

## GBAnalytic #13 – Limited Liability Insurance Coverage

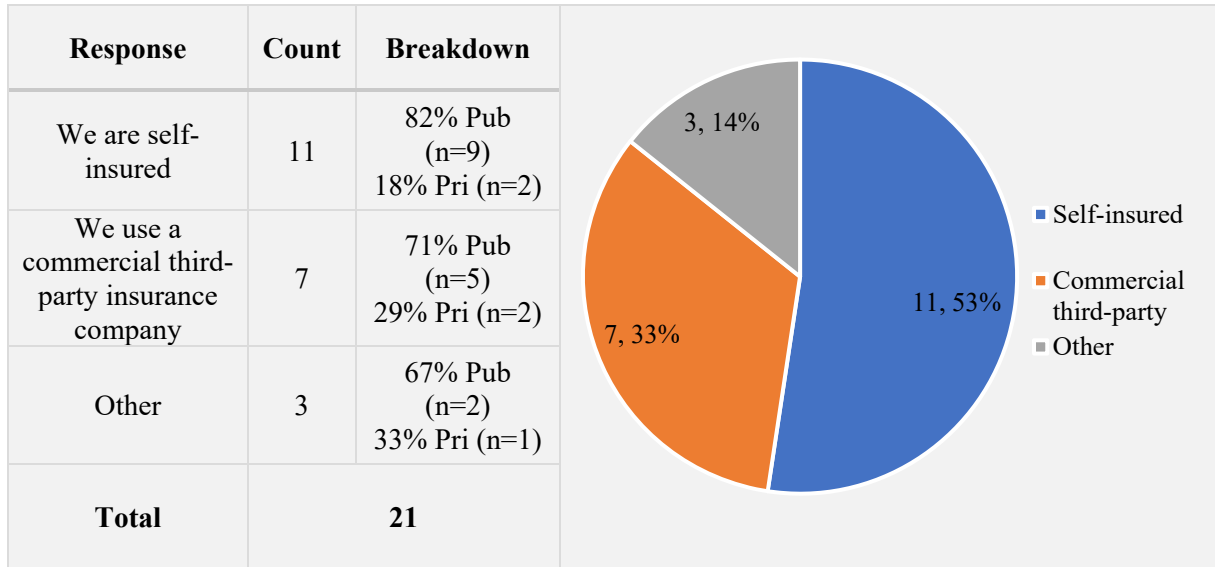
GBAnalytic #13 was distributed on April 15, 2021 to Principal Business Officers and other members of the Association of American Medical Colleges (AAMC) Group on Business Affairs (GBA) at each medical school who may have knowledge of their school's insurance coverage. The survey closed on April 28, 2021.

This GBAnalytic was sent in response to a request from the U.S. Department of Health and Human Services (HHS). HHS has been working to identify physicians and other licensed health care professionals to assist in caring for unaccompanied children who have entered the United States at the Southern Border. Volunteers would assess medical needs, provide basic medical care, and assist in identifying children requiring prioritizing for placement. Volunteers would not be compensated but would receive reimbursement for travel and lodging.

HHS recommends that volunteer applicants consult with their employer or liability insurance provider to determine if their existing coverage applies to this volunteer opportunity. HHS had asked the AAMC to aid in the recruitment of volunteers to assist in this effort. As part of this effort, the AAMC collected more information to assess the overall burden associated with volunteers or their employers/institutions being responsible for liability coverage.

The following presents a breakdown of the 21 schools that completed the survey based on their Organizational Characteristics Database (OCD) characteristics: 76% (n=16) were Public, 90% (n=19) were financially integrated with the parent university, and the remaining two schools were Other or did not have information within the OCD. Public schools reported FY2019 median total revenues of \$960 million, with an average faculty count of 1549 and an average total enrollment of 776. Private schools (n=5) reported FY2019 median total revenues of \$915 million, with two schools reporting greater than \$1 billion in total revenues. The average faculty count for these five school was 1577 and the average total enrollment was 538. Below is a general summary of the survey results.

