

# Professional Liability Coverage at UMMC FAQs

## Mississippi Tort Claims Act (MTCA)

### **What is the MTCA?**

Injuries caused by the negligence of another or by another's breach of some legal duty are generally referred to in legal terms as "torts." Historically, the State and its agencies were protected from tort liability under the doctrine of sovereign immunity. The State waived its sovereign immunity, however, for some tort claims when it adopted the Mississippi Tort Claims Act ("MTCA"). The MTCA defines, prescribes, and limits the State's liability for injuries caused by an act or omission of the State or its employees (including UMMC employees). The MTCA limits the State's liability for injuries caused by an act or omission of the State or its employees to \$500,000. The MTCA also protects State employees from personal legal liability for injuries caused by that employee's negligence, including automobile accidents, which occur during the scope and course of the employee's job performance.

### **What is covered?**

Negligent acts and omissions occurring during the scope and course of the employee's job duties (within the course and scope of employment). Any act or omission of an employee within the time and at the place of employment is presumed to be within the course and scope of his or her employment.

### **What is not covered?**

The protections and coverage afforded UMMC employees under the MTCA do not extend to acts and omissions undertaken independent of employment with UMMC (i.e. moonlighting). Additionally, the MTCA does not cover conduct that constitutes fraud, malice, libel, slander, defamation, or any criminal offense.

### **What are the coverage details?**

The MTCA limits the amount of damages which may be awarded:

- The current statutory limit is \$500,000
- The limit covers all claims arising out of a single event or occurrence

While the employee may be named as a defendant in an action against UMMC, any judgment entered against an UMMC employee arising within the course and scope of the employee's duties will be paid by the UMMC. In such situations, UMMC will also provide the employee, in either state or federal court, with legal representation at no cost to the employee. Employees are not held personally liable for damages under the MTCA due to their individual immunity.

### **Do I need tail coverage?**

Tail coverage is inapplicable under MTCA

- Unlike claims-made basis policies, coverage under the MTCA is occurrence based
- If a clinician is named in a suit after their employment with UMMC ends based upon an event that occurred while he/she was a UMMC employee, then they would still be covered under the MTCA

### **What proof of coverage am I provided?**

UMMC keeps a coverage letter on file for each credentialed clinician and is happy to provide a copy upon request. Additionally, UMMC receives an annual certificate of institutional coverage from the Mississippi Tort Claims Board, a copy of which is also available.

### **How do I receive a copy of my insurance verification?**

Complete the form found at the following link: <http://cascade.umsmed.edu/Legal/files/authorization-to-release-information.pdf>

Submit via email to [claimshistory@umc.edu](mailto:claimshistory@umc.edu) or fax to 601-984-1997. Requests are normally processed within seven business days.

### **Should I keep my current insurance?**

UMMC does not offer legal advice regarding this matter. Providers may make the personal decision to continue or discontinue their current insurance.

### **I have my own malpractice insurance can I opt out of MTCA?**

No, MTCA coverage is statutory and applicable to all employees of UMMC. There is no mechanism for opting out.

### **I decided to keep my prior/current coverage, how will I get reimbursed for the cost?**

UMMC does not pay for individual professional liability coverage. Employees of UMMC are provided coverage via MTCA at no cost to the employee.

### **Who do I call if I have questions?**

The Legal Office is available to answer any questions. Please call 601-984-1763 or email [claimshistory@umc.edu](mailto:claimshistory@umc.edu).