

CRIMINAL DEFENSE REIMBURSEMENT COVERAGE

Frequently Asked Questions (FAQ)

What is Physicians Insurance Criminal Defense Reimbursement Coverage?

Physicians Insurance Criminal Defense Reimbursement Coverage is a new endorsement which enhances our professional liability insurance for physicians and hospitals to include defense costs incurred in response to criminal allegations arising from patient care. The limits are \$250,000 per insured per criminal action and \$250,000 aggregate for all insureds.

Why is Physicians Insurance offering this new coverage to policyholders?

Due to industry trends such as physician burnout, staffing shortages and supply chain issues, medical errors are on the rise. And, emerging from this is an increase in risk for criminal medical negligence - as seen in recent high-profile cases. Compounding the situation is the potential for criminal state claims arising out of the U.S. Supreme Court's Dobbs decision. As a result, there is an increase in uncertainty and confusion in the courts. Our endorsement helps bridge the gap in coverage for healthcare professionals in this challenging environment. Physicians Insurance believes that healthcare professionals are entitled to a defense until proven guilty.

What happens if a healthcare professional is found guilty?

Physicians Insurance Criminal Defense Coverage is provided to better support healthcare professionals amongst today's changing professional liability trends and recent changes in law creating circumstances where physicians and other healthcare professional may face criminal liability for doing their jobs. However, if an individual is found guilty and has exhausted their appeal rights on the issue of guilt, further reimbursement will not be made and Physicians Insurance will retain the right to recover funds already paid from the individual who is convicted.

How does the coverage affect underlying policy limits/coverage in event of a criminal/civil joint suit?

Our Criminal Defense Reimbursement Coverage supplements any other coverages purchased under the medical professional liability or hospital liability policy. A civil suit and a criminal proceeding are handled separately, following different procedural rules and proceedings, even if both arise out of the same set of facts. The coverage limits available under the underlying policy will remain available for the civil liability suit, and the separate limits under the criminal defense reimbursement endorsement will remain available for the criminal proceeding.

How do I get the Criminal Defense Reimbursement Coverage?

Our criminal defense reimbursement coverage will be automatically added to your renewal starting January 1, 2023. This endorsement is provided at \$150 per year for solo policies, \$2400 for corporate policies with entity limit and \$4000 for hospital liability policies. All are subject to state regulatory approvals.

Can I opt out of the coverage?

Yes. Please contact us at opt-out@phyins.com for an opt-out form.

How can I learn more about this coverage?

To learn more, please contact your broker or underwriter or visit our website at phyins.com/criminaldefense. You can also send us an email at talktous@phyins.com.