

REFERENCE TITLE: malpractice settlement; notice costs; BOMEX

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

SB 1208

Introduced by
Senators Gerard: Hellon, Nichols

AN ACT

AMENDING SECTION 12-570, ARIZONA REVISED STATUTES; RELATING TO HEALTH CARE ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-570, Arizona Revised Statutes, is amended to
3 read:

4 12-570. Malpractice settlement or award reporting; civil
5 penalty; cost of notice

6 A. If a medical malpractice action is settled or a court enters a
7 monetary judgment, the plaintiff's attorney and the professional liability
8 insurers shall provide the defendant's health profession regulatory board
9 with the notice required under subsection B of this section, a copy of the
10 complaint and a copy of either the agreed terms of settlement or the
11 judgment. The attorney shall provide this notice and these documents within
12 thirty days after a settlement is reached or a judgment is entered. For the
13 purposes of this subsection, "health profession regulatory board" has the
14 same meaning prescribed in section 32-3201.

15 B. The notice required by subsection A of this section shall contain
16 the following information:

- 17 1. The name and address of each defendant.
- 18 2. The name and address of each plaintiff.
- 19 3. The date and location of the occurrence which created the claim.
- 20 4. A statement specifying the nature of the occurrence resulting in
21 the malpractice action.

22 5. A copy of all expert witness depositions, a transcript of all
23 expert witness court testimony or a written evaluation of the case by an
24 expert witness.

25 C. The notice required by subsection A of this section is not
26 discoverable and not admissible as evidence.

27 D. An attorney who does not supply the information required by
28 subsections A and B of this section within thirty days after the notice of
29 settlement or judgment is due under subsection A of this section is subject
30 to a civil penalty of five hundred dollars

31 E. THE BOARD OF MEDICAL EXAMINERS SHALL PAY FOR THE COST OF THE NOTICE
32 REQUIRED BY SUBSECTION A OF THIS SECTION. THE COST FOR EACH PAGE OF THE
33 NOTICE IS THE SAME AS THE FEE FOR MAKING A COPY OF EACH PAGE AS PRESCRIBED BY
34 SECTION 12-284, SUBSECTION A.