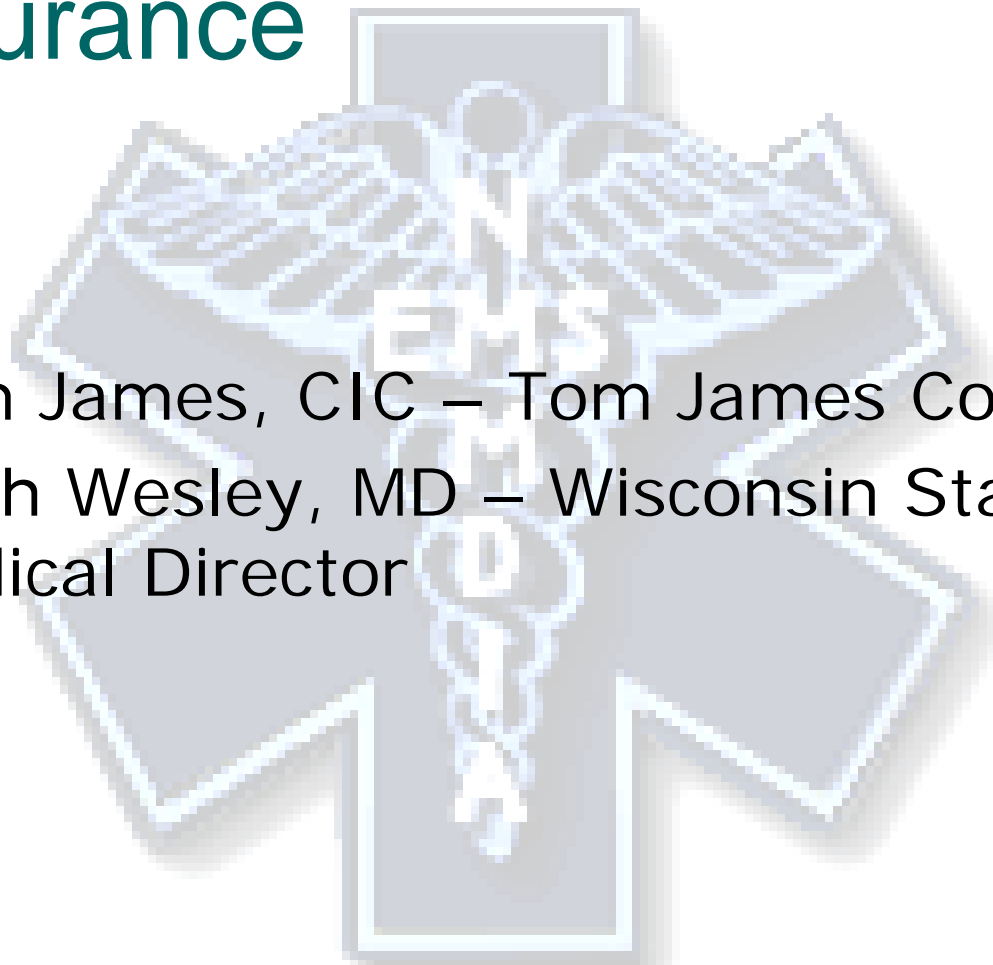




EMS Medical Director Liability Insurance



Tom James, CIC – Tom James Company
Keith Wesley, MD – Wisconsin State EMS
Medical Director

