

## **PROFESSIONAL LIABILITY COVERAGE/MALPRACTICE INSURANCE AND ADVERSE EVENTS/INCIDENTS**

Liability coverage is provided for residents/fellows only while they are carrying out assigned duties as part of their residency/fellowship program for acts and omissions that are not wanton, reckless, or malicious. Coverage includes coverage for claims or legal actions filed after completion of the program for activity that occurred during their program tenure. State law requires liability coverage to be provided by the hospital site where the resident/fellow is working, with state indemnity covering all other *approved* assignments.

Since residents and fellows enjoy what is probably the best medical malpractice protection available, generally they are immune from personal civil suit and liability and indemnified from personal expense for activities undertaken within the scope of their duties pursuant to C.G.S §§ 4-141 and 4-165. Full cooperation by residents and fellows with regards to legal actions that are filed is expected both during their tenure as residents and fellows and after separation from the training program. This cooperation is expected even if a resident/fellow is a fact witness and not the primary accused of wrongdoing in the lawsuit or other legal action. A resident/fellow will not have to pay for legal representation as this is part of the malpractice protection afforded to them for acting within the scope of their duties pursuant to C.G.S Sec. 4-141. Similarly, cooperation by a resident/fellow is expected without charging the State for any time or efforts in the defense of any legal actions once the resident/fellow has separated from the training program.

A Professional Liability Letter is sent to hospitals, other Graduate Medical Education programs, and licensing agencies when they inquire about malpractice coverage for the residents/fellows in University of Connecticut School of Medicine sponsored programs. If claims history information is requested, Risk Managers from all affiliated hospitals (and for any approved assignments outside one of the affiliated hospitals or John Dempsey Hospital) are contacted to facilitate the process. If only general coverage information is requested, a Professional Liability Letter is to be used.

Residents/fellows concerned about an adverse patient occurrence or circumstance (hereinafter “adverse incident”) should contact the Program Director and Risk Management Office staff as soon as possible at the site where the adverse incident occurred.

If a resident/fellow receives a subpoena or is contacted by a Risk Management Officer, an attorney external to UConn Health, the Connecticut Department of Health, or another investigatory body regarding an adverse incident, the resident/fellow should decline to discuss the matter until they can contact their Program Director and Risk Management Office staff at the site of the adverse incident. Such contact should be made as soon as possible following notification, particularly because prompt action may sometimes be required. A subpoena, for example, constitutes a legal document that could require either a resident/fellow’s appearance to testify under oath and/or the timely production of certain documents. The Program Director and Risk Management Office at the site of the adverse incident will be familiar with the proper legal and other procedures for such situations and will employ the appropriate escalation procedures depending upon the specific circumstances.

## Residents/Fellows Policies and Procedures Manual

The following procedures apply when a resident/fellow receives a subpoena or is contacted about an allegedly adverse incident:

1. The resident/fellow will contact the Program Director and Risk Management Office at the site of the adverse incident.
2. The Program Director will inform the Assistant Dean for Education at the site of the investigation. If the site does not have an Assistant Dean for Education, the Medical Director and relevant Department Chair for the site will be contacted.
3. The Program Director or designee and Risk Manager at the site will discuss with the resident/fellow the nature of the investigation and what is expected from the resident/fellow regarding the investigation and/or course of the legal proceeding.
4. The Program Director or designee and the Risk Manager will assist the resident/fellow in determining whether the resident/fellow may benefit from a separate advocate throughout the investigation and/or course of the legal proceeding.

UConn Health and The UConn School of Medicine reserve the absolute discretion to provide independent legal counsel to any resident/fellow involved in an adverse incident wherein the provision of such independent counsel is deemed to be in the best interest of the physician and/or the State of CT/ UConn Health/UConn School of Medicine and Dentistry.

Professional activities outside the program are not covered under UConn's liability coverage and are the sole responsibility of the resident/fellow.

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