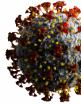


PROASSURANCE<sup>®</sup>

Treated Fairly

# provisions



- 
- TELEMEDICINE COVERAGE
  - RETIRED PHYSICIANS VOLUNTEERING TO HELP
  - SUBSTITUTE PHYSICIANS (LOCUM TENENS)
  - POSTPONED ELECTIVE PROCEDURES
  - PENDING CLAIMS & LAWSUITS
  - PREMIUM PAYMENT DEFERRAL
  - SUPPORT FOR COVID-19 STRESS

# COVID-19

## Medical Professional Liability in the COVID-19 Era



**Charges to treat COVID-19 in U.S. hospital settings are projected to range from**

**\$362 B to  
\$1.45 T**

**Provisions** is ProAssurance's monthly agent magazine. If you or your colleagues do not receive the digital version, email [AskMarketing@ProAssurance.com](mailto:AskMarketing@ProAssurance.com). Please include names and email addresses for everyone who would like to subscribe.

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*"These are unprecedented times and together, we continue to navigate through these uncharted waters. Our Senior Executive team is so very proud of the manner in which the ProAssurance team has and continues to respond to this very challenging situation."*

*"Our focus remains on the safety of our employees, response to our valued distribution partners and customer base, as well as understanding the short and long-term business impact."*

**Mike Boguski**  
**President**  
**ProAssurance Specialty P&C**

## A Word from the CMO

### Charting New Territory

This is not what we thought April 2020 was going to look like. The world has changed significantly over the past few weeks. Shelter in place orders continue to impact most of the country. Businesses deemed "non-essential" are keeping their doors closed. We are wading through a serious financial crisis.

And yet, our business keeps moving forward.

We do not know what the full impact of the COVID-19 outbreak will be, but we do know that our clients need us now more than ever. Physicians are calling in with coverage questions. Some have had to close their offices while elective procedures are postponed and wonder how that impacts their premium. Some are hoping to step out of retirement to assist their overwhelmed colleagues and do not want their efforts to jeopardize their tail coverage. Some want to know what licensure updates they need to make to start practicing telemedicine. And so on and so forth.

So, ProAssurance employees—an overwhelming majority of whom are working from home—are busy diligently providing the answers and service insureds need. An important step in this process is keeping you, our agent base, well informed. For many insureds, their main touchpoint is your agency. If you need quick answers on how ProAssurance is reacting to the COVID-19 outbreak to pass to your clients, you can find them at [ProAssurance.com/COVID-19](https://ProAssurance.com/COVID-19). You can also reach out to your market manager or our Service Center at any time.

In addition to providing uninterrupted service to our insureds, I hope you will join us at ProAssurance in offering our clients thanks. They are going above and beyond to care for those affected by the virus, often putting themselves at risk to do so.

It is our sincere hope that once we can start moving toward normal life, physicians will be back up on their pedestal—respected as the hard workers and scientific experts they are.

In the meantime, thank you for everything you do to support these important members of our society.



**Thank you!**  
**Jeff Bowlby**  
*Chief Marketing Officer*  
**ProAssurance**

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# The New Normal in Underwriting

The pandemic keeps generating new waves of questions for insureds, agents, and underwriters. At first, we had questions based on assumptions that all hospitals would be overrun—everything from practicing outside one's specialty to coverage for setting up field hospitals. Then, telemedicine burst on the scene: yes, it's generally covered but we need to hear about it. Now, add in the cancellations of elective procedures and many physicians are working reduced hours, suspending their practice, or pivoting to telemedicine—all of which trigger policy and premium questions. Of course, we are also complying with all state departments of insurance mandates regarding premium payments and cancellations.

## New concerns, new resources, new normal?

As we work through new concerns and formulate our responses, we post them to [ProAssurance.com/COVID-19](#). Here you also will find frequently updated state, federal, and ProAssurance resources. For example, learn how clients with COVID-19 impacted practices can request a [premium discount](#) or a [premium payment deferral](#). The [Online Self-Service Options section](#) can save you or your clients valuable time—especially if all you need is a Certificate of Insurance, copies of policy documents, or proof of seminar attendance for premium credit. And, at the very bottom, is a [link](#) for telling us what we need to add or clarify. Please give this resource a try and let us know how we can improve. Every general question we can answer online, allows both of us to work on other coverage issues for our customers.

## What else is going on?

First of all, the Underwriting team has adapted well to working remotely during this hectic time. We had planned for this to be an intensely productive time before COVID-19 came along: July 1 renewals (second only to January 1 in volume and premium) and changes dictated by a hardening market and an unacceptable loss ratio. These changes included new assignments for many underwriters as part of our regional realignment, updating and testing our new policy system, and rate increases and filings. While challenging, the team is managing all this and the many coverage and administrative issues raised by the pandemic very effectively.

## We thank you...

If COVID-19 were a hurricane, we could more easily predict a return to normal operations. We do expect, however, to arrive at our new normal stronger than ever, providing greater efficiency and value for our agents and insureds. In the meantime, we appreciate your understanding and your use of [ProAssurance.com/COVID-19](#) and ProAssurance [online services](#) whenever possible. Thank you for all you are doing for your clients; [let us know](#) how we can help.



**Heather Spicer**  
Vice President  
Underwriting

## Please Use the Cover Sheet for All Submissions

All submissions must include a completed cover sheet in order to be processed.

The new submissions cover sheet was released in November 2019. It was designed to gather essential information about your submissions in one easy to interpret location—allowing each submission to be quickly routed to the appropriate underwriting team for more efficient processing. The cover sheet also includes a checklist that defines the minimum complete submission requirements for physician, hospital, facility, and senior care business. Once received, complete submissions earn the highest priority because they are immediately actionable, eliminating additional tracking, follow-up, and delay.

At ProAssurance, we're looking for ways to help you write more new business. Processing your submissions in a timely manner is essential to that goal. The more information we receive up front, the quicker we can respond. Thank you for your assistance in managing submissions in a timely manner with the new submissions cover sheet.