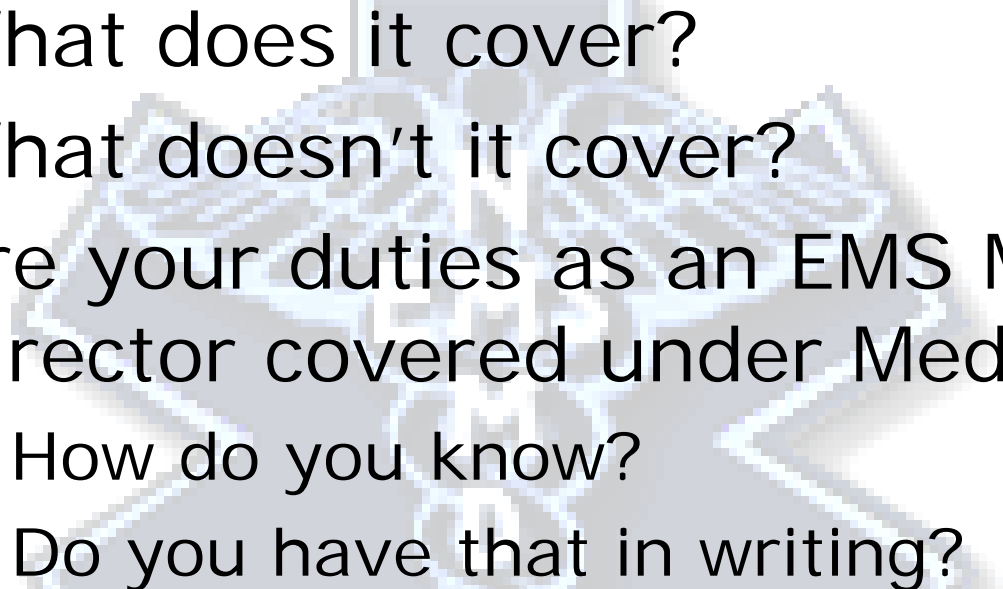


Types of Liability Coverage

- Medical Malpractice “Med-mal”
 - General Liability
 - Professional Liability
 - Employee Practice Liability
- 



Med-mal

- What does it cover?
 - What doesn't it cover?
 - Are your duties as an EMS Medical Director covered under Med-mal?
 - How do you know?
 - Do you have that in writing?
- 

General Liability

- What does it cover?
- What doesn't it cover?



Professional Liability

- What does it cover?
- What doesn't it cover?



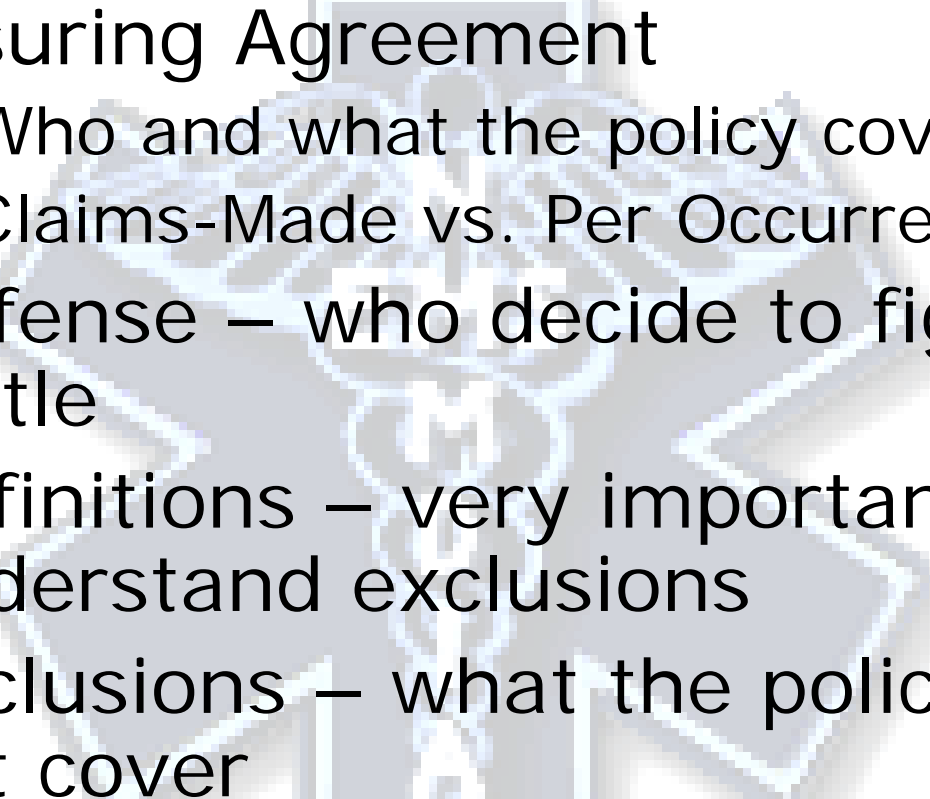
Employee Practice Liability

- What does it cover?
- What doesn't it cover?



