

**UNIVERSITY OF FLORIDA HEALTH SCIENCE CENTER/.JACKSONVILLE
UF Self-Insurance Program**

**Professional Liability Insurance and Your Responsibilities
Claims and Litigation / Depositions and Court Appearances**

**INCIDENT REPORTING TO THE UNIVERSITY OF FLORIDA J. HILLIS MILLER
HEALTH CENTER, SELF-INSURANCE PROGRAM CLAIMS AND LITIGATION
STAFF**

As employees of the University of Florida Board of Trustees (UFBOT), and as health care providers, residents have a duty, pursuant to their employment obligations and UF policy to report serious incidents to the Self- Insurance Program (SIP). Timely reporting of serious incidents will allow for an early investigation and resolution of potential claims by SIP Claims and Litigation staff. This requirement is in addition to any reporting of the incident in the IDInc. System. Incidents are to be reported **telephonically or in person** to the **Claims and Litigation staff of SIP**. The SIP staff have the responsibility to investigate and resolve incidents that expose the University of Florida and Shands to professional liability for medical negligence. The SIP Claims and Litigation staff coordinators are available 24/7 to take calls relating to incidents in which you are involved or have knowledge.

WHAT MUST BE REPORTED

Serious incidents must be reported. A serious incident is any occurrence that has produced an actual, potential, or perceived injury to a patient, or describes a practice, situation, premise, or product defect that, in the observer's opinion, may produce an injury if left uncorrected.

Although no definition will cover all circumstances, those serious incidents listed below must be reported to the Self-Insurance Program:

Death

Brain damage (permanent or temporary)

Spinal cord damage

Surgical procedure on the wrong patient

Attempted or actual wrong site surgery, to include prepping the wrong site

Any condition requiring transfer to a higher level of care

Retained foreign bodies and procedures to remove unplanned retained foreign objects

Surgical repair of injuries or damage from planned surgical procedures where the damage is not a recognized specific risk disclosed to the patient and documented through the informed consent process

Total or partial loss of limb, loss of use of a limb

Sensory organ or reproductive organ impairment

Disability or disfigurement

Any birth of a term baby that is stillborn or expires shortly after delivery

Injury/death to either mother or child during delivery

All incidents of shoulder dystocia

Pressure ulcer development or increase in severity of existing ulcers

Delayed or misdiagnosis of a patient's condition resulting in increased morbidity Injury to any part of the anatomy not undergoing treatment

Any assertion by a patient or the patient's family that the patient has been medically injured or threats of litigation

Allegations of rape or sexual abuse/misconduct

Patient/family assertion that no consent was obtained for treatment

Any condition requiring specialized medical attention resulting from non-emergency medical intervention to which the patient has not given informed consent

Infant abduction or discharge of an infant to the wrong parents

Any other unexpected or adverse outcome or an event where established policy/procedure was not followed

Any other conditions that you feel may result in a claim

When reporting, the best guideline to follow is that of professional common sense, sustained by the ever-present awareness of the possibility of a claim. The standard practice should be: **WHEN IN DOUBT, ALWAYS REPORT.** To report a serious incident, you must do the following:

1. Meet the immediate needs of the patient;
2. Notify the attending physician;
3. Instruct the nurse to complete an incident report;
4. Notify your departmental residency program director; and
5. Call the SIP office to speak to a claims and litigation coordinator at 244-9070.

If you have any questions related to the incident-reporting policies of the University of Florida or Shands Jacksonville, please call the SIP office at 244-9070.

REQUESTS FOR TESTIMONY IN COURT PROCEEDINGS

At times, residents may receive subpoenas for depositions or court testimony, or may receive phone calls and letters from attorneys wanting to talk to the residents concerning their care or treatment involving a party in the case. Additionally, the State Attorney, Public Defender, and private criminal defense attorneys may contact residents to discuss the criminal case with them because the residents cared for an alleged victim or perpetrator of a crime.

Residents should not discuss such incidents with lawyers (except for those representing the University or Shands Jacksonville), the press or general public, other residents, attendings or hospital staff not involved in the patient's care or not having another duty associated with a "need to know." The SIP Claims and Litigation attorneys will give you further guidance when you call SIP staff to advise them of any request or subpoena for deposition or court testimony. At any indication that you may be called on to give testimony, comment or furnish an opinion about incidents involving patients and patient care in the hospital, it is most important that you **immediately notify the SIP staff at 244-9070**. Your Program Director, Division Chief/Departmental Chair/Associate Chair should also be contacted.