

UNIVERSITY HEALTH CARE HOSPITALS AND CLINICS

GRADUATE MEDICAL EDUCATION

HOUSESTAFF POLICIES AND PROCEDURES

LIABILITY COVERAGE FOR HOUSESTAFF

Section 5 No. 1 Rev. 2

Review Date: November 2006

Revision Date: December 2005

Chapter: Liability Coverage

I. PURPOSE:

To protect the financial integrity of University of Utah Hospitals and Clinics and the University of Utah School of Medicine from exposure of claims arising from the delivery of health care

II. POLICY:

The University of Utah, the University of Utah Hospital, and the University of Utah School of Medicine, their officers and employees, including physicians, as entities and employees of the State of Utah, are self insured and are subject to the provisions of the Utah Governmental Immunity Act, Section 63-30-1, et. Seq., U.C.A., 1953, as amended, which Act controls all procedures and provisions when acting within the course and scope of their employment. In addition, the University of Utah Hospital maintains commercial medical malpractice coverage for employees and School of Medicine residents for any acts occurring during employment or residency at the University of Utah.

The Hospital will provide insurance or other indemnity for any liability of the Houseofficer and the Hospital while acting in the performance of his/her duties or in the course and scope of his/her assignment, provided that, Houseofficer shall: (i) comply with Hospital risk management requirements; (ii) participate in Hospital risk management training upon request; (iii) cooperate with all Hospital quality assurance processes as required by Hospital policy; and (iv) in the event of any claim against Houseofficer, fully cooperate with Hospital in connection with any such claim or legal process. Claims made after the Houseofficer's termination of training at the Hospital will be covered if based on acts or omissions of the Houseofficer within the course and scope of his/her assignments during training. Insurance or other indemnity coverage will be provided for the Houseofficer on rotations outside an Affiliated Hospital, but within the state of Utah, provided such rotation has been duly approved in writing upon such terms as may be determined by the GMEC.

III. PROCEDURE:

The Graduate Medical Education Committee of the School of Medicine recognizes various rotations as an essential part of the curriculum related to the training of resident physicians. These rotations may be at affiliated hospitals, or in other clinical settings within the state of Utah, and occasionally, outside the state of Utah.

Resident physicians who are engaged in these rotations are engaged in providing medical services to members of the public in the course of a professional health and training program which as been outlined and approved by the School of Medicine and the Graduate Medical Education Committee, as well as the Board of the particular medical specialty, which accredits the training program.

Individual affiliation agreements with the teaching hospitals in the area provide for liability coverage for housestaff rotating to these hospitals under the terms of the agreement. Other approved programs as indicated below are also covered.

Any practice setting outside of an affiliated hospital within the state of Utah requires prior approval from the Graduate Medical Education Committee as do rotations in affiliated hospitals not part of the affiliated residency program. In such cases the program director shall present the Graduate Medical Education Committee (GMEC) with a proposed Health Care Clinical Training Program, summarizing the objectives of the program as they relate to the medical specialty of the department.

Preceptors (the instructor for any experience not in an approved affiliated hospital setting) must be members of the clinical faculty of the School of Medicine. Upon approval by the GMEC the rotation will be considered an official part of the curriculum of the program for the period and under the conditions specified by it. Before any resident physician is authorized to participate therein, the program director must provide the Office of Graduate Medical Education with such information as requested, including the exact dates of each resident assignment, the address of the facility and the name and address of the preceptor. A training agreement, which includes clarification of liability coverage, must be executed prior to the beginning of the rotation.

Rotations outside the state of Utah, while they may have merit to the individual resident, will not be considered an official part of the curriculum.

It is understood that a Houseofficer who participates in a rotation outside of the state of Utah is not covered by liability insurance or other indemnity, and such participation will not be approved by the GMEC for any purpose unless arrangements, in writing, satisfactory to the GMEC, are made in advance by the Houseofficer for liability insurance or indemnity coverage during the out-of-state rotation.

Alternative liability coverage should be provided by the host institution or the preceptor or else coverage must be obtained by the houseofficer.

Approval body: Graduate Medical Education Committee

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Policy Owner: Graduate Medical Education

Historical Information:

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