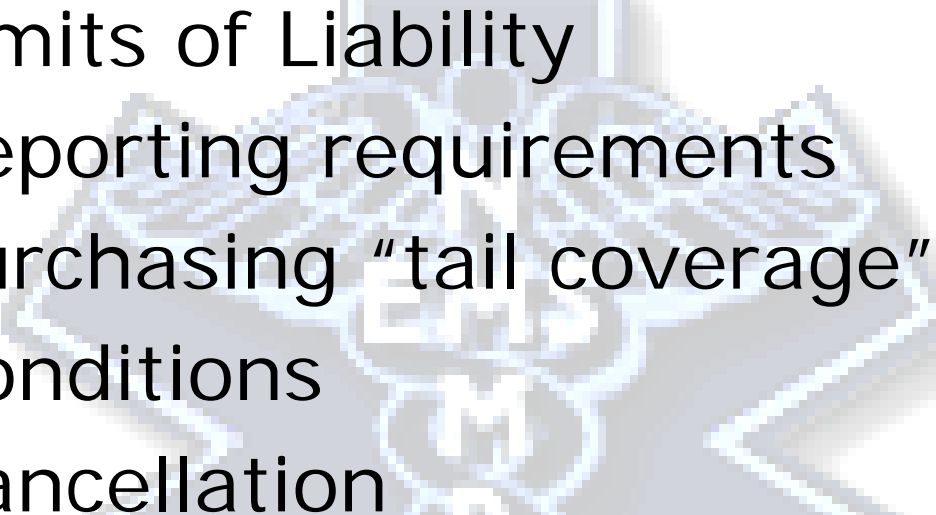


Anatomy of an Insurance Policy

- Insuring Agreement
 - Who and what the policy covers
 - Claims-Made vs. Per Occurrence
 - Defense – who decide to fight or settle
 - Definitions – very important to understand exclusions
 - Exclusions – what the policy does not cover
- 



Anatomy of an Insurance Policy

- Limits of Liability
 - Reporting requirements
 - Purchasing “tail coverage”
 - Conditions
 - Cancellation
- 



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National EMS Medical Director Information Association

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- Liability education
- Contract writing
- Protocol development
- Quality Improvement Programs



Liability Scenarios

The service has an annual competency day during which the medical director evaluates the performance of each EMT using their advanced skills.

State statute requires this and allows a medical director to withdraw “medical command” from any EMT not meeting the competency requirement until such time as they can show remediation.





Liability Scenarios

The service employer requires every EMT to maintain competency to work. An EMT fails the competency exam and must undergo remediation. They cannot work until that is accomplished. They are taken off duty and not paid until they do so. They are unable to meet the competency requirement of the medical director.

The service director fires the EMT who later files a wrongful termination suit naming the service and the medical director.



Liability Scenarios

- Wrongful Termination?
 - Does your contract define your rights?

- Due Process?

EMT alleges that service director told you that he was a “Problem Child”

- Discrimination?



Liability Scenarios

A female EMT is called in for counseling following a difficult call. The medical director and the EMT meet alone in his office.

The female EMT later files a sexual harassment suit against the medical director claiming she was propositioned by the medical director.

Liability Scenarios

- Sexual harassment
 - Covered under your med-mal?





Liability Scenarios

A service is found by the state to not be in compliance with state regulations by failing to have the medical director perform annual competency evaluations of the EMTs.

The service loses its license and a neighboring service takes over their coverage area.



Liability Scenarios

The service files suit against the medical director for medical oversight failure and breach of contract.

The medical director claims that the service failed to provide him sufficient staff, time, and authority to accomplish this state requirement.





Liability Scenarios

- Medical Direction is your Product
 - How your Product is provided must be covered in your contract
 - Who is responsible for what?
 - Keep good records
- 