

# Marsh Medical Consulting

**Address:**

Marsh Medical Consulting GmbH  
Bismarckstraße 2  
32756 Detmold  
info.marshmedical@marsh.com

## INFORMATION FOR EMPLOYEES

### Liability insurance cover for employees of the Medical Center – University of Freiburg

The Medical Center – University of Freiburg provides liability insurance cover for all **official duties**, including research and teaching. All employees are also insured for any damage that they **negligently** cause to **third parties**, i.e. not to the employer, during the performance of their **official duties**. The institutes assigned to the university's medical faculty are also covered. There is **no** insurance cover for damage caused to the employer.

The insurance also covers the personal legal liability of employed doctors in the event of temporary substitution for another doctor at the hospital and due to insured events in connection with their obligation to **provide first aid** in the event of accidents, including outside working hours. The insurance cover is subsidiary to other liability insurances, i.e. any other existing liability insurance has precedence over the insurer's performance.

For **Germany and Europe**, there is unlimited insurance cover for **first aid given** in the event of accidents, even outside working hours.

For **non-European countries (with the exception of the USA and Canada)**, insurance cover for **first aid given** in the event of accidents, even outside working hours, only exists as long as the stay lasts a maximum of three months.

In the **USA and Canada**, insurance cover for **first aid given** in the event of accidents only exists if the stay is part of an official business trip (e.g. attendance of a conference, symposium, business exhibition or trade fair).

There is no insurance cover for the activities of senior physicians entitled to invoice health insurance in their own name for ancillary outpatient care or for other activities outside of their official duties (e.g. expert opinions, unless ordered officially; medical care of friends or acquaintances).

The collaboration of reporting doctors as part of ancillary outpatient or inpatient care by senior hospital doctors is insured **as long as they are obliged to do so under their contract**. This also applies during the temporary replacement of a senior hospital doctor in the provision of ancillary care, both on an outpatient and inpatient basis. Additional insurance cover is not required in these cases.

The contractual performance provided by the insurer includes:

- Examination of liability in terms of reason and amount;
- Settlement of justified claims for damages up to the amount of the agreed sums insured of

**€ 15,000,000.00 lump sum for personal injury, damage to property and € 500,000.00 for damage to third-party property;**

- Defense against unjustified claims for damages.

The maximum indemnity for all insured events within one year is twice the above-mentioned totals.

The insurance cover generally extends to **statutory liability claims** for both **simple** and **grossly negligent** damage. The insurer will not take recourse against the doctor/employee who caused the damage for compensation payments under the employer's liability insurance in the event of any claims.

**Personal injury** is any damage that a person suffers to their life, health or freedom, or that is caused through violation of another law that aims to protect a person. This also includes all consequential damages, e.g. loss of income and earnings, of pension benefits due to reduction or loss of gainful employment and compensation for pain and suffering.

**Damage to property** is damage to the property of third parties incurred by damage or destruction.

**Economic loss** is any loss that is not caused by personal injury or damage to property.

**Items brought in by patients** are insured against damage, destruction or loss. The maximum damages for damage due to loss is limited to € 10,000.00 per insured event within the scope of the sum insured for property damage and any resulting economic loss, up to a maximum of € 100,000.00 per insurance year.

### **Insurance cover for clinical trials**

The liability insurance cover described here is not sufficient for clinical trials which are subject to a statutory insurance obligation under the German Medicinal Products Act, the German Medical Devices Act or the German Radiation Protection Act/Ordinance. Special clinical trial participant insurance must be taken out for this. Additional clinical trial participant insurance cover can also be taken out for trials that are not subject to compulsory insurance and are covered by liability insurance. Please contact us if you require additional information or quotations.

## **Reporting medical liability claims**

Claims made against you in connection with your work must be forwarded to the Legal Department at the Medical Center as soon as you become aware of them.

This includes all correspondence in which claimants, their legal representatives or third parties allege incorrect treatment and claims for damages. This also includes cases in which the arbitration body/expert commission was called in merely to review a possible treatment error.

No correspondence may or should be entered into with the patient or their lawyers, except to say that the matter has been passed on to the Legal Department.

A statement on the allegations made must be submitted as soon as possible. Once you have forwarded the claim letter, the Legal Department will send you a form for guidance when writing your statement.

As soon as the case has been reported to Marsh Medical Consulting with a corresponding release from confidentiality/declaration of consent, a contact person from the claims department will be available to assist you.

No statements concerning the question of guilt may be made to third parties. Payments and the allowance of a possible claim may not be made, as this will be done exclusively by the insurer or by us.

If you receive a reminder notice, an application for legal aid or a statement of claim, please forward it immediately to the Legal Department at the Medical Center – University of Freiburg. In consultation with the Medical Center and the insurer, we will then appoint a lawyer to represent your interests. Under no circumstances should you instruct your own lawyers.

Please note that we generally represent your interests vis-à-vis the insurer in liability claims. In the event of claims due to allegedly faulty medical treatment, it is therefore necessary that your statements concerning the allegations are submitted to us immediately via the Legal Department at the Medical Center – University of Freiburg. Otherwise, your insurer, or we, will be unable to take action against the claimant or their legal representative. Such delays may result in considerable disadvantages for you. They may even jeopardize the insurance cover (breach of obligation according to the General Liability Insurance Conditions).

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