



UPDATE: ISMIE policyholder Q&A to address frequently asked questions related to the impact of COVID-19 on physicians' practices

ISMIE's roots were established over 40 years ago when physicians faced a crisis and were not able to practice. Then, it was because medical liability insurers refused to continue to provide coverage citing an explosion of medical liability litigation. Today, our medical community is fighting a new public health crisis which is placing unprecedented burdens on physicians and the nation's health care system. But be assured that from that first crisis to this one, and for all that may come in the future, ISMIE's commitment to supporting our policyholders remains unwavering. As we have for over 40 years, we will stand beside you. We do not take for granted the trust you have placed in ISMIE, and we are fully dedicated to easing any burdens we can for our policyholders during this very challenging time.

We have put together the following **Q&A** to address a number of questions we have received from policyholders and our broker partners related to the impact of COVID-19 on physicians' practices. We will continue to closely monitor issues as they arise, and promptly advise you of evolving issues which may become important to share with you.

Please reach out to your insurance broker if you have one, or contact ISMIE's underwriting staff directly at underwriting@ismie.com to discuss specific policy related questions. Additionally, our risk management team is available to help you navigate practice related questions at riskmanagement@ismie.com. Our claims staff is available to manage any ongoing claims or answer any claims related questions you may have at claimreports@ismie.com.

Is ISMIE available to service my policy and be a resource to me during the coronavirus public health crisis?

Yes, despite the temporary closure of our headquarters due to the coronavirus, our business remains open, with our staff members ready to serve your needs via the use of secure, remote work arrangements. You may call or email ISMIE as usual, and will receive a prompt return communication. A skeleton staff will continue to work on-site to ensure the safety and security of our office.

Will ISMIE offer an extension or grace period for payment of outstanding premium due during this crisis?

ISMIE is doing everything we can to support our policyholders during this unprecedented time. We understand that our policyholders are experiencing significant practice disruptions due to COVID-19 resulting in unforeseen financial hardship. ISMIE is providing financial relief to policyholders by extending our premium payment grace period from June 30, 2020, to October 1, 2020. **ISMIE will suspend cancellations due to non-payment of premium until October 1, 2020, for invoices due after March 20, 2020.** This means that your policy will not be canceled due to non-payment during the grace period; however, this is not a waiver of the premium due.



Additionally, **for those policyholders who are unable to pay their accounts current by October 1, 2020, we will allow a monthly installment payment plan with no interest charge.** Under the monthly installment plan, ISMIE will continue to issue quarterly invoices which will include the current quarterly premium due plus any unpaid accrued premium.

As of October 1, 2020 ISMIE will reconcile accrued premium due throughout the grace period by offering a monthly installment to ensure all accrued premium from the grace period of March 20, 2020 to October 1, 2020 is paid in full by October 1, 2021. This means each quarterly invoice issued for premium due on or after October 1, 2020 will reflect the normal quarterly premium due in full, plus three installments of any accrued grace period premium. Each quarterly invoice will include three statements; the normal quarterly premium which is due in full, plus two monthly installments of the accrued grace period premium due within the quarter. The monthly installment will be determined by dividing any outstanding accrued grace period premium as of the date your quarterly invoice is issued by the number of months remaining until October 1, 2021. Each quarterly invoice will include an explanation of how the installment premium has been determined. Quarterly premium due and accrued monthly installments will continue on this basis until the accrued grace period premium is repaid by October 1, 2021.

We strongly suggest that you review the examples provided which clarify how the accrued grace period premium will be billed, please [click here](#) to review the examples and other important terms.

ISMIE will automatically offer the aforementioned installment plan to all policyholders because we recognize all practices have been impacted by this pandemic, and we will continue to support and assist in any way we can. Please feel free to contact ISMIE's Underwriting staff or your broker to discuss should you have any questions or wish to discuss your individual circumstances.

Please note, this payment plan is available to ISMIE Mutual policyholders only; it does not apply to ISMIE Indemnity policyholders. Also, ISMIE will remain in compliance with the Departments of Insurance (DOI) for individual states which have guidance beginning before or ending after our own grace period. Any automated payment plans already established will proceed as normal, unless there is specific direction from your state's DOI to the contrary.

Additionally, the payment plan described above is for policyholders who maintain continuous and active coverage with ISMIE Mutual. If your policy is cancelled for any reason other than non-payment of premium, any outstanding balance is due immediately. Additionally, if you wish to secure extended reporting, "tail," coverage, your policy balance must be paid in full in order to receive an extended reporting period.

What if I am using a premium financing company to pay my premiums?

Premium paid through third party premium financing is subject to terms and limitations of that premium financing agreement. Your premium financing agreement may limit ISMIE's ability to provide for the above policy accommodations. Please contact, or have your broker contact, your premium financing company to discuss any options that may be available to you.



Can I adjust my policy coverage if I am temporarily unable to perform specific procedures/surgery, or my practice volume has been significantly reduced due to the COVID-19 pandemic?

