Professional Liability Application for Clinics

Medical, Public Health, Dental, HMO, Ambulatory Surgical Centers, Free Standing Emergency Centers

McSweeny Agency, LLC (E&S)
"Our Motto is Service, Our Product is Excellence"

ProAssurance
Treated Fairly

Instructions: Answer all questions; applicant's name must include the names of all businesses and locations for which coverage is desired. If the answer is none, state none; if the answer is not applicable, state not applicable (N/A). If the space provided is insufficient to fully answer the question, please attach a separate sheet.

Note: Application must be dated and signed by owner, partner, officer or administrator.
Please type or print in ink.

Part I. General Information

Tax ID/SSN: _____

1.1 Applicant Name (including DBAs): _____

1.2 Mailing Address: _____

_____

1.3 Location Address(es): _____

_____

1.4 Total premises square footage occupied by applicant: _____

1.5 County (parish) of each location: _____

1.6 Telephone Number: Office: _____ Fax: _____

1.7 Person to contact for Survey: Name: _____ Title: _____

1.8 Year entity established: _____

1.9 Entity is: ☐Individual ☐Corporation ☐Partnership ☐Professional Association/Corporation
☐Other; describe: _____

1.10 Entity is: ☐For Profit ☐Non-Profit
Describe source of funds: _____

1.11 Proposed effective date: _____

1.12 Requested Limits of Liability (if available):
Professional Liability $_____/$_____
General Liability $_____ each occurrence
$_____ general aggregate

1.13 Annual Gross Receipts: Estimated next twelve months $_____
Last twelve months $_____

1.14 Annual Renumeration: Estimated next twelve months $_____
Last twelve months $_____

1.15 List all memberships in professional organizations: _____

_____

_____

Part II. Exposures

2.1 Breakdown of patient services (%) by outpatient visits:

_____% AIDS	_____% Gynecology	_____% Pediatric
_____% Alcoholic	_____% Hemodialysis	_____% Physical Rehab
_____% Bariatric	_____% Holistic Medicine	_____% Psychiatric
_____% Communicable	_____% Major Surgery	_____% Research/Experimental
_____% Dental	_____% Minor Surgery	_____% Stress Testing
_____% Disability	_____% Nutritional (diet)	_____% Substance Abuse
_____% Drug Addiction	_____% Obstetrical	_____% Other; describe: _____
_____% Emergency Med.	_____% Occupational	_____% _____
_____% Family Planning	_____% Optometry	_____% _____
_____% General Exams	_____% Orthopedic	_____% _____

2.2 Indicate the number of professional employees, volunteers and independent contractors: If none, state none.

2.2.1 Physicians, Surgeons & Dentists

	No. of Employees and Volunteers	No. of Independent Contractors
a) Physicians: No surgery other than incisions of boils, suturing of skin, or other obstetrical procedures)	_____	_____
b) Physicians: Minor surgery or obstetrical procedures not constituting major surgery	_____	_____
c) Proctologists, Ophthalmologists and Urologists	_____	_____
d) General Surgeons, Cardiac Surgeons, and Otolaryngologists (no plastic surgery)	_____	_____
e) Obstetrics-Gynecologists, Plastic Surgeons and Otolaryngologists doing plastic surgery	_____	_____
f) Anesthesiologists, Thoracic Surgeons, Vascular Surgeons, Neurosurgeons, and Orthopedic Surgeons	_____	_____
g) Physician's & Surgeon's Assistants, Nurse Practitioners (describe duties on separate sheet)	_____	_____
h) Unlicensed Interns	_____	_____
i) Dentists (no oral surgery)	_____	_____
j) Orthodontists	_____	_____
k) Oral Surgery	_____	_____

If any of these categories are providing services, complete Physician Exposure Supplement.

