

STATE OF DELAWARE



648

EXECUTIVE DEPARTMENT
DOVER

EXECUTIVE ORDER
NUMBER NINETY-TWO

TO: Heads of All State Departments and Agencies

RE: Establishment of the Delaware Medical Malpractice Study Commission

WHEREAS, a crisis exists in this State in the area of malpractice insurance for health care providers due to imminent termination of such insurance coverage for Delaware hospitals and potential future termination of such coverage for other health care providers; and

WHEREAS, significant increases in the costs of insurance have occurred and there is an impending demise of a voluntary market for insurance in this portion of the industry; and

WHEREAS, it is essential that medical malpractice insurance coverage continue to be available in the State of Delaware to protect not only health care providers but all citizens of this State who are the potential victims of medical malpractice; and

WHEREAS, many interested citizens and concerned groups in the State of Delaware have been endeavoring unilaterally to find a solution to this difficult problem for the benefit of all citizens of this State and have not been able to do so; and

WHEREAS, the House of Representatives Health and Social Services Committee has held extensive hearings on the subject of medical malpractice; and

WHEREAS, despite the best efforts of all these groups endeavoring to resolve the problem, there remains substantial work to be done to prepare legislation which will properly resolve the malpractice problem and provide appropriate protection for all parties concerned, including the general public;

NOW, THEREFORE, I, SHERMAN W. TRIBBITT, by the authority vested in me as Governor of the State of Delaware, do hereby declare and order as follows:

1. The "Delaware Medical Malpractice Study Commission" is established.

2. The Commission is charged with the responsibility to:

(a) propose legislation which would assure medical malpractice insurance coverage for all categories of health care providers in the immediate future, while protecting and safeguarding the existing rights of citizens to recover for damages occasioned by medical malpractice; and

(b) provide a mechanism for the development of long-term solutions to the problems of increased costs in medical malpractice insurance premiums.

3. The Commission shall submit to the Governor and the General Assembly no later than January 31, 1976, its findings and legislative recommendations.

4. The Commission shall consist of 23 members who are appointed as follows:

- (a) Chairman, Carroll W. Biggs, Ed.D. - Public Representative
- (b) Hon. Robert Short, Insurance Commissioner of Delaware
- (c) Senator William Murphy, Jr.
- (d) Senator Robert J. Berndt
- (e) Senator Herman M. Holloway, Sr.
- (f) Representative Sandra Worthen
- (g) Representative Lois M. Leshner
- (h) Representative J. Edward Morris
- (i) Representative Karen J. Miller
- (j) Robert P. Peraza - Public Representative
- (k) Joseph C. Ellis - Public Representative
- (l) Claude Corty - Public Representative
- (m) George A. Robbins - Public Representative
- (n) Calvin Hearne, M.D. - President, Medical Society of Delaware
- (o) Joseph E. Belgrade, M.D. - Representative, Medical Society of Delaware
- (p) Rodney M. Layton, Esq. - Representative, Delaware Hospital Association
- (q) Ann E. Miller - Delaware Nurses Association
- (r) John E. Babiarz, Jr., Esq. - The Delaware Trial Lawyers Association
- (s) Edmund N. Carpenter, II, Esq. - Delaware Bar Association
- (t) Clifford B. Hearn, Jr., Esq. - American Insurance Association
- (u) William G. Campbell, Esq. - Insurance Industry
- (v) B. Wilson Redfearn, Esq. - Insurance Industry
- (w) Robert H. Sweeney - Chairman, Interim Comprehensive Health Planning Council

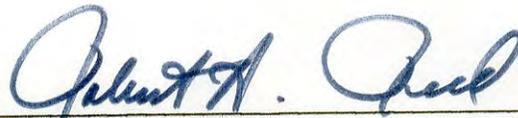
5. The Commission shall terminate upon the signing by the Governor of legislation resolving the medical malpractice problem.

APPROVED this ^{18th} day of December, 1975



GOVERNOR

ATTEST:



Secretary of State

