

# Indiana Medical Malpractice Act

May 2009

Following is an outline of contingent professional liability claims that **may not be insured** within the scope of the Indiana Medical Malpractice Act:

- Indiana courts rule patient injury is not a medical incident.
- The Indiana Patients Compensation Fund is insolvent.
- The Act is declared unconstitutional.
- Incidents not involving patient injury.
- Contractual hold harmless and indemnification agreements.
- Claims arising out of privileges and credentials and other conflicts with Directors & Officers Liability policies.
- Claims occurring where a state other than Indiana declares jurisdiction and does not recognize the Act.
- Patient Transfer across state line.
- Injuries to a patient where the claimant's attorney alleges it is not a Professional Liability claim, i.e., General Liability; excludes injuries arising out of patient services.
- Infection of patient resulting from housekeeping.
- Failure to warn an identifiable third party regarding the potential harm of a psychiatric patient.
- Malfunction of equipment.
- Hiring of a negligent employee leads to patient injury.
- Product liability claims.
- Out of state activities such as referrals, advertising and prescription services.
- Conflicts with federal statutes.
- Patient Recreational Activity.
- Patient Kidnapping.
- Some, but not all activities of a Medical Review Officer.