

IC 34-18-13

Chapter 13. Malpractice Coverage

IC 34-18-13-1

Liability under chapter dependent upon maintenance of malpractice liability insurance

Sec. 1. Only while malpractice liability insurance remains in force are the health care provider and the health care provider's insurer liable to a patient or the patient's representative for malpractice to the extent and in the manner specified in this article.

As added by P.L.1-1998, SEC.13.

IC 34-18-13-2

Acceptance of article; filing of proof of financial responsibility

Sec. 2. The filing of proof of financial responsibility with the commissioner constitutes, on the part of the insurer, a conclusive and unqualified acceptance of this article.

As added by P.L.1-1998, SEC.13.

IC 34-18-13-3

Policy terms limiting liability void

Sec. 3. A provision in a policy attempting to limit or modify the liability of the insurer contrary to this article is void.

As added by P.L.1-1998, SEC.13.

IC 34-18-13-4

Included policy provisions

Sec. 4. Every policy issued under this article (or IC 27-12 before its repeal) is considered to include the following provisions, and any change made by legislation adopted by the general assembly as fully as if the change were written in the policy:

(1) The insurer assumes all obligations to pay an award imposed against its insured under this article (or IC 27-12 before its repeal).

(2) A termination of this policy by cancellation initiated by the insurance company is not effective for patients claiming against the insured covered by the policy, unless at least thirty (30) days before the taking effect of the cancellation, a written notice giving the date upon which termination becomes effective has been received by the insured and the commissioner at their offices.

(3) A termination of this policy by cancellation initiated by the insured is not effective for patients claiming against the insured covered by the policy, unless at least thirty (30) days before the taking effect of the cancellation, a written notice giving the date upon which termination becomes effective has been received by the commissioner at the commissioner's office.

As added by P.L.1-1998, SEC.13.

IC 34-18-13-5

Insurer's failure to pay judgment; revocation of policy form

Sec. 5. If an insurer fails or refuses to pay a final judgment, except during the pendency of an appeal, or fails, or refuses to comply with this article, in addition to any other legal remedy, the commissioner may also revoke the approval of the insurer's policy form until the insurer pays the award or judgment or has complied with the violated provisions of this article and has resubmitted its policy form and received the approval of the commissioner.

As added by P.L.1-1998, SEC.13.