

# USF Self-Insurance Program

## Medical Malpractice Coverage



### Frequently Asked Questions

#### **What is the USF Self-Insurance Program, or “SIP”?**

SIP provides professional liability insurance coverage for all USF healthcare providers and pays NICA premiums on behalf of USF obstetricians and nurse midwives. SIP also provides counsel for you in the event of a medical malpractice claim against you or against the University of South Florida Board of Trustees (USFBOT), and oversees the claim throughout the litigation process. SIP also provides counsel in the event of Department of Health investigations and other quality investigations related to patient care.

#### **What are the details of my coverage through SIP?**

<b>Insurance Carrier:</b>	<b>University of South Florida Self-Insurance Program</b> 12901 Bruce B. Downs Boulevard MDC 43 Tampa, Florida 33612 Office 813.974.8008   Fax 813.974.8114
<b>Type of Coverage:</b>	Occurrence-Based Coverage (Tail coverage unnecessary)
<b>Limits:</b>	\$200,000 per claim / \$300,000 per occurrence (As of Oct. 1, 2011)
<b>Coverage Start Date:</b>	Date of hire (XX/XX/XXXX)
<b>Coverage Termination Date:</b>	Last day of employment (XX/XX/XXXX)

#### **What is the process for filing a medical malpractice lawsuit in Florida?**

In Florida, if someone intends to file a medical malpractice lawsuit, he or she must go through a statutory pre-suit period before filing a lawsuit. A claimant is required to send notice, commonly called a “**Notice of Intent to Initiate Litigation,**” to a healthcare provider or to the USFBOT, which triggers a 90-day “presuit period” that allows all prospective parties to further investigate the claim. Following the presuit period, a lawsuit can be filed

#### **Can a USF healthcare provider be personally named in a lawsuit?**

Yes and no. Under Florida law, the proper party for a claim against a USF healthcare provider is the USFBOT. USF providers are considered agents of the state and will not be held personally liable for negligence while acting within the course and scope of their employment. Consequently, individual physicians *should not be* named in lawsuits. That being said, USF providers are sometimes still named as parties to lawsuits. However, if that occurs, counsel assigned by SIP will work diligently to get a provider dismissed from a lawsuit as expeditiously as possible. There are certain circumstances under which a provider can be personally named in a lawsuit. Notably, if a physician acts with “willful, wanton or reckless disregard” for the safety of a patient, such as a battery or sexual assault, a provider can be individually named. Regardless of sovereign immunity, all faculty and residents whose conduct is at issue in a case are required to fully cooperate and participate to the extent necessary in the defense of the case as a condition of their coverage.

## What is reported on my USF claims history?

All claims handled by USF SIP will be reported on your USF claims history, even if no settlement payment is made. If you have any questions about what information is found in your claims history or what information you should report when filling out credentialing or licensing applications, please contact us for assistance.

## Does SIP report my claims to the National Practitioner Database (NPBD)?

No; however, any Notice of Intent to Initiate Litigation and/or any lawsuit against USFBOT alleging that your care and/or treatment was negligent will be included on your USF claims history.

## When should I contact SIP?

- **If you believe there could be a potential claim due to a poor outcome or other information (e.g., patient says “I am calling a lawyer”/“reporting you”/“unhappy with the care I received”), you are required to report this information to SIP. *When in doubt, always report***
- If you are served with or receive a Summons and Complaint in a lawsuit involving medical negligence, a “Notice of Intent,” or notice of Department of Health investigation
- If you have received a subpoena to give testimony at a deposition, trial, or hearing
- If you are contacted by a law office requesting a telephone conference, meeting, or other information regarding a patient you treated in the past or are presently treating
- If you need proof of medical malpractice coverage sent to a third party or have questions about your coverage, email the request to [USFSIP@usf.edu](mailto:USFSIP@usf.edu)
- If you have a question about your USF claim history or you would like SIP to provide your claim history to a third party, email the request to [USFSIP@usf.edu](mailto:USFSIP@usf.edu)

## Why is it important for me to report adverse outcomes/potential claims to SIP?

As a condition of coverage, each individual insured by SIP has an obligation to report adverse outcomes and potential claims to SIP as soon as reasonably possible. Early reporting allows SIP to investigate the facts at the earliest possible opportunity and take actions that may avoid a future claim, such as a risk write-off. Additionally, claims data shows that earlier reporting of potential claims leads to more efficient resolution and increased patient satisfaction.

## How do I contact SIP?

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