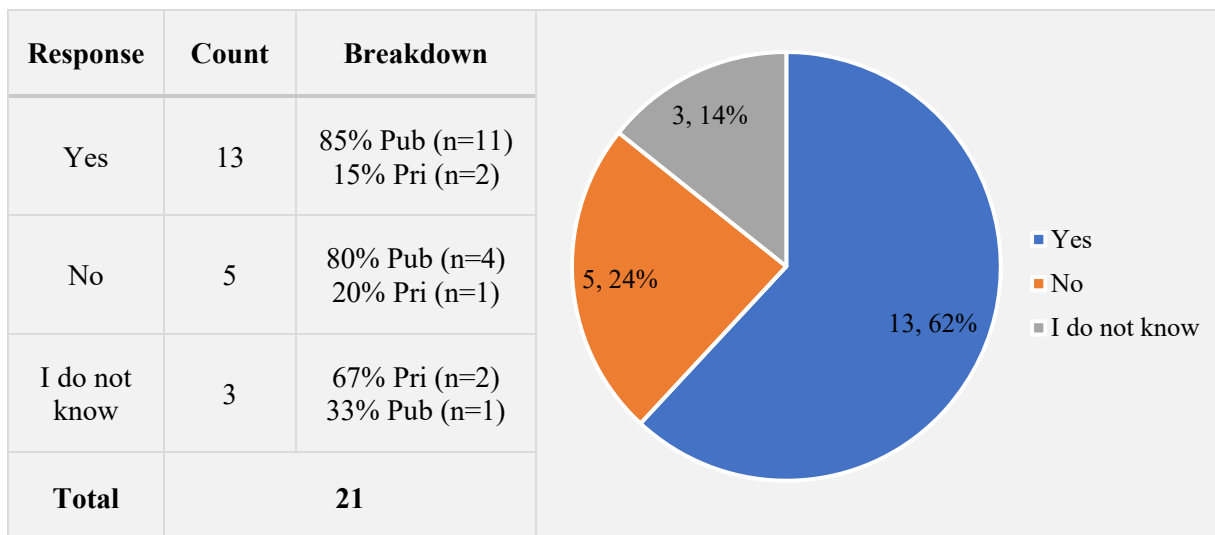
1. What type of insurance program does your medical school use for malpractice and other liability claims?



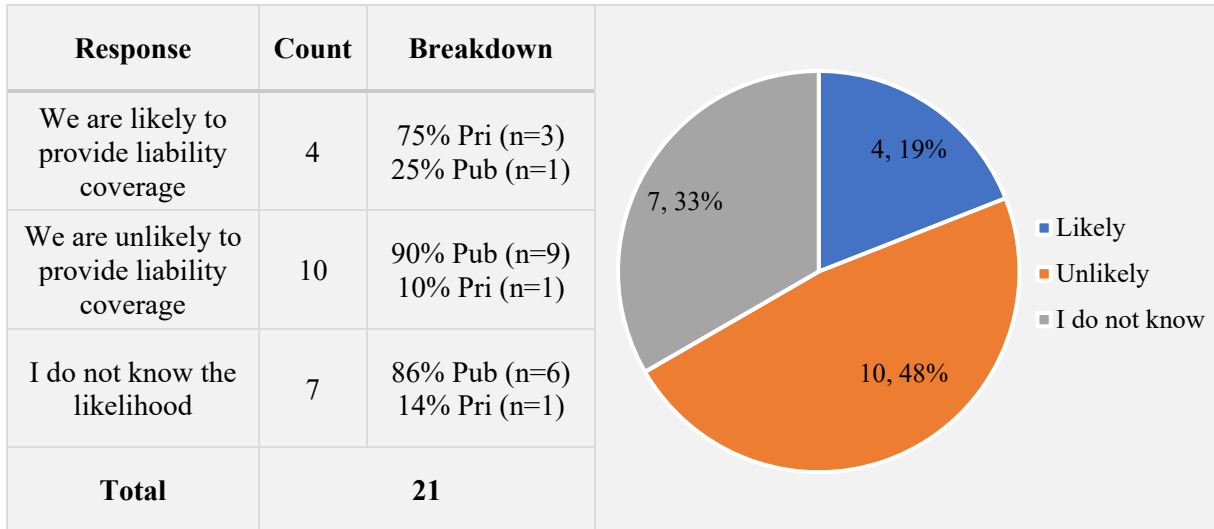
Other responses:

- Combination of self-insurance and commercial programs
- Combination of self-insurance/excess commercial or statutorily provided excess coverage depending on group (medical students, residents/fellows, or faculty) being covered
- medical reciprocal risk retention group