*Yes. We recognize that many physicians' practices have experienced a significant reduction in patient visits, procedures and/or surgeries creating a financial hardship. In addition to providing a premium payment grace period, in further support of our policyholders whose practices have been disrupted by COVID-19, ISMIE is offering a temporary part-time credit of 25% off of the base premium. The 25% part-time credit is immediately available beginning April 1, 2020, and will automatically expire on June 30, 2020. It is offered in addition to other policy credits including: loss free discount, risk management credits, and any applicable individual or group credits. **If your practice has been negatively impacted by the pandemic, you may request the temporary 25% part-time credit by contacting your broker or you can send an email to covidPTrequest@ismie.com.** Please include your full name and policy number including a brief explanation of how your practice has been impacted by COVID-19. ISMIE will make every attempt to respond to all requests within 3 business days. The 25% COVID-19 credit is applicable to ISMIE Mutual policyholders only who are rated on a standard basis (i.e. not available for accounts rated on number of encounters or procedures). **In order to obtain this credit, policyholder requests must be submitted to ISMIE on or prior to June 30, 2020.**

Please note that the COVID-19 part-time credit described above cannot be combined with the 40% standard part-time credit. Physicians whose practices have already been reduced for a minimum period of six months, unrelated to the pandemic, including reduced practice time and patient volume may apply for our standard 40% part-time rating by completing a [part-time application](#) which is available on the ISMIE website. The part-time application provides an overview of the documents required for ISMIE to determine eligibility for standard part-time rating.

It is also important to know that a reduction in specialty classification is only applicable for policyholders who desire a change in specialty for a minimum period of three months; a specialty reduction is not intended for short term changes in practice. Eligibility for all changes in policy coverage are subject to review and written approval by ISMIE.

*Applicable to ISMIE Mutual policyholders only, does not apply to ISMIE Indemnity policyholders.

How will I receive policy documents and make premium payments?

Due to ISMIE's temporary office closing and Illinois' shelter-in-place order, all policy documents including premium invoices issued on or after March 19th will be available to you on the ISMIE website by logging into your MyISMIE account. We encourage you to log into your MyISMIE account to view your policy documents, premium invoice, and pay your premium online, if possible, rather than sending your payment by mail. Using the on-line payment function is the fastest, most secure method of premium payment to ISMIE. If you do not have a user name and password established, we can assist you in getting your on-line credentials. Online account registration [is available at this link](#). Individual account setup assistance is available by contacting onlinehelp@ismie.com.



Will ISMIE offer suspended coverage if my practice has been closed due to health or other circumstances related to the COVID-19 pandemic?

*Yes, ISMIE will offer Suspended Coverage during an absence from practice lasting at least 30 days to a maximum of one year. Please note the important details of suspended coverage:

- **No coverage** is afforded for the rendering of active patient care.
- Your current annual premium will be reduced to 25% of the standard rate applicable to your specialty designation, territory, limits of liability and maturity year (if applicable).
- During the time the policy is on Suspended Coverage you may report claims for care rendered during your active policy period.

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Will ISMIE provide prompt coverage if we need to hire additional physicians and allied health personnel in response to the COVID-19 pandemic?

Yes, we will work with policyholders and brokers to fast-track the application process to quickly add providers to the policy who are needed on an urgent basis related to the pandemic. Please reach out to your broker or underwriter immediately to ensure coverage is in place.

What if I need to temporarily expand services in my practice due to the crisis, such as performing procedures not typically performed?

ISMIE will work with you to ensure your policy provides the appropriate coverage. Please contact your broker or underwriting to discuss any significant changes in your practice. Keep in mind, care rendered on an emergency basis or on a volunteer basis without remuneration typically falls under Good Samaritan statutes. **Note:** Please refer to the last question of this Q&A for information on civil immunity protections that specific states have adopted in response to the pandemic.

Will ISMIE provide coverage to all policyholders for virtual patient visits/telemedicine?

Your ISMIE coverage will protect you as it does for your normal practice activities that you have already reported to ISMIE. Virtual visits/telemedicine services conducted with patients in the state you normally practice in do not need to be reported to ISMIE. Be mindful to follow all applicable state laws – only treating patients in states where you are licensed, and have been reported to ISMIE. Please note there are very specific exceptions to the requirement for state medical licensure, which we have detailed for you in the next question of our Q&A.

Please also review the details outlined below which are very specific and relate to care of Medicare/Medicaid patients and pediatric patients covered by the Children’s Health Insurance Program (CHIP). Additionally, for your reference please review the following resource from the



Federation of State Medical Boards which lists several states that have modified licensure requirements: <http://www.fsmb.org/advocacy/covid-19/>.

If you are adding a new state of practice, please contact your broker or ISMIE's underwriting staff to ensure your policy can extend to another state; some states require participation in the state's patient compensation fund or similar program, and we can help you navigate these requirements to ensure compliance. Keep in mind, care rendered on an emergency basis or on a volunteer basis without remuneration typically falls under Good Samaritan statutes. **Note:** Please refer to the last question of this Q&A for information on civil immunity specific states have adopted in response to the pandemic.

Also note, in light of the COVID-19 public health emergency, the HHS Office of Civil Rights announced that as of March 6, 2020, physicians may use any audio or video communication technology that is non-public facing to care for patients, and they won't face penalties if those telehealth services do not fully comply with HIPAA regulatory requirements.

