



# COMMONWEALTH OF MASSACHUSETTS

## Office of Consumer Affairs and Business Regulation

### DIVISION OF INSURANCE

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ACTING COMMISSIONER OF INSURANCE

## BULLETIN 2024-08

**To:** All Commercial Insurers Offering Medical Malpractice Coverage

**From:** Kevin P. Beagan, Acting Commissioner of Insurance

**Date:** June 24, 2024

A handwritten signature in blue ink that reads "Kevin P. Beagan".

**Re:** Executive Order Number 633 - Medical Malpractice Coverage for Providers of Reproductive or Gender-Affirming Health Care Services

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The Division of Insurance (“Division”) issues this Bulletin 2024-08 to Commercial Insurers Offering Medical Malpractice Coverage (“Insurers”) to identify the Division’s expectations regarding medical malpractice coverage for providers that may provide reproductive or gender-affirming care. The Division issues this Bulletin pursuant to Governor Healey’s Executive Order Number 633, Protecting Access to Emergency Abortion Care in Massachusetts, to reaffirm the guidance provided in Bulletin 2023-02, Medical Malpractice Coverage for Providers of Reproductive or Gender-Affirming Health Care Services, and Bulletin 2023-10, Executive Order No 609 – Protecting Access to Medication Abortion Services in the Commonwealth, regarding medical malpractice coverage for providers of reproductive or gender-affirming health care services.

### **Medical Malpractice Coverage**

The Division issued Bulletin 2023-02 to make clear that medical malpractice insurance carriers are not permitted to discriminate in coverage or adjust or otherwise calculate a provider’s risk classification or premium charges on the basis of their providing reproductive or gender-affirming care, regardless of whether such services are unlawful in another state. The Division issued Bulletin 2023-10 to confirm that medical malpractice insurers that issue or renew coverage in Massachusetts are not permitted to discriminate against providers or adjust or calculate a provider’s risk classification or premium charges based on the provider’s offer of medication abortion and medical management of miscarriage, including but not limited to the use, prescribing, dispensing, or administration of mifepristone or misoprostol in the Commonwealth. The Division issues this Bulletin 2024-08 to reaffirm the guidance provided in Bulletins 2023-02 and 2023-10.