

## **DHHS Directive Number III-3**

**Title:** Medical Malpractice Insurance Coverage  
**Effective Date:** January 12, 2009  
**Revision History:** January 1, 2002; November 3, 2008  
**Authority:** Chapter 900, Section 131 of the 1991 NC Session Laws

### **Purpose**

The purpose of this directive is to establish medical malpractice insurance coverage on behalf of full-time and part-time employees of the department licensed to practice medicine and dentistry and on behalf of physicians in residency training programs from the University of North Carolina who are in training at department institutions.

### **Policy**

The Department of Health and Human Services (NC DHHS) will provide liability coverage on behalf of full and part-time employees who are licensed to practice dentistry or medicine and on behalf of physicians in all residency training programs from the University of North Carolina who are in training at institutions operated by the department. Insurance coverage is provided through a self-insured program administered by the department. The extent of coverage is a maximum of \$1,000,000.00 for each individual incident and does not affect current coverage under the state's Tort Claims Act. It will cover claims of damage arising from negligence of any such dentist or physician while providing dental and medical services pursuant to their employment or training with the department. Coverage continues after the dentist or physician is no longer with the department, but only for acts or omissions during the time of their employment or training. This coverage does not apply to dentists and physicians providing contractual services to the department.

Legal representation will be provided in accordance with G.S. 143-300.2, et. seq., through one or more of the following methods: by the Attorney General; by employing other counsel as provided in G.S. 147-17; and/or by authorizing defense by counsel assigned to or employed by the department, agency, board, commission, institution bureau or authority in which the individual who requested the defense practiced medicine or dentistry.

**Responsibility**

Division Directors are responsible for notifying the Secretary of NC DHHS of all malpractice claims.

The Office of General Counsel in the Secretary's Office is responsible for securing appropriate legal representation and maintaining data on costs of all malpractice claims.

APPROVED

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Lanier M. Cansler, Secretary  
Department of Health and Human Services