Am I covered only for the professional services I render in a Banner Health facility?

No. If the scope of your employment with or duties to Banner Health, requires you to render professional services elsewhere, the Program’s coverage would respond to any covered claim that might result from such activities.

Are covered persons expected to pay any of the cost associated with the Program?

No. The entire cost of the Program is borne by Banner Health.

Do I have any obligations whatsoever?

Yes. As a covered person under the Program, you are expected to immediately report any claims or suits brought against you and to cooperate fully in the investigation and defense of all such matters.

If I should terminate my employment or relationship with Banner Health, am I still covered?

Yes, but only for claims arising out of events occurring during, and arising out of the scope of, your employment with or duties to Banner Health. You will continue to have an obligation to cooperate in the investigation and defense of these claims after you terminate your employment or relationship with Banner Health. In addition, if you receive a claim, you have the obligation to report the claim to us.

For questions please contact the Business Health, Risk Financing Department at 602-747-7322

Overview

As health care professionals serving Banner Health, you should be aware that Banner Health maintains a professional liability (medical malpractice) program (the “Program”) that benefits and protects, among others, Banner Health and its organizations/facilities, their respective employees and the University of Arizona contracted healthcare providers. This information is presented in a “frequently asked questions” format that is meant to advise and inform. It does not in any way change the provisions of any self-insurance program documents or the insurance contracts. This is important as self-insurance program documents and insurance contracts are reviewed, amended or changed as market conditions may dictate.
Does Banner Health have medical malpractice (professional liability) insurance?

Yes. Banner Health professional liability Program consists of:

1) A funded self-insured retention,
2) Commercial excess professional liability insurance, which provides additional limits of liability above the self-insured retention.

What protection do I have against medical malpractice claims?

The Program provides coverage for professional liability claims arising out of the scope of your employment or duties (in the case of University of Arizona contracted healthcare providers) to Banner Health. If a claim is asserted against you for conduct outside the scope of your employment or duties to Banner Health, then coverage might not apply.

How much insurance or what limits of liability does Banner Health purchase?

The limits Banner Health has elected to maintain over the years have changed from time to time based on insurance market conditions and certain business decisions. The limits of the covered individuals are the same and are shared throughout the Banner Health organizations.

If a professional liability claim is made against me personally, do I have to pay for my own attorney?

No. Included in the program’s applicable limits are provisions for the payment of all expenses for defending against covered claims, including expenses for attorneys and court costs.

As a condition of this coverage, Banner Health will direct the defense of a claim and will require your full cooperation throughout the claim process.

Who will select an attorney to represent me?

To assure the appropriateness of defense and the coordination of effort, Banner Health’s Regional Claims Directors will select an attorney (or legal firm) to represent the interests of both the corporation and its individual employees.

In rare cases where there is a potential conflict between the corporation and the provider, separate counsel may be retained.

How do I know that the program will have the necessary funds to pay future claim costs and expenses?

Each year an independent actuary reviews the financial position of the self-insurance component of the Program. The actuary projects the level of financing necessary to cover anticipated costs and expenses based on past claims experience, current operations and market conditions. The Program reserves an amount sufficient to achieve this fund level in various accounts.

Do I need to maintain my own professional liability insurance?

This is a question that professional employees must answer for themselves, based on individual needs and perceptions. In this regard, however, be aware that coverage under the Program generally extends to all medical malpractice claims arising out of the scope of their duties as employees.

It does not, however, extend to professional activities outside the scope of employment or duties, except for coverage of “Good Samaritan” acts, or certain other activities that are excluded from coverage under the Program. “Good Samaritan” acts are defined as the “the unanticipated rendering of immediate first-aid at the time of an accident or at the scene of an emergency situation away from the hospital’s premises.” Other professional activities that are outside the scope of employment/duties are not covered and you are encouraged to seek guidance from your own attorney or insurance broker on how to protect yourself for those activities.

However, certain services provided for community benefits may be covered. Request for these exceptions must be approved by Banner Health.

If I maintain my own professional liability insurance, who would then take care of a claim against me – my insurance company or the Program?

For covered claims arising out of occurrences that took place during and within the scope of employment, the Program provides that payments for employees shall be on a primary basis regardless of other applicable, valid and collectible insurance or self-insurance. If the Program is primary, then Banner Health will select defense counsel and direct the defense.