean-up language in the statutes before meaningful implementation can take place. This delay results in uncertainty as to any benefit that might be realized in the medical malpractice insurance market in MO from changes that were thought to be taking place by some with the passage of HB 1837 (2008)

The board decided they must arm the general assembly with information and language to correct areas of the law that are being interpreted differently by various parties. Dr. Schaaf and Rep. Dougherty would sponsor legislation. They instructed the DIFP to put together a bill that could be included in the interim report that would clarify the data collection statutes and address the confidentiality problems expressed by insurers in the rule hearings.

#### **Discussion of the Interim Report to General Assembly**

The draft report was written by DIFP staff and distributed to the HCSFFB. The preliminary draft had been reviewed by the HCSFFB prior to this meeting and they provided written feedback on

changes. All comments for change submitted by the board prior to the meeting were consolidated into a document for the board's review and discussion. Linda Bohrer led the discussion about the report and changes to it. Various questions posed throughout the draft requiring direction from the board were answered. Several changes to the draft report were made by the board. The set of questions on page three of the draft were changed. The board asked that the three questions be changed to:

- Will a stabilization fund affect the number of doctors practicing in MO?
- What effects would a health care stabilization fund have on doctors and their practices?
- Will a fund provide stability to the availability and pricing of medical malpractice insurance?

A definition or explanation of what a Health Care Stabilization Fund is, was agreed upon and included in the report. There were changes recommended to several other parts of the draft dealing with the shift of the number of Drs. practicing in MO and comments about the effect of tort reform on medical malpractice claims.

Recommendations 2 & 5 in the draft were removed.

The DIFP was instructed to draft two appendices. One in bill form to propose changes to Chapter 383 RSMo laws dealing with med mal data collection authority (§§ 383.105 and 383.106) and an appendix showing the proposed changes needed for the physician license application and renewal forms. DIFP was also asked to make the recommended changes to the draft report, distribute to the board electronically and get approval from the board for final distribution of the report to the Governor and the General Assembly in January of 2008.

#### **Next Meeting**

The next meeting will be on March 14, 2008, at North Kansas City Hospital's administration board room.

#### **Adjournment**

The meeting adjourned at approximately 2:15pm.