

HOUSE BILL NO. 26

INTRODUCED BY WYATT

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON INSURANCE ISSUES

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA MEDICAL LEGAL PANEL ACT;
6 REQUIRING THAT, UPON REQUEST, THE PANEL ARTICULATE THE REASONING AND BASIS FOR A
7 DECISION; REQUIRING MANDATORY, NONBINDING MEDIATION FOR AN AFFIRMATIVE PANEL DECISION;
8 AND AMENDING SECTIONS 27-6-604, 27-6-606, AND 27-6-704, MCA."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 27-6-604, MCA, is amended to read:

13 "27-6-604. **Form and content of decision.** The decision ~~shall~~ must in every case be signed for the
14 panel by the chairman ~~and shall~~, must contain only the conclusions reached by a majority of its members,
15 and ~~shall~~ must list the number of members, if any, dissenting ~~therefrom~~ from the opinion. ~~The Upon request~~
16 of any party, the majority may ~~shall~~ briefly explain the reasoning and ~~the~~ basis for ~~their~~ the decision, and
17 the dissenters ~~may likewise~~ shall explain the ~~reason~~ reasoning and basis for disagreement."

Section 2. Section 27-6-606, MCA, is amended to read:

20 "27-6-606. **Decision not binding -- settlement agreements -- nonbinding mediation.** (1) The panel's
21 decision is without administrative or judicial authority and is not binding upon any party.

22 (2) The panel may recommend an award, approve settlement agreements, and discuss the same
23 settlement agreements, all in a manner ~~not inconsistent~~ consistent with this part, and all such. All approved
24 settlement agreements are binding on the parties.

25 (3) If the panel decides both questions required by 27-6-602 in the affirmative, the court in which
26 the complaint is filed shall require the parties to participate in court-supervised, nonbinding mediation prior
27 to proceeding."

29 **Section 3.** Section 27-6-704, MCA, is amended to read:

30 *27-6-704. Panel proceedings and decision privileged from disclosure in court actions. (1) No A

1 panel member may not be called to testify in any a proceeding concerning the deliberations, discussions,
2 decisions, and internal proceedings of the panel.

3 (2) The decision and the reasoning and basis for the decision of the ~~medical review~~ panel is are not
4 admissible as evidence in any an action subsequently brought in any a court of law."

5

-END-

APPROVED BY COMMITTEE
ON JUDICIARY

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8 AN AFFIRMATIVE PANEL DECISION; AND AMENDING SECTIONS 27-6-604, 27-6-606, AND 27-6-704,
9 MCA."

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17 of any party, the majority may ~~shall~~ briefly explain the reasoning and the basis for their ~~the~~ decision, and
18 the dissenters ~~may likewise~~ shall explain the ~~reason~~ reasoning and basis for disagreement. EACH PARTY
19 MUST BE INFORMED BY THE PANEL OF THE RIGHT TO NONBINDING MEDIATION UNDER 27-6-606."

21 **Section 2. Section 27-6-606, MCA, is amended to read:**

"27-6-606. **Decision not binding -- settlement agreements -- nonbinding mediation.** (1) The panel's decision is without administrative or judicial authority and is not binding upon any party.

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26 settlement agreements are binding on the parties.

27 (3) If the panel decides both questions required by 27-6-602 in the affirmative, the court in which
28 the complaint is filed shall, AT THE REQUEST OF A PARTY, require the parties to participate in
29 court-supervised, nonbinding mediation prior to proceeding."

1 **Section 3.** Section 27-6-704, MCA, is amended to read:

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6 admissible as evidence in ~~any~~ an action subsequently brought in ~~any~~ a court of law."

7 -END-

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28 the complaint is filed shall, AT THE REQUEST OF A PARTY, require the parties to participate in
29 court-supervised, nonbinding mediation prior to proceeding."

1 **Section 3. Section 27-6-704, MCA, is amended to read:**

"27-6-704. Panel proceedings and decision privileged from disclosure in court actions. (1) No A panel member may not be called to testify in any a proceeding concerning the deliberations, discussions, decisions, and internal proceedings of the panel.

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21 Section 2. Section 27-6-606, MCA, is amended to read:

22 "27-6-606. Decision not binding -- settlement agreements -- nonbinding mediation. (1) The panel's
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2 **"27-6-704. Panel proceedings and decision privileged from disclosure in court actions. (1) No A**
3 panel member may not be called to testify in any a proceeding concerning the deliberations, discussions,
4 decisions, and internal proceedings of the panel.

5 (2) The decision and the reasoning and basis for the decision of the medical review panel is are not
6 admissible as evidence in any an action subsequently brought in any a court of law."

7 -END-