A copy of the cover sheet is available on the ProAssurance website for your convenience.

The form is titled "Submission Cover Sheet" and includes sections for "Submission Summary," "Submission Type," "Use of Business or Program Options," and "Minimum Requirements for Submissions." It contains various checkboxes for different types of submissions and requirements, such as "Standard/General Policy," "Roster or Performance Data," "Specialty/State Classification," "100% Def." (checkbox), "100% Risk," and "Other (please explain)." There is also a note at the bottom stating, "A completed application is not required for a submission to be processed. It is only required for a submission to be placed on pending coverage." A small note at the bottom right says, "Download the latest version of this form at [ProAssurance.com/SubmissionCoverSheet](http://ProAssurance.com/SubmissionCoverSheet)".

**REMINDER**

# How the Pandemic is Affecting Claims

Most civil courts are closed or doing business on a very limited basis, and your clients may be concerned about pending claims, depositions, or trials. The entire Claims team and our defense attorneys are working and available as usual:

- [ClaimsIntake@ProAssurance.com](mailto:ClaimsIntake@ProAssurance.com) or 877-778-2524 to report claims.
- Insureds with claims are assigned a ProAssurance claims representative within two business days; they can use that contact information to reach out at any time. Those who are unsure who their claims representative is may contact the Service Center.
- Once assigned, defense counsel is also available.

## What we're seeing

Currently, few new claims are coming in, but that is most likely temporary. Many states have extended their Statutes of Limitations giving plaintiff attorneys more time to file cases in the future. Therefore, they do not need to rush to get cases filed before the normal deadlines. Although many states have immunity provisions in place for healthcare providers, plaintiff attorneys will seek to find ways around those and test the system. A strong defense responding to those salvos is of the utmost importance, and we stand ready to take on those legal challenges and defend our insureds.

Trials are on hold and some plaintiff attorneys are making reasonable overtures to resolve cases now rather than incur more fees and costs. Most court hearings have been postponed, but some meetings and depositions are proceeding by video conference. Even remotely, we are committed to working closely with insureds and attorneys to provide unsurpassed support and guidance.

## What's next?

When the civil courts get back to "normal," there will be a rush to get trials and depositions rescheduled. However, it may be a challenge to get busy defendants and medical experts to make time for their legal obligations rather than treat patients. Courtrooms may look different too—reconfigured to allow juries and others greater social distance during jury selection and trials.

It is unknown how or if the pandemic will change the way plaintiffs and juries view alleged malpractice. For example, an economic recession could fuel lawsuits and a lottery mentality, or it could put the expense of going to trial out of reach for some firms. Perhaps juries will empathize with healthcare providers, viewing them as heroes and recognizing that even good medicine has its limits. Regardless, we are in a long-tail business and must continue to evaluate conditions while reserving conservatively.

## At your service

Although our team is here for you and your clients by phone or email as usual, we strongly recommend [ProAssurance.com/COVID-19](#), a new resource for you and your clients. You will find frequently updated, state-specific regulations and rulings affecting claims, plus answers to ProAssurance risk management, underwriting, premium payment, and online services questions. If something is missing or unclear, [tell us so we can fix it](#).

Keep reaching out to your clients, thanking them, seeing how they are doing, and letting us know how we can help. Thank you for all you are doing to support them.



**Gina Harris**  
Regional Vice President  
Claims

## Medical Schools and COVID-19

Due to COVID-19 and social distancing measures, life experiences have changed immensely—medical schools are no exception. Match Day, a day where medical students get matched with their residency programs, occurs every year on March 20. Typically, students and families gather at a nice venue where the students' matches are revealed. This year this took place virtually, which for many schools, was a first. One student at [Central Michigan University](#) stated he would much rather have been with his classmates, but understands that it's a "necessary step to help flatten the curve of the coronavirus victims."

Similarly, schools are hosting graduation virtually due to the coronavirus. In addition to graduating virtually, some medical schools are holding graduation earlier than usual. This allows students to celebrate their achievements sooner and join the fight against the pandemic as residents. (Medical students are temporarily suspended from direct contact with patients according to the [American Medical Association](#), but residents are not.) The NYU Grossman School of Medicine was the first school to accelerate the timeline with many schools following suit.



# Agency Perspectives

## How is COVID-19 affecting you and your team?

**Keane**—We do business in all 50 states, so 35 members of our staff are busy understanding each state's requirements and communicating with our clients about their rights.

**Markovich**—There are four of us coming in daily. We each come to our corners and keep our social distance. We're here to keep servicing.

**Salls**—We had a two-hour in-person meeting yesterday. There's just something with actually being there in person, so we wore masks.

**Yurconic**—We only had enough equipment for four or five people, so I bought out three Best Buys' worth of laptops for the team. Programming them took three days, and on that third day the order from the governor came in that our business had to shut down, we were ready.

## What are you hearing from your clients—how are they affected?

**Keane**—Our clients are all physician practices, and that segment has been devastated. Some are saying 90% of their practices have ceased and are wondering how to make their premium payments.

**Markovich**—Hospitals can't do elective surgeries—this is a huge interruption. I foresee there will be a product down the road that they can buy for this kind of thing. They've lost a lot of revenue.

**Salls**—Clients were wondering if their insurance coverage would kick in after they shut down their businesses. Unfortunately, there's no product to cover this crisis. Some people say they can't pay their premiums and are trying to defer or reduce their premiums. We're working with them on a case by case basis.

**Yurconic**—The first 2-3 weeks of COVID-19 (early March) had a lot of coverage questions regarding business interruption, workers' comp, etc. We cover about 800 podiatrists and their practice volumes are seeing 80% drops.

## How are you connecting with others while maintaining social distance?

**Keane**—It's been through video conferencing. We have weekly management, service, and production Zoom calls, and we get the whole team together on Friday afternoons at 4 p.m. with Zoom for a happy hour.

**Markovich**—Mostly by phone and email. I've found the Houseparty app is better than Zoom and I've actually used it a lot more.

