Malpractice Protection

• UT Attorney from Knoxville handles any matter involving malpractice and/or potential lawsuits.
• Rhonda Alexander, Associate General Counsel
• 865-974-7899
If you are named or threatened to be named in a lawsuit ...

Call the GME Office at Erlanger extension 7442, then

Call the UT Attorney in Knoxville (865) 974-7899.
• Do not discuss a malpractice case with anyone other than briefly notifying your chair or program director.
Frequently asked questions

What is the name of the company insuring UT residents against malpractice?

What is the policy #?

Answers

The State of Tennessee is self-insured so there is no company.

There is no policy #.
1985 the State became self-insured and established a State Claims Commission with funding to protect the State and its employees.

UT places $ in a State-administered pool that compensates people injured by acts or omissions of the State and/or its employees.
Malpractice Protection

“State officers and employees are absolutely immune from liability for acts or omissions within the scope of the office or employee’s office or employment, except for willful, malicious, or criminal acts or omissions, or acts done for personal gain.”
Malpractice Protection

• This means you (residents) cannot be sued for things done as part of your employment by the University.
• This does not include acts done outside your residency such as “moonlighting.”
The Tennessee Claims Court is a special tribunal that hears claims against the State.

- The State would be named the only defendant in a malpractice suit filed in the Claims Court.
- Resident involvement would be only as a witness in the case – not as a defendant.
Malpractice Protection

- No judgment made by the Claims Court can exceed limits of
  - $300,000 per claimant and
  - $1,000,000 per incident
Malpractice Protection

• The Claims Court functions like a court but without a jury.
• There are three commissioners, one for each Grand Court District in the State.
• Commissioners hear the case as finders of fact.
• The rules of evidence and procedure are virtually identical to those in a State court.
• The UT Attorney represents the State in malpractice cases involving residents.
• The decisions rendered by the Claims Court can be appealed by either side to the Tennessee Court of Appeals.
• What happens if you (a resident) are individually named in a malpractice suit filed in a State court?

• Upon your authorization, the UT Attorney will move to dismiss the case against you individually on the grounds that you are immune as an employee of the State.
If a subpoena or lawsuit is served on a resident, that resident should immediately provide a copy to the GME Office and call the UT Attorney in Knoxville (865-974-7899).

Upon your authorization, the UT Attorney will immediately begin work on a response and a defense.

Once the resident is served with legal papers, the University has only 30 days in which to while a response.
What should you (a resident) do if you are contacted by an outside attorney about a patient or a malpractice case?

You should tell the other attorney that he or she must contact the UT Attorney regarding the case.
Malpractice Protection

- Do not discuss the case with anyone other than the UT Attorney unless directed by the UT Attorney.
- Especially do not express personal opinions about any case with individuals other than the UT Attorney.
• Remember, the UT Attorney is there to help and advise you.
• When in doubt about a malpractice case, contact the UT Attorney at (865) 974-7899.
• Tammy Fite and Pam Scott in the GME Office will help you get in touch with the UT Attorney. Call them at Erlanger extension 7442.