

HEALTHCARE PROVIDERS LIABILITY POLICY

Summary



The Healthcare Providers Liability Policy provides the Hospital Professional Liability and General Liability coverages to hospitals, clinics, and assisted living, etc in the African and European Divisions.

HOSPITAL PROFESSIONAL LIABILITY

Medical practitioners and facilities can be held liable for negligence for injuries to their patients. Healthcare providers must exercise the level of skill, diligence, and judgment that a reasonable provider would exercise under similar circumstances. Hospital Professional Liability insurance covers liability arising out of a medical incident or professional services. A medical incident encompasses any act or omission in furnishing medications, appliances, food, or beverages in connection with providing professional services. Professional services can include acts performed during treatment, postmortem procedures, service as a director or director of a hospital, and on a formal accreditation board or committee.

Some examples of medical issues that could lead to lawsuits include:

- Failure to diagnose or misdiagnose.
- Misreading or ignoring laboratory results.
- Unnecessary surgery
- Surgical errors
- Improper medication
- Failure to recognise symptoms
- Premature discharge
- Poor follow-up

GENERAL LIABILITY

General Liability provides coverage for certain activities sponsored by the insured even if they are off premises. A common claim filed under this coverage is for the person who falls down the stairs due to a lack of maintenance on the bannister and incurs medical bills. This policy also may provide protection for the policyholder when someone alleges negligence.

LIMITS

Hospital Professional Liability — Claims Made		General Liability — Occurrence	
Each Medical Incident Limit	\$300,000/\$1,000,000*	Each Occurrence Limit	\$1,000,000
General Aggregate Limit	\$3,000,000/\$10,000,000*	General Aggregate Limit	Nil
	*Limit above depends on your specific policy.	Personal and Advertising Injury Aggregate Limit	\$1,000,000
Retroactive Date	01 July, 2002	Medical Expense Limit	\$1,000 any one person \$10,000 any one occurrence
		Retroactive Date	Not Applicable
Excess (Deductible)	Nil	Excess (Deductible)	Nil



WHO IS INSURED?

- Partner
- Executive officer
- Director
- Department head
- Administrator
- Trustee
- Employee
- Volunteers (only within the scope of their duties assigned)
- Medical staff (only with respect to their legal liability as providers)
- Board member
- Student (only while performing duties in a formal training program)
- Contract physician (only while providing specific services under their written contract)

When acting within the capacity and scope of their duties to the named insured.

EXCLUSIONS

- Criminal acts
- Contractual liability
- Sexual misconduct
- Communicable disease under the General Liability coverage
- Firearms
- Breach of contract
- Violation of an antitrust law
- Workers Compensation and similar laws
- Employers' liability
- Aircraft, auto, or watercraft
- Fines and penalties
- Assumption of liability under contract

HOW TO AVOID MALPRACTICE CLAIMS?

- **Communicate:** A simple way to avoid malpractice claims is to improve doctor vs. patient communication. Ask the patient questions and listen to what they say to give appropriate feedback.
- **Get it in writing:** Make sure the correct date and time are used when documenting. Make sure to specifically identify people on the report and record all findings in order to give proper advice to the patient. It is better to document even if you are not sure if it is important.
- **Follow-up:** It's crucial to follow-up with patients after examinations or through conversations in order to receive feedback from the patient. If other physicians are involved, it is important that they are also familiar with the patient's case.
- **Obtain consent:** Never perform surgery without receiving consent from the patient or guardian. Inform patient of all surgery procedures, risks, and costs.



- **Stay up to date with current standards:** Medical malpractice laws differ from country to country. These regulations are revised by each country's jurisdiction, so it is important to be aware and up to date with those standards.
- **Ask for help:** Medical professionals are not going to have all the answers. If questions are asked outside of the normal scope of practice, it is crucial to seek additional consultation. Do not answer any questions you are unsure about because it puts the patient's health at risk.¹
- **Develop Incident reporting protocols** of any medical incident regardless of whether it results in potential lawsuit.

We request that ARM be notified **immediately** of any incidents/losses involving the following circumstances:

1. Paraplegia and Quadriplegia
2. Serious burns
3. Serious brain or spinal injuries
4. Amputation of any extremity
5. Fatalities

CLAIM PROCESS:

If a claim is received by the insured:

- You must immediately record the specifics of the claim and the date received; and notify the ARM Claims department as soon as practicable.
- Immediately send us copies of any demands, notices, summonses, or legal papers received in connection with the claim.
- Provide authorisation for us to obtain records and other information.
- Cooperate with us in the investigation or settlement of the claim or defense against the lawsuit.
- ***No insured will, except at that insured's own cost, voluntarily make a payment, assume any obligation, or incur any expense without the consent of the ARM claims department.***

To reach the Claims and Legal Team email: claims@adventistrisk.org

To reach your Account Executive, contact europaclientcare@adventistrisk.org or africaclientcare@adventistrisk.org, depending on your location.

¹ Research from the American Board of Professional Liability Attorneys: <https://www.abpla.org/what-is-malpractice>

Research from eMedCert: <https://emedcert.com/blog/tips-to-avoid-malpractice-claims>

This is only a brief summary of the coverage/exclusions included on this policy. All claims will be examined based on the policy, not this summary. This summary is for reference purposes only, for specific coverage questions please refer to the policy.