

Gulf Atlantic Legal Defense Insurance, Inc.

“Questions and Answers”

Gulf Atlantic Legal Defense Insurance provides the strongest foundation available for any physician protection strategy. If you need protection, you owe it to yourself to get the best protection available. You shouldn't have to worry about large legal retainers or monthly attorney bills.

1. Just what is “Legal Expense” insurance?

Legal expense insurance (also known as legal defense insurance) is insurance that pays your attorneys' fees and legal expenses associated with a covered medical malpractice claim. It does not pay any damage awards, nor will it pay any judgments or settlements for which you may be responsible.

2. How much coverage does Gulf Atlantic offer?

Gulf Atlantic's legal expense insurance policy currently offers limits of \$100,000 with an annual aggregate of \$200,000. Additional limits are available in increments of \$25,000 up to a single claim limits of \$200,000 (and an annual aggregate limit of \$300,000). We will provide you and your attorney with quarterly notices reflecting the amount that has been paid on your behalf and the balance of the remaining policy limits on your claim.

3. What does legal expense insurance pay?

Legal expense insurance pays your attorney's hourly fee to defend your claim and other expenses related to the claim, such as expert witness fees, court reporter costs, trial exhibits, photocopying charges, mail and other legal expenses incurred in the defense of your claim.

4. Can I choose the attorneys I want to represent me?

You may select any attorney licensed to practice in Florida to represent you. Gulf Atlantic has been involved in providing medical professional liability in Florida for over 25 years and we have developed a state-wide panel of the best medical malpractice defense attorneys in the state. When you select from our panel counsel listing Gulf Atlantic will pay 100% of the defense costs up to your policy limits. If you select an attorney not on our panel list you payment will be subject to a co-pay and hourly cap.

5. Do I control the litigation of my claim or does Gulf Atlantic?

You control your claim. You and you alone make the ultimate decisions about your claim. Only you decide whether or when to settle your claim. You, in consultation with your selected attorney, make the decisions concerning whether and how to defend the claim. Gulf Atlantic's role is simple: we make sure that your attorney's billings are reasonable and customary, and pay the attorney's bills so you don't incur any out-of-pocket expenses.

6. Do I get to choose my own expert(s)? Who pays for them.

You, in conjunction with your attorney, select the expert(s). This allows you to choose from the best possible expert(s) to defend your care and treatment. As part of your coverage, Gulf Atlantic pays for your expert(s).

7. What makes the Gulf Atlantic policy different from an annual retainer paid to an attorney?

An attorney's annual retainer only covers you for legal services the attorney provides during the contract year. If a claim is made against you, you must pay the retainer year after year until the claim is resolved - even if you've moved on to another company or other insurance. With a Gulf Atlantic policy, your legal expenses associated with a covered claim are paid for the life of the claim (subject to the policy limits). And, as a licensed legal defense insurance company in Florida, Gulf Atlantic sets aside reserves for unearned premiums and unpaid claims. Gulf Atlantic has been defending doctors in Florida for over 25 years; we know the landscape and we're here for the long haul. Please of mind comes with knowing you have a solid insurance product backed by the leaders of the industry.



8. Can I purchase “Prior Acts” or “Nose Coverage” through Gulf Atlantic?

Yes you can. We offer full prior acts, or “nose coverage,” subject to underwriting approval. You can request a retroactive date as far back as necessary. Any claim must result from your professional services and must occur after your retroactive date. The claim must first be reported while the policy is current and in effect, and the claim must have resulted from a covered medical incident as defined by the policy. Also, if you are considering purchasing prior acts expense-only coverage, remember that this policy does not include coverage for damages arising out of those claims. Therefore, any medical incidents which could be covered by a prior carrier should be reported prior to the termination of that policy.

9. Does the Gulf Atlantic policy cover legal expenses associated with AHCA investigation? What about legal expenses associated with Medicare/Medicaid?

These coverages are available by endorsement. The premium for each endorsement is \$250. Our AHCA Defense Coverage Endorsement provides up to \$15,000 in legal expenses in the defense of a licensure investigation arising out of a covered claim. The Medicare/Medicaid Defense Coverage Endorsement provides up to \$15,000 in legal expenses in the defense of a regulatory investigation of Medicare/Medicaid involving usage and/or billing practice.

10. Can I purchase an extended reporting endorsement, or “tail coverage,” when I end coverage under my Gulf Atlantic policy?

Yes. If your coverage terminates for any reason other than the failure to pay premiums, you have the right to purchase an Extended Reporting Endorsement, or “tail coverage.” You must request this endorsement and pay the premium for it no later than 60 days after coverage terminates. The extended reporting endorsement allows you to report claims arising from medical incidents which occurred after your selected retroactive date and before the policy termination date, but which you first discovered after the termination date of the policy.

11. Does Gulf Atlantic offer a group and/or corporation policy?

Gulf Atlantic offers a group policy which includes shared limits of liability. Medical groups may purchase a policy where the individual physicians within the group share the limits of liability and annual aggregates. Coverage can be customized to the size and specialty of the group.

Gulf Atlantic will provide free vicarious liability coverage for your professional association or corporation upon your request as part of the application process. If you have requested this coverage and if your corporation is sued for your actions, we will defend the corporation as well as you, subject to your limits of liability in the policy. Gulf Atlantic also offers a separate corporation policy to protect your professional association or corporation when named in a lawsuit for the separate actions of its employees other than physicians. The Gulf Atlantic corporation policy provides separate limits to the professional association or corporation or the corporation can share limits within a group policy.

12. Are there individual or group discounts available?

Yes, subject to underwriting approval. Gulf Atlantic offers individual discounts based on factors such as claims history, practice patterns, specialized training, risk management, etc. Group discounts are available for three or more physicians practicing together (they can be practicing in different specialties).

