

SEXUAL MISCONDUCT & PHYSICAL ABUSE LIABILITY



Sexual Misconduct & Physical Abuse (SMPA) liability is a challenging risk to insure. At Skyward Specialty, we believe it is critical for healthcare professionals and entities to be proactive in addressing SMPA exposures by being prepared for when allegations arise. This is why we've added standalone SMPA coverage to our Healthcare Solutions products, bridging the gap for individual providers and offering enhanced coverage for medical facilities and physician groups.

BRIDGING THE COVERAGE GAP

Why Medical Malpractice Coverage Isn't Enough

Your client might think it'll never happen, but accusations do occur. Medical Malpractice policies often exclude or provide limited coverage for SMPA incidents. Our SMPA liability fills this gap, ensuring comprehensive protection against a wider range of claims, safeguarding your client's practice and reputation.

PRODUCT OVERVIEW






- Coverage structures:
 - Defense Only policy
 - Defense & Indemnity policy
 - Sexual Misconduct Only policy
 - Sexual Misconduct & Physical Abuse policy
- Limits:
 - Primary – up to \$1M/\$3M
 - Excess – up to \$1M
- Coverage is primary for Sexual Misconduct & Physical Abuse claims
- Coverage until final adjudication
- Claims Made – Incident Sensitive Trigger
- \$0 Deductible
- Defense Inside
- Severability
- Additional Insured
- Additional Insured – Primary Non-Contributory
- Waiver of Subrogation

TARGET CLASSES

- Individual healthcare providers
- Individual physicians
- Miscellaneous medical facilities
- Long-term care facilities
- Hospitals
- Physician groups

YOUR EDUCATION & RISK MANAGEMENT PARTNERS

We know that better communication, awareness and education are essential to making the clinical setting safer for patients. That's why we partnered with Praesidium to provide our insureds with risk management and education resources specific to SMPA. Through our partnership, our insureds have access to:

-  Praesidium Helpline
-  Case Studies & Whitepapers
-  Praesidium Academy (Online Training)
-  Model Policies
-  Background checks available directly through Praesidium

ABOUT PRAESIDIUM

Praesidium is the national leader in abuse risk management of sexual abuse of vulnerable populations. With over 30 years of experience and serving thousands of clients, our dedicated team of researchers, attorneys, social workers, and human resources professionals have analyzed thousands of cases of abuse and synthesized the latest scientific research. We know how abuse happens in organizations and, more importantly, how to prevent it.

PROHIBITED CLASSES

- Social services
- Adoption/foster care
- Risks located in New Mexico or West Virginia

KEY CONTACT

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ARMING YOURSELF WITH INFORMATION

Skyward Specialty's Healthcare Solutions team offers tailored coverage solutions to healthcare insureds. We focus on improving education and raising awareness around SMPA to ensure patient safety at healthcare facilities. We know that a better understanding of potential risks can help mitigate the possibility of claims arising and improved outcomes when allegations occur.

Here are real-world examples of routine exams where improved communication, patient education and general awareness could have prevented a claim altogether.



➤ PHYSICAL THERAPIST

A patient's first visit to a physical therapist for an injury evaluation requires the practitioner to touch the patient's leg and knee. The evaluation is conducted in an open room where other physical therapists and patients are present. The patient completes the therapy session, including exercises and treatments as recommended for her knee. Although the patient does not express concerns during the session, she and her spouse later file a suit as they were uncomfortable with her being treated by a male provider. This results in defense costs of \$150,000 and a settlement of \$25,000.

➤ DERMATOLOGIST

A dermatologist is evaluating a patient for skin conditions and conducting a skin cancer screening. During routine examination of the patient's back, thighs and buttock, the physician adjusts or moves the patient's undergarments so they can fully examine all parts of the skin. This is the patient's first dermatological exam and skin cancer screening, and they are uncomfortable afterward. The patient says they were not informed in advance of what the exam would entail. Consequently, they file suit for sexual misconduct, resulting in defense costs exceeding \$150,000.

➤ PHYSICIAN GROUP

A physician group performing range of motion and physical exams for the Veterans Administration examines a patient's shoulder injury to determine shoulder and arm mobility. Shortly after, the patient alleges that the physician inappropriately touched her during the exam and files suit against the physician and their employer. During the investigation of the claim, the patient discloses that she is a survivor of prior sexual assault and trauma, revealing that she was uncomfortable being examined by a male physician. Due to the patient's history of prior trauma, it is deemed best to settle the claim rather than take it to trial. This results in defense costs of \$85,000 and a settlement of \$250,000.

➤ CHIROPRACTOR

A chiropractor performing an adjustment on a patient requires manipulation of the patient's upper thigh and hip area. Afterward, the patient feels uncomfortable with where the chiropractor needed to touch them in order to perform the manipulation. Aged 17, the patient discusses the visit with her parents, who file suit, resulting in defense costs exceeding \$200,000 and the chiropractor closing their practice and filing for bankruptcy.

➤ OB-GYN

A patient discusses her birth plan with her OB-GYN, emphasizing the importance of adhering to it. Her physician agrees to do so. However, during labor and delivery, complications arise, and the physician uses forceps as part of the delivery process. Both the mother and the baby are safe following the delivery, with no expected long-term effects. Afterward, the patient files suit for physical abuse and assault against the physician for using forceps, which were not part of the birth plan. This results in defense costs of \$250,000 and a settlement of \$100,000.

SUBMISSIONS

Send to SMPAsubmissions@skywardinsurance.com

