

Cunningham Group
Telemedicine Malpractice Coverage Guidelines for Physicians
Last Updated: March 19, 2020

1. Am I covered for patient claims involving COVID-19, including unintentional transmission?
 - a. Yes, in general patient claims alleging professional negligence relating to Covid-19 should be covered, but as always coverage is subject to your specific policy's existing terms and conditions. For concerns about coverage involving transmission of the virus to your employees, please review your workers comp policy. For claims regarding transmission of the virus of the general public, review your general liability policy. We recommend you contact your agent to ensure you will be covered or if there are any conditions to coverage.
2. Will my coverage remain in force if I temporarily convert my existing practice to telemedicine or virtual office visits for existing or new patients in response to this pandemic?
 - a. Yes, as long as all patients are located in state(s) in which you are authorized or licensed to practice. However, if you are starting a new practice or new business with a new patient base, then you must contact us to fill out a new medical malpractice application, which will have to go through the usual underwriting process.
 - b. Here are the companies that have already stated this. If your insurer is not listed, please contact us to ensure you have the necessary coverage in place.
 - i. Medical Protective
 - ii. The Doctors Company
 - iii. NORCAL
 - iv. Proassurance
 - v. Aspen
 - vi. ISMIE
 - vii. Professional Solutions Ins. Co. (PSIC)
 - viii. Coverys
 - ix. Positive
3. Will my coverage remain in force if I'm temporarily practicing in a new state in which I'm licensed to practice?
 - a. Yes. The only exception is if you will be practicing in a state that has a patient compensation fund in place: Connecticut, Indiana, Kansas, Louisiana, Nebraska, New Mexico, Pennsylvania, Virginia or Wisconsin. Please contact us if you plan on practicing in any of these states during this crisis. We want to ensure you have coverage in place.
4. Will my coverage remain in force if I temporarily practice in a new state (either in-person or remote) in which I'm not authorized to practice?
 - a. No, unless your patients in that new state are limited to only Medicare or Medicaid patients under a temporary CMS waiver.

5. Will my coverage remain in force if I'm asked to temporarily provide care outside my specialty or scope of practice in response to this pandemic?
 - a. This is on a case-by-case basis. Please contact us before moving forward.
6. What if I'm retired and want to help? Will this affect any free tail provision I have or put me in breach of my retirement contract?
 - a. Most companies have stated that they will not consider this a breach of contract. However, please contact us before moving forward as there are exceptions and we will need to confirm on a case-by-case basis.
7. Will the companies allow me to postpone my malpractice payments during this crisis?
 - a. Yes, some insurers are allowing this on a case by case basis, but please notify us and confirm before making any changes to your payments so you don't risk losing your coverage.
 - b. If your company isn't allowing this, call us anyway. We will do our best to work with our long-time partners to ensure you don't lose coverage in this difficult time.
8. How is Cunningham Group able to address my current needs?
 - a. We have had a seamless emergency work from home procedure in place for many years to ensure we can handle a crisis like this. We are open and ready to respond to all of your inquiries and needs.

How to contact a Telemedicine Specialist at Cunningham Group

1. Toll Free number: 1-866-824-0137
 - a. We're open M-F, 8:30am – 5pm CST
2. Website Form: <https://www.cunninghamgroupins.com/contact-us/>
 - a. Please put "Telemedicine" in the subject line so we can expedite your request

Resources:

1. The AMA Quick Guide to Telemedicine in Practice
 - a. <https://www.ama-assn.org/practice-management/digital/ama-quick-guide-telemedicine-practice>