

Proposed Florida State University Regulation 6C2-4.072, Self-insurance Program

(1) The Florida State University College of Medicine Self-Insurance Program is established for the purpose of providing comprehensive general liability protection, including professional liability protection, for the The Florida State University Board of Trustees and other persons and entities as provided by law and as authorized by The Florida State University Board of Trustees or the Self-Insurance Program Council. The Self-Insurance Programs shall be funded by contributions paid by or on behalf of protected persons and entities. There shall be no funds appropriated to the Self-Insurance Program. The assets of the Self-Insurance Program shall be deposited outside the State Treasury and shall be the property of the Board of Governors. The assets of the Self-Insurance Program shall be used only to pay the administrative expenses of the Self-Insurance Program and any claim, judgment, or claims bill arising out of the activities for which the Self-Insurance Program was created.

(2) The Self-Insurance Program may not sue or be sued. The claims files of the Self-Insurance Program are privileged and confidential, exempt from the provisions of Section 119.07(1), Florida Statutes, and are only for the use of the Program in fulfilling its claims, underwriting and risk management duties.

(3) The Self-Insurance Program shall be administered by The Florida State University College of Medicine Self-Insurance Program Council. The Council shall consist of the following officers of FSU: Dean of the College of Medicine, who shall serve as Chair; Associate Dean for Academic Affairs of the College of Medicine; Director of Community Clinical Relations of the College of Medicine; the FSU General Counsel or designee; and such other persons as from time to time may be appointed to the Council by the Dean of the College of Medicine.

(4) The powers and duties of the Self-Insurance Council shall be:

(a) To administer the Self-Insurance Program in accordance with the laws of Florida and all applicable rules and regulations;

(b) To develop and implement a financial expenditure policy that recognizes the unique mission, duties, obligations and fiscal responsibilities of the Self-Insurance Program. The Council's financial responsibility policies shall ensure fiscal responsibility and accountability and, to the maximum extent possible, be consistent with recognized practices of the insurance industry;

(c) To propose and submit an annual budget for the Self-Insurance Program to the University Board of Trustees;

(d) To develop and implement a Memorandum of Protection that shall constitute the Self-Insurance Program's coverage document. The Memorandum of Protection shall contain the insuring agreements, exclusions, and other conditions applicable to persons and entities protected and shall be part of this regulation by reference. The Council may extend by resolution the

protections described in the Memorandum of Protection to persons and entities as authorized by statute and establish the levels of liability protections extended to such persons and entities;

(e) To contract with an independent casualty actuary to establish funding requirements necessary to maintain the fiscal integrity of the Self-Insurance Program.

(f) To appoint the Self-Insurance Program Director who shall carry out the policies and directives of the Council;

(g) Receive from the university such administrative and logistical support as the Council may reasonably request and to reimburse the University for the cost of such support;

(h) To contract with professional consultants, including attorneys-at-law, to represent the persons and entities protected by the Self-Insurance Program and to perform services that further the interests of the Self-Insurance Program;

(i) To establish committees and designate persons as necessary to assist in the performance of its duties, and authorize such committees or persons to act for and on behalf of the Council. In addition to any other committees it may elect to establish, the Council shall establish as a standing committee or committees to conduct investigations and the settlement and defense of claims and actions against protected entities and individuals and to identify risk factors which cause or contribute to such claims and suits, and develop and implement risk management programs to reduce or eliminate those risk factors. The Council and such committee or committees shall conduct reviews pursuant to the provisions of Section 766.106, Florida Statutes, and shall be deemed a medical review committee or committees as defined in Section 766.101, Florida Statutes;

(j) To participate in internal, local, regional, national and/or international risk management and loss prevention research programs and to develop risk management and loss prevention programs for use by both protected and non-protected entities under such terms, conditions and reimbursement rates as the Councils may deem appropriate.

(k) To purchase excess insurance on behalf of persons and entities protected by the Self-Insurance Program for claims which exceed the level of protection provided by the Self-Insurance Program, including claims bills to award compensation in amounts which exceed the protection provided by the Self-Insurance Program or by commercial insurance; to assist entities not described in Section 768.28, Florida Statutes, which are authorized and approved as allowed by Florida laws to be protected by the Self-Insurance Program, in the procurement of insurance for losses which exceed the levels of protection provided by the Self-Insurance Program as established by the Council, but the Council is not authorized to purchase such insurance with Self-Insurance Program assets; and

(l) To participate in other self-insuring mechanisms such as Risk Retention Groups or group captive insurance companies, independently or in association with other compatible entities, subject to the approval of the University Board of Trustees.

(m) To establish an investment policy consistent with section 215.47 Florida Statutes and to maintain an investment account that shall optimize income for the support of the Self-Insurance Program and its participants. The Council may direct that investment income that is in excess of that income necessary to ensure the long-term solvency of the Self-Insurance Program as established by a casualty actuary be used to defray the annual contributions paid into the Program by the entities and persons protected by Program.

(n) To submit to the University Board of Trustees for its review an annual post-audit of the Self-Insurance Program's financial accounts conducted by an independent certified public accountant. The annual audit report shall include a management letter and shall be submitted to the Board of Trustees for review. Upon request of the University Board of Trustees, the Self-Insurance Program Council or its independent auditor shall provide any detail or supplemental data relative to the operations of the Self-Insurance Program.

(o) Contract with other Self-Insurance Program Councils for the provision of liability protection and other services.

Specific Authority: Florida Board of Governors Regulation Development Procedure for State University Boards of Trustees. Law Implemented: 1004.24, 768.28, 766.101, 766.106, FS. History-New.