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HEALTH AND SAFETY CODE - HSC

DIVISION 2. LICENSING PROVISIONS [1200 - 1796.70] (*Division 2 enacted by Stats. 1939, Ch. 60.*)

CHAPTER 2. Health Facilities [1250 - 1339.59] (*Chapter 2 repealed and added by Stats. 1973, Ch. 1202.*)

ARTICLE 6. Malpractice Actions [1305 - 1308] (*Article 6 added by Stats. 1973, Ch. 1202.*)

1305. (a) Every insurer providing professional liability insurance to a health facility licensed pursuant to this chapter and every health facility or associated group of health facilities licensed pursuant to this chapter under common ownership which are self insured shall report periodically, but in no event less than once each year, to the state department any final judgment over three thousand dollars (\$3,000) rendered against such health facility during the preceding year in, or any settlement over three thousand dollars (\$3,000) during the preceding year of, a claim or action for damages for personal injuries caused by an error, omission, or negligence in the performance of its professional services, or by the performance of its professional services without consent.

(b) In the event that there are no final judgments or settlements in excess of three thousand dollars (\$3,000) during the year such fact shall also be reported to the department.

(*Added by Stats. 1973, Ch. 1202.*)

1306. Notwithstanding any other provision of law, no insurer shall enter into a settlement exceeding three thousand dollars (\$3,000) to settle a claim or action referred to in Section 1305 without the written consent of the insured, except that this prohibition shall not void any settlement entered into without such written consent.

The requirement of written consent can only be waived by both the insured and the insurer.

The provisions of this section shall only apply to a settlement on a policy of insurance executed or renewed on or after January 1, 1971.

(*Added by Stats. 1973, Ch. 1202.*)

1307. The state department shall keep a record of all reports made pursuant to Section 1305.

(*Amended by Stats. 1992, Ch. 713, Sec. 18. Effective September 15, 1992.*)

1308. The state department shall notify every health facility licensed pursuant to this chapter and every insurer providing professional liability insurance to such health facilities of the provisions of this article.

(*Added by Stats. 1973, Ch. 1202.*)