**Salls**—We had a Spirit Day for a family group chat. Everyone wore their favorite athletic team's apparel.

**Yurconic**—I was never a fan of Zoom or GoTo Meetings, but I've become very adept.

We asked agency principals **John Keane, Keane Insurance Group, MO**, **Dan Markovich, Don Powers Agency, IN**, **Jeffrey Salls, Aspen Insurance, NV**, and **John Yurconic, The Yurconic Agency, PA** for insights on how the pandemic was effecting their clients and the way they do business.

## Loss Prevention Seminars Cancelled Through June 30

Due to COVID-19, we have cancelled all ProAssurance public loss prevention seminars through June 30, 2020. Changing conditions may require additional cancellations; we will keep you and your clients informed.

We have contacted people registered for cancelled seminars. They may call you about rescheduling, registration fee refunds, or premium credit.

**Rescheduling**—Clients can register for any available physician seminar at [ProAssurance.com/Hindsight](https://ProAssurance.com/Hindsight) or practice administration professional seminar at [ProAssurance.com/AnOunce](https://ProAssurance.com/AnOunce).

**Refunds**—Registration fees for cancelled seminars will apply to future seminars. Registrants preferring to get a refund can call Risk Resource at 844-223-9648, option 2.

**Hindsight 2020 is now available online for potential premium credit**—Insured physicians who registered for a seminar cancelled due to COVID-19 and who are eligible for a premium credit now have the option to take *Hindsight 2020* online for the same amount of credit.

To access *Hindsight 2020* and other online seminars, insureds can sign in (or [create an account](#)) at the top of any [ProAssurance.com](https://ProAssurance.com) page, then choose "Seminars" and "Physician Online Seminars." Access a seminar by choosing "Take this Seminar," then "start the course" for the seminar on the next page. For best results, use Chrome to view seminars.

If your client has never taken an online seminar and needs assistance, please contact Web Support at [WebSupport@ProAssurance.com](mailto:WebSupport@ProAssurance.com) or 205-439-7956.

## COVID-19

### Returning to Practice Guide

FREQUENTLY UPDATED RESOURCES TO HELP YOU SAFELY RETURN TO AN OFFICE-BASED PRACTICE



### NEW COVID-19: Returning to Practice Guide

Many physicians are preparing to return to more normal practice levels after disruption by the pandemic. ProAssurance's new *COVID-19: Returning to Practice Guide* is a frequently updated, online resource to help physicians safely prepare their practices and their employees to mitigate ongoing COVID-19 risks.

Access *COVID-19: Returning to Practice Guide* at [ProAssurance.com/ReturningtoPractice](https://ProAssurance.com/ReturningtoPractice).

Visit [ProAssurance.com/COVID-19](https://ProAssurance.com/COVID-19) for current medical liability, risk management, and service updates.



John Keane  
Keane Insurance Group  
Missouri



Dan Markovich  
Don Powers Agency  
Indiana

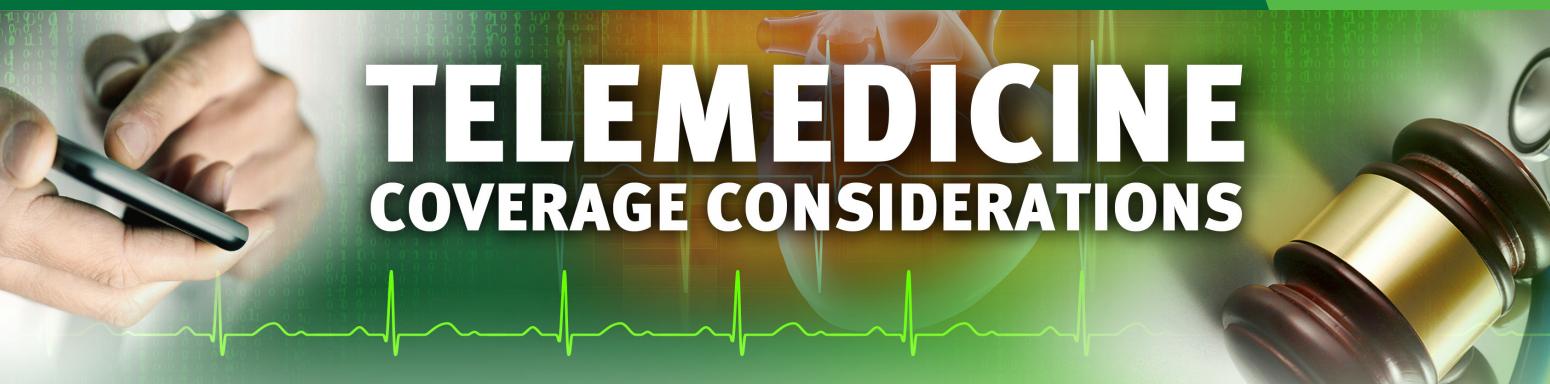


Jeffrey Salls  
Aspen Insurance  
Nevada



John Yurconic  
The Yurconic Agency  
Pennsylvania

Tell us how business is going for you and we'll publish more responses next issue. Visit [ProAssurance.com/BigQuestion](https://ProAssurance.com/BigQuestion) to submit your answers.



# TELEMEDICINE COVERAGE CONSIDERATIONS

Telemedicine has been an increasingly common option for medical care for many years. The popularity of using telemedicine to replace office visits has grown rapidly as a response to social distancing measures used to manage the COVID-19 outbreak. If your clients are new to using telemedicine, or hoping to add this to their practice, there are considerations for how this will impact their coverage.

## ProAssurance's Telemedicine Coverage

Virtual visits and telehealth are covered under the ProAssurance policy within the scope of the practice and employment with the policyholder (likely a group or employer).

Those who wish to expand virtual visits and telehealth activities beyond their current employment may need additional coverage.

ProAssurance will waive the telehealth application and any additional premium associated with the telehealth exposure for up to four weeks, due to the pandemic. Insureds and agents are asked to notify the Company of each circumstance for file documentation.

