



Professional Liability for Primary Care Services

The Fund has always provided professional liability coverage for behavioral health services to all members. In fact, this coverage was a primary reason the Fund was created in 1988. In the mid-1980's, community centers were having extreme difficulties in finding professional liability coverage in the standard insurance market. If centers could find a carrier willing to write the coverage, centers could not afford it. In large part, this led to the formation of the Fund.

Centers have evolved significantly since 1988. In 2012 and 2013, centers began developing and implementing an integrated care model wherein centers provided primary care services to clients to improve behavioral health outcomes. Some centers chose to employ primary care professionals to provide these services to clients. Other centers chose to contract with other providers such as Federally Qualified Health Centers to provide primary care services to clients. To address this new and different liability exposure, the Fund began offering optional coverage for primary care under professional liability on September 1, 2013, for those centers that chose to provide primary care services directly to clients.

When initially implemented, the Fund's professional liability coverage for primary care was limited to apply to services provided to behavioral health clients, including individuals reasonably expected to become center clients. The rationale for this limitation was to ensure that these services retain governmental status; an important issue for maintaining governmental and official immunity, and limited liability under the Texas Tort Claims Act.

Effective September 1, 2023, the Fund expanded the definition of professional services to include coverage for primary care services provided to center employees. This change was implemented based on requests from members that wanted to leverage the availability of primary care providers. This convenience is a great benefit for center employees that choose to use it when available. This is another example of how the Fund's products and services continue to evolve as community centers continue to shift and evolve their services.

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