ISMIE offers you additional resources to guide you through the ins and outs of Telemedicine on our website: <https://www.mymeded.com/resource-library/telemedicine>.

What about working in other states due to this crisis?

ISMIE will work with you to ensure your policy provides the appropriate coverage in states where you are licensed. If you are adding a new state of practice, please contact your broker or ISMIE's underwriting staff to ensure your policy can extend to another state; some states require participation in the state's patient compensation fund or similar program, and we can help you navigate these requirements to ensure compliance. Keep in mind, care rendered on an emergency basis or on a volunteer basis without remuneration typically falls under Good Samaritan statutes. **Note:** Please refer to the last question of this Q&A for information on civil immunity specific states have adopted in response to the pandemic.

Please Note: Following the declaration of an emergency under the Public Health Service Act, the Stafford Act, and the National Emergencies Act, the Secretary of Health and Human Services has waived certain Medicare, Medicaid, and Children's Health Insurance Program (CHIP) requirements under Section 1135 of the Social Security Act to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in Social Security Act programs in the emergency area. Pursuant to this new order, health care professionals who provide such services in good faith can be reimbursed and exempted from sanctions (absent any determination of fraud or abuse).

The HHS Secretary has issued Section 1135 waivers which among other matters waived the requirement that out-of-state providers be licensed in the state where they are providing service, so long as they have an equivalent license in another state. This applies to health care professionals furnishing services to individuals enrolled in Medicare, Medicaid, and CHIP.

This federal waiver only applies to these federal program. State licensure laws apply to other health care. However, please note that several states have modified licensure requirements. Visit



the Federation of State Medical Boards' COVID-19 web page for to view a list of states declaring emergency declarations and details on licensing waivers: <http://www.fsmb.org/advocacy/covid-19/>.

Does the ISMIE policy cover patient care for claims involving COVID-19?

ISMIE's sole mission is to protect our policyholders in providing care to patients. While we fully expect to protect our physicians treating patients with COVID-19, all claims must be handled on a case-specific basis and in accordance with the policy language, insured status and patient-physician relationship. Some immunity may apply and/or liability may be reduced for physicians rendering emergent care to those infected with COVID-19 given evolving treatments, and for circumstances outside a physician's controls. **Note:** Please refer to the last question of this Q&A for information on civil immunity specific states have adopted in response to the pandemic.

How will ISMIE support retired physicians?

ISMIE's previously-insured retired physicians can rest assured that your ISMIE retirement tail will not be jeopardized if you choose to provide patient care on a voluntary, temporary, and uncompensated basis specifically related to the COVID-19 pandemic. Please note, physicians providing voluntary care without remuneration are typically protected under Good Samaritan statutes. **Note:** Please refer to the last question of this Q&A for information on civil immunity specific states have adopted in response to the pandemic.

What coverage options will ISMIE offer retired physicians seeking coverage to return to practice temporarily related to the coronavirus crisis?

- **Coverage at No Cost for Physicians Returning to Practice as Volunteers**
 - If you are a retired ISMIE Mutual policyholder who is volunteering to provide medical care for patients during the COVID-19 pandemic, ISMIE Mutual will provide you medical professional liability coverage at no cost to you. In order to qualify for this no cost coverage, you must (1) have previously retired from the practice of medicine and have an ISMIE Mutual extended reporting period endorsement, "tail;" (2) receive no fee, salary, or other remuneration, except reimbursement for your personal expenses incurred, for providing such services during the COVID-19 pandemic; and (3) request a policy pursuant to this program. **If you meet these requirements, please complete this [online form by clicking here.](#)**
 - Any policies issued pursuant to this program will automatically expire on June 30, 2020, or after the state of emergency is lifted, whichever is longer.
 - ISMIE offers occurrence coverage so you will not need to secure tail coverage when your temporary return to practice ends.
 - Rest assured that your decision to return to practice as a volunteer during the COVID-19 pandemic will have no impact on your existing ISMIE Mutual extended reporting period, or tail, coverage.



If you are retired and return to the practice of medicine for compensation - a fee, salary, or other remuneration, ISMIE can offer you an individual policy or if you join an ISMIE insured group, the practice can add you to their existing group policy with ISMIE using ISMIE's standard underwriting procedures. Please note, however, that returning to the practice of medicine for a fee, salary, or other remuneration within one year of retirement and receiving tail coverage from ISMIE will invalidate your tail coverage.

What states are providing healthcare professionals with civil immunity protections directly related to care rendered in response to COVID-19?

The Governor of Illinois issued an Executive Order that provides civil immunity protections to healthcare professionals, healthcare volunteers, and healthcare facilities during the COVID-19 pandemic. ISMIE, working in concert with the Illinois State Medical Society (ISMS), requested the Governor take this action. It is important to know that ISMIE will stand by our policyholders in accordance with our policy. However, healthcare professionals not insured with ISMIE may need to fund their own defense whether or not immunity applies. Please refer to the link provided here that outlines the details of each state's immunity protections related to COVID19. www.ismie.com/COVID-19.