Since the insured's policy may contain endorsements modifying the general rule, please review the specific policy to determine coverage for telemedicine/virtual visits.

## Telemedicine Practice Considerations

Those doing virtual visits and telemedicine need to consider their reimbursement options and check with third party payors regarding reimbursement. With virtual visits, they should provide symptoms to consider and follow-up options, and document this communication. Consider privacy and security with any virtual or telemedicine options.

## Patient Consent for Telehealth

Those practicing in a state where a patient must sign their consent for telehealth before continuing treatment need to consider ways the patient can return a signed form such as via mail, email, or photograph. If these options are unavailable, consider allowing electronic signatures/initials/checking a box to confirm in writing that the patient consents to proceeding with a telehealth visit. Physicians should document in the record the consent discussion as well as any forms the patient signs or acknowledges.

## Telepsychiatry Concerns

Privacy and security are important concerns to address. Physicians should consider discontinuing a virtual visit or telemedicine encounter if there are any problems with the connection. The American Psychiatry Association's provides a [toolkit for telepsychiatry](#).

## Telemedicine: Legal and Practical Considerations

For physicians looking to earn CME and improve their knowledge of telemedicine practice, ProAssurance has an online seminar available.

Advances in medical technology can promote good patient care, but navigating laws and rules when delivering care via telemedicine, particularly across state lines, can be daunting. Physicians and other healthcare professionals should endeavor to build a system that makes good business sense and adheres to healthcare industry regulatory requirements while also upholding the standard of care. This session will discuss important considerations to take into account when implementing a telemedicine program.

[Watch a preview of this seminar.](#)

## HIPAA Waiver

The Department of Health and Human Services (HHS) announced on March 17, 2020, a waiver of HIPAA penalties for good faith use of telemedicine. Read the HHS' Office for Civil Rights (OCR) [Notification of Enforcement Discretion for telehealth remote communications during the COVID-19 nationwide public health emergency](#).

## Temporary Medicare Telemedicine Expansion

In order to protect senior citizens from the coronavirus outbreak, the HHS Office of Inspector General (OIG) has passed waiver 1135. As of March 6, 2020, Medicare will cover office, hospital, home, and other visits using telehealth on a temporary and emergency basis.

More information can be found on the [Centers for Medicare & Medicaid Services website](#).

## Resources on Telemedicine

For more information regarding telemedicine, you can access videos and other educational information from ProAssurance by visiting [ProAssurance.com/Teamed](#). Insureds can sign into our secure services portal to access an online [seminar on telemedicine](#) for CME.

The American Telemedicine Association (ATA) website has more resources on telemedicine, including [information and webinars regarding COVID-19](#).



# Risk Management During the Pandemic

The **Risk Resource Advisor line** is a toll-free number (844-223-9648) insureds or agents can use to reach ProAssurance's Risk Resource department. This is a common resource for ProAssurance insureds to ask questions about practice management, tech issues, coverage concerns, and many other topics. Four Senior Risk Resource Advisors who commonly answer questions on the line weighed in on how things have changed after the COVID-19 outbreak.

## Since the beginning of the pandemic, what concerns are you hearing in calls?

- Initially, panic and stress in dealing with limited work, state limitations, and new regulations.
- Overall volume has dropped from when the pandemic first began.
- Calls are more of a routine nature now.
- Record retention questions—Many physicians are using this time to purge old files.
- Early retirements prompt questions—Physicians forced to temporarily close practices decide to retire early. Questions regarding closing their practice, storing records, and notifying their patients.
- Documentation in new practice environment—Main concern is proper documentation while serving patients in a virtual setting and with limited services (i.e., taking vital signs while not in the same room as the patient, documenting the patient's condition, performing exams and testing procedures without laying hands on the patient). Also, how to document certain testing procedures not being available because there were limitations at the hospital.
- Telemedicine and issues surrounding the nuances of the government getting involved in the practice of medicine. Coverage questions as it relates to telemedicine.
- Infection containment.
- Seminars and online resource availability—Exposure to Risk Resource online resources has greatly increased during this time.



Kathi Burton



Mallory Earley



Jim Keeler



Stephen Shows

**Overall, the most important thing is for everyone to work together and make sure we are on the same page with the answers we provide. This reduces stress and ensures whoever becomes the first point of contact can be as helpful as possible. We appreciate the opportunity to assist our insureds during this very challenging time.**

# Healthcare Professional Liability in the Coronavirus Crisis

As medical professionals rushed to meet a surging need, a grateful nation responded, for the most part, with promises that practitioners and facilities would not face criminal prosecution or civil suits over decisions made at a time of acute demand and limited supplies.

In response to the coronavirus pandemic of 2020, the federal government and affected states passed laws and/or issued orders providing some degree of legal immunity from malpractice claims during the emergency. More than anything else, these measures sought to dispel any hesitance among practitioners about joining the effort, and any reluctance facilities might have about utilizing any and all potential staff and resources.

"I do not want state variations in liability protections to confuse or deter health professionals in this COVID-19 emergency," wrote U.S. Health and Human Services Secretary Alex Azar, in a March 23, 2020 letter to the nation's governors, who he asked to review state liability protections with a view toward encouraging out-of-state professionals to provide medical care.

The question remains, how long will this suspension of judgment last, and how far will it extend? Nearly every aspect of medicine is affected in some fashion by the emergency, yet the latest grants of legal immunity surely cannot extend to every decision, procedure, and practitioner.

Also, will the goodwill and protections extended to healthcare professionals be extended to insurers, agents, and brokers who protect them from medical malpractice claims?

Legislators and regulators may claim that temporary protections extended to practitioners, coupled with postponements of nonessential procedures, amount to a reduction in risk for medical professional liability insurers.

That appears to be the position of Ricardo Lara, insurance commissioner of California. Lara included medical malpractice insurance among the lines ordered to provide premium refunds because, he argues, "the risk of loss has fallen substantially as a result of the COVID-19 pandemic."