2. Does your medical school have a process to document or approve volunteer activities to ensure liability coverage?

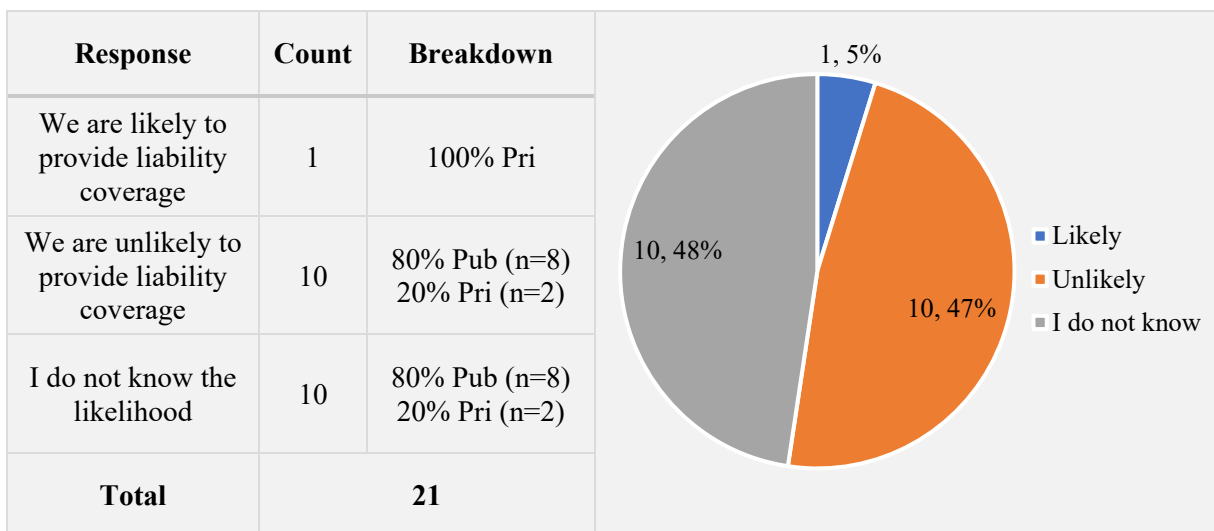


3. Which answer best describes your school's position on liability coverage for licensed health care professionals who volunteer for this program?



HHS is currently seeking only licensed health professionals as volunteers. We expect that HHS will soon expand its recruitment to non-licensed general volunteers to provide case management, youth services, and line of sight group supervision of unaccompanied children. Trainees, medical students, and other non-licensed personnel would be eligible for this volunteer opportunity.

4. Which answer best describes your school's position on liability coverage for non-licensed general volunteers?



5. Please share any additional information not covered above that you would like to share with the AAMC about your liability coverage.

| Institution  | Policy, Procedure or Process   |
|--|--|
| <i>Michigan State University College of Human Medicine</i>             | Medical professional liability coverage as well as general liability coverage is extended to ALL university employees while engaged in a volunteer activity that is approved or sanctioned by the university.  |
| <i>Rutgers New Jersey Medical School</i>                               | We've heard that there are physicians at Rutgers New Jersey Medical School who would be interested in volunteering, and so we're hoping there's some sort of legislative or other solution to the liability coverage problem.  |
| <i>University of Arkansas for Medical Sciences College of Medicine</i> | Most of the clinical healthcare providers are covered by a professional liability policy. However, some licensed healthcare providers are granted immunity under state law and do not carry professional liability insurance.  |
| <i>University of Colorado School of Medicine</i>                       | Our malpractice trust just covers us in the State of Colorado  |
| <i>University of Houston College of Medicine</i>                       | I need to check with my government relations team. We are a state institution and that may preclude us from sponsoring this act.   |
| <i>University of Illinois College of Medicine</i>                      | Our self-insurance program only covers those "acting on behalf of the University and within the scope of duties assigned to him or her by the University." The Good Samaritan act would cover volunteers providing healthcare within the State of Illinois, but protection in other states might depend on the Good Samaritan laws in those states and possibly whether they secured a temporary license in that state. These are questions, not opinions from our university legal counsel. |

For questions, please contact Heather Sacks, AAMC, at [hsacks@aamc.org](mailto:hsacks@aamc.org).

Prepared April 2021