

LIABILITY, INSURANCE AND LEGAL ASSISTANCE

The UMCG has taken out liability insurance with Centramed for its staff. In general, the insurance covers damage/losses resulting from work carried out for the UMCG, unless the damage/losses are the result of wilful recklessness or an intentional act or omission.

The insurance also covers damage/losses resulting from work-related accidents, insofar as the blame rests with the UMCG.

Please see the intranet for information on work-related accidents (including the requirements for reporting them).

This document focuses on staff members (e.g. doctors, nurses) who are required to be registered in the BIG Register (register of healthcare professionals).

Liability

There are three forms of liability:

1. Civil liability

A patient claims compensation for damage or injury.

The court may order the **payment of damages**.

2. Criminal liability

The authorities prosecute punishable offences such as the causing of serious personal injury or culpable homicide.

The court may impose a punishment (e.g. **a fine**).

3. Disciplinary liability

On the initiative of a patient or his/her family (or e.g. the Healthcare Inspectorate), a disciplinary tribunal assesses whether the staff member(s) concerned has/have acted negligently.

If this is found to be the case, the tribunal can impose a measure such as a warning, reprimand or fine. The most severe penalty is removal from the BIG Register (register of healthcare professionals).

The three forms of liability can occur in conjunction, because the purpose differs.

Insurance

Civil claims and professional liability insurance

Individual practitioners do not need to take out professional liability insurance (or other liability insurance) for their work at the UMCG.

As mentioned above, damage/losses resulting from errors in work carried out at the UMCG are covered by the liability insurance arranged by the UMCG.

Are there exceptions?

Every insurance policy has 'exclusions'. The main exclusions of the UMCG liability insurance are summarized below:

- Financial losses (damage other than property damage or injury) incurred by persons who are not patients.
- Damage resulting from individual practice outside or separately from the UMCG. This also applies to deputizing in a practice elsewhere. If necessary, practitioners must arrange individual supplementary insurance cover for these exclusions.

Legal assistance

Legal assistance in civil cases (claims)

In principle, damage claims are dealt with by Centramed. If a settlement is reached in terms of the level of liability and the amount of damages to be paid, there is no need for the matter to be brought before the civil court. However, if the patient (or his/her representative) and Centramed are unable to reach a settlement, the case may be brought before the civil court. This means that a lawyer will be required. The cost of legal assistance provided at the request of Centramed is covered by the insurance.

Legal assistance in disciplinary and criminal cases

The UMCG ensures that appropriate legal assistance is provided for members of staff who become involved in disciplinary and/or criminal proceedings under the Individual Healthcare Professions Act (*Wet BIG*).

This assistance is provided by the Legal Affairs department or by a lawyer engaged by the UMCG. If the staff member wishes to be represented by his/her own lawyer, permission must be sought in advance from the head of Legal Affairs.

Obligation to notify

If a practitioner is approached directly, he/she is required to report this to the manager and to the head of Legal Affairs (tel. +31 (0)50 361 4929), irrespective of whether the matter relates to a civil claim, disciplinary complaint or criminal proceedings.

Information

For a further explanation or more specific information, please contact the Legal Affairs office on +31 (0)50 361 4929.

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