Is that really the case, however, or are the lines of responsibility for loss simply being shifted?

## What is protected?

Regarding medical professional liability insurance, Secretary Azar's letter urged governors to work with their insurance commissioners—

*"to modify or temporarily rescind any provision in any medical malpractice policy issued in your state that may prevent insurance coverage of a health care professional's work responding to the COVID-19 emergency in another state, and work with insurers to have them waive such limitations in their policies." (Emphasis added.)*

That recommendation was not a regulation, so we don't know what "responding to the COVID-19 emergency" would actually entail. Would it be limited to treatment of COVID-19 patients, or extend to any clinical practice undertaken to relieve a beleaguered healthcare system?

In an executive order issued the same day as Secretary Azar's letter, Governor Andrew Cuomo of New York, then the epicenter of the virus outbreak in the U.S., decreed that physicians, nurses, and their clinical assistants:

*"shall be immune from civil liability for any injury or death alleged to have been sustained directly as a result of an act or omission by such medical professional in the course of providing medical services in support of the State's response to the COVID-19 outbreak." (Emphasis added; immunity does not extend to acts of willful misconduct or gross negligence.)*

Here again, it would seem that "the course of providing medical services in support of the State's response to the COVID-19 outbreak" can be interpreted quite broadly, but any court interpretation will have to come well after the crisis has passed and feelings of solidarity have given way to the cold calculus of compensation for loss.

As it is, the only action Secretary Azar could take on his own toward establishing a national criterion for immunity was a fairly narrow one under the restrictions of the U.S. Public Readiness and Emergency Preparedness (PREP) Act. For the COVID-19 emergency, he extended PREP Act protections—

*"to health care professionals using countermeasures such as diagnostic and other devices (e.g., COVID-19 testing and respiratory therapy), antiviral medications, the drug therapies, biologics, or vaccines used to treat, diagnose, cure, prevent, or mitigate COVID-19, or the transmissions of SARS-CoV-2 or a virus mutating therefrom, as well as devices used to administer such products."*

## Producer response

Questions of professional liability during the coronavirus crisis extend beyond healthcare providers to the agents and brokers who counsel them regarding medical malpractice coverage.

Producers find themselves called on to respond to questions about how medical professional liability coverage will respond to measures such as:

- The relaxation of licensing, certification, and scope of practice requirements to allow healthcare professionals to practice in jurisdictions and areas of medicine where they would typically be prohibited;
- The modification of restrictions on decision-making and supervisory authority by different classes of healthcare professionals; and
- Changes in the actionable standard of care from simple negligence to gross negligence or willful misconduct.

To help its agency partners and insureds, ProAssurance has established a web page with comprehensive information regarding professional liability coverage for virtual care and telemedicine, coverage for the use of retired or substitute physicians, coverage for COVID-19 infections at insured facilities, and other topics. The page also includes extensive information on state legislative and regulatory actions in the wake of the pandemic.

For all there is to know about medical professional liability during the COVID-19 pandemic, one thing is constant: your role is key as the communicator and problem solver between client and insurer. We value the information you share on behalf of your clients and your work with our underwriters to address liability and coverage concerns.



**Joseph S. Harrington, CPCU**  
Contributing Author

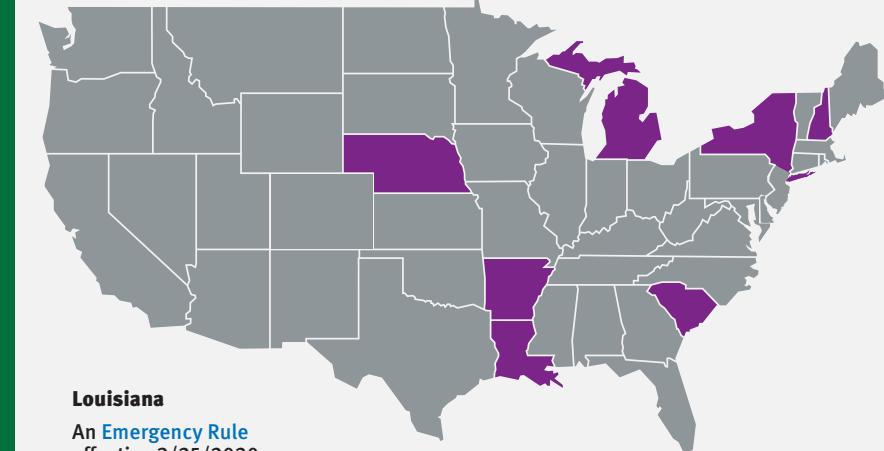
## DOI Orders for Producers

We're monitoring state Departments of Insurance (DOI) for directives regarding premium payment, cancellations or nonrenewal notice grace periods, and other bulletins or recommendations. Those are posted to the ProAssurance COVID-19 Info Center. You will also find DOI directives specifically for insurance producers. Here are a few recent ones; visit [ProAssurance.com/COVID-19](https://ProAssurance.com/COVID-19) for updated DOI bulletins by state.

### Michigan

The Michigan Department of Insurance and Financial Services will issue temporary producer licenses to applicants meeting the requirements for licensure under Section 1205(1) of the Insurance Code, MCL 500.1205(1), without requiring examination, subject to conditions.

**New Hampshire**  
"To assist in the difficulties caused by COVID-19 related disruptions, the Department is extending the deadline for March 31, 2020 and April 30, 2020 RSA 402-J license renewals by a period of two months."



### Louisiana

An **Emergency Rule** effective 3/25/2020 until 5/15/2020

"Specifically, the stay at home orders inhibit the ability to sit for an insurance examination and submit fingerprints in association with insurance producer license applications."

### South Carolina

"This **bulletin** advises all insurers, producers, surplus lines brokers, bail bondsmen, and other licensed or authorized individuals and entities of the actions taken by this Department to process licenses, address issues related to services provided by third-party vendors, and extend compliance deadlines."