2.2.2 Allied Health Professionals

	No. of Employees and Volunteers	No. of Independent Contractors		No. of Employees and Volunteers	No. of Independent Contractors
a) Chiropractor	_____	_____	l) Pharmacist	_____	_____
b) Dental Hygiene	_____	_____	m) Phys. Therapist	_____	_____
c) Dialysis Tech.	_____	_____	n) Physician's Asst.	_____	_____
d) EEG/EKG Tech.	_____	_____	o) Podiatrist	_____	_____
e) Medical Lab Tech.	_____	_____	p) Social Worker	_____	_____
f) Nurse Anesthetist	_____	_____	q) Psychotherapist	_____	_____
g) Nurse Midwife	_____	_____	r) Radiation Tech.	_____	_____
h) Nurse Practitioner	_____	_____	s) Resp. Therapist	_____	_____
i) Occupational Therapist	_____	_____	t) RN, LVN, LPN	_____	_____
j) Optician/ Optometrist	_____	_____	u) Speech Therapist	_____	_____
k) Perfusionist	_____	_____	v) Surgical Tech.	_____	_____

2.3 Are all of the above individuals licensed in accordance with applicable state and federal regulations? If no, attach explanation. ☐ Yes ☐ No

2.4 Describe hiring & verification processes for all employed/independently contracted physicians.

_____

2.5 Does the applicant desire to provide coverage for independent contractor(s) (including them as additional insured(s) on your policy while working on your behalf)? ☐Yes ☐No

2.6 Does the applicant supervise any individuals other than those listed above? ☐Yes ☐No
If yes, on a separate sheet provide detailed explanation of responsibilities and relationship to the entity which employs these individuals. Also, indicate by profession the number of individuals supervised.

2.7 Does the applicant maintain any beds for overnight occupancy? ☐Yes ☐No
If yes, indicate the number _____, type _____ and the number of patient days the last 12 months_____

2.8 Please provide the number of outpatient visits by category.

Type No. of Visits/Tests	Next Twelve Months	Last Twelve Months
Clinics - Total		
a. Physician		
b. Dentists		
c. Physician Asst./Nurse Practitioner		
d. Other Allied Health Professionals		
e. Laboratory		
f. Emergency Room		
g. Surgery (procedures)		
h. Imaging/X-Ray		
i. Other _____		

2.9 Does the clinic provide medical services for other than fee for service? ☐Yes ☐No
If yes, give details or arrangements, including a copy of contract(s).

2.10 What is patient mix? Fee for service: _____% Prepaid: _____%

2.11 What percent of prepaid patients are referred to outside physicians? _____%.

2.12 Does the applicant perform:

a. Acupuncture or acupuncture anesthesia? ☐Yes ☐No Explain: _____

b. Angiography/Arteriography/Venography? ☐Yes ☐No Explain: _____

c. Catheterization (other than urinary or umbilical?) ☐Yes ☐No
Describe procedure: _____

d. Closed reduction of compound fractures and/or dermabrasion? ☐Yes ☐No

e. Injection of radioisotope and/or use of irradiated substances? ☐Yes ☐No
Describe: _____

f. Radiation Therapy and/or Chemotherapy? ☐Yes ☐No
Describe: _____

g. Electroconvulsive Therapy? ☐Yes ☐No

h. Silicone Injections? ☐Yes ☐No
Describe: _____

i. Experimental procedures or research testing? ☐Yes ☐No
Describe in detail on separate sheet.

j. Hypnosis? ☐Yes ☐No
Describe: _____

k. X-Ray Services? ☐Yes ☐No
If yes, number of annual X-ray exposures for diagnosis for treatment: _____
What qualifications are required of the staff? _____

l. Does the applicant prescribe drugs for weight reduction of patients? ☐Yes ☐No

m. Are any of the following preformed?

1) Obstetrics:
   a) Pre-natal ☐Yes ☐No
   b) Deliveries ☐Yes ☐No
   c) Elective or therapeutic abortions ☐Yes ☐No
   d) If clinic provides pre-natal care only, does clinic physician or nurse midwife attend patient at designated hospital at time of delivery? ☐Yes ☐No
   e) If answer to d) is no, are clinic pre-natal records provided to delivering physician and to the designated hospital prior to delivery? ☐Yes ☐No

2) Chemical/Substance Abuse Services:
   a) Counseling ☐Yes ☐No
   b) Methadone or similar substances dispensed or prescribed. ☐Yes ☐No

c) If the answer to b) is yes, describe on a separate sheet treatment and controls used and indicate number of treatments during last twelve months: _____
Next twelve months: _____

3) Do you provide home health care services? ☐Yes ☐No
If yes, do they account for more than 5% of your gross revenue? ☐Yes ☐No
If yes, **please** complete and attach our Home Health Care Service Application.

