

Policy #: 006.002
Policy Title: Trainee Professional Liability Coverage
Sponsor: David Brown, MD; DIO
Approved by: Graduate Medical Education Committee

Purpose

Florida International University (FIU) has adopted the following policy to describe the conditions within which trainees of the Accreditation Council of Graduate Medical Education (ACGME)-accredited programs receive professional liability protection.

This policy addresses the ACGME Institutional Requirement *IV.F. Professional Liability Insurance: IV.F.1. The Sponsoring Institution must ensure that residents/fellows are provided with professional liability coverage, including legal defense and protection against awards from claims reported or filed during participation in each of its ACGME-accredited programs, or after completion of the program(s) if the alleged acts or omissions of a resident/fellow are within the scope of the program(s).*

Definitions

Professional Liability Insurance: A form of insurance that helps protect individuals and companies who provide professional services, such as medical care, from negligence claims made by a patient, and damages awarded in a civil lawsuit.

Sovereign Immunity: Immunity as described in Section 768.28, Florida Statutes, which is provided to employees and institutions of the state of Florida for actions that occur while the employee is performing in their capacity as an agent of the State of Florida.

Federal Employees Liability Reform and Tort Compensation Act 28 U.S.C.2679 (b)-(d): Personal liability insurance provided to trainees of affiliate institutions while providing services at a Veterans Affairs healthcare facility.

Background

Trainees employed by FIU are covered under sovereign immunity provisions established by Section 768.28, Florida Statutes. FIU also participates in a self-insurance program authorized by the State, pursuant to Section 1004.24, Florida Statutes. While providing services at the Miami Veterans Affairs Healthcare System (VAHS), trainees are covered from personal liability by the Federal Employees Liability Reform and Tort Compensation Act 28 U.S.C.2679 (b)-(d).

Policy

This policy serves to ensure that the FIU-sponsored graduate medical education programs provide its trainees self-insured liability coverage for their officially scheduled assignments, duties, or rotations at all sites.

Procedure

As participants in an ACGME-accredited residency program, trainees are provided self-insured liability coverage pursuant to the FIU Self-Insurance Program (SIP) established by

statute and the Federal Employees Liability Reform and Tort Compensation Act 28 U.S.C.2679 (b)-(d), for incidents in which patients suffer bodily injury, personal injury, or property damage caused by the negligence of FIU trainees. FIU's Self-Insurance Program extends to all participating sites, except the VAHS, which is covered by Federal Liability Reform and the Tort Compensation Act. The FIU SIP also affords trainees liability protection when trainees act in the role of a "Good Samaritan", when involved in community service work that has been authorized by FIU, and when serving on a FIU-sanctioned educational assignment outside of Florida. Accordingly, trainees must wear their FIU and/or affiliate badges at all times while providing care.

FIU's liability coverage for trainees *does not* extend to medical services rendered outside of officially scheduled assignments, duties, or rotations. Therefore, trainees and fellows approved to moonlight must either purchase sufficient malpractice insurance in accordance with Florida statute to cover his/her moonlighting activities or obtain written assurance from the hiring entity that it will provide malpractice insurance and workers' compensation coverage to the trainee. That insurance is separate from the coverage provided by FIU for the trainee's core training program.

If requested, trainees will be provided official documentation of the details of their liability coverage.

Related Policies

Trainee Promotion and Appointment Renewal, Clinical and Educational Work Hours

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