### New York

Effective March 25, 2020, **producers in New York** will receive flexibility regarding continuing education and license expiration. "As a temporary accommodation, DFS will suspend the expiration of licenses for all individual producers for the next 60 days and waive any late fees resulting from, and accruing during, this suspension period."

### Arkansas

"To assist agencies and producers affected by these disruptions the **Department** is temporarily halting converting any individual producer's license status from active to inactive for failure to submit their producer renewal application or renewal fees as required by Ark. Code Ann. § 23-64-507 and Arkansas Insurance Department Rule 57. Any continuing education hours required to be completed by an individual producer's renewal date pursuant to Arkansas Insurance Department Rule 50 shall not be due until May 15, 2020."

## New Physician Policyholder Benefit

# Winning Focus Confidential Coaching Support for COVID-19 Stress

ProAssurance and Winning Focus, Inc.<sup>TM</sup> are offering coaching support for COVID-19-related stress to ProAssurance-insured physicians. This confidential and non-reportable professional program is available to insureds at no additional cost during the pandemic.

The COVID-19 Stress Support program builds on the strengths of the Winning Focus coaching program for physicians experiencing litigation stress—a service ProAssurance provides its insureds. Winning Focus created the new program in response to the current pandemic crisis.

### What physicians can expect

The process begins with the physician initiating contact by phone or email directly with Winning Focus President, Gail Fiore, MA, MSW. Upon hearing the physician's concerns, Ms. Fiore recommends two or three highly experienced, doctoral level coaches who specialize in physician stress reduction and resilience. Ms. Fiore says, "I match up the physician's needs with the coach's areas of focus, taking into account the physician's personality, values, and circumstantial preferences. Then, the physician chooses their coach."

### Physician-focused coaching sessions

Ms. Fiore says, "This is highly skilled coaching, not psychotherapy. In coaching, the physician and the coach are peers. Their goal is to master the situation. Winning Focus coaches use highly effective, proprietary techniques and insights to diminish and even resolve anxiety and other concerns. Physicians can then apply these practical techniques and realizations throughout their lives, and may share them with patients and loved ones."

### Confidentiality

The COVID-19 Stress Coaching program guards confidentiality. "No one has access to information the physician shares with their coach," Ms. Fiore emphasizes. Chief Medical Officer Hayes Whiteside, MD is Winning Focus' only contact within ProAssurance.

### For more information

Read [Confidential Support for COVID-19 Stress](#) on our ProAssurance.com/COVID-19 page. Agents or insureds with general questions about the program may contact Dr. Whiteside at [HayesWhiteside@ProAssurance.com](mailto:HayesWhiteside@ProAssurance.com) or 205-445-2670. Ms. Fiore encourages insured physicians to call her directly for an initial consultation. "Phone is better because it increases the chances the physician can reach me in real time and get started right away."

### Contact for insured physicians



#### Gail Fiore, MA, MSW, CEAP, BTTI, President

Winning Focus, Inc.

724-875-4111

[Gail@WinForDoc.com](mailto:Gail@WinForDoc.com)

Monday – Friday, 9:00 a.m. – 6:00 p.m., ET  
Saturdays, 10:00 a.m. – 2:00 p.m., ET

[WinForDoc.com](http://WinForDoc.com)

## Status of Medical Conferences and Events

Several local tradeshows and events ProAssurance regularly attends have been cancelled, postponed, or changed to a virtual format due to the COVID-19 outbreak. Those events are noted below.

Get up-to-date information on ongoing event changes on our [Tradeshows and Events page](#).



Previous Dates	State	Event	Host	Status
April 29 – 30	Arkansas	Annual Conference	Arkansas MGMA	Postponed
April 30 – May 1	Indiana	Spring Institute	Indiana HFMA	Cancelled
April 30 – May 2	Alabama	Circle of Care Summit	Blue Cross Blue Shield of Alabama	Postponed
April 30 – May 2	Alabama	Annual Meeting	Alabama Orthopedic Society	Postponed
May 3 – 5	Arizona	Annual Conference & Expo	ATA	Moved to Virtual
May 3 – 6	Colorado	Annual Conference	RIMS	Cancelled
May 6 – 8	Missouri	Spring Conference	Missouri MGMA	Postponed
May 13 – 15	Wisconsin	Annual Conference	Wisconsin HFMA	Cancelled
May 13 – 15	Utah	Annual Conference	Utah MGMA	Cancelled
May 15 – 17	Florida	Annual Meeting	Florida Society of Dermatology & Dermatologic Surgery	Postponed
May 17 – 19	Texas	Texas State Conference	Texas HFMA	Cancelled
May 20 – 22	Michigan	Annual Conference	MSHRM	Cancelled
May 29 – 31	Florida	Annual Meeting	Alabama Chapter of the American College of Cardiology	Cancelled

## MEDICAL PROFESSIONAL LIABILITY

# Market Dynamics 2020

While the situation is changing rapidly, these articles help illustrate the impact of COVID-19 on the healthcare liability industry.

