Malpractice Insurance

Professional Liability Coverage
As members of the University of Colorado School Of Medicine, Residents are covered for acts within the course and scope of employment with the UC School of Medicine. This coverage would include the practice of approved residency activities at the University of Colorado Hospital, at any affiliate institution and at any out-of-state institution (with prior approval of department and associate dean for GME) as part of the educational program. Professional liability coverage is provided to Residents as a benefit of employment.

Coverage is provided on an occurrence basis. This means that a Resident is covered for acts within the course and scope of his or her employment as a Resident, even if a claim or a lawsuit is brought for that occurrence after the Resident has left the employment of the University of Colorado. Coverage, therefore, is dependent on when the act occurred rather than when the claim was brought.

Professional liability coverage is provided by the University of Colorado Self-Insurance and Risk Management Trust. The Trust's limits of liability are:

- For any injury to one person in any single occurrence, which occurred prior to July 1, 2013, the sum of $150,000; for an injury which occurred on or after July 1, 2013, the sum of $350,000;

- For any injury to two or more persons in any single occurrence, which occurred prior to July 1, 2013, the sum of $600,000; except in such instance, no person may recover in excess of $150,000; for an injury which occurred on or after July 1, 2013, the sum of $990,000, except in such instance, no person may recover in excess of $350,000.

The amounts specified shall be increased every four years, beginning in 2018, to reflect the consumer price index for Denver-Boulder-Greeley.

These amounts correspond to the limitations on judgments against public employees, which are set by the Colorado Governmental Immunity Act.

Exclusions from Professional Liability Insurance Coverage
Claims based upon acts or omissions of a Resident while self-employed or employed by any organization other than the University of Colorado, i.e., “moonlighting,” are excluded from coverage under the self-insurance program. The Resident is only covered by the self-insurance program for activities which are an approved part of his/her University training program or other University employment. Additionally, coverage is not provided for any actions which are found to be “willful and wanton.” Coverage is extended to health care professionals who are in training programs sponsored by the University of Colorado, outside of the United States. Coverage is provided excess of Self-Insured Retention of $500,000/$1,500,000. Coverage is worldwide but lawsuits must be brought within the United States.

Covered Persons’ Responsibility Regarding Identification of Incidents

1. Completing a Safety Intelligence Report. UCH has implemented an online system of reporting Patient Occurrences using a product called Safety Intelligence Report (SI).
Malpractice Insurance

Access to this online system is available on most UCH unit computers. A resident who suspects an actual or potential patient occurrence enters a report electronically via SI. Events involving great potential or actual risk or those which are reportable to regulatory agencies are reported immediately via SI and a telephone call to Professional Risk Management at 303-724-RISK (7475). When clinical services are provided at affiliate hospitals, a phone report would be required because the online system pertains to UCH locations only.

The following items require immediate regulatory agency reporting. Notify Risk Management IMMEDIATELY at 303-724-7475. (47475 or 4-RISK)

a. Suicide, attempted suicide, or self-injury.
b. Transfusion reaction, medication, diagnostic, and therapeutic error.
c. Unexpected deaths/deaths due to suspicious circumstances
d. Occurs while a patient is in restraint/seclusion; or occurs within 24 hours after the patient has been removed from restraint/seclusion; or within 1 week after restraint/placement in seclusion contributed or indirectly to patient’s death.
e. Alleged neglect, verbal, physical or sexual assault - patient or staff.
f. Adverse event resulting in brain or spinal cord injury, including falls resulting in loss of consciousness.
g. Patient elopement (AWOL).
h. Infant abduction/discharge to wrong parent.
i. Surgery or procedure on wrong patient/wrong body part.
j. Equipment malfunction and/or misuse.
k. Burn injury.
l. Drug diversion if omission of scheduled drug or adverse outcome to patient.
m. Life threatening anesthesia/transfusion complication.
n. Major permanent loss of function not related to natural course of patient illness or condition.

2. Placing a telephone call directly to Professional Risk Management (PRM) at 303-724-Risk (4-7475). This is the preferred method for reporting serious occurrences and patient claims. Voice mail will be available after hours, on weekends, and holidays by dialing the same number.

Any adverse patient occurrence, any potential claim, or any dissatisfied patient/family should be reported to PRM. All communications with PRM are considered to be confidential. Although the actual occurrence reports should not be shared with others, it is entirely appropriate and recommended that Residents notify their supervisor/attending of the occurrence and the circumstances surrounding the incident.

By reporting an incident, Residents are helping to protect themselves and others from frivolous claims, providing the opportunity to gather data and maximize all defenses to claims, providing data for use in quality improvement and providing an avenue for justifiable claims to be handled fairly and expeditiously.

Activities of the Professional Risk Management Office Relating to Residents
Malpractice Insurance

1. PRM promptly investigates all serious incidents and claims so that information is gathered to aid in settlement negotiations for meritorious claims or in the defense of non-meritorious claims.

2. PRM responds to medical-legal questions regarding patient care issues (i.e., issues about informed consent, ethical dilemmas with treatments, etc.). However, PRM cannot provide legal advice.

3. PRM compiles incident data to be used in quality improvement and loss prevention activities.

4. Along with the Office of University Counsel the PRM administers the daily operations of the Self-Insurance Program under the overall direction and supervision of the Trust Advisory Board.

Service of Subpoenas Related to Provision of Patient Care

In an ongoing attempt to provide information and clarify procedures for University of Colorado employees involved in patient care activities, the following information is provided with regard to service of subpoenas.

In order to be binding, subpoenas must be served upon Residents at least 48 hours prior to the date and time of the appearance. Service of a subpoena on the departmental secretary is considered proper service.

Once service has been accomplished, the Resident should call the attorney who issued the subpoena to determine if, in fact, the Resident’s attendance is required at the date and time specified. It is often possible that one can be put "on call" to testify if the attorney is assured the Resident will be available to respond within a reasonable amount of time. If the Resident receives a subpoena duces tecum (which requires production of documents such as medical records), the Resident should advise the attorney issuing the subpoena that he/she is not the individual with custody of medical records. Production of that information would require following procedures outlined in the Medical Records Department, and the attorney should contact Health Information Management at 720-848-1031.

Either the Office of University Counsel or the Professional Risk Management Office should be notified immediately when a Resident is served with a subpoena, summons and complaint or any other legal documents involving care the Resident has provided as an employee of the University, whether at an affiliated institution or at University of Colorado Hospital. A telephone call to the Professional Risk Management Office (PRM) at 303-724-7475 or the Office of University Counsel at 303-315-6617 will accomplish this. These offices then will be able to confirm whether there is an action against the University or individual involved.

When a subpoena involves an action unrelated to the University or the individual as an employee of the University, legal representation for the Resident at the appearance is not provided by the Office of University Counsel.

The Office of University Counsel and the PRM are available to answer question regarding the information which may be provided under the subpoena.