2.13 Is your facility owned by an M.D.? ☐Yes ☐No
If yes, owner name(s): _____

2.14 Is the applicant in the employ of any federal governmental entity? ☐Yes ☐No
If yes, attach explanation.

2.15 Is the applicant under contract to any federal governmental entity? ☐Yes ☐No
If yes, attach explanation.

2.16 Name and give locations of any hospitals or institutions the applicant uses in practice and describe how affiliated: _____

_____

_____

2.17 In what states is the applicant registered and licensed to practice? _____

2.18 Does the applicant own (wholly or in part), operate, or administer any hospital, nursing home or other institution where medical services are customarily rendered? ☐Yes ☐No
If yes, give, details, including name, location, size and number of beds.

2.19 Does applicant own or operate any business other than that shown in Question 2.17 above? If yes, please give details on separate sheet. ☐Yes ☐No

2.20 Does applicant perform or engage in any surgical procedure(s) in its professional office or similar non-hospital facility? ☐Yes ☐No
If yes:
a. Please submit detailed list of all surgical procedures performed at the center.
b. Provide the number of procedures performed the last 12 months for each procedure listed in a. above.
c. For each procedure break down the number performed under general anesthesia (including IV sedation) versus local (topical of local infiltration).

2.21 Is anesthesia (other than topical or by means of local infiltration) administered by applicant? ☐Yes ☐No
If yes, describe in detail by whom, whether employed or contracted, a list of agents utilized, whether an oxymeter is used, and attach a copy of the written policies and/or guidelines of the anesthesia service. If a CRNA administers anesthesia, include the CRNA under the Physician Exposure Supplement.

2.22 Does the applicant perform any:
a. Surgery other than incision of superficial boils or suturing superficial fascia? ☐Yes ☐No
b. Circumcisions and/or dilation and curettage and/or insertion of temporary pacemakers? ☐Yes ☐No
c. Tonsillectomies and/or Adenoidectomies and/or Caesarean Sections? ☐Yes ☐No
d. Cosmetic Plastic Surgery? Describe: _____ ☐Yes ☐No
e. Excision of large cysts and/or I&D of deep-seated boils or carbuncles? ☐Yes ☐No
f. Hysterectomies? ☐Yes ☐No
g. Open reduction of fractures? Describe: _____ ☐Yes ☐No
h. Surgery for weight reduction of patients? ☐Yes ☐No
i. Abortions and/or menstrual extractions? ☐Yes ☐No
Describe (include trimester, method and number of abortions performed per month):
_____
j. Cryosurgery (other than use on benign or pre-malignant dermatological lesions? ☐Yes ☐No
Describe: _____
k. Silicone Implants? Describe: _____ ☐Yes ☐No
l. Sterilization Procedures? Describe: _____ ☐Yes ☐No
m. Biopsies and/or endoscopies? List types performed: _____ ☐Yes ☐No

n. Sex change operations? Describe and advise number yearly: _____ ☐Yes ☐No

_____

o. Experimental surgery or surgical research? Describe on separate sheet. ☐Yes ☐No

p. Other Surgery? Describe: _____ ☐Yes ☐No

2.23 Does the applicant have the following equipment at the center:

a. Laboratory with the following capabilities - CBC, UA electrolytes, blood sugar, arterial blood gases, pregnancy test, bun, and/or creatinine ☐Yes ☐No

b. X-ray with on premises processing ☐Yes ☐No

c. EKG - 12 lead ☐Yes ☐No

d. Monitor/Defibrillator ☐Yes ☐No

e. Crash cart with full cardiac life support capabilities and necessary intravenous fluids. ☐Yes ☐No

f. Appropriate trays and equipment for accessing the airway, pericardiocentesis, needle thoracostomy, transvenous or transthoracic, pacemaker, venous access, gastric lavage ☐Yes ☐No

g. Oxygen ☐Yes ☐No

h. Suction ☐Yes ☐No

i. Pneumatic anti-shock trousers ☐Yes ☐No

j. Dedicated telephone line to the closest appropriate hospital emergency department and/or two-way communication with the EMS ☐Yes ☐No

2.24 Describe peer review process for surgeons on a separate sheet.

2.25 Does the applicant perform gynecology:

a. Surgical ☐Yes ☐No

b. Family Planning ☐Yes ☐No

If yes, indicate number of patients: _____

Describe range of services: _____

_____

Part III. Risk Management

3.1 Name, qualifications and number of years of experience of the Medical Director:
Name/Title

_____

3.2 Who does the supervising of staff, and what is his/her experience? _____

_____

3.3 Does your clinic require the professional staff be CPR trained? ☐Yes ☐No

3.4 Describe the referral source(s) by which patients are directed to the entity: _____

_____

3.5 Does the clinic have a written policy and procedure to assure that contractors' credentials, liability insurance coverage and standards of performance are commensurate with entity's? ☐Yes ☐No