- COVID-19 hospital charges may exceed \$1.4 trillion**—Findings from Fair Health were based on the cost of treating influenza and pneumonia—combined with estimates regarding how much of the U.S. population is expected to be hospitalized with coronavirus. Written by Maria Castellucci, Modern Healthcare, March 25, 2020.
- Global reinsurers resilient in face of COVID-19: A.M. Best**—Overall, A.M. Best anticipates that losses due to COVID-19 will be manageable and policy exclusions will hold up. Written by Charlie Wood, Reinsurance News, April 3, 2020.
- States need data on medical workers' coronavirus status**—A lack of data on how many healthcare workers have contracted the disease is making it difficult to determine how to allocate resources. Written by Martha Belisle, Insurance Journal, April 7, 2020.
- CMS issues recommendations on adult elective surgeries, nonessential procedures during COVID-19**—As more healthcare providers are pulled to deal with the pandemic, elective procedures are being delayed so patients with the most need are addressed first. Written by Jeff Lagasse, Healthcare Finance, March 19, 2020.
- How healthcare workers are reacting to COVID-19**—Physicians are evolving their practices, changing how they react to patient symptoms, and relying more on tech to get through the pandemic. Written by Hoala Greevy, Physicians Practice, April 10, 2020.
- A.M. Best to deploy pandemic-related stress test for rated insurance companies**—The agency hopes to gauge the impact COVID-19 has on investment portfolios, capital levels, reserve adequacy, and more. Written by Best's Insurance News & Analysis, March 18, 2020.
- Doctors on virus frontline seek protection from malpractice suits**—Some states have already expanded immunity protections for physicians, but groups such as the American Medical Association are pushing governors in all states to do more. Written by Thomson Reuters, Business Insurance, April 3, 2020.
- These doctors have specialties. Fighting coronavirus wasn't one of them**—The pandemic's spread is creating new challenges for doctors who usually care primarily for patients with particular medical needs. Written by Emma Goldberg, The New York Times, March 23, 2020.
- Exclusive: The three vital lessons Italian hospitals have learned in fighting COVID-19**—Protection for staff, clean COVID-negative wards, and enforcing social isolation are the three take home message from Italy's fight against COVID-19. Written by The PanSurg Collaborative Group, HSJ, March 25, 2020.
- Trump tells insurers to pay virus claims if pandemics not excluded**—The President spoke about his position on the issue during his regular briefing with the COVID-19 pandemic task force. Written by Jim Sams, Claims Journal, April 10, 2020.

## THE HOMEPAGE Top Web Support Calls in the COVID-19 Era

The Web Support team at ProAssurance has a unique window into how the COVID-19 pandemic is affecting our insureds. They handle all calls/emails from customers needing help setting up web accounts or any other information about services inside our secure services portal. This month we asked Vionna Cade, Business Analyst, who leads the Web Support team, the top reasons people are contacting them; they are:

**Online seminars are driving new registrations**—Web registrations are up. In four business weeks beginning March 16, there were 220 new web accounts created. In the same period in 2019 there were 121—an increase of 80%. Registrations were largely driven by the cancellation of our public loss prevention seminars, with physicians switching to online options instead. Although the physician online seminar potential premium credit is 2.5% vs. the 5% for the live version, you may recall we offered the full 5% for physicians already registered for seminars that were later cancelled. And, yes, in the same time frame there was dramatic drop in seminar registrations: 47 in 2020 vs. 342 in 2019.

**Password recovery assistance**—Although there is a password recovery function, long-dormant accounts need Web Support's intervention and Vionna noted fielding more calls for account recovery. One factor driving this is, again, the switch to online education. Another is the user's access to their password. We assume our users keep their passwords under lock and key. If, hypothetically, it was on a sticky note under a keyboard at work, but now they're working from home, they might need assistance. Along with password recovery assistance, **help resetting multifactor authentication** is also a top support call topic.

**Premium payment deferrals**—While you can make an individual premium payment or sign up for an electronic payment plan (EPP) inside the portal, you cannot suspend an EPP bank draft or change your payment plan schedule. Web Support has been fielding a lot of calls to suspend EPP payments until June 30, 2020 and is referring them to the appropriate underwriting team. As a reminder, ProAssurance's current position is that we are suspending cancellations for failure to pay premiums until June 30. Invoices and reminders will continue to be generated and sent; they will just not trigger a cancellation if unpaid during the forbearance period. Automated bank drafts will continue unless a customer contacts us asking to suspend them. The most efficient way to request an EPP draft suspension is to use our online form.

**Urgent need for certificates of insurance (COIs)**—Another trend is the urgent need for COIs, due to practitioners working in new/different facilities during the pandemic and needing to be credentialed. While Web Support is using these calls as an opportunity to promote/recommend the creation of an account for future self-service, these urgent calls are referred to the Service Center for processing. Web users will often call or email the first contact they run across when there's an urgent need and sometimes "web support" is that contact.

Stay up to date on the latest COVID-19 service updates by visiting [ProAssurance.com/COVID-19](https://ProAssurance.com/COVID-19). If you have a suggestion about how we can provide better information or online services, use our COVID-19 Info Center [Feedback form](#).



Pre-Pandemic



Under Lockdown

**Steve Dapkus**, Vice President, Marketing  
Steve previously spent 10 years in ProAssurance's IT department as a programmer and project manager.

**Please note:** The Homepage is not an advice column. The purpose of The Homepage is marketing, communications, and business operations insights in the digital age.

## Reminder: Enroll for Direct Deposit Payments by January 1, 2021

ProAssurance is transitioning to direct deposit payments for agents by January 1, 2021. If you're still receiving check payments from ProAssurance, enroll in direct deposit with a checking account to receive funds, including commissions. Switching to direct deposit helps eliminate any delays you may experience getting paid.

To enroll, complete this form and include a voided check (a blank check with "VOID" written on it) for verification. If you normally print checks electronically, you do not need to include a voided check, but please state that information on the form or email. Return the completed form to [Corporate@ProAssurance.com](mailto:Corporate@ProAssurance.com).

