

1 HOUSE BILL NO. 26

2 INTRODUCED BY WYATT

3 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."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11

12 **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~~ the basis for ~~their~~ the decision, and
17 the dissenters ~~may likewise~~ shall explain the ~~reason~~ reasoning and basis for disagreement."
18

19 **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."
28

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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