

NOW AVAILABLE—EMS MEDICAL DIRECTOR INSURANCE

New association develops insurance policy to cover physician EMS duties

Although many EMS medical directors don't know it, most have been in legal jeopardy because of a lack of insurance coverage for many of the duties they perform in their prehospital roles. (See "Do EMS Medical Directors Require Additional Insurance?," p. 2.)

Moreover, most physicians who have been aware that they need additional coverage for their EMS roles have found it impossible to get policies that give them the coverage they need.

But now, for the first time, insurance designed specifically for EMS medical directors is about to become available, thanks to a group of EMS medical directors who recently formed the National EMS Medical Director's Information Association (NEMSMDIA). Members of this group worked with an Albuquerque, N.M., insurance broker to develop a policy specifically designed for EMS medical directors and convinced an insurance company to provide the coverage.

"The insurance product, from a large, national A+ rated insurance company, should be available for purchase in mid-December or by Jan. 1 at the latest," said Philip J. Froman, MD, medical director for Albuquerque Ambulance Service and several fire departments in the Albuquerque area.

The new insurance product will cover all roles of the EMS medical director. It will provide professional liability coverage for medical procedures performed by a medical director in the prehospital setting, as well as coverage to protect an EMS medical director from an employment-related lawsuit. For example, it will cover the type of claim that EMS attorney Winnie Maggiore says is most likely to involve an EMS medical director: a claim that might result from litigation following a medical director's decision to revoke an EMT's or a paramedic's right to practice.

The NEMSMDIA board of directors includes Greg Mears, MD, North Carolina's former EMS medical director and principal investigator of the National EMS Information System project; Mike Richards, MD, New Mexico's

EMS medical director; and Keith Wesley, MD, Wisconsin's EMS medical director and chair of the National Council of State EMS Medical Directors.

Froman began the insurance initiative after New Mexico "pulled" his insurance. Previously, he said, "I had a unique spot in the state, doing a lot of county medical direction, and the state

responsibilities are is mandatory," Wesley said. "Without a contract, the EMS medical director cannot obtain insurance coverage because [his or her] risk cannot be quantified."

As for price, Richards predicted that a policy should initially cost approximately \$5,000 per year, "but everyone expects the cost to go down once we have actuarial information."

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covered me." He asked friend and neighbor Tom James, owner of the Thomas James Insurance Agency in Albuquerque, to find a policy to cover his EMS duties.

Finding that no such policy existed, James began to develop a policy to specifically cover Froman's EMS duties. "It took me six weeks and about 200 hours, and was the least cost-effective thing I've done in 20 years in the insurance business," he said.

According to James, EMS medical directors nationwide have found it impossible during the past 10 years to get the insurance they need. However, he adds, "The doctors were going about it the wrong way; you must go to the insurers with some money." James and the medical directors who founded NEMSMDIA have reached into their own pockets to raise the necessary initial capital.

Although the new insurance program will cover both physicians who volunteer and those who receive compensation for their EMS medical direction, a medical director must have a written contract to buy coverage, and each policy will be contract-specific for each physician.

"A formal contract for [the medical director's] services which spells out in detail exactly what the roles and

Froman said, "We are discussing a tiered pricing structure that would be based on the number of EMS providers being supervised and the number of runs the physician is responsible for."

The medical directors have created a NEMSMDIA Web site that functions as a "portal" for the insurance product and provides information on contract negotiations, EMS protocol development and quality assurance programs that reduce risks both to EMS medical directors and EMS organizations.

"Our goal is to become a clearinghouse for the EMS medical director, with an emphasis on legal information, medical liability and an avenue to access the new EMS medical director insurance policy," Froman said.

"There are probably 20,000–25,000 EMS medical directors out there, and I'll bet more than half of them are operating 'bare' [without insurance for their EMS duties] and are not aware of it," James said. "We need as many of them as possible to join the association to show there's a big enough market for an insurance company to put money into this. Once we have 3,000–4,000 [medical directors] insured, we can get anything." ■

For more information, visit www.nemsmdia.org.