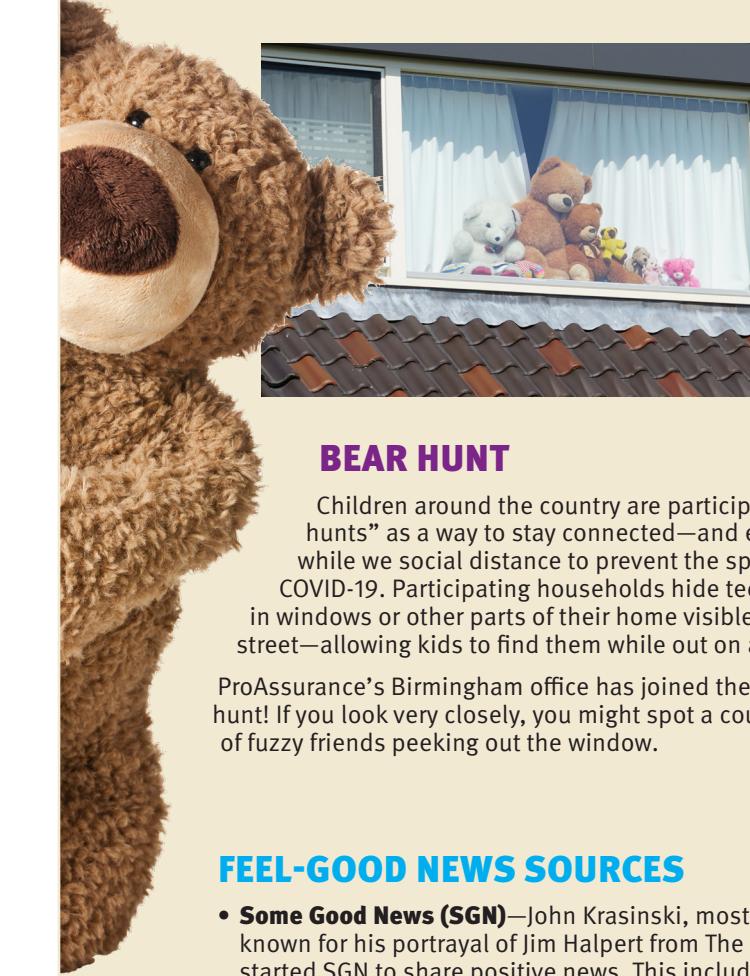
With COVID-19 and an increasing need for cybersecurity, we are taking steps to move to electronic processes and encourage you to do the same. Despite the transition to remote work, ProAssurance business operations and payments continue without interruption.

If you have questions, contact Larry Cochran, Chief Investment Officer & Head of Treasury at 205-877-4425 or [LarryCochran@ProAssurance.com](mailto:LarryCochran@ProAssurance.com).

# Revealing a Brighter Side

With COVID-19 at the center of every news channel, newsletter, and social media platform, life can be overwhelming. Let's take a step back and enjoy the brighter side of life.

**What is your office or family doing to enrich the lives of your community? Please share your fun by emailing [AskMarketing@ProAssurance.com](mailto:AskMarketing@ProAssurance.com).**



### BEAR HUNT

Children around the country are participating in "bear hunts" as a way to stay connected—and entertained—while we social distance to prevent the spread of COVID-19. Participating households hide teddy bears in windows or other parts of their home visible from the street—allowing kids to find them while out on a walk.

ProAssurance's Birmingham office has joined the hunt! If you look very closely, you might spot a couple of fuzzy friends peeking out the window.



### FEEL-GOOD NEWS SOURCES

- Some Good News (SGN)**—John Krasinski, most commonly known for his portrayal of Jim Halpert from The Office, started SGN to share positive news. This includes stories of discharged COVID-19 patients, the return home of a 15-year old cancer survivor, and hosting Prom 2020 for those students that missed out.
- Good News Network® (GNN)**—For over 20 years, GNN has been sharing heartwarming news stories from around the world. Because of this, GNN is the top Google search for good news. Recent top stories include the [free hotline to comfort isolated seniors](#), [AI that translates brain activity into text for Locked-In Syndrome patients](#), and more.
- ELLE**—A UK magazine that is providing [50 uplifting news stories](#) that may have been overlooked during the COVID-19 outbreak, including Doctors Wear Photos Of Themselves Smiling To Ease Patients (3), Remarkable COVID-19 Recoveries (11), and Toilet Paper Donations (49).

### ISOLATION FAVORITES FROM THE CREW

#### Shows/movies

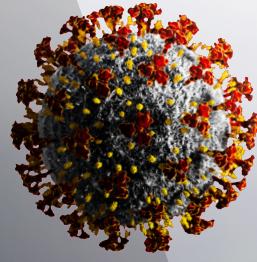
- [The Office \(Netflix\)](#)
- [The Mandalorian \(Disney+\)](#)
- [Logan Lucky \(Amazon Prime\)](#)

#### Books

- [The Snow Gypsy by Lindsay Jane Ashford](#)
- [Drowning with Others by Linda Keir](#)
- [Productivity Hacks by Emily Price](#)

#### Music/podcasts

- [This American Life](#)
- [Oprah's Super Soul Conversations](#)
- [Anything from Rolling Stone's 500 Greatest Albums of All Time](#)



PROASSURANCE.  
Treated Fairly

# provisions

## thank you

To all the **doctors**  
**nurses** ICU staffers  
practice managers first responders  
infectious disease specialists  
**intensivists** medical examiners  
geriatricians nurse practitioners  
**respiratory technicians**  
ambulance drivers pulmonologists  
**epidemiologists** social workers  
life sciences engineers **microbiologists**  
vaccine research lab technicians  
pharmacists hospital administrators  
public health officials nursing homes  
**pathologists** hospital housekeepers  
PPE manufacturers immunologists  
medical research scientists paramedics

To the doctors, nurses, and other healthcare professionals battling COVID-19—the employees of ProAssurance and our families are deeply grateful for your leadership, dedication, and sacrifices.

To everyone else—please be safe, wash your hands, and most importantly...  
Listen to the doctors.

PROASSURANCE.  
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Healthcare Professional Liability Insurance

For ProAssurance policyholder information and resources >>> [ProAssurance.com/COVID-19](http://ProAssurance.com/COVID-19)

## New Magazine Ad Pays Tribute to Our Healthcare Providers

Our new trade publication ad thanks healthcare employees who are working so hard during the COVID-19 crisis.

ProAssurance employees working remotely around the country gathered in an online gratitude meeting to express their appreciation.

## Find Frequent COVID-19 Updates

U.S. healthcare providers are now on the front lines of the current pandemic. The situation also raises medical professional liability concerns for agents and insureds. ProAssurance updates all information related to the impact COVID-19 has on our business operations at:

**ProAssurance.com/COVID-19**

To subscribe or see previous issues,  
visit [ProAssurance.com/ProVisions](http://ProAssurance.com/ProVisions).

