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HEALTH CARE ALERT

Date: March 24, 2004

PHYSICIANS AND DENTISTS ONLY HAVE UNTIL MAY 1, 2004 TO COMPLETE RISK MANAGEMENT COURSE IN ORDER TO REMAIN ELIGIBLE FOR "FREE" EXCESS MALPRACTICE INSURANCE COVERAGE

On February 6, 2004, the New York State Insurance Department extended the deadline by which physicians and dentists desiring "free" excess malpractice insurance coverage must complete a state-approved proactive risk management course. The old deadline was March 1, 2004; the new deadline is May 1, 2004. Physicians who fail to complete the program, which includes (i) a five (5) hour basic course taken in either a classroom setting or through the internet and (ii) the completion of an "at-home" study component (such as a critical review of case studies) within sixty days thereafter, would be deemed ineligible for "free" excess malpractice coverage for such policy year and for any subsequent policy years for which no such course is taken.

In general, State law requires that "free" excess malpractice insurance coverage (commonly referred to as "Section 18" coverage) be provided to any New York State-licensed physician or dentist who: (i) maintains a primary malpractice insurance policy with a New York State-authorized carrier with limits not less than \$1.3 million per occurrence/\$3.9 million annual aggregate; (ii) is affiliated with at least one (1) hospital in the State of New York; and (iii) completes an approved risk management course within the mandated time frame. The "free" excess coverage is in the amount of \$1 million per occurrence/ \$3 million annual aggregate. With both primary and excess layers of malpractice insurance coverage, a physician or dentist will have combined limits available to him of \$2.3 million per occurrence/\$6.9 million annual aggregate.

Physicians and dentists who have not yet completed an excess risk management program are urged to immediately contact their medical liability carrier to determine the time and location of the next available excess risk management program.

For more information, please call any of the following attorneys in our firm's health care department:

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