Academic Health Professionals Insurance Association's Response to COVID-19

New York State

As an initial matter, we want to thank you – the health care providers of the State of New York who are insured with the Academic Group – for your service during this difficult time. You are the front line. You are the medical professionals we are relying on to bring us through this unprecedented pandemic. We appreciate you and want to do everything we can to support your efforts.

We are re-emphasizing our role in support of physicians and healthcare delivery professionals during this especially challenging time. We want to make sure that everyone is aware of Governor Cuomo’s executive order regarding the rendering of healthcare in response to the coronavirus. Regarding medical malpractice, the executive order has temporarily suspended the laws of the State of New York to provide as follows: “...[A]ll physicians, physician assistants, specialist assistants, nurse practitioners, licensed registered professional nurses and licensed practical nurses shall be immune from civil liability for any injury or death alleged to have been sustained directly as a result of an act or omission by such medical professional in the course of providing medical services in support of the State’s response to the COVID-19 outbreak, unless it is established that such injury or death was caused by the gross negligence of such medical professional.” (emphasis added)

This means that health care providers in New York are immune from medical malpractice claims related to COVID-19 care, unless they can prove that you were “grossly negligent”. So, as you continue to provide care during this pandemic, you can be assured that the government recognizes that these are trying times and that you are doing your best in difficult circumstances.

Highlighted below in a Q&A format is key information concerning (1) your medical professional liability coverage (2) COVID-19 risk management awareness and (3) Academic's business operations.

Your Academic MPL Coverage

Q. Are telemedicine services to patients covered under my policy with Academic?

A. Yes. Telemedicine is being used with increasing frequency, especially now with the coronavirus epidemic. Telemedicine is covered by your professional liability coverage with Academic. We do remind you that when providing patient services through telemedicine, you still need to thoroughly document the care you are providing. Telemedicine is a good way to provide health care to your patients while keeping necessary social distancing.
A. No. Your coverage with Academic only allows you to practice in the State of New York. If you find yourself in a situation where you need to provide care outside the State of New York, make sure that your employment situation provides for appropriate professional liability coverage. Equally important, if you are going to practice outside the State of New York, you need to make sure that you are licensed to practice medicine in that state.

Q. If I am asked to provide treatment to COVID-19 patients outside of my specialty, does my coverage include this?
A. No. Your professional liability coverage only applies to your area of specialty. However, please note that this could be exempted by NY State emergency order regarding COVID-19 treatment.

Q. If I provide volunteer medical services to COVID-19 patients, am I covered?
A. Yes, but please remember that you need to be practicing within your specialty, unless exempted by the NY State Emergency Order regarding COVID-19 treatment.

Q. If I am a former Academic subscriber who retired from medical practice and returns as a volunteer to assist with COVID-19 patients, does this negatively affect my tail coverage?
A. We will deem this activity as an emergent, non-recurring event which will not affect your tail coverage that was provided as a result of your retirement.

Q. My practice has been severely restricted due to COVID-19. Is there any financial relief available from Academic in terms of premiums?
A. Yes. Academic will provide relief based on the completion of an underwriting supplemental form that will be reviewed by the underwriters. In addition, due dates of Q2 premiums are deferred for 90 days.

COVID-19 Risk Management Awareness

Q. In addition to pre-existing patient safety procedures, are there specific risk management techniques being recommended for healthcare delivery to COVID-19 patients?
A. We recommend that you adhere to CDC guidelines and any additional COVID-19 treatment guidelines provided by your institution.

Q. Have any regulatory/legal protections been enacted to specifically address medical professional liability risk resulting from COVID-19?
A. NY State Emergency Order and additional executive orders issued by Governor Cuomo.

Q. Are there specific risk management recommendations when utilizing telemedicine?

A. Telemedicine is a very valuable tool, especially under the current circumstances. But you need to keep in mind that since you cannot perform a physical examination, you are providing medical care with one hand tied behind your back. You must take an extremely thorough history and review of systems, and document accordingly. If you have any significant concerns, you should consider sending the patient to a location where they can be treated in person. In addition, there are liability issues if you treat a patient in another state. Coverage under your policy will not be extended to another state.

**Academic’s Business Operations**

Q. Is Academic able to provide business services given the quarantine restrictions currently in place?

A. Academic is fully operational utilizing its virtual business model. Academic has the technology to allow all of our employees, from underwriting to claims to administration, to work remotely. We have been able to do so successfully for several weeks and we are prepared to do so as long as necessary for the safety of our employees and the public at large.

**Websites for COVID-19 Information**

**New York-focused**

NYC.gov Coronavirus Disease 2019 (COVID-19)

Health.NY.gov Novel Coronavirus (COVID-19)

New York State Emergency Order

**National**

CDC Coronavirus Disease 2019 (COVID-19) Information for Healthcare Providers

FDA Coronavirus Disease 2019 (COVID-19)

NIH Coronavirus Disease 2019 (COVID-19)