



CASE OF THE QUARTER: MEDICAL BOARD INVESTIGATION

Written by
Claims Department
Professional Risk Management Services (PRMS)

The "Case of the Quarter" column is a sample case study that highlights best practices in actual scenarios encountered through [PRMS' extensive experience in litigation and claims management](#). Specific names and references have been altered to protect clients' interests. This discussion is for informational and education purposes only and should not be relied upon as legal advice.

FACTS:

Dr. Jones received a letter from her Medical Board ("Board") seeking her comments on care provided by a physician's assistant ("PA") that she supervises. The Board informs Dr. Jones that she is not the subject of the investigation. Since she is not under investigation, Dr. Jones drafts and submits a response to the Board. Within a few months, the Board sends Dr. Jones another letter informing her that she is now under investigation, too, related to her supervision of the PA. Dr. Jones delays reporting the matter to PRMS. By the time Dr. Jones does call PRMS a new policy has taken effect.

ANALYSIS:

Some policies require that the Board's investigation be commenced and reported during the policy period. The policy period runs from the policy's effective date to the expiration date. If Dr. Jones' policy has such language, there would be no coverage since Dr. Jones did not report the matter to PRMS during the same policy period in which the Board initiated its investigation. Dr. Jones has potentially complicated her defense by responding to the Board initially when she was not under investigation. Statements she wrote in her initial response cannot be undone.

TAKEAWAY:

Promptly report to your malpractice insurance provider receipt of any letter from your licensing Board seeking information from you or informing you of an investigation. Administrative defense coverage is available under a PRMS policy and representation by an attorney is in your best interest.

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(800) 245-3333 | PRMS.com | TheProgram@prms.com



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