3.6 Do your contracts with vendors specify responsibilities, performance goals, warranties, liability insurance, and possible termination by either party? ☐Yes ☐No

3.7 Is the applicant eligible for certification or accreditation? ☐Yes ☐No
If yes, is applicant certified and/or accredited? ☐Yes ☐No

If no, explain the reason: _____

3.8 Is applicant approved to receive Medicare and Medicaid payments? ☐Yes ☐No

3.9 Does the applicant have a qualified physician(s) and other personnel trained in emergency medical care in the center during all hours of operation? ☐Yes ☐No
Please describe: _____

_____

3.10 Do you have any restricted licensed physicians on staff? ☐Yes ☐No
If yes, explain on separate sheet.

3.11 Do you have any physicians on staff that do not maintain staff privileges at a hospital? If yes, explain: _____ ☐Yes ☐No

_____

3.12 Does the applicant participate in any activity (e.g., newspaper columns, broadcasts, etc.) whereby professional advice is offered to the public? If yes, please attach detailed explanation of this activity. ☐Yes ☐No

3.13 Does the applicant advertise its professional services in any manner (other than a simple listing in a telephone directory)? If yes, attach a copy of **ALL** of the advertisements. ☐Yes ☐No

3.14 Is the applicant associated with any agency or organization that engages in any kind of advertising for or solicitation of patients? If yes, attach detailed explanation and a copy of **ALL** of the advertisements. ☐Yes ☐No

3.15 Does the applicant use a collection agency? ☐Yes ☐No
If yes, give name of agency: _____

Has the agency authority to file a collection suit at its discretion? ☐Yes ☐No

3.16 Is the applicant and all professional employees licensed in accordance with applicable state and federal laws? If no, attach explanation of any exception. ☐Yes ☐No

3.17 Has the applicant or any of its employees:

a) Ever been the subject of disciplinary or investigatory proceedings or reprimanded by an administrative or governmental agency, hospital or professional association? ☐Yes ☐No

b) Had any professional license refused, suspended, revoked, renewal refused or accepted only with special terms or has applicant or any of its employees voluntarily surrendered any professional license? ☐Yes ☐No

c) Been convicted for an act committed in violation of any law or ordinance other than traffic offenses? ☐Yes ☐No

If the answer to any of 3.17 is yes, please attach a detailed explanation.

Part IV. History

4.1 List prior professional liability insurers for the past five years, starting with the most recent year. If none, state none.

	Insurer	Policy Number	Limits of Liability	Premium	Eff. Date	Claims-Made Yes	Claims-Made No
1.							
2.							
3.							
4.							
5.							

If claims-made, what is the most recent retroactive date? _____

4.2 List prior general liability insurers for the past five years, starting with the most recent year. If none, so state.

Insurer	Policy Number	Limits of Liability	Premium	Eff. Date	Claims-Made Yes	Claims-Made No
1.						
2.						
3.						
4.						
5.						

If claims-made, what is the most recent retroactive date? _____

4.3 Have any claims been made or occurrences reported during the past six years against any of the proposed insureds or against any entity in which any proposed insured has or has had an interest? ☐Yes ☐No

If yes, please describe; indicate status of the claim or suit, and any amount(s) paid or reserved (attach an additional sheet if necessary): _____

4.4 Does any proposed insured have any knowledge of an event, circumstance or occurrence (other than any listed in 4.3 above) prior to the effective date of the proposed policy, or does any proposed insured foresee that a claim may be brought as a result of said event, circumstance or occurrence? ☐Yes ☐No

If yes, describe the event and indicate the reason for anticipation of a claim: _____

I understand and agree this Application and any and all supplements attached hereto may be made a part of any policy issued, and any such policy will be issued in reliance upon the representation made herein. I further understand and agree that failure to provide a true and accurate response to the foregoing questions may, at the option of the Company, result in the voiding of insurance issued in reliance on this Application and/or denial of claims under any policy issued.

I authorize and consent to investigations of information bearing upon moral character, professional reputation and fitness to engage in the activities of my business including authorization to every person or entity, public or private, to release to the company providing insurance coverage and ProAssurance Mid-Continent Underwriters, Inc., any documents, records or other information bearing upon the foregoing.

