

# Is your medical practice covered for the acts of Independent Contractors or Moonlighters?

ProMutual Group has redefined their rules to clarify whether or not an independent contractor or moonlighter will be considered or viewed as an Employed Practitioner for the purpose of Vicarious Liability Coverage and a premium charge. A Practitioner is defined as a physician, surgeon, dentist or certified nurse midwife.

The coverage in question is Vicarious Liability Coverage which protects a named insured, whether the named insured is a sole proprietor, partnership, corporation or LLC from liability owed to an injured party to pay damages for another's failure to perform or negligent act.

Independent contractors or moonlighters will be considered Employed Practitioners if they answer "no" to two or more of the following questions:

Does the practitioner:

- Have a written contract with the named insured expressly designating the practitioner as an independent contractor?
- Lease space from the named insured?
- Use all his/her own equipment and supplies?
- Use his/her own staff?
- Set his/her own hours and schedule for providing services or seeing patients?
- Bill patients separately?

Premium for the insured Vicarious Liability Coverage for the acts of Employed Practitioners is as follows:

- For employed practitioners individually insured by ProMutual Group, the insured will be charged 15% of each practitioner's premium based on the insured's coverage type and limits including all applicable debits and credits.
- If the employed practitioner is not individually insured by ProMutual Group, the insured will be charged 30% of each practitioner's premium using ProMutual Group rates and based on the insured's coverage type and limits without any debits or credits.

This rate and rule does not apply to other medical employees. Coverage for an insured's Vicarious Liability arising from the acts of other medical employees is still provided at no additional charge.

