
UCLA Policy 303: Professional Medical Malpractice & Liability Coverage

Issuing Officer: Medical Sciences Provost
Responsible Dept: Medical Center Risk Management
Effective Date: April 27, 1999
Supersedes: New

I. REFERENCES

II. PURPOSE

III. STATEMENT

I. REFERENCES

1. UC Business and Finance Bulletin BUS-9, Professional Medical and Hospital Liability Self-Insurance Program, 6/14/91;
2. UCLA Procedure 303.1, Medical Malpractice Suit Settlement, 1/1/99.

II. PURPOSE

University of California Business and Finance Bulletin 9 (BUS-9) was revised to provide clarification as to the obligation to provide defense and indemnity to its medical school faculty and trainees. The purpose of this document is to detail the manner in which BUS-9 will be implemented at UCLA.

This document establishes the policies and procedures by which the UCLA School of Medicine, the UCLA Medical Centers, and the UCLA Medical Group will extend professional medical malpractice and liability coverage to certain faculty members and other eligible health care professionals (the **UCLA Medical Malpractice Program**), under BUS-9.

More broadly, the policy of the UCLA Medical Enterprise is to support the ability of the faculty and clinical departments to fulfill their academic and clinical missions through the issuance of professional liability coverage. Presumed under this policy is that the clinical department chairs will provide the initial assessment as to whether an activity is within the scope and course of a faculty member's duties across the missions of the Medical Enterprise.

However, given the complexities of malpractice coverage issues when posed in conjunction with both the general assessments of responsibility and liability and strategic clinical business considerations, certain policy parameters are necessary. What follows are how medical malpractice coverage will be applied generally and the process by which coverage may be extended beyond the traditional confines of University academic practice. Related procedures for the management and settlement of medical malpractice lawsuits can be found in UCLA Procedure 303.1.

This policy may be amended from time to time through a process initiated by the Provost/Dean of the UCLA School of Medicine.

III. STATEMENT

Coverage under the **UCLA Medical Malpractice Program (The Program)** shall be applicable to qualifying individuals engaged in sanctioned activities as described herein.

A. General Eligibility for Coverage

The following individuals shall be presumed to be acting within the scope and course of university employment and appointment, and will be covered as a matter of policy under **The Program**. Coverage applies only to activities taking place in UC-owned or leased facilities and requires participation in the UCLA Risk Management Education Program.

1. All faculty members participating in a university clinical compensation plan for activities carried out in connection with that compensation program;
2. All full-time members of the UCLA Medical Group (as defined under by-laws to be enacted in 1998);
3. All UCLA trainees (interns, residents, and fellows) enrolled in ACGME-or ABMS-approved residency and fellowship training programs sponsored by UCLA in the AMA Directory of Medical Education, or in programs approved by UCLA's Graduate Medical Education Committee;
4. All medical students enrolled in the UCLA School of Medicine.

B. Coverage Extended with Evaluation

The following individuals may be extended coverage under **The Program** based upon formal evaluation (as defined in Section D below), but are not automatically eligible or guaranteed coverage thereunder:

1. Individuals holding UCLA faculty appointments at affiliated institutions with which the University has a current educational affiliation agreement;
2. Medical student from other LCME-accredited medical schools, and interns, residents, and fellows enrolled in residency training programs at affiliated institutions sponsored by such affiliated institutions;
3. Faculty who are members of university compensation plans and/or full-time members of the UCLA Medical Group for activities not taking place in UC owned or leased institutions or property;
4. Individuals performing clinical activities in furtherance of the University's community service mission, for which no reimbursement for professional services is sought by covered individual.

C. Covered Activities

Medical malpractice and liability coverage under **The Program** shall be granted as a matter of UCLA School of Medicine, Medical Centers, and Medical Group policy for physicians who are participating in or for a University compensation program and/or full-time members of the Medical Group under the following circumstances. Potential extension of covered activities is described in Section D below.

1. Primary care physician providing care to patients in or for nursing home, home, or other ambulatory care setting to provide continuity of care (including Geriatricians);
2. Specialty physicians providing home care or other ad hoc care in a non-hospital setting;
3. For clinical activities performed at licensed non-UC-owned or leased facilities which promote the delivery of high quality medical care to patients covered by contracts held by the UCLA Medical Group;
4. Clinical services activities performed by UCLA physicians who are participating in a University compensation program and/or full-time members of the Medical Group at the Venice Family Clinic;

5. For activities by research nurses in connection with a clinical trial or similar activity which has been awarded to the University through grant or contract;
6. For activities performed by UCLA transplant coordinators in connection with approved clinical activities.

D. Evaluation of Extension of Coverage

The following requirements will be used in evaluating whether coverage under **The Program** will be extended to individuals *and* activities identified in Section B above:

1. Ad hoc, episodic clinical activities which, in the opinion of the department chair are important to the clinical or academic mission of the department, will be initially covered by the UCLA program if such activities have the written approval of the department chair. Such written approval shall be forwarded to the appropriate individual (described below) for final review. Notification will also be made to the UCLA Risk Management Office.
2. Regular, permanent clinical activities will require pre-approval under the appropriate methodology identified below.
3. Final approval for activities identified in Section B will be accomplished through one of the following methods:
 - a. Activities which are in furtherance of the University's academic mission (i.e., education and research) will be evaluated by the Senior Associate Dean for Academic Affairs of the UCLA School of Medicine.
 - b. Activities which further clinical and/or strategic business goals of the UCLA Medical Group and Medical Center will be evaluated by the Vice Provost for the UCLA Medical Group and the Regional Development Work Group (if appropriate).
 - c. Chairs will be notified in a timely manner of any final disapproval of coverage of activities by faculty by the individual reviewing the matter.
4. Consideration of extension of coverage to UCLA trainees (as defined in III.A.3) will include the recommendation of the Senior Associate Dean for Student Affairs and Graduate Medical Education.
5. Use of medical devices will be covered only if they have been approved by the appropriate institutional body (IRB, medical staff, value analysis committee) prior to use in patient care activities.
6. The evaluation process will be coordinated through the UCLA Risk Management Office.

Issuing Officer

/s/ Gerald S. Levey, M.D.

Provost, Medical Sciences

**Questions concerning this policy or procedure should be referred to
the Responsible Department listed at the top of this document.**
