

GRADUATE MEDICAL EDUCATION

POLICY: PROFESSIONAL LIABILITY

GME Policy and Procedure Manual

Department Responsible Graduate Medical Education	Created 3/2/2016	Effective Date July 1, 2016	Next Review/Revision Date April 2021
Title of Person Responsible Designated Institutional Official	Approved Council: Graduate Medical Education Committee		Date Approved by Council June 1, 2016

Policy

Per ACGME requirements (IV.E.), the Sponsoring Institution must provide residents/fellows with professional liability coverage, including legal defense and protection against awards from claims reported or filed during participation in each of its ACGME-accredited programs, or after completion of the program(s) if the alleged acts or omissions of a resident/fellow are within the scope of the program(s).

The Sponsoring Institution must provide official documentation of the details of liability coverage upon request of the individual.

Purpose

Residents enrolled in a GME sponsored residency training program are provided with professional and general liability insurance for activities falling within the course and scope of their training program. Long Beach Memorial Risk Management will respond to a claim made after a resident leaves the training program, so long as the claim arises out of an activity that fell within the course and scope of the training program.

Residents rotating within the Memorial Health system have a responsibility to report any adverse occurrence or circumstance to Long Beach Memorial's Risk Management as well as their Program Director and the Graduate Medical Education Office.

What is Medical Malpractice?

Medical malpractice is a type of negligence. A person may be found negligent if he/she fails to exercise the same degree of caution that a reasonably prudent person would have used in the same or similar circumstances. An act of medical malpractice is distinguished from other negligent acts in that:

1. The act of negligence is committed in the course of carrying out a professional responsibility.

2. The Standard of Care will be tested in reference to the behavior of other physicians/healthcare providers practicing the same specialty in the same type of setting.
3. Expert witness testimony will be required to establish the Standard of Care.
4. The Statute of Limitations (time in which a lawsuit may be filed) may differ from medical malpractice claims.

Professional Medical and Hospital Liability Program

Long Beach Memorial provides professional liability insurance for the residents and fellows it employs.

Long Beach Memorial Medical Center (LBMMC) has a self-insurance program for professional (malpractice) liability. Residents and fellows are insured under this self-insurance program; the liability has a limit of \$1,000,000 per occurrence and \$3,000,000 aggregate. This coverage is limited to occurrences and professional services when the resident or fellow is acting on behalf of LBMMC within the scope of duties assigned under the medical education program.

It is important to note that professional liability insurance protection does not extend to intentional wrongdoings nor acts or omissions occurring outside the course and scope of the hospital's medical education program.

The malpractice insurance policy does not cover moonlighting outside of the training program. Liability insurance for moonlighting is the individual's responsibility.

Residents and fellows do not incur any expense for professional liability insurance and they never need an extended endorsement insurance policy ("tail") after they leave their training program.