I understand and agree these investigations shall not be confined to information submitted in this application, but shall include any other sources of information deemed relevant by the Company as may be authorized by law.

Applicant and all owners, employees, and contractors are licensed or duly authorized in all states or jurisdictions where professional services are provided. Applicant warrants the truth of all answers to the above questions, and that applicant has not withheld any information which is calculated to influence the judgment of the insurance company in considering this application.

Important: This application must be signed by the applicant. Signing this form <u>does not bind</u> the company to complete the insurance.

_____ _____

Date Applicant Signature/Title

Physician's Exposures Supplement

McSweeny Agency, LLC (E&S)
"Our Motto is Service, Our Product is Excellence"

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Instructions: Complete this supplement in its entirety. If a specific item is not applicable, state N/A. If the space provided is insufficient to complete the item, attach a separate sheet. Please note this supplement is part of the application and all warranties and statements contained therein apply to this supplement.

Tax ID/SSN: _____

P.1.1 **Credentialing**

Is there a written policy and procedure for credentialing of physicians, surgeons, and dentists who provide professional services at your entity? ☐ Yes ☐ No

If yes, attach a copy of the policy and procedure. If no, describe in detail your entity's credentialing process.

_____

_____

_____

_____

P.1.2 **Insurance Verification***

Does your entity require proof of insurance of physicians, surgeons, and dentists? ☐ Yes ☐ No

If yes, does the entity determine the type of coverage (occurrence or claims-made)? ☐ Yes ☐ No

If yes, does the entity require those with claims-made coverage to purchase the "tail" if the policy is cancelled? ☐ Yes ☐ No

P.1.3 **Physician Listing**

List by individual profession, each physician, surgeon, and dentist who provides professional services at your entity on the second sheet of this supplement. Include *all* types (employed, contract, and staff). Indicate limit of professional liability carried by each.

_____

_____

_____

_____

_____

_____

_____

_____

P.1.4. **Additional Staffing**

Does the entity anticipate employing or contracting with any additional physicians, surgeons, or dentists during the next 12 months? ☐ Yes ☐ No

If yes, please indicate approximate number(s) and specialty(ies): _____

_____

_____

_____

_____

P.1.5. **Large Claim**

Has any of the entity's physician staff had a claim or suit where the indemnity payment or reserve was greater than $10,000? ☐ Yes ☐ No

Surgi-Center Requirements

Tax ID/SSN: _____

1. Accreditation is required. A facility becomes eligible for accreditation after it has been in operation for one year. Once the facility becomes eligible, it must then apply for accreditation and become accredited within one year.

2. A physician, surgeon, or CRNA using the facility must provide evidence of professional liability in an amount equal to or greater than the limit of liability quoted by the company.

3. A physician or surgeon using the facility must provide the facility with proof of hospital staff privileges for the procedures such physician or surgeon intends to perform at the facility unless specifically approved by the facility and the facility has documented evidence of competency. See item 7, below.

4. Operation covered hereunder shall be limited to anesthesia Class I or anesthesia Class II patients.

5. No overnight care shall be permitted or provided by the facility.

6. Facility must have an organized medical staff with a Governing Board, Medical Executive Committee, and by-laws. A copy of the by-laws must be submitted. The Medical Executive Committee must have the power to suspend or revoke privileges.

7. Facility must have a Credentials Committee to approve procedures for each specialty, and a list of approved procedures must be maintained at all times.

8. Facility must have a standing Quality Assurance/Tissue Committee: (1) to review tissue reports, (2) to audit indications for surgery, (3) to audit procedures and complications, and (4) to ensure compliance with procedures.

9. If facility performs laser surgery, it must have a standing Laser Committee function with a designated laser officer and technician.

10. The facility must have written transfer arrangements with a licensed acute care hospital with emergency room in close proximity.

11. All patients must be discharged by a physician. A physician must remain at the facility until all patients have been discharged.

12. CRNAs who provide anesthesia must be supervised by an anesthesiologist. The anesthesiologist must be on the premises and immediately available. For any facilities where CRNAs are not supervised by an anesthesiologist, but are supervised by a physician with knowledge of anesthesia, we will need additional information, and risk will be surcharged if written.

13. If a general medical evaluation is required on a podiatric or dental surgical patient prior to the administration of anesthesia, a physician must perform the medical evaluation.

14. Medical staff pre-operative workup must be on the medical